

Town of Happy Valley-Goose Bay

Application for a Variance

212 Hamilton River Road, PO Box 40, Station B,
Happy Valley-Goose Bay, Newfoundland and Labrador
AOP 1E0



For more information contact the municipal technologist at; 709 896 3321

Date; _____

Applicant ;(print name) _____ Signature; _____

(By signing the application, the applicant indicates that, to his/her knowledge, all information contained in the application is correct, and further; that all information can be made public including property ownership, name of applicant, and the details of the proposal.)

If the applicant is not the owner of the property please provide a letter that; 1) identifies the property, 2) names the owner of the property, 3) lists owner's contact information,4) has a statement from the owner saying they authorize the applicant to make an application for the variance, and, 5) is signed by the owner.

Applicant mailing address;

Applicant phone number(s); _____

Email address (if available); _____

Property address; (where the variance(s) will be located) _____

Land Use Zone for the property; (from the Town's Development Regulations) _____

Proposed variance(s); (clearly state from "x" in the Town's Development Regulations, to "y". (As one example; a variance to reduce the side yard west of the proposed house from 3 metres to 2.8 metres)

Reasons for the proposed variance(s); (Attach more information or drawings if necessary)

Staff Use Only:

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|--|---|--|--|
| Notification to vicinity properties;(attach delivery list and copy of notice) DATE: | Variance considered (with any letters from public) by Municipal Services Committee on: DATE: | Variance considered (with any letters from public) by Council on: DATE: | Variance Outcome: <input type="checkbox"/> Rejected (attach list of reasons) <input type="checkbox"/> Issued (attach copy of variance) |
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Attach appeal results if there is an appeal to the Appeal Board under Section 42 of the Urban and Rural Planning Act.

Frequently Asked Questions

There are a few questions that people often have about applications for variances.

What is a “variance”?

Where a particular development does not comply with development standards set out in the Town’s Development Regulations, Council may consider varying specific development standards to a maximum of 10%. The specific change from the requirements of the Town’s development standards is called a “variance”.

Are there limits to the variances that can be asked for?

There are limits. A variance cannot be granted 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 not greater than 10%). Council also cannot give a variance that would increase the non-conformity (as defined by the Town’s Development Regulations) of an existing development.

What does Council consider in making its decision?

Council may or may not approve a variance. In making its decision Council considers whether compliance with the development standards would prejudice the proper development of the land, building or structure in question; and, whether the proposed variance is in the public interest. In addition, notifications are delivered to properties in the immediate vicinity of the proposed variance and the comments received will be considered by Council in making their decision.

Can I add or change variances later?

It is very important that an applicant is certain that the variances requested in an application are complete and correct. Additions cannot be made to a variance application after public notices are sent. Consideration of a new variance requires a new application, notifications of neighboring properties, and a new process.

How are the Town’s Development Regulations affected by a variance?

A permit for a variance does not change the Town’s Development Regulations except for the specific variance listed in the permit that was approved by Council. All the rest of the Town’s Development Regulations continue to apply to the development.

How long does it take?

An application received 6 weeks prior to a Council meeting will, under normal conditions, go to that Council meeting. Staff does their best to take applications to the first available Council meeting while ensuring the required steps in the process are followed.

What process is followed for the application?

All applications for variances are considered in the same way. The process includes (in summary);

- **A completed application** for a variance is received by the Town,
- **Public notification of properties in the vicinity of the property under application.** The notice is written and distributed by Town staff. The distribution is paid for by the applicant. There is a set waiting period to allow those notified an opportunity to respond,
- **A recommendation is provided to Council from the Municipal Services Committee,**
- **Consideration by Council of whether to approve or reject the variance.**

Can a decision about a variance be appealed?

The decision about a variance application can be appealed (within 14 days of receipt of the Town’s decision) to a Provincial Appeal Board under Section 42 of the Urban and Rural Planning Act. Contact the Department of Municipal Affairs for Newfoundland and Labrador for more information at (709)729- 2135 or visit website: <http://www.ma.gov.nl.ca/ma/for/appeals.html>. In accordance with Section 42(11) of the Urban and Rural Planning Act, the Appeal Board cannot overrule a decision made under the discretionary authority of Council.

The information in the “Frequently Asked Questions” is of a general nature, may not be complete, and is intended for convenience only. Refer to the legislation of the Province or the Town’s development regulations, procedures, and policies for the actual requirements. Staff at the Town of Happy Valley-Goose Bay would be pleased to answer any questions you may have.