

Other Variances

City of Charlottetown

Other Variances – Section 4.30 of the Zoning & Development Bylaw



City of Charlottetown

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Planning Department

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Time Frame: 4 to 6 weeks

Fee: \$300 (This fee is non-refundable).

When a variance request is not a minor variance as specified in the Bylaw, Council may under special circumstances and on recommendation from the Planning Board, provided that the requirements of Section 4.29.1 are met, approve the variance in the following circumstances:

- a. The Building Height regulations in the zones in this By-law as listed in Section 8 May be varied by Council by more than the percentage allowed in the Minor Variances section above;
- b. The need for consideration of a variance is owing to conditions peculiar to the property or unique to the area and not the result of actions by the Owner, and a literal enforcement of this Bylaw would result in unnecessary and undue hardship;
- c. the extension of a specific non-conforming Use upon a site occupied by such Use or Building on the effective date of this By-law;
- d. a Temporary Use of land in a manner otherwise prohibited

by this By-law for a period not exceeding four (4) months in any year, and Council may permit temporary Structures for a period of up to one (1) year) which may be renewed for one (1) year;

- e. a non-conforming Use of a Building site or a Structure which has been discontinued for a period of six (6) months or more to be returned to a non-conforming Use provided it has not been discontinued for more than two (2) years;
- f. Less Intensive Use of the Building or site other than the previous non-conforming Use, provided that the Building or Structure had not at any time in the interim become a conforming Use;
- g. an Existing commercial Building to be expanded to one (1) Side Lot Line with zero Setback;
- h. an Accessory Building to be located on a Lot closer to the Street than the Main Building on the Lot;
- i. the variance request is not substantial and does not entail a rezoning application. If there is any doubt, then a rezoning application must be sought by the applicant.

2. Notice is sent to all property owners within a 100m radius of the subject property notifying them of

the application for variance and asking that any concerns or comments be submitted in writing.

3.If, after giving particular consideration to the criteria as contained in subsection 1, and after following the procedures in Section 4.28.2 and allowing for 14 calendar days before receiving a recommendation of the Planning Board, Council May, without prejudice, approve or reject the variance.

4.If the application is denied, the applicant may appeal the decision to the Island Regulatory Appeal Commission (IRAC) or ask for Council to reconsider the application (see Section 4.28 of the Zoning and Development Bylaw – Reconsideration).

5.When the variance has been determined (approved or rejected), the same or a similar variance application will not be heard by Council within one (1) year unless Council is of the opinion there is valid new information or there is a substantial change in the application

6.If, after one (1) year a variance is approved by the Development Officer, no building permit is issued or the building permit is not acted upon (construction has not commenced), the variance any permits will be automatically deemed to be null and void.