

VARIANCE APPLICATION INFORMATION

GENERAL INFORMATION

- Variance Applications are reviewed by the Planning Advisory Committee (PAC) for the Town of Hampton. The PAC is appointed by Council to provide planning advice to Council and make decisions on variance applications.
- They meet regularly on the last Tuesday of each month. Applications are required to be submitted by the 15th day, or next business day, of each month.
- All applicants are invited to appear before the committee. PAC meetings are open to the public.
- Town Staff are available to help fill out this application, contact the Building & Development Officer at 832-6082 or planning@townofhampton.ca
- Landowners with a 30 metre radius of the property may be notified in writing and will be provided an opportunity to submit comments to the PAC. Notification for a discretionary use variance is 100 metre radius.
- Variance applications will be approved, approved with conditions, or denied, solely by the PAC. The owner, applicant and residents have the opportunity to make comments to the 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 of the PAC decision. Anyone who disagrees with the Committee's decision may initiate an appeal to the *New Brunswick Provincial Planning Appeal Board*.

IS THERE A COST? Yes, there is a \$50.00 charge per variance application to be paid upon application submission.

WHAT IS A VARIANCE? A Variance generally involves a minor change of a zone standard in the Town of Hampton Zoning By-law. It 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.

WHAT ZONING STANDARDS ARE AFFECTED BY VARIANCES? The Zoning By-law established 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.

WHEN IS A VARIANCE NECESSARY? If you wish to construct a new building, make additions or alternations to an existing building, or subdivide your property, your proposal must comply with the Town of Hampton 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 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 Town of Hampton 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.

Discretionary 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 discretionary uses (i.e. tourist homes, neighbourhood daycare centres, group homes, vehicle sales, etc.)

This is for information purposes only. The Town of Hampton Zoning By-Law should be referred to for all matters of official interpretation.



Town of Hampton
 Planning Advisory Committee
 Variance Application

Office Use Only

Forward to PAC

1. Identification

OWNER			
ADDRESS			
PHONE NUMBERS	Home #	Work #	Cell #
In different from owner	APPLICANT NAME		
	APPLICANT ADDRESS		

2. Property Information

LOCATION			
LOT DIMENSIONS		AREA	
SETBACKS	FRONT	SIDE	REAR
EXISTING LAND USE			

3. Variance(s) Being Requested

A. What type of variance is being requested? Please check appropriate items below.	
1. Front Line	6. Temporary Signage
2. Side Line	7. Home Business
3. Rear Line	8. Other (describe)
4. Property Size	
5. Structure Size	
If applicable, please complete attached site plan, showing location of proposed building measurements to property lines. A Surveyor's Real Property Report may be required.	
B. Reason for Variance request	
C. Additional Comments	
D. Previous Applications and dates	

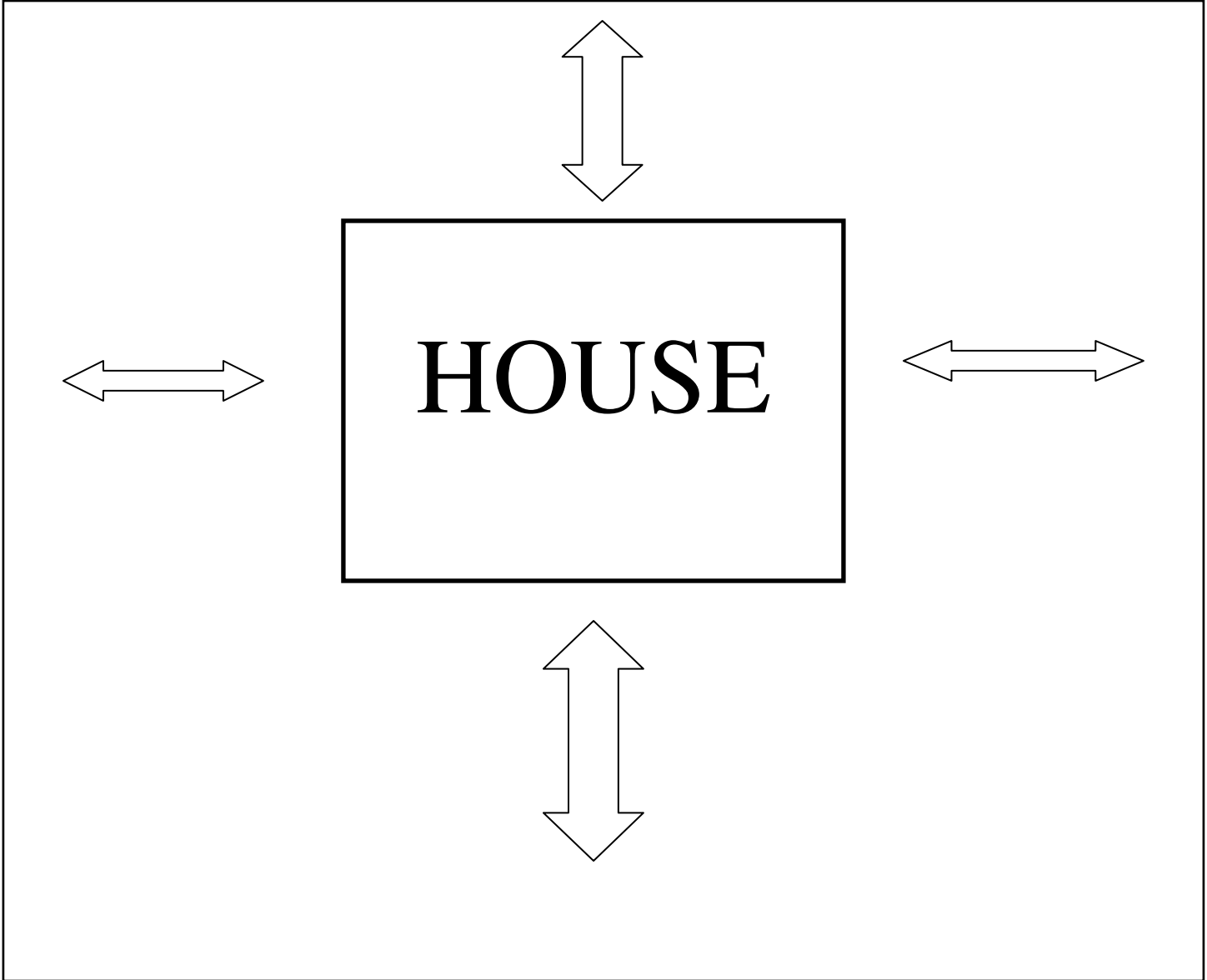
4. Signatures

By signing this application, the owner/applicant hereby gives consent for PAC to visit on-site.	
Signature of Applicant	Date
Signature of Owner <i>(if different from applicant)</i>	

SITE PLAN

SHOW LOCATION OF PROPOSED BUILDING WITH MEASUREMENTS TO ALL PROPERTY LINES

****PLEASE INCLUDE ALL OTHER STRUCTURES THAT ARE ON THE PROPERTY (POOL, SHED, GAZEBO, ETC.)****



STREET/DRIVEWAY

STREET NAME -