



**TOWN OF POUCH COVE**

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**DISCRETIONARY USE, NON-CONFORMING USE, OR VARIANCE REQUEST FORM**

The required processing fee (see Town’s Development fee structure) is to accompany the application form. This fee is non-refundable. This form may accompany another building / development application or may be submitted on its own for pre-approval of a specific discretionary development issue. Applicant understands that, by submitting and signing this form, the details and nature of their development will be communicated through public notice or other means for comment and input.

<b>Applicant Contact Information</b>		
Name:		
Mailing Address:		
Home #:	Cell #:	E-mail:

<b>Property Information</b>	
Property Civic Address:	
Property Owner (If different from applicant):	

<b>Zone and Land Use Information – Check all that apply</b>	
Zoning of Property:	Residential Serviced <input type="checkbox"/> Residential Unserviced <input type="checkbox"/> Residential Rural <input type="checkbox"/> Mixed Development <input type="checkbox"/> Commercial-General <input type="checkbox"/> Rural <input type="checkbox"/> Conservation <input type="checkbox"/> Other <input type="checkbox"/> :
Occupancy	Occupied <input type="checkbox"/> Not Occupied <input type="checkbox"/> Date of Status:
Current Land Use Classes:	Vacant Land <input type="checkbox"/> Single Dwelling <input type="checkbox"/> Double Dwelling <input type="checkbox"/> Boarding House <input type="checkbox"/> Office <input type="checkbox"/> Medical & Professional <input type="checkbox"/> Personal Service <input type="checkbox"/> Light Industry <input type="checkbox"/> Other <input type="checkbox"/> :
Proposed Land Uses Classes:	Vacant Land <input type="checkbox"/> Single Dwelling <input type="checkbox"/> Double Dwelling <input type="checkbox"/> Boarding House <input type="checkbox"/> Office <input type="checkbox"/> Medical & Professional <input type="checkbox"/> Personal Service <input type="checkbox"/> Light Industry <input type="checkbox"/> Other <input type="checkbox"/> :

<b>Description of Request for Discretion of Council</b>
*Include notes of any existing discretionary uses, non-conforming uses, or variances

<b>Variance Information (if applicable)</b>	
Development Standard Requiring Variance (i.e. side lot setback, rear yard setback, etc.)	
Requested Dimension Limit Change	
Regulation Limit (Min or Max)	
Variance request (%) (Request ÷ Regulation Limit x 100%)	
<b>Note:</b> Variance applications <u>MUST</u> include: Copy of the legal property survey (stamped) or Real Property Report and a Plot Plan showing all measurement and distances required.	

Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owners Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Excerpts from Town of Pouch Cove 2003 – 2013 Development Regulations**

**Discretionary Use:** A use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.

**Non-Conforming Use:** means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

**Variance:** means 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 authority's Regulations.

### **11. Variances**

(1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the 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) The 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%.

### **32. Notice of Application**

The Authority may, and when a variance is necessary under Regulation 11 and the Authority wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 12 and the 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, and allow a minimum period of 7 days for response.

### **49. Non-Conforming Use**

(3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)

- a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;
- b) shall not be structurally modified except as required for the safety of the building, structure or development;
- c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
- d) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
- e) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
- f) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity;
- g) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.
- h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.