

MINOR VARIANCE

What is a Committee of Adjustment?

A Committee of Adjustment is appointed by Council and derives its jurisdiction from the *Planning Act*. The Committee hears applications for minor variances, as well as applications for "Consent to Sever".

When considering an Application for a Minor Variance from the existing municipal Zoning By-law, the Committee must consider the following "four tests" as set out by the *Planning Act*:

- Whether the variance is minor;
- Whether the variance is desirable for the appropriate development or use of land;
- Whether the general intent and purpose of the Zoning By-law is maintained; and
- Whether the general intent and purpose of the Official Plan is maintained.

Discussion of the Proposal or Preconsultation

When an application for a Minor Variance is being considered, the Applicant should make an appointment with Planning Staff for an informal discussion and pre-consultation to explain the proposed application being contemplated. This pre-consultation should provide the Applicant with procedural directions about processing the application as well as determining planning policies under which the application can be considered for approval. At this time, the Applicant may also wish to obtain a copy of the Application form.

Completion of Application

The Application for Minor Variance should then be completed by answering all required questions as well as preparing a comprehensive sketch detailing the requested relief in accordance with instructions provided on the Application form. A complete application must include a "Justification Report". If you are having someone act as your agent, a letter allowing them to act as your agent must accompany your completed application.

What is a Justification Report?

This is required for all applications. Depending upon the complexity of the proposal, these shall be prepared by the property owner or a qualified professional addressing the principles and objectives of the Official Plan and the Provincial Policy Statement, how the proposal meets the intent of the Zoning By-law and the details of the proposal clearly compared to existing provisions and proposed amendments. A summary of information on environmental issues and an engineer's reports may also be included or other matters depending on the proposal.

Submission of Application

The Applicant should submit an original application together with a detailed sketch, justification report and the necessary application fee made payable to the Township of Georgian Bluffs. Each application must be signed in front of a Commissioner of Oaths and if

signed by a Corporation, must have the corporate seal affixed. If signed by an agent, a written authorization from the owner must also be submitted.

Notice of Hearing and Signing of Property

Once an application has been filed with the appropriate fee, and has been reviewed and accepted by the Planner, a Notice of Hearing will be mailed by prepaid First Class Mail to the Applicant and to every owner of land within 60 metres of the subject site not less than ten (10) days prior to the date the Application is scheduled to be heard. A Public Notice sign will also be sent to the Applicant for posting on the property which is subject to the application. A statutory declaration must be filed indicating that the sign was posted before the Committee proceeds to hear the application. Failure to do so may result in delays in the hearing of the application.

Hearing and Decision

The Applicant or Agent must attend the Hearing at the designated time and location and speak on behalf of the application answering any questions which the members of the Committee of Adjustment may have. These [Public Meetings](#) are open to the public and any interested party can appear before the Committee to present their views, in support or opposition, to an application.

A written decision will be forwarded to the Applicant within ten (10) days of the Hearing Decision. Any conditions imposed by the Committee form part of the Decision and must be met in a manner acceptable to the Committee before final certification can be issued.

Appealing a Decision of the Committee

Within twenty (20) days of the date of decision, any person may appeal the decision to the [Ontario Municipal Board](#) by filing the Notice of Appeal and the necessary \$125.00 fee with the Secretary-Treasurer for the Committee of Adjustment. This appeal must include the reasons for the appeal.

Making Presentations to the Committee

If you wish to appear at a Committee meeting to either support or oppose an application, there are a few rules to follow:

- When you arrive at the Council chambers, you should consult the agenda and wait for the application you are interested in to be called by the Chairperson. **Note:** there is a five minute rule so that all presentations are limited to five minutes or less.
- The first person to speak will be the applicant/agent who will briefly explain the proposal and answer any questions from the Committee members.
- The Committee will then hear views from any others who wish to speak for or against the application.
- The Applicant can then respond to the comments.

Township of Georgian Bluffs
177964 Grey Road 18,
Owen Sound, Ontario. N4K 5N5

MINOR VARIANCE APPLICATION

- **PRECONSULTATION IS NOW REQUIRED PRIOR TO FORMAL SUBMISSION OF APPLICATIONS FOR A MINOR VARIANCE.**
- The minor variance process will not commence until a 'complete' application is received. Incomplete applications will be returned to the Applicant.
- The Application should be filed with the Planning Office of the Township of Georgian Bluffs. A copy may be returned to the Applicant for their records.
- An accurate sketch or map is required. All measurements must be shown in metric units (imperial may also be given). **HARD COPY AND DIGITAL COPY MUST BE PROVIDED.**
- A Justification Report must also be provided for a complete application.
- Please type or print the information clearly on this legal document. For assistance in filling out this application, contact the Township Planning Department. A Commissioner is usually available at the Municipal Office, please call ahead.

I hereby submit this application for a minor variance to the Zoning By-law of the Township of Georgian Bluffs, in respect of the lands hereinafter described.

