



Department of Community Development – Planning Division

City of Mount Pearl
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DEVELOPMENT INFORMATION BULLETIN

VARIANCES

This is one in a series of Development Information Bulletins prepared to assist Property Owners and Developers to undertake specific types of development in the City of Mount Pearl. For further information on other Bulletins available in the series please contact the Department of Community Development – Planning Division.

INTRODUCTION

In accordance with Section 36 of *The Urban and Rural Planning Act 2000*, the City may consider variances to the Mount Pearl Development Regulations. A Variance is defined as “a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the Regulations”.

The Ministerial Development Regulations under the *Urban and Rural Planning Act 2000* state:

Variances

12. (1) *Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.*
- (2) *An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building, or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.*
- (3) *An authority shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.*

This is an office consolidation prepared for easy reference. The City’s Regulations are subject to periodic amendments. For the most recent and official version of the regulations pertaining to “Variances”, please refer to the City of Mount Pearl Development Regulations.

Notice of Variance

13. *Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.*

THE APPROVAL PROCESS

A processing fee is to accompany the Variance Application, as well as a Development Application Fee (for non-residential applications). These fees must be paid in full before the application can be accepted for processing. The fees are non-refundable once the application has been accepted for processing. Please see the City's Schedule of Rates and Fees.

The Planning Division staff will advise the Applicant of the information required to be submitted with the application. After the application is officially accepted for processing, it will be reviewed by the Planning and Development Department and other City staff where necessary. Once it has been determined that the application meets the City's technical requirements, staff will proceed to notify persons in accordance with the City of Mount Pearl Development Regulations and *The Urban and Rural Planning Act*.

The public notification process will involve the publication of a notice of the application in the newspaper (for non-residential applications) and the distribution by mail of written notices to all property owners within a minimum 150-metre radius of the application site. Both notices are intended to advise the public of the receipt of the application and the name of the Applicant. The notices will also include a date for the receipt of written representations by the Planning Division for anyone wishing to express an interest in the application. This public inspection period is a minimum of 14 days. Should Council receive representations, Council may decide to hold a briefing session to obtain further information on the proposal and representations. Any written representations accompany the application and staff report when the application is considered at a regular meeting of Council.

TIME PERIOD

The time involved for processing a Variance Application, from receipt of the completed application form and required information, to a decision by Council, is approximately four to six weeks; however, depending on the nature of the application, this time frame may vary. The applicant will be apprised by the Planning and Development Department in writing of the progress of the application during the review process.

INFORMATION REQUIRED FOR VARIANCE APPLICATION

The following information is to be submitted to the Department of Community Development – Planning Division for the processing of a Variance Application:

1. Development application completed and signed by the applicant and property owner.
2. Current surveyors real property report (legal survey).
3. Proposed site plan at a scale not less than 1:500. Site plan to illustrate:
 - (a) existing and proposed development
 - (b) the existing and proposed setbacks from all property boundaries
4. Floor plan illustrating existing and proposed work.
5. Architectural elevation drawings illustrating the proposed Variance.
6. The application and processing fees (see the City's Schedule of Rates and Fees).

APPEAL

Once Council has made a decision on the Variance Application, the Applicant or any other interested persons have the right to appeal Council's decision to the Local Board of Appeal. Such appeal must be made within 14 days of the receipt of Council's written decision. Additional information on the appeal process may be obtained from the Mount Pearl Department of Community Development – Planning Division.

FOR FURTHER INFORMATION

Any person who wishes to make an application pertaining to a Variance should contact the Department of Community Development – Planning Division, Mount Pearl City Hall, 3 Centennial Street, Mount Pearl, NL, Telephone (709)748-1017/1022, Fax (709)748-1111, or Email at planning@mountpearl.ca.

Please note: When the applicant is not the property owner, the property owner's authorization signature must appear on the application form before an application pertaining to a Variance may be officially accepted by the Department of Community Development – Planning Division for processing.