

TOWN OF DRAYTON VALLEY

**SUBJECT: COMPLIANCE REVIEW REGARDING POLICY NO.: PD-01-99
MARGIN OF BUILDER'S ERROR AND
AS-BUILT PERMITS**

DEPARTMENT: PLANNING & DEVELOPMENT

APPROVED BY COUNCIL: June 30, 1999

REVISED: _____

POLICY

Administration has determined that it is not uncommon to find small errors in the siting of new buildings due to wall thickness, survey methods, and other similar technicalities. The following policy addresses this issue.

In case where the Compliance Authority finds an error in an amount of 8 cm or less from any setback requirements of either the Land Use Bylaw or the Development Permit, as the case may be, the issuer may, at their discretion, allow this amount for "builder's error" and issue the Compliance Certificate.

The following setback requirements shall NOT be relaxed under the "builder's error" policy:

- Any federal or provincial statute, guideline or other requirement.
- Any requirement of the AEUB, NRCB, or ERCB.
- Any encroachment onto a neighbouring property, roadway, easement or right-of-way.
- Parking dimensions.
- Handicap access facilities.
- Garbage loading facilities.

Following this policy, where violations are in excess of the "builder's error" rule, the applicant for Compliance Certificate shall be required to make Application for Development Permit in regards to an "as-built" structure. Administration shall have the authority to either make decisions on, or forward to Council "as-built" Applications for Development Permit regardless of the degree of setback variance.

Conventional appeal periods and mechanisms shall apply to any "as-built" Applications for Development Permit.