

MINOR VARIANCE GUIDE AND APPLICATION REQUIREMENTS

1. Purpose

A Minor Variance application is required where a property owner proposes a development that does not comply with the Town's Zoning By-law. A Minor Variance is the relief from the terms of a Zoning By-law.

A Minor Variance application, while seeking relief from the Zoning By-law, must conform to the Town's Official Plan, the Regional Official Plan and Provincial Policies and Regulations. The Minor Variance application must meet the following four tests, which are prescribed by Section 45(1) of the Planning Act to determine if the minor variance should be supported:

- 1) Does the proposal support the general intent and purpose of the Official Plan?
- 2) Does the proposal support the general intent and purpose of the Zoning By-law?
- 3) Is the requested variance desirable and appropriate for the lands?
- 4) Is the requested variance minor in nature?

2. Preliminary Discussion and Pre-Consultation

Prior to the submission of an application, the Applicant/Agent must discuss the proposed application with the Town's Planning and Development Department and other agencies at a preconsultation meeting to determine the requirements for a complete application. A formal preconsultation meeting is not a requirement of minor variance applications but is strongly encouraged.

The Town and any affected agency may also require additional background reports in support of the application in order for the application to be considered complete. The purpose of pre-consultation is to ensure that the applicant is aware of the required supporting information before an application is submitted, in order to prevent delays in processing the application.

In order to schedule a pre-consultation meeting, you need to provide two items:

1. Complete the first page of the pre-consultation form and send it back. Section 5 must clearly outline what relief you are seeking. Staff will fill out the remaining pages; <https://www.notl.com/sites/default/files/2022-05/PreCon%20Form.pdf>
2. Provide a site plan drawing of your proposal. The drawing must include the lot lines, roadway and all existing buildings and structures on site with setback measurements in metric and drawn to scale.

3. Submission of Application

It is the responsibility of the Applicant (or duly authorized agent) to submit an application to the Planning and Development Department. Applications must include all requirements highlighted at the preconsultation stage plus the applicable fee. Any submission lacking the required information or fee will be considered incomplete.

4. Public Notice Signs

Signs are provided by the Planning & Development Department to the Applicant. Applicants are required to place these signs on the lands which are involved in the application at least 10 days prior to the hearing and be maintained until a decision on the application has taken place, after which the sign(s) should be removed. The Town's Secretary-Treasurer will reach out in advance and provide sign posting instructions.

5. Application Circulation for Comments

The application is circulated to all property owners within 60 metres of the subject lands via mail. Property owners have the opportunity to submit written or oral comments in support of or against an application.

The application is circulated to various external agencies that are requested to provide comments within 15 days. Agencies may request an extension of the time to submit comments which can delay the decision.

6. Committee of Adjustment Hearing

The Minor Variance application is heard by the Committee of Adjustment and a notice of Public Meeting is circulated according to Planning Act procedures. Prior to the Committee of Adjustment hearing, a staff recommendation report is prepared. The applicant or agent is required to attend the hearing to provide the applicant's views on the proposal and answer any questions from the public or Committee. The public is encouraged to express its views. When the Committee is satisfied that all issues and questions have been addressed, a decision is made on the application. A Notice of Decision is circulated to the applicant, public and agencies. Prescribed public bodies can appeal the Committee decision to the Ontario Land Tribunal (OLT).

7. Appeal Procedure

The Planning Act, R.S.O. 1990, Section 45(12), as amended states that an appeal may be filed by the applicant, the Minister of Municipal Affairs and Housing, a "specified person" and/or any "public body" (as defined by Planning Act Section 1(1)) within twenty (20) days of the making of the decision.

Information regarding the Local Planning Appeals Tribunal can be found at;
<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

NOTES:

1. A Minor Variance Application **must** be accompanied by a Sketch. Please see example on the next page. The Sketch must be to scale with accurate dimensions and show the following:

- a. The boundaries and dimensions of the subject land;
- b. The location, size, and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, driveways, swimming pools, roads, septic tank and tile bed, and trees;
- d. The current uses on land that is adjacent to the subject land;
- e. The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way;
- g. The location and nature of any restrictive covenant or easement affecting the subject land (if applicable)

2. In accordance with Section 1.0.1 of the Planning Act, all documents that are required for a Planning Application to be deemed complete by the Town are considered part of the public record and are therefore required to be provided to interested agencies and members of the public for review upon request.

3. The Applicant is responsible for costs incurred by the Town as a result of an appeal against a decision by the Town to support the Application or any associated conditions.

4. Please note the typical timeline from start to finish to receive final approval of a minor variance is 2-3 months.