DECLARATION:

I, _____ of the _____,

in the _____ of _____ do solemnly declare:

- a) that I am the owner/the authorized agent of the owners of the lands hereinafter described (as per written verification attached);
- b) that, to the best of my knowledge and belief, all the information and statements given in this application and in all the exhibits transmitted herewith are true and accurate;
- c) it is understood and agreed that it will be my responsibility to reimburse the Township of Georgian Bluffs for any further costs, above _____ already paid, incurred and charged to the Municipality in connection with the application, (i.e. O.M.B. hearing, Legal or Engineering fees); and
- d) I (we) hereby authorize municipal planning staff and the municipality's agents to enter the property for the purposes of performing inspections and gathering information, without further notice, related to the processing of this application.

Declared before me at the _____ of _____ in

the _____ this _____ day of _____, 20____.

A Commissioner of Oaths

Signature of Owner(s)

Signature of Owner(s) or Agent

AUTHORIZATION

I, _____ (please print) am the registered owner of the lands subject to this application and I authorize _____ to make this application on my behalf.

Date: _____ Signed: _____

Witness to signature: _____

Additional fees are payable at the time of filing your application, unless notified
by the agency, or subject to other applications already in progress:

Minor Variance Application Fee for Conservation Authority Comments

❖ **Make cheque payable to the Grey Sauble Conservation Authority.**

Date received by Planner _____

Date of Preconsultation _____

Date application deemed complete by Planner _____

Signature of Planner or designate _____

MINOR VARIANCE APPLICATION

1. Name of Approval Authority: Township of Georgian Bluffs Committee of Adjustment

2. Registered Owner's Name: _____

Address: _____

Postal Code: _____

Email _____

Address: _____

Phone Number: (Bus.) _____ (Res.) _____

3. Authorized Agent's Name: _____

Address: _____

Postal Code: _____

Email Address: _____

Phone Number: (Bus.) _____ (Res.) _____

All correspondence should be sent to: Owner Agent Both

4. Name and Address of holders of any Mortgage, charges or other encumbrances in respect of the subject lands: _____

5. Legal Description of Subject Property: i.e. Lot/Concession/Registered Plan/Part/Reference Plan/Geographic Twp. (Keppel, Derby, Sarawak, Shallow Lake)

Municipal Address (911 #) _____

Assessment Roll No. _____

The following information must be complete and details may be provided in the attached 'Justification Report'.

6. Present Official Plan Designation _____

7. Current Zoning of Subject Property _____

8. Briefly describe the nature and extent of relief from the Zoning By-law for the Proposed Variance (i.e. relief for lot frontage, density, height, area, setbacks, etc.).

9. Reasons why minor variance is necessary:

10. Dimensions of Subject Lands (entire property):

Lot Frontage: _____ Depth of Side Lot Line: _____ Lot Area: _____

Width of Rear Lot Line: _____ Depth of Side Lot Line: _____

11. Present Use of Subject Property

Residential Farmland Seasonal Residential

Industrial Commercial Institutional

Other (specify) _____

Date of acquisition by current owner: _____

Length of time existing uses have continued: _____

12. List any existing Buildings or Structures on the Land

Type/Use of Buildings/Structures	Indicate All Yard Setbacks				Building Dimensions W x D x H	Date Constructed
	Front	Rear	Side	Side		
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

13. Proposed Use of Subject Property

Residential Farmland Seasonal Residential

Industrial Commercial Institutional

Other (specify) _____

14. List Proposed Buildings or Structures

Type/Use of Buildings/Structures	Indicate All Yard Setbacks				Building Dimensions W x D x H	Municipal Req't
	Front	Rear	Side	Side		
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

15. % of Lot Coverage: Present: _____ Proposed: _____
16. Existing Uses of Abutting Properties (including properties on opposite side of road allowance)
- North _____ South _____
- East _____ West _____

17. Types of Servicing – the property will be serviced by, please check appropriate box and provide details in Justification Report.

- Publicly Owned and Operated Potable Water System
- Private Well/Source, Type _____
- Other (e.g. Lake), please specify _____
- Publicly Owned and Operated Sanitary Sewage System
- Septic Tank and Tile Field
- Other (e.g. Lake), please specify _____

- A Public Road Owned and Maintained by the Local Municipality
- A Public Road Owned and Maintained by the County
- A Public Road Owned and Maintained by the Province
- Private Road
- Water Access Only - Information must be provided on parking and docking facilities to be used and the approximate distance of these facilities from the subject lands and the nearest public road.
- Other, please specify _____

Storm Drainage (details should be addressed in the Justification Report and/or sketch)

- Existing System
- New On-Site System
- New Area System

18. The Applicant is required to attach a **sketch** to each copy of the application, and/or in the Justification Report, which will include the following information:

- True dimensions, boundaries and shape of property, drawn to scale, of the subject lands.
- Full extent of other lands owned by the Applicant if abutting the Subject Lands, or in the Applicants opinion may affect the application.
- Approximate location, size and distance of existing and proposed buildings and structures from the front, rear and side yard lot lines.
- Location of any entrances, right-of-ways and easements affecting the lands.
- Location of all natural and artificial features (i.e. railways, highways, steep slopes, wetlands, watercourses, drainage, well, septic fields, hydro lines etc.)
- The use of adjoining lands.
- The location, name and status of roads (opened, unopened, private, seasonal).

