

# Minor Variance Process

TIMELINE: 1.5 TO 2.5 MONTHS

- 1 Pre-consult with staff**

If a project does not meet provisions of the zoning by-law, the applicant consults with staff to explore options to meet the provisions and to determine if a Minor Variance could be considered.
- 2 Submit a complete application**

The applicant prepares and submits an application form, the required plans and documents, and the application fee.
- 3 Signs and notices**

Township will prepare a notice sign to be erected on the property by the applicant. Staff will send a notice of the application and public meeting, at least 10 days before the public meeting, to property owners within 60 m.
- 4 Public meeting**

The Committee of Adjustment will hold a public meeting to hear the report and recommendation from the Planning Department, and any comments or questions from the public.
- 5 Committee decision**

The Committee of Adjustment, having received public comments, the application and the recommendation of the Planning Department, will make a decision.
- 6 Notice of decision**

The decision will be sent to the applicant and any person who made a written request for notice.
- 7 Appeal period**

The decision may be appealed to the Local Planning Appeal Tribunal (LPAT) within 20 days by submitting a notice of appeal to the secretary-treasurer of the Committee of Adjustment.

**START YOUR PROJECT**

# MINOR VARIANCE MANUAL

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## ***What is a minor variance?***

Municipalities in the Province of Ontario establish standards to achieve orderly and safe development in their communities. These standards are set out in zoning by-laws. A zoning by-law governs the types of use permitted on a property and lists minimum development requirements. The Minor Variance application process, as outlined in section 45 of the *Planning Act, R.S.O. 1990*, is a method to seek relief through a Committee of Adjustment when hardship or circumstances do not allow you to meet the standards listed in the Zoning By-law.

## ***When is a minor variance required?***

When a site plan control application, subdivision application, severance application, or building permit application is submitted, your proposal will be compared with the minimum development requirements set out in the Zoning By-law. If one or more requirements are not met, you will be provided the option of seeking a Minor Variance as described in this manual.

## **1 Pre-consult with staff**

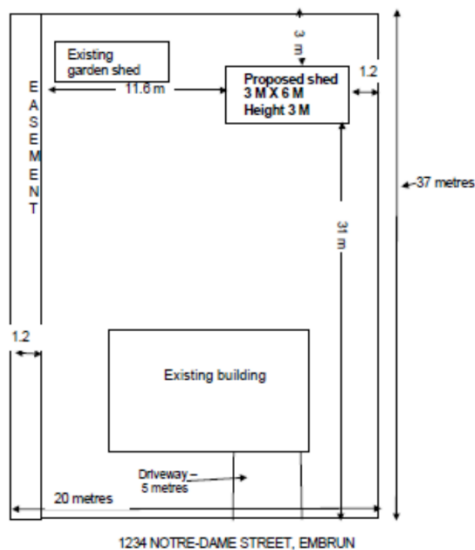
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If your project does not meet provisions of the Zoning By-law, consult with staff to explore options to meet the provisions and to determine if a Minor Variance could be considered. A pre-consultation with staff can be done in person, by e-mail or telephone, as long as a site plan showing the required information has been provided to staff.

During the pre-consultation process the Planning Department staff will advise you what documents will be required for the Minor Variance application to be considered complete; the Minor Variance application contains a list of documents, studies or plans that may be required. Staff will, when possible, advise you whether they will be able to recommend approval of the application to the Committee of Adjustment who will make a decision regarding the application. Knowing the submission requirements and potentially the recommendation of staff before you submit a minor variance application allows you to make an informed decision about whether to proceed with the application.

## ***What will I need to consult with staff?***

In order to pre-consult with staff, you will need to submit a site plan showing the proposed location of your project. An example site plan is shown below.



The site plan should include the following information:

- ☐ The dimensions of the lot and any proposed buildings
- ☐ The proposed use of the building or lot (residential, commercial, residential shed, etc.);
- ☐ Distances from the proposed project to all property lines;
- ☐ If the minor variance is for an accessory building, show all other buildings on the property including all sheds, detached garages, etc.;
- ☐ If the property is serviced by a well and a septic show the location of your well and septic;
- ☐ The height of the proposed building and existing buildings (if applicable);
- ☐ Setbacks from significant natural features such as nearby watercourses; and
- ☐ The location of any easements (hydro, bell etc.) registered on the property.

