

Guidelines for Minor Variance



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The Guidelines for Minor Variance are intended to provide greater clarity and information for those involved in the minor variance planning approval process. This document is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed.

What is a Minor Variance and who approves Minor Variance applications?

A minor variance is a minor variation from the requirements of the Township Zoning By-law. Minor variance approval allows the property owner to obtain a building permit or use property in a specific way which does not comply with the provisions of the Township zoning by-law. Zoning by-laws have specific regulations including required setbacks, lot coverage, maximum floor area, and height, etc. While the zoning by-law is written to anticipate most scenarios, the document cannot capture all properties or proposals.

Minor variances are approved by the Township's Committee of Adjustment. The Township's Committee of Adjustment is the decision making body appointed by Township Council to approve minor alterations from the requirements in the Township's Zoning By-law.

The Committee is comprised of at least three elected members. Committee of Adjustment meetings are usually held on the second Thursday of each month at the Township's municipal offices. Detailed information about applications being considered by the Committee can be found on the Notice of Application, for each specific application, or on the Township's website.

How is a Minor Variance application evaluated?

Section 45(1) of the *Planning Act* sets out four tests that are required to be met. In order to be approved the application must meet all four tests:

- Does the application conform to the general intent and purpose of the Official Plan?
- Does the application conform to the general intent and purpose of the Zoning By-law?
- Is the application desirable for the appropriate development of the lands in question?
- Is the application minor?

When determining if the application meets the four tests, the Committee of Adjustment will review the planning report and recommendations as well as any comments received by agencies including the Conservation Authority. Any person or public body may submit comments to the Committee. All comments submitted will become public documents. All comments and reports are considered by the Committee prior to making a decision. Planning staff, commenting agencies, as well as one member of the Committee will visit the site prior to the Committee making a decision.

What should I know about submitting an application?

The applicant (usually the property owner), or their authorized agent, is responsible for the submission of the application, for the accuracy of the content and applying for the relief from the correct sections of the zoning by-law. Failure to provide all of the required information may result in processing delays of the application or the submission of multiple applications. **Staff are not permitted to complete application forms.**

Generally, applications are required to be deemed complete one month prior to the Committee meeting where they will be heard, to allow staff sufficient time to fully review the application and meet minimum public notice requirements under the *Planning Act*. Periods of peak development activity throughout the summer months may cause an increase in the time required to review and process applications.

What is required for a minor variance application and what are the timelines?

A complete minor variance application will include:

- The application document filled in completely and accurately;
- A copy of the Deed/Transfer;
- An accurate Technical Drawing;
- Required application fees including those for commenting agencies identified during pre-application; and
- Any additional studies as identified during pre-application.

The process has the following key timeframes:

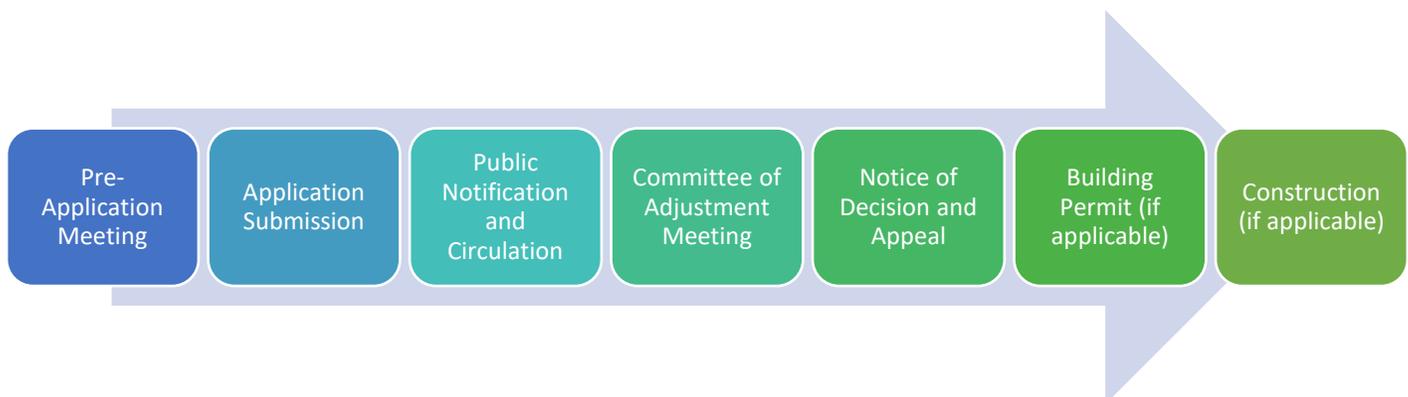
One month – an application is required to be submitted a minimum of one month prior to the Committee of Adjustment meeting. This is to ensure staff have a suitable amount of time to review the application and to circulate the application to appropriate agencies.