JUSTIFICATION REPORT
Example Report for a Minor Variance (e.g. garage)
(Retain for your Records)

Purpose:

A garage is a usual and recognized accessory structure in a residential area. The By-law will need to be amended as the location of the proposed garage cannot meet the minimum 23 m setback required from the centreline of Grey Road 1.

Property Description and Background

The property is located at Pt Lot X, Concession X, Pt 2 of Plan 16R-1111 in the geographic Township of Keppel. Fire Number 111127 ABC Road

The location of the house dictates the location of the garage. Without a minor variance to the required setback, a garage could not be built because to meet the 23 m from the centerline of the road as it would be too close to the dwelling. Also, the topography of the lot makes this location the only logical area on the lot. If the garage was constructed any further back it would:

- be too close to the house and the existing deck
- be located in an area of the lot where the gentle slope of the lot drops off more steeply
- result in a number of trees having to be removed and maybe causing erosion;
- be located over buried utilities lines.

The proposed garage will have access to Grey Road 1 from the existing entrance.

Compliance with Policy

Official Plan

The Official Plan designation is Inland Lake and Shoreline Residential. The OP permits low density residential development in this area and that will not change with this application. A garage is a normal and permitted accessory use in a residential area.

Zoning

Section 4.9.3 of the By-law requires a 7.5 m setback and the proposed garage can comply with this setback. However, Section 4.17.3 requires a 23m setback from the centreline of the County road. A minor variance is required as the garage will only have a setback of 15 m from the centreline of the road.

Minimum Distance Separation requirement is 1000 feet and there are no barns within 1000 feet of the proposed development.

There is a wetland at the rear of the property but this Environmental Feature is not in close proximity to the building.

Stormwater/Drainage Plan

There would not appear to be any drainage issues on the lands as the existing culverts and drains will accommodate the proposal.

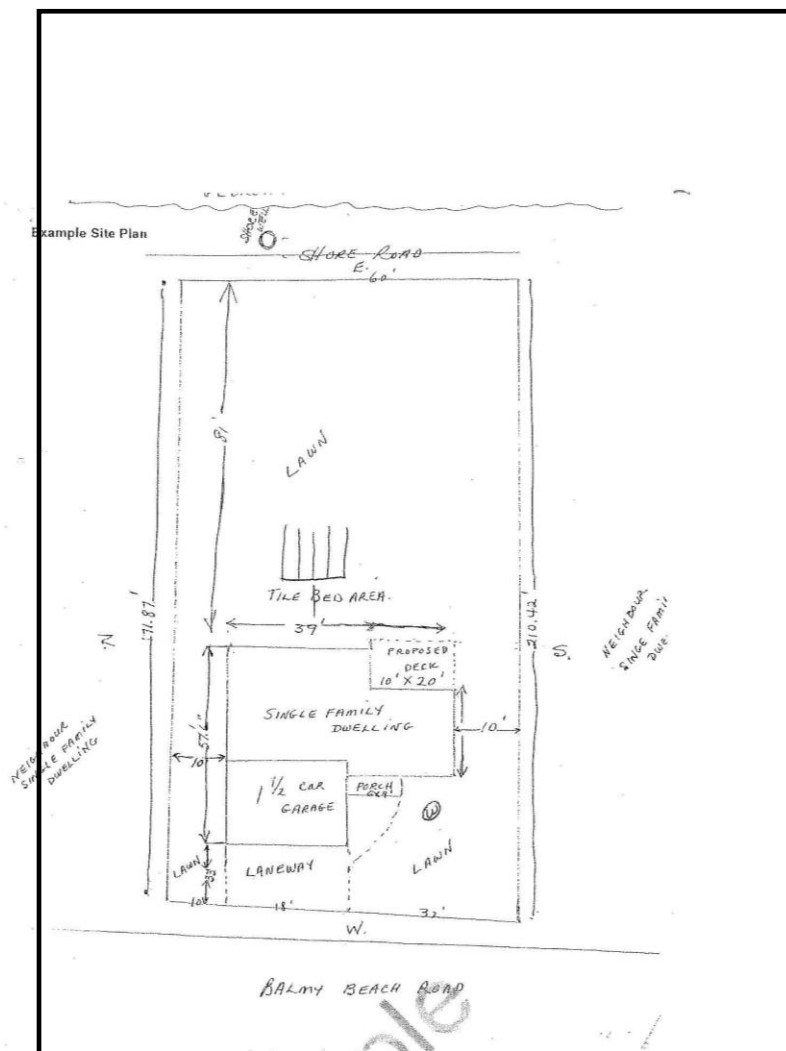
Servicing

The garage does not require water or hydro. The septic system was new in 2000 and the garage is 25 feet from the tile bed. The lands can accommodate the development with the servicing proposed.

Summary

In summary the proposal would appear to be consistent with the policies of the Official Plan and generally meets the intent of the Zoning Bylaw. No negative impact would be experienced by abutting properties as a result of the development proposed.

The detailed site plan attached to the Application shows that all other provisions of the Bylaw are met.



Sketch must be reproducible.
Please do not use pencil.