## 2 Submit a complete application

After pre-consulting with staff, you will know what documents are required to submit a complete application. You now need to prepare and submit a complete application including all the documents, plans and studies identified as required for the submission during the pre-consultation, a completed application form, proof of ownership, and payment of the applicable fee(s). If there are multiple owners, **all owners** must sign the application form to apply or authorization of owners form to authorize someone to apply on their behalf.

Staff will e-mail you to confirm the application for Minor Variance submitted is complete and to notify you of the date, time, and location of the public meeting for your application.

### ***What is the cost for submitting an application for Minor Variance?***

Fee	
Base application fee	\$750
Sign fees	\$118 for Small Sign
Additional fees	Variable Additional fees for the review of plans or documents required as part of the application may apply throughout the review process including, but not limited to, review of technical reports, Conservation Authority fees and agreements, and associated fees.

### 3 Signs and notices

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Once you submit a complete application, staff will have the sign prepared and will contact you to pick it up when it is ready. It is a legal requirement that the sign be erected on the property a minimum of 10 days before the public meeting; make sure the sign is picked up and erected promptly.

A public notice will be sent to all property owners within 60 m of the subject property a minimum of 10 days before the public meeting. The notice will summarize the application and details of the public meeting

### 4 Public meeting

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Public meetings will be held by the Committee of Adjustment and are pre-scheduled to occur approximately once per month.

The public meeting will include a period for comments or questions from the public. A report and a presentation will be prepared by the administration to present the application, including any written comments received and the recommendation of the Planning Department.

You will be sent a copy of the report, including any written comments received and the recommendation of the Planning Department, prior to the public meeting. You are invited to attend the public meeting, though your attendance is not mandatory.

### 5 Committee decision

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The Committee of Adjustment, having received public comments, the report and the recommendation of the Planning Department, will make a decision based on whether the Minor Variance application meets four tests set out in section 45 of the *Planning Act, R.S.O. 1990*.

The four tests are:

1. The variance must be minor.
2. The variance must be desirable for the appropriate development or use of the land, building or structure.
3. The variance must maintain the general purpose and intent of the By-law.
4. The variance must maintain the general purpose and intent, if any, of the Official Plan.

Decisions for Minor Variance are made by the Committee on a case by case basis, meaning that each application is treated as separate and distinct and is evaluated based on the specifics of that application and neighbouring land uses, buildings, etc. The Committee of Adjustment has the authority to make decisions on Minor Variance applications; Minor Variance applications do not need to be approved by Council following the decision of the Committee.

## 6 Notice of decision

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After the Committee meeting, the decision will be sent by mail within 10 days to the applicant, any prescribed person or public body, and any person who made a written request for notice. The notice of decision will include information on how to submit an appeal and the deadline for appeals.

## 7 Appeal period

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The decision may be appealed to the Local Planning Appeal Tribunal (LPAT) within 20 days of the decision by submitting a notice of appeal to the secretary-treasurer of the Committee of Adjustment. The applicant, the Minister of Municipal Affairs and Housing or any person or public body who has an interest in the matter, may submit an appeal regarding the decision on the application.

The appellant must submit a notice of appeal setting out the reasons in support of the objection, accompanied by the payment of the fee charged by the Tribunal. The filing fee for an appeal is \$300 with an additional filing fee of \$25.00 for each secondary application. A cheque payable to the Ontario Minister of Finance must accompany the Notice of Appeal, available at <http://elto.gov.on.ca/wp-content/uploads/2016/06/A1.pdf>

Where the Township attends the LPAT on behalf of the applicant, the applicant shall pay all legal costs incurred by the Township, including solicitor's fees and disbursement, and preparation for and attendance at the hearing. Maximum legal fees to be repaid are \$10,000.00.

**Start your project!**