

Instructions for Minor Variance Application

PLEASE DETACH AND RETAIN THE FIRST TWO PAGES FOR FUTURE REFERENCE

If you require this form in an alternative format, please contact Lambton Shores at planning@lambtonshores.ca or 519-243-1400 / 1-866-943-1400 Ext. 8410.

BACKGROUND INFORMATION

This process pertains to an application for minor variance pursuant to Section 45 of the *Planning Act*. Prior to the Municipality processing the application, it is required that a copy of the attached application form be completed including the required sketch(es) and processing fee, as per the Municipality's Fees and Charges By-law.

Please note:

- The application must be completed in metric units.
- The Municipality may require that an Ontario Land Surveyor verify the measurements provided.
- The receipt of inaccurate information may cause delays in the processing of this application.
- Additional information may be required by the Committee of Adjustment prior to a decision being issued.
- Any external consultants' costs that the municipality may incur as a result of the review of this application will be the responsibility of the applicant as noted on page 4 of this application.

APPLICATION SUBMISSION

Please submit the application, sketch(es) and fee to:

Planning and Development Services
Municipality of Lambton Shores
9577 Port Franks Road
Thedford, ON N0M 2N0

Ken Bulgin, Planner
519-243-1400 Ext. 8512
Email: kbulgin@lambtonshores.ca

Sami Ferwati, Planner
519-243-1400 Ext. 8311
Email: sferwati@lambtonshores.ca

APPLICATION PROCESS

Step 1	Consult with Planning Staff: Applicants are encouraged to meet with Staff prior to submitting an application.
Step 2	Application submission: Complete the attached application form and include the submission of the required sketch(es) and processing fee.
Step 3	Complete application accepted: The file is opened and timelines for processing are established.
Step 4	Notice of Hearing: The application is circulated to the public, outside agencies and staff. The public circulation applies to every property assessed within 60 metres of the subject land and to every person and public body that has provided a written request for such notice. A "Planning Notice" sign is erected on the subject property.
Step 5	Planning Evaluation Report: Staff undertakes an evaluation of the application using the relevant planning policy documents and Comprehensive Zoning By-law. A recommendation is provided to the Committee of Adjustment, including conditions of approval (if applicable).
Step 6	Public Meeting: Completed applications are heard by the Committee of Adjustment, the 4th Wednesday of the month, following the circulation period, as per the <i>Planning Act</i> , noted in Step 4. It is recommended that the applicant or authorized agent attend the meeting to explain the reasons for the application; if you do not attend, the Committee may proceed in your absence. The Committee will consider your application as well as recommendations from staff and outside agencies. Members of the public will be given an opportunity to speak to the application.

Step 7	Notice of Decision: Within 10 days of the Committee making its decision, the Secretary-Treasurer of the Committee will send the decision to the applicant or authorized agent and others who filed a written request for notice of the decision. The Notice of Decision will outline the appeal process and identify the last day for filing an appeal to the Municipal Clerk.
Step 8	Planning Notice: The Planning Notice sign can be removed from the subject property.
Step 9	A Final and Binding Decision: If no appeal is made by the end of the 20th day appeal period, the decision is final and binding. A Notice of No Appeal will be issued to the applicant or authorized agent. If the application was approved by the Committee, the applicant or authorized agent should (subject to the fulfillment of any conditions set out in the final decision) be in a position to apply for a building permit or be in compliance with the Zoning By-law.

APPEAL TO THE ONTARIO LAND TRIBUNAL	
If an application is made for a minor variance and the Committee of Adjustment fails to make a decision within 90 days after the day the application is deemed complete by staff, the applicant may appeal to the Ontario Land Tribunal (OLT) with respect to the minor variance application. A decision of the Committee of Adjustment can be appealed to the OLT within 20 days of the date of the Notice of the Decision by e-filing with the Ontario Land Tribunal through registering for MyOntario Account https://signin.ontario.ca or you can file with the Secretary-Treasurer of the Committee of Adjustment a Notice of Appeal to the Clerk with the required forms, downloadable from the OLT website (https://olt.gov.on.ca/). The appeal must set out the reasons for objecting to the decision following the OLT’s procedure, and must include the prescribed processing fee. The Clerk will then prepare an appeal package and forward it to the OLT. The OLT will schedule a hearing and give written notice of the time and date in advance of the hearing.	

