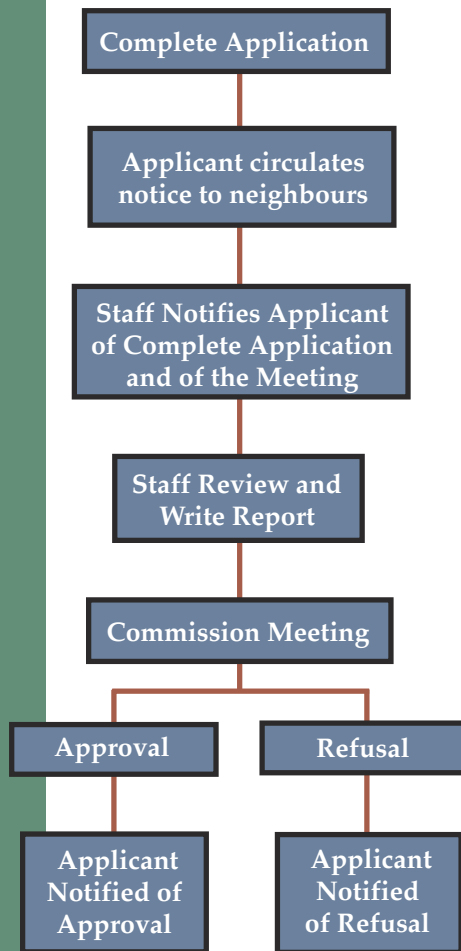


Adjustment Procedure



Please note:

✓ A notice to neighbours may be required to be circulated, by the applicant, to the surrounding landowners within 100 metres (300 feet) of the proposal. This notice must be returned before the application will be presented to the Planning Commission.

✓ The Planning Commission Members will hear the proposal and make a decision on the adjustment. The final decision is that of the Commissioners, **not** Staff.

✓ Applicants are invited, although not required, to attend the Commission meeting and speak on their proposal. The applicant may wish to attend so they are able to answer any additional questions the Commissioners may have regarding their application.

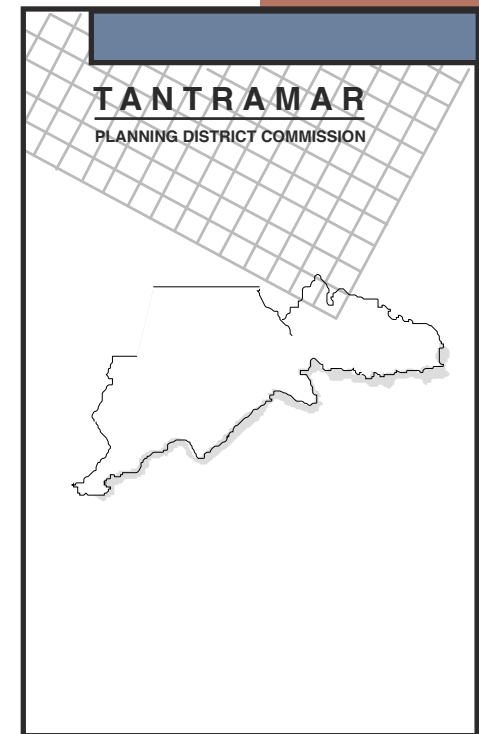
✓ The Tantramar Planning District Commission meets monthly to review development requests. All information necessary for processing an application must be submitted no later than the week before the meeting, so that it may be circulated to the members.

This brochure is designed to give the applicant an overview and basic information about Adjustments. Where this brochure conflicts with existing legislation, the latter prevails. For further information on detailed procedures or specific applications contact the:

Tantramar Planning District Commission.

Adjustments

Guide to Development Procedures



Adjustments

Definition of an Adjustment

When a proposal does not conform to the requirements of the zoning by-law, the New Brunswick Community Planning Act may allow for an adjustment to the regulations. An adjustment allows minor alterations from certain provisions of the zoning by-law and the subdivision by-law, which otherwise would not be permitted. Adjustments require the approval of the planning commission members, but do not require council approval. If granted, an adjustment remains with the property, not the applicant.

When an adjustment, except a good faith variance, is applied for, the Tantramar Planning District Commission may require that a notice be circulated to the neighbours within 100 metres (300 feet) of the property. This notice contains a description of the property, the proposal requested, and gives the surrounding neighbours the opportunity to address or submit comments to the Commission on the proposal.

Types of Adjustments

There are five main types of adjustments:

Similar or Compatible Use

A use which is not listed in the zoning by-law, but is similar or compatible with one of the listed uses, may be approved by the Commission. The Commission may also authorize the changing of a legal non-conforming use to a similar use. Commission members may stipulate terms and/or conditions on the similar or compatible use.

Provisional Variance

If the requirements of the zoning by-law or subdivision by-law cannot be met, but the Commission feels that it is desirable for the development of the property, and the proposal conforms to the general intent of the by-law and plan, then a provisional variance may be granted. Note: The Commission can only vary the zoning requirements listed in Section 34(3)(a) of the New Brunswick Community Planning Act.

Good Faith Variance

If during the process of construction, one of the yard or setback requirements in the zoning by-law are not met, and if the Development Officer believes that the mistake was made accidentally and not deliberately, a good faith variance may be issued. The Community Planning Act contains standards for what may be considered a good faith variance.

Temporary Use

If a development request is not permitted by the zoning regulations, it may be permitted as a temporary use. A temporary use cannot exceed one year and must be removed or discontinued at the end of the authorized period.

Non-Conforming Use

An extension may be granted to a non-conforming use that has been discontinued for a period exceeding ten months. When a structure containing a non-conforming use has been damaged beyond fifty percent, the structure must meet the present zoning requirements unless the Commission agrees otherwise.

For further information on
Development Procedures
Please contact the:
**Tantramar Planning District
Commission**
2 Bridge Street
Sackville, NB
E4L 3N5

Phone: (506)364-4701

Fax: (506)364-4714