30 days – the number of days from when your application is deemed complete until a non-decision can be appealed, in accordance with the *Planning Act*. While planning staff strive to meet these timelines, there can be limitations that prevent this from always being possible, e.g. winter weather conditions preventing sites from being adequately evaluated or delays where additional information is required.

10 days - the number of days the municipality has to send a Notice of Decision following the decision. You will also receive information on the day of the meeting regarding next steps.

20 days – the number of days that the decision may be appealed to the Local Planning Appeal Tribunal after the Notice of Decision is provided.

What is the process for a minor variance application?



Pre-Application Meeting

Before submitting an application, applicants are required to meet with planning staff to discuss the application and understand requirements. Pre-application meetings must be booked in advance. Applicants should review the official plan designation and zoning for the property; [Frontenac Maps](#) is a helpful tool for this. Applicants may also be advised to speak with the conservation authority or other agencies and Township departments in advance of the meeting.

Submission of a Complete Application

Once all the requirements for the application have been submitted, including any required studies and fees, the application will be deemed complete. Typically, the Township will require the application a minimum of one month in advance of the upcoming Committee meeting. Applications are not processed until they are deemed complete.

Public Notification and Circulation

Once an application is deemed complete, it will be scheduled to be heard at a Committee of Adjustment meeting. Township staff will notify the applicant of the date of the meeting and will provide notice cards which are to be posted at the entrance of the subject property, along the waterfront (if applicable) and at the nearest public road. Property owners within 60 metres of the subject property will be sent a Notice of Application by mail. The *Planning Act* requires public notice to be provided a minimum of 10 days in advance of the meeting at which the application will be heard. Any person or public body may submit comments which will be reviewed by the Committee and become public documents.

The application may be circulated to the Conservation Authority, as well as to any other applicable agencies or Township departments. If any member of the public wishes to receive a copy of the Committee's decision, they must make a written request.

Committee of Adjustment Meeting

The application will be reviewed at the Committee of Adjustment meeting. The agenda for the meeting is posted on the Township's website in advance of the scheduled meeting and will include the planner's report, comments from the commenting agencies and any public comments received prior to the agenda being circulated. The applicant or agent is encouraged to attend to speak to the application and answer questions from the Committee. Members of the public and agencies may also attend the public meeting. All other parties in attendance will have the opportunity to speak in support of or opposition to the application.

Notice of Decision and Appeal

The Committee of Adjustment may approve, deny, or defer an application for more information. When a decision is made, a Notice of Decision will be mailed out outlining the decision and any conditions within ten (10) days of the hearing. There may be conditions that are required to be met prior to receiving a building permit or completing the project. There is a 20 day appeal period that follows every decision of the Committee of Adjustment. For more information about appeals, including appeal rights and fees, please visit the [Local Planning Appeal Tribunal](#) website. Once the appeal period is complete, the variance decision made by the Committee of Adjustment is final and binding. **Staff, including building officials, cannot accept plans and issue permits for work that differs from than what was approved by the Committee of Adjustment.**

Building and Other Permits

A **minor variance approval is not a building permit**. A building permit application is required if the project requires construction. The building permit application may be submitted prior to the appeal period ending, however the building permit cannot be issued until the minor variance is final and binding. Other permits may also be required from other departments/ organizations such as the conservation authority. **Note: If a minor variance application is approved and the plans submitted to the building department for construction differ from those submitted for the variance application/approval, a new minor variance application will be required.**

Construction

Once the minor variance approval has been granted and a building permit has been issued, construction may begin. The minor variance approval stays with the property for the length of the zoning by-law, even if the ownership changes.

Frequently Asked Questions

Do I need a professional to prepare and submit my application?

Depending on the complexity of the application, some applicants may find the expertise of someone who has an understanding of the planning process and the requirements of the various legislation and policies which pertain to planning as beneficial. It is not a requirement of the application process. Contact the Township planning department to obtain a list of frequently used consultants in the area.

How can I find the information required for my application?

Information regarding your property can be found on your tax bill (legal description, roll number etc.) as well as on [Frontenac Maps](#) (e.g. zoning). Should you require assistance with the application, it may be beneficial to hire a planning consultant to assist with the application.

How are applications evaluated to be minor?

As noted above, applications for minor variances are evaluated based on four tests. One of those tests is “is the application minor?” The concept of minor is evaluated through a qualitative approach, meaning that it is not numerically decided. While numbers may indicate the scale of difference, decisions on minor are also evaluated on impact. For example, if an application for an accessible ramp was submitted which brought a property over the lot coverage in the zoning by-law, the impact of the ramp would be weighed as well as the impacts of the increased lot coverage on the surrounding environment. Minor variance applications are meant to address the areas of grey within planning and therefore are required to be evaluated from a variety of different perspectives and lenses.

