

Variations

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

Process Timeline

Note: For variance for a subdivision approval, please refer to Process 7 (Subdivisions)

LEGEND (Action by)

- Applicant
- GMRSC
- External Departments and Agencies

Application Preparation and Submission

- Pre-application meeting* and/or Development Assistance Committee Meeting (if warranted/requested)
- Complete application package* and ensure fee payment is received by GMRSC
- Staff confirm/identify required variances

Development Officer Variance

- Staff may prepare mail notification to property owners within 30m of site/property boundary (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

If PRAC Approval is Required

- 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 or approves with terms and conditions
- Letter is sent to Applicant notifying them of PRAC decision/resolution

Subsequent Development Approvals

If the Applicant later applies for a Building/Development Permit, further review of the approved variance may be required at that time (see processes 1, 4, 5 as required)*

* Refer to page 2

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Process Timeline

Roles, Responsibilities, and Procedures

LEGEND (Action by)

- Applicant
- GMRSC
- External Departments and Agencies



Applicant Responsibilities, Roles & Procedures

Specific Roles and Procedures

- Pre-application meeting* with GMRSC Staff (may include Building Inspector, Development Officer, Planners, and/or Municipal Staff) and/or Development Assistance Committee Meeting (if warranted/requested) (by phone, email, virtually, or in person with COVID-19 protocols)
- Typically, the Applicant will schedule a meeting to drop off the application and required documents
- 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

Responsibilities

- At minimum, a completed application form* (including indicating the nature of the variance) and site plan is required; often also requires floor plans and elevation plans (other: fee payment)
- *If the Applicant later applies for a Building/Development Permit – see processes 1 (Site Plan Review/Approval), 4 (Development Permit), 5 (Building Permit) – further review of the approved variance may be required at that time
- The denial of a variance may be appealed to the Assessment and Planning Appeal Board



GMRSC Responsibilities, Roles & Procedures

Specific Roles and Procedures

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

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.
- Major* variances are approved/denied by a Development Officer and require a mailout notice/adjacent property owner notification.

- 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

PRAC Variance: PRAC Approvals are Required for:

- Similar/Compatible Use Variances, pursuant to Section 55(a) of the CPA.
- 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.
- Conditional Use Variances, pursuant to Section 55(2) of the CPA
- Conditional Uses:* Are uses that may be permitted subject to terms and conditions imposed by the PRAC.
- Non-conforming Use Variances, pursuant to Section 60(2), (3), and (4) of the CPA
- Non-Conforming Use:* 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 except for certain circumstances related to vacancy or significant damage as defined in the Zoning By-law or Zoning Provisions
- Temporary Use:* The PRAC may permit a use that is not allowed for up to one year, subject to terms and conditions. Temporary use variances pursuant to CPA Section 53(2)(i)
- 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



Fees

- 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



Timeline

- Development Officer variance: **3-10 days**
- If PRAC approval *IS* required: **4+ weeks**
- Development Officer Variance**
- Processing time for a *minor* variance shall be **1-2 business days**
- Processing time for a *major* variance is **7-10 business days**
- PRAC Variance:**
- Applications are received up **until 4 weeks prior** to the scheduled meeting; PRAC package is sent out **1 week prior** to PRAC meeting including to Staff reports/recommendation; notice of decision letter sent **within 1-3 days** after meeting to Applicant

This process has been independently reviewed by a third-party professional engineering and planning consultant and is found to be consistent with the requirements of the Community Planning Act, Local Governance Act, and with the processes used in other jurisdictions across the Province of New Brunswick.