Minor Variance Application

PURSUANT TO SECTION 45 OF THE *PLANNING ACT*

FOR OFFICE USE ONLY

DATE RECEIVED: _____

HEARING DATE: _____

1. Applicant information

Registered owner(s) of the subject land

Name:

Address:

Town:

Postal Code:

Phone:

Cell:

Fax:

Email:

Authorized agent (authorized by the owner to file the application, if applicable)

Name:

Address:

Town:

Postal Code:

Phone:

Cell:

Fax:

Email:

2. The date of the application:

3. Current Official Plan land use designation:

4. Current Zoning:

5. Describe the nature and extent of the relief from the Zoning By-law (what is being varied):

6. Provide reasons why the proposed use cannot comply with the provisions of the Zoning By-law:

7. Description of subject land		
Geographic Township:	Concession(s):	Lot(s):
Registered Plan:	Lot(s):	
Reference Plan:	Part(s):	
Street Address:	Municipal Roll Number:	

8. Dimensions of subject land (in metric units)		
Frontage:	Depth:	Area:

9. Access to subject land	
Provincial Highway:	County Road:
Municipal Road:	Other Public Road:
Right of Way:	Water:

Item 9 to the Schedule of Ontario Regulation 544/06 applies only if access is by water.

10. Describe all existing uses of the subject land?

11. Please indicate whether there are any existing buildings or structures on the subject lands?						
Yes* ☐ No ☐						
*If yes, please complete the following table indicating the types of buildings and structures, including date of construction, that currently exist on the lot and the specified measurements (in metric units):						
Type of Building / Structure	Date of construction	Distance from front lot line	Distance from rear lot line	Distance from side lot lines	Height	Floor Area

12. Describe all proposed uses of the subject land?

13. Please indicate whether any buildings or structures are proposed to be built on the subject land?

Yes* ☐ No ☐

*If yes, please indicate the type of buildings or structures proposed on the subject land and the specified measurements (in metric units):

Type of Building / Structure	Distance from front lot line	Distance from rear lot line	Distance from side lot lines	Height	Floor Area

14. Please indicate the date when the subject land was acquired by the current owner?

15. Please indicate the length of time that the existing uses of the subject land have continued?

16. Water Supply: Water supply is provided to the subject land via?

☐	publicly owned and operated piped water system	☐	lake or other water body
☐	privately owned well or communal well	☐	other (please specify) _____

17. Sewage Disposal: Sewage disposal is provided to the subject land via?

☐	publicly owned and operated sanitary sewage system	☐	privy
☐	privately owned individual or communal septic system	☐	other (please specify) _____

18. Storm Drainage: Storm drainage is provided to the subject land via?

☐	storm sewers	☐	swales
☐	municipal drainage ditches	☐	other (please specify) _____

19. Is the subject land the subject of:

An application for approval of a Plan of Subdivision under the *Planning Act*?

*If yes, provide the following: File No. _____ Status _____

Yes* ☐

No ☐

An application for an application for Consent under the *Planning Act*?

*If yes, provide the following: File No. _____ Status _____

Yes* ☐

No ☐

20. Please indicate whether the subject land has previously been the subject of an application for Minor Variance?

Yes ☐ No ☐

21. This application must be accompanied by a sketch showing the following information. Failure to supply this information will result in a delay in processing the application. Please fill out the checklist below to ensure you have included all the required information.

- ☐ The boundaries and dimensions of the subject land.
- ☐ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings and structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- ☐ 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 (for example buildings, railways, roads, watercourses, drainage ditches, rivers or stream banks, wetlands, wooded areas, wells and septic tanks)
- ☐ The current uses on land that is adjacent to the subject land.
- ☐ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- ☐ If access to the subject land will be by water only, the location of the parking and docking facilities to be used.
- ☐ The location and nature of any easements affecting the subject land.

MUNICIPAL COSTS

Please be advised that the municipality may incur expenses associated with obtaining outside legal/ engineering/planning review/assistance from its consultants, relating to the application. Any expenses that the municipality incurs in this regard will be forwarded to the applicant, for payment.

I, _____, (the applicant) acknowledge that I will pay all legal/engineering/planning expenses the municipality incurs as outlined above.

Signature

Date

AGENT AUTHORIZATION (*Please complete for an agent to act on behalf of the owner of the subject land.)

I, _____, being the owner of the property described in

(Name)

Section 1 of this application for Minor Variance, hereby authorize

(Agent)

to act as my agent in matters related to this application for Minor Variance.

Dated this _____ day of _____ 20 ____

Owner

STATUTORY DECLARATION

I , _____ of the _____
(Name) (Name of City, Town, Township, Municipality, etc.)

in the _____
(Name of County, Region or District)

SOLEMNLY DECLARE THAT
The information provided in this application as required under Section 45 of the *Planning Act* and Ontario Regulation 200/96 is true.
AND I make this solemn Declaration conscientiously believing it to be true, and knowing that is of the same force and effect as if made under oath.

Declared before me at the _____

of _____ in the _____

this _____ day of _____ 20 _____

A Commissioner of Oaths

Applicant or Authorized Agent*