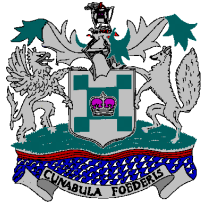


## Minor Variance Process



## City of Charlottetown Planning Department

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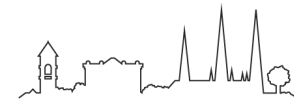
[Planning@city.charlottetown.pe.ca](mailto:Planning@city.charlottetown.pe.ca)

[www.city.charlottetown.pe.ca](http://www.city.charlottetown.pe.ca)

## CITY OF CHARLOTTETOWN

### Minor Variance Process

Section 4.29 of the Zoning &  
Development Bylaw



CITY of CHARLOTTETOWN  
PLANNING DEPARTMENT

**PLANNING  
DEPARTMENT**

**Phone: 902-629-4158**

## Minor Variance Process – Section 4.29 of the Zoning & Development Bylaw

### Minor Variance (Up to 15%)

A variance may be granted when the Development Officer is unable to issue a building or development permit because the proposed building or development does not meet the minimum requirements of the Zoning & Development Bylaw up to **15% of the minimum setback requirements for a front, rear, side or flankage yard and 10% of other minimum requirements for a lot area, a lot frontage or a building height provided that:**

(a) a current plot plan or survey plan is provided showing the Existing and any proposed Alterations to a Building;

(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 By-law would result in unnecessary and undue hardship;

(c) the proposed Building or Development complies with the general intent and purpose of the Official Plan and this By-law;

(d) the proposal is desirable and represents an appropriate

(e) no previous variance has been granted for the lot or property;

(f) the proposed variance from the requirements of this Bylaw is minor in nature;

(g) the lot is held in separate ownership from adjoining properties on the effective date of this Bylaw;

(h) issuance of a permit would not compromise the health, safety, convenience or general well-being of any person or group of persons or the liability of the City.

(i) the variance request does not entail a rezoning application.

#### Steps in the Variance Process:

1. Submit application and pay fee. The fee is \$200 and is non-refundable.

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 any objections are received with fourteen (14) calendar days from the date of the notification, the variance request will be referred to the Planning Board for consideration and a recommendation to Council.

4. If no objections are received, the Development Officer may grant the variance.

5. When the variance application has been approved, 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 after the 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.