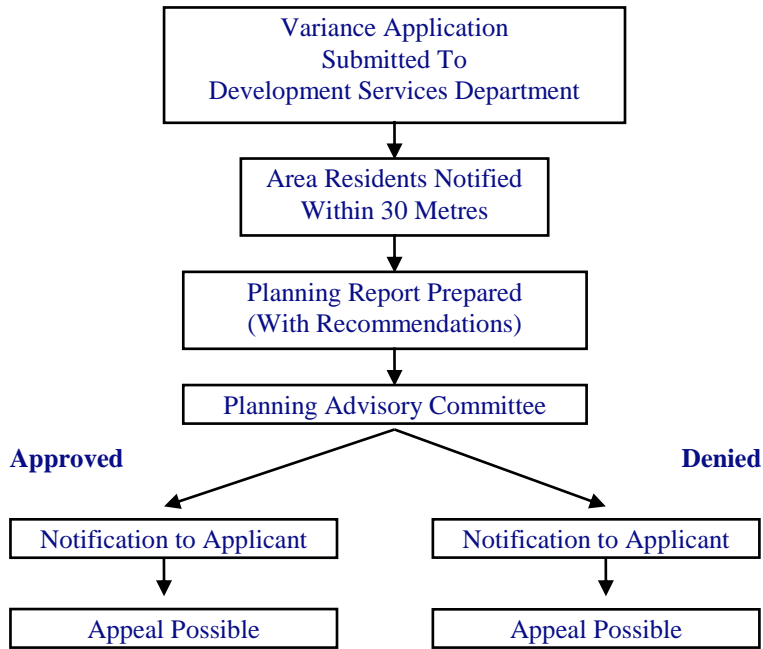


Variance Process in the City of Fredericton



For Further Information Please Contact:

Development Services Department

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www.fredericton.ca

Other brochures are available detailing subdivisions, rezonings and building permit process. As well, building codes and by-laws are available for your review.

This pamphlet is for information purposes only. Zoning By-Law Z-2 should be referred to for all matters of official interpretation.

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You Wanted to Know About...
VARIANCES

Answers
 to your
 Questions



City of Fredericton
 Development Services
 Department



Q. What is a Variance?

A variance generally involves a minor change of a zone standard in the City of Fredericton Zoning By-law. A variance is necessary if you wish to obtain a building permit in order to construct, renovate or alter a building, which does not comply with the Zoning By-law requirements.

Q. What Zoning Standards are Affected by Variances?

The Zoning By-law establishes minimum standards for such things as building setbacks from property boundaries, building height, percentage of the lot to be covered by a building, the number of parking spaces required, and so on. For example, the minimum side yard for single detached housing is 1.8 metres. If an applicant can only provide 1.5 metres because of the slope of the lot or the location of existing trees, for example, then the Planning Advisory Committee may grant a minor variance.

Q. What is the Planning Advisory Committee?

The Planning Advisory Committee (PAC) is a body appointed by Council to provide planning advice to Council and to make decisions on variance applications. The PAC generally meets once a month to consider a wide range of applications. Usually, PAC considers over 200 applications each year.

Q. When is a Variance Necessary?

If you wish to construct a new building, make additions or alterations to an existing building, or subdivide your property, your proposal must comply with the City of Fredericton Zoning By-law. If it doesn't, you may apply to the PAC for a variance.

Unlike a zoning amendment, a variance does not change the existing by-law. Instead, it provides relief from the specific requirements of the Zoning By-law in order to allow you to follow through with your proposal and obtain a building permit.

Before the PAC approves your variance application, the Committee will examine your request to determine whether it:

- is minor (not of such a large magnitude to warrant a rezoning of the site, nor will it unduly affect neighbouring properties);
- is suited to the appropriate development of the land, building or structure;
- maintains the general intent and purpose of the Zoning By-law;
- maintains the general intent and purpose of the Capital City Municipal Plan.

Legal Non-Conforming Use (Similar Use Variance)

Owners who use their property for a purpose that was legally in existence before the current zoning for the property came into effect are protected under the *New Brunswick Community Planning Act*. Although a specific use may become prohibited in a certain area, due to a change in zoning, the use is allowed to continue as a legal non-conforming use provided that it continues uninterrupted. If it is interrupted for more than ten months, the property loses its legal non-conforming status.

There are two kinds of legal non-conforming use applications that require the Committee's approval:

- a change from the existing non-conforming use to a different use (also not permitted by the By-law). In these cases, the new use must be similar to the existing one or more compatible with other uses in the area;
- an extension or enlargement of a legal non-conforming use. No expansion of a legal non-conforming use can be permitted beyond the property owned at the time the by-law was passed.

Conditional Use Variance

Certain uses identified in specific zones in the Zoning By-law are permitted subject to terms and conditions prescribed by the PAC after review. These uses are called conditional uses (i.e. tourist homes, neighbourhood daycare centres, group homes, drive-in businesses, vehicle sales, etc.).

1.0 The Application

The application fee for a variance, a similar/non-conforming use or a conditional use is **\$250.00**. To apply, you must submit an application to the Development Services Department. Application forms are available at the Development Services Department Office on the ground floor of City Hall.

The application includes:

- a detailed site plan (showing existing and proposed buildings, setbacks, parking, landscaping, etc.),
- a letter of intention (stating the nature and specifics of the proposed use), and
- an application fee paid to the City of Fredericton.

2.0 Considering the Application

Planning staff will prepare your application for review by the PAC.

3.0 Notification

Landowners within a 30 metre radius of the affected property will be notified in writing and provided an opportunity to submit comments to the PAC. Notification for a similar use variance is 100 metres radius.

4.0 The Decision

Unlike rezoning and subdivision requests, which require Council approval, variance applications are approved, approved with conditions, or denied, solely by the PAC. The owner, applicant and residents have the opportunity to make comments to PAC. A variance application can usually be processed and approved within one month of the time of the initial application. The applicant will be notified in writing within **seven days** of the PAC decision. Anyone who disagrees with the Committee's decision may initiate an appeal to the *New Brunswick Provincial Planning Appeal Board*.