

Process Timeline

Variances (Dimensional, Temporary Use, Similar/Compatible Use, Non-Conforming Use, Conditional Use)

Application Preparation and Submission

Pre-application meeting and/or Development Assistance Committee Meeting (if warranted/requested)

Complete application package and fee payment received by GMRSC

Staff confirm/identify required variances

- A variance is typically a minor deviation from the set of rules a local government applies to land use planning and development and is typically set out in a zoning or subdivision by-law
- Variances are approved by a Development Officer or the Planning Review and Adjustment Committee (PRAC) on a case-by-case basis
- A variance may be granted with or without terms and conditions
- The denial of a variance may be appealed to the Assessment and Planning Appeal Board

Responsibility of the Applicant

- Typically the Applicant will schedule a meeting to drop off the application and required documents
- At minimum, a completed application form (including indicating the nature of the variance) and site plan is required; usually also require floor plans and elevation drawings

Development Officer Variance

- Development Officer variance approval is required for any requests pursuant to CPA Section 55(b)
- Dimensional variance is a minor adjustment to a lot, density, structure, or the parking requirements
 - When a request to vary from a dimensional requirement of a zoning provision is under 50%, it shall be considered a minor variance; when it exceeds 50%, it shall be considered a major variance.
 - Minor variances are approved/denied by a Development Officer and do not require a mailout notice/adjacent property owner notification. Processing time for a minor variance shall be 1-2 business days
 - Major variances are approved/denied by a Development Officer and require a mailout notice/adjacent property owner notification. Processing time for a major variance is **7-10 business days**
 - The Development Officer reserves the right to forward any variance application to the PRAC for review, and shall be required to do so if the dimensional variance request exceeds 100% of the requirement

3-10 Days

Development Officer Variance

Staff may prepare mail notification to neighbours within 30m (at staff discretion for minor variances, required for major)

Staff consult with outside departments and agencies, as required

Development Officer Variance decision form is completed and sent to Applicant

4+ Weeks

PRAC Approval

Staff prepare mail notification to neighbours within 30m

Staff consult with outside departments and agencies, as required

GMRSC prepares Staff Report with recommendation for PRAC

PRAC meeting is held; PRAC approves or denies request

Letter is sent to Applicant notifying them of PRAC decision/resolution

PRAC Variance

- PRAC approvals are required for:
 - Similar/Compatible Use Variances, pursuant to Section 55(a) of the CPA
 - Conditional Use Variances, pursuant to Section 55(2) of the CPA
 - Non-conforming Use Variances, pursuant to Section 60(2), (3), and (4) of the CPA
 - Temporary use variances pursuant to CPA Section 53(2)(i)
- TEMPORARY USE: The PRAC may permit a use that is not allowed for up to one year, subject to terms and conditions.
- SIMILAR OR COMPATIBLE USE: If someone applies for a use that is not listed in the zone, the PRAC may permit it subject to terms and conditions if it is similar or compatible to a permitted use.
- NON-CONFORMING USE: A non-conforming use is one that legally occurred on the property prior to the enactment of the by-law. Non-conforming rights allow the use or structure to continue.
- CONDITIONAL USES: Conditional Uses are uses that may be permitted subject to terms and conditions imposed by the PRAC.
- Applications are received up until 4 weeks prior to the scheduled meeting; PRAC package is sent out 1 week prior including staff reports/recommendation; notice of decision letter sent within 1-3 days after meeting to applicant

-Major variances related to a development being undertaken prior to the issuance of a Building Permit are forwarded to the PRAC for a decision to be rendered

Subsequent Development Approvals

Further review of application is possible once a required variance approval is received; Applicant may apply for required building/development permit (see processes 1, 4, 5 as required)

-Possible documents/consultation with external departments, depending on the application: NB Department of Environment regarding wetlands, wellfield protection areas, City of Miramichi Engineering/Public Works, NB Department of Transportation and Infrastructure regarding setbacks/access; City Fire, Police, Economic Development

-staff report or decision letter relies on analysis of applicable Municipal/Rural Plan and Zoning By-law regulations

-a special (i.e. not regularly scheduled) PRAC meeting may be held at the Applicant's request for \$1000

-fee for all types of variances in all jurisdictions: \$250