Portugal Cove
St. Philip's

For more information contact:

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DEFINITION OF A VARIANCE

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 these Development Regulations.

To request a variance, the following information must be submitted to the Planning and Development Department:

- Completed Variance Request Form;
- Variance Request Fee (as per Tax Structure and Schedule of Fees);

MINISTER'S REGULATION 12 – VARIANCES

1) Where an approval or permit cannot be given by Council because a proposed development does not comply with the development standards identified within the development regulations, Council may vary the applicable development standards to a maximum of 10% if, in Council'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) Council 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%.

3) Council shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

MINISTER'S REGULATION 13 - NOTICE OF VARIANCE

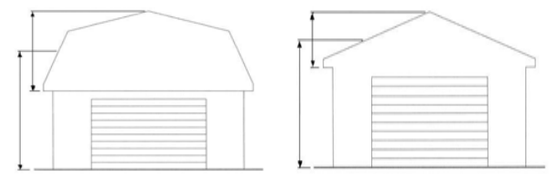
Where Council is to consider a proposed variance, Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is subject of the variance, and allow a minimum period of 7 days for response.

BUILDING HEIGHT

The vertical, distance measured in meters from the established grade to the:

1. highest point of the roof surface of a flat roof
2. deck line of a mansard roof
3. mean height level between the eave and the ridge of a gable, hip or gambrel roof

* A building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.



Front Yard Depth – means the distance between the front lot line of a lot and the front wall of the main building on the lot.

Rear Yard Depth – means the distance between the rear lot line and the rear wall of the main building on the lot.

Side Yard Depth – means the distance between a side lot line and the nearest side wall of any building on the lot.

ESTABLISHED GRADE

Where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

Where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment.

PLANNING & DEVELOPMENT DEPARTMENT

ACCESSORY BUILDING CONSTRUCTION

REGULATIONS, STANDARDS, TERMS & CONDITIONS AS PER THE TOWN OF PORTUGAL COVE-ST. PHILIP'S MUNICIPAL PLAN & DEVELOPMENT REGULATIONS 2014-2024

REGULATION 17 - FORM OF APPLICATION

1) An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council, and every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the permit fee required by Council.

2) Council shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

DEFINITION OF AN ACCESSORY BUILDING

A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land.

1) For Residential Use: Domestic garages, Carports, Ramps, Sheds, Swimming pools, Greenhouses, Cold frames, Fuel sheds, Vegetable storage cellars, Shelters for domestic pets, Radio/television antennae;

2) For Commercial Uses: Workshops or Garages, and;

3) For Industrial Uses: Garages, Offices, Raised Ramps or Docks are deemed to be accessory use structures and buildings.

GENERAL PROVISIONS FOR ALL USE ZONES ACCESSORY USE

An accessory building or structure may not be constructed on a lot prior to the establishment of the principal building and use of the land on a property. A temporary permit may be considered by council for a building or structure to be placed on a property to house tools, equipment, serve as an office, first aid station and lunch room for workers constructing the main building use on the property. An accessory use building shall not be used for human habitation.

GENERAL DEVELOPMENT STANDARD 39 ACCESSORY BUILDINGS

1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot. Accessory buildings, except for a temporary building for on-site construction drawings, equipment and tools storage as approved by Council, shall not be erected on a property before the principal building is constructed.

2) No accessory building or part thereof shall project in front of any building line.

3) Council may approve a location of an accessory building closer to the building line than the main dwelling where:

   (a) Council considers that the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes near the harbour areas that have reduced setbacks;

   (b) Council considers that the location as required would pose a threat to road safety;

   (c) Council finds that the physical limitations of the property would not allow for the development of an accessory building as required;

   (d) Council considers that the proposed location as required would adversely affect the view from neighbouring homes; and,

   (e) at Council's discretion, when the property has a minimum lot area of 4,000 m2 (43,055.6 square feet) and a front yard, in Councils opinion, that is sufficient enough so that the proposed location will not have an adverse effect on the enjoyment of surrounding properties or pose a threat to road safety.

TERMS & CONDITIONS

A. An accessory building shall be clearly incidental and secondary to a main building and shall be complementary to the main building in character, use, style and exterior finish;

B. An accessory building shall be contained on the same lot as the main building;

C. No residential lot shall have more than one accessory building except as authorized by Council;

D. No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building;

E. An accessory building will be permitted only in the rear yard or side yard of the main building except as otherwise authorized by Council;

F. An accessory building will not occupy more than 50% of the available rear and side yard areas of a lot;

G. An accessory building on a residential lot shall not be used for non-residential purposes unless otherwise authorized by Council;

H. Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery for commercial purposes; and

I. Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building.

DEVELOPMENT STANDARDS

RMD, RLD & MIX Land Use Zones		
Standards	**Max. Floor Area**	**Max. Height**
Less than 1,860 m^2	56 m^2 or 9% of total lot size (whichever is less)	4.0 m
1,861 m^2 to 4,000 m^2	70 m^2	4.5 m
Larger than 4,000 m^2	94 m^2	5.0 m
	Discretion of Council w\ Public Notice where proposed size is greater than 94 m^2	
ALL LOTS		
Min. Front Yard		6.0 m
Min. Side & Rear Yard		1.5 m
Min. Distance from Another Building		3.0 m

TC & RR Land Use Zones		
Standards	**Max. Floor Area**	**Max. Height**
Less than 1,860 m^2	56 m^2 or 9% of total lot size (whichever is less)	4.0 m
1,861 m^2 to 4,000 m^2	70 m^2	4.5 m
Larger than 4,000 m^2	94 m^2	5.0 m
	Discretion of Council w\ Public Notice where proposed size is greater than 94 m^2	
ALL LOTS		
Min. Front Yard		9.0 m
Min. Side & Rear Yard		1.5 m
Min. Distance from Another Building		3.0 m

* Please refer to the back for calculating building height