What types of conditions may be included in the minor variance decision?

Depending on the nature of your application, a minor variance decision may include conditions. These conditions are likely connected to features of your property or your proposed changes to ensure they align with the intent of the minor variance. Common conditions include requirements for the applicant to:

- redirect downspouts to encourage a longer travelled path for rain water prior to entering a lake
- revegetate shorelands or other natural areas; or
- enter into a Development Agreement with the Township to ensure that the plans are carried out as shown in the application.

I've changed my building plans from the minor variance that was approved. What happens now?

Minor variances are issued based on the application approved by the Committee of Adjustment. Any changes will require a new minor variance application which reflect the revised building plans.

A Guide to Completing the Minor Variance Application Form



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This document is meant to provide greater clarity and information for those involved in the minor variance planning approval process. It provides step by step information for applicants filling out an application for a minor variance.

1. Pre-Application

If you have met with staff from any of the listed organizations or Township departments regarding this application, please check the appropriate box and indicate the date of the meeting.

Please ensure you attach any notes or information regarding your application that you were provided during the pre-application meeting (emails, physical documents, etc.).

2. Applicant Information

2.1. Name of Owner(s): State the owner's name, mailing address, phone number and email at which they wish to be contacted regarding this application. If there are multiple owners with different contact information you will need to attach an additional piece of paper with their contact information.

Note: By filling out this section, you are declaring that you are the owner of this property. If for any reason you are not listed as a legal owner on the deed/land transfer, you are considered an agent and will need to have at least one of the legal owners sign the Authorization for Agent consent (Section 16 of the application form). Should power of attorney apply, please attach the supporting documentation to your application.

2.2. Agent/Applicant: State the agent's name, mailing address, phone number and email at which they wish to be contacted regarding this application. If you are using an agent make sure to also complete the Authorization for Agent consent (Section 16 of the application form).

3. Description of Subject Land

3.1. The Lands:

Civic Number: This is civic address (911 address) of the subject property. If a civic address has not been assigned, please indicate this.

Concession and Lot Numbers: This is the legal description of the property which is found on your tax bill, deed or on the property survey.

Name of Road/Street: This applies even if your address is on a private lane.

Reference Plan: If the property has been surveyed, it will have a reference plan number (this begins with 13R and can be found on your survey). If the property has not been surveyed, leave this space blank.

Roll Number: This appears on the tax bill. Please take the time to look it up before submitting your application. It may also be found on Frontenac Maps with the property identification layer feature.

Property Identification Number (PIN): The PIN may be found on the deed for the property or on Frontenac Maps with the property identification layer feature.

- 3.2. If the property contains or abuts a waterbody, please include the name of it. This information is important as portions of the Township Zoning By-law and Official Plan directly relate to shoreline and water protection. If the property does not abut a waterbody, please indicate with N/A.
- 3.3. Please indicate when the property was purchased. The year is sufficient.
- 3.4. Property dimensions are required in metric. Please complete conversions if necessary to be consistent with the requirements in the *Planning Act* and associated documents.

4. Supporting Material and Checklist

This section provides you with a useful checklist to ensure you have included the minimum required components. During the pre-application process you may have been asked to include other information – make sure to include this in your application as well.

5. Technical Drawing Requirements

The technical drawing or “sketch” submitted with your application is very important. The technical drawing provides a comprehensive look at the various physical attributes of the site, locations of structures (existing and proposed) and will provide the foundation for later project phases such as building permits.

If there is a deck/patio or stairs attached to any building, please list and include its dimensions in the technical drawing.

If the property is substantial in size and the proposed changes are concentrated in one area (e.g. a side lot line) please include a location reference map, in addition to the technical drawing.

Note: If a minor variance application is approved and the plans submitted to the building department for construction differ from those submitted for the variance application/approval, a new minor variance application will be required.

6. Encumbrances

Encumbrances are rights, interest, or legal liability on property. Rights-of-way and easements as a form of encumbrance are fairly common in the Township. If someone has permission to cross over your property (whether legally defined or through historical access) to access another piece of property, or for some other use, make sure to disclose that in the application. Other easements could include those for drainage conservation, or electricity transmission lines.

7. Existing and Previous Uses

- 7.1. List any existing or previous uses that you are aware of.
- 7.2. List any proposed uses that you are aware of.
- 7.3. Official Plan information can be found on the Township website. Frontenac Maps may also provide you with useful information...
- 7.4. The Zoning By-law can be found here on the Township website. You may also want to use Frontenac Maps and the zoning layer appropriate for the area.

8. Property Features

Please check the appropriate box if any of the property features listed apply to the property. If you know the property contains a unique feature, which is not listed, and which may limit or dictate

development in some capacity, check Other and provide a description of this feature. If none of these features describe your property, make sure to select None of the Above Apply.

9. Details of the Proposal

- 9.1.** Use this section to describe the project in detail. It is important to include what you would like adjusted as well as why you are requesting the change or your overall plans for the site.
- 9.2.** To complete the variance chart you will need to consult the Zoning By-law. It is important you include all the variances you will require in your written description and in this chart format. If a variance is not included and you later require it, you will be required to submit another application and restart the process.
- 9.3.** Provide an explanation why the current provisions cannot be met or why it is not preferable.

10. Provincial Policy Statement

Please indicate if the application is consistent with the Provincial Policy Statement (PPS). All planning decisions in Ontario have to be consistent with this document, as the overarching guidance document for the province. This is required to be answered, please check the appropriate box and explain, if necessary. The PPS is available on the [Ministry of Municipal Affairs and Housing Website](#).

11. Existing Structures

This section requires you to describe **all** of the structures on your property. This includes outhouses, sheds, gazebos, etc. For each structure you are also asked to identify if there will be any addition, reconstruction or demolition proposed.

Fill in the measurements in either feet or metres and the opposite will auto populate. If you are filling in the application by hand, please provide both calculations. If you have more than three existing structures, please attach additional paper(s) to include all structures in your application.

The combination of Section 11(Existing Structures), Section 5 (Technical Drawing) and your description in Section 9 (Details of the Proposal) allows for a more complete understanding of what plans are proposed.

Use of structure: Describe the structure (i.e. 3 bedroom residence with walk-out basement).

Footprint: Measure the outside of your structure to most accurately reflect the size of the building. Please include the area of any decks attached to the structure. Structural footprint is not the same as the gross floor area (inside living space).

Number of Storeys: How many levels does your structure have? Please check the appropriate box if your structure has a basement or loft. Please also indicate if you have a basement and if it includes a walk-out portion or living space.

Date of Construction: If possible please identify the year, otherwise any information with approximate age is also helpful.

Area: Describe the structure (i.e. 180 square metres) .Include the area of each floor of the structure including lofts and basements/ crawlspace.

Setbacks from lot lines: Measure from the outside of the structure to the closest lot lines.

- 11.1.** If your application is for the purposes of constructing an addition to an existing structure, please specify the dimensions of the addition.

12. Waterbody or Wetland Setback

This section asks about waterbody and/or wetland setbacks. If the property abuts, and/or contains a waterbody and/or wetland, please ensure that you have accurately measured the shortest distance from each structures or addition to the high water mark of the waterbody and/or wetland and specified this measurement on the application form. If the structure includes a deck or stairs and it is closer to the waterbody, please measure from the deck or stairs edge.

If your property does not abut and/or include any waterbody or wetland features, please indicate N/A.

13. New Structures

Please check the appropriate box.

If you are proposing to build a brand new structure, or demolish and rebuild/expand an existing structure please complete this section.

If you are proposing an addition to an existing structure please complete Section 11 instead.

14. Property Servicing

This section addresses the access to, and servicing available/proposed for the property. If you are proposing to change or add any services, please describe the details of the proposal in Section 9 and include these details on your technical drawing.

For each section (water, sewage etc.) please check the appropriate box.

15. Previous Applications

If there has ever been another application under the *Planning Act* for the property, please check the appropriate box and provide the details of the application (if applicable).

16. Authorization for Agent

Fill out this section **only** if you are authorizing another person to complete this application process on your behalf. The information on the person authorized as agent **must** be detailed in Section 2.

17. Permission to Enter Subject Lands

This is a required portion of the application. Please read carefully and ensure this section is signed by the owner. A site visit will be completed by County and/or Township planning staff, a Committee of Adjustment member or staff of any required commenting agencies/departments.

18. Acknowledgement of Additional Requirements

This is a required portion of the application. Please read carefully and ensure this section is signed by the owner or applicant.

19. Agreement to Indemnify

This is a required portion of the application. Please read carefully and ensure this section is signed by the owner. The application will not be processed without its completion.

20. Declaration for the Prescribed Information

This is a required portion of the application. This section **must be signed and witnessed** by a Commissioner of Oaths (or Notary Public). You may bring it in to your local Township office for signature or find a commissioner on your own (e.g. Clerk in local township office, lawyer).

Do You Still Have Questions?

For more information and guidance with regards to Minor Variance Applications, contact the planning department through the online [Planning Inquiry Form \(Link\)](#).