



## GUIDE TO A MINOR VARIANCE APPLICATION

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A minor variance is applied for whenever you wish to construct, renovate, or alter a building or structure in any way that does not meet the requirements of the Township's Zoning By-law. For example, you may want to construct a building on your property but the minimum setbacks, lot coverage or height cannot be met. A minor variance allows for a minor change from the requirements a zoning by-law. A minor variance is also required if you wish to expand or change a use that is considered "legal non-conforming".

A minor variance does not change the zoning of a property. It will only allow for minor relief from specific requirements of the by-law in order to obtain a building permit.

The Committee of Adjustment is the approval body for Minor Variances in the Township of Algonquin Highlands. As part of their review, the Committee must be satisfied that the minor variance will meet the following tests as outlined Under Section 45(1) of the [\*Planning Act\*](#):

1. Does the application conform to the general intent of the Official Plan?
2. Does the application conform to the general intent of the Zoning By-law?
3. Is the application desirable for the appropriate development of the lands in question?

When a minor variance application is considered complete, the staff and Committee look at what is called the "tests" of a minor variance according to the *Planning Act*. These are points you should consider in your explanation to Committee of why you feel your application should be granted. These include:

- (1) Does the application meet the intent of the Official Plan of the Township? For example,
  - a. Is the use in keeping with the policies of the Official Plan?
  - b. Is the application considerate of the surrounding environment, both natural and manmade?
- (2) Does the application meet the intent of the Zoning By-law of the Township? For example,
  - a. What is the purpose of the requirement for which a variance is being applied?
  - b. Is the purpose of that requirement still being maintained if the variance is granted?
- (3) Is the application considered minor in nature? For example,
  - a. How it impacts the area/neighbourhood?
  - b. How it impacts the subject land?
  - c. Not always considered on the numeric value
- (4) Is the application appropriate? For example,
  - a. Is the application in keeping with the area?
  - b. Does it permit development that is good for the Township?
  - c. Does the variance allow proper use of the property?

In order for the Committee to consider approval, the minor variance application must meet all of the tests. Any proposal not considered "minor" may proceed through the Zoning By-law Amendment process, which is considered by Council.

### **General Minor Variance Process**

- (1) In order to ensure timely processing of an application, please contact the Planning Department for a pre-consultation meeting.
- (2) Applicant submits application to the Planning Department, including form, sketches, fee and deed.
- (3) Planning Department staff process the application and circulate notice to prescribed agencies and neighbours within 60 metres (200 feet) a minimum of ten (10) days prior to the hearing. Staff post a Notice of Hearing sign on the property as per the *Planning Act* which also assists those conducting site inspections. The Notice of Hearing sign must remain on the subject lands until the Committee of Adjustment Hearing.
- (4) Any agency or public comments are sent to the application prior to the Hearing.
- (5) Committee of Adjustment Hearing – The Committee, the applicant, reviews the proposal and all reports and other parties may make presentation to Committee and a decision is made.
- (6) A twenty (20) day period follows the decision during which appeals can be made.
- (7) If not appealed and if approved, applicant must fulfill any conditions of approval prior to issuance of a building permit.
- (8) If appealed, the file is sent to the Ontario Municipal Board (OMB), who will hold a new Hearing.
- (9) Personal information contained on this form is collected under the authority of the Planning Act, R.S.O., 1990, Chapter P.13, as amended and will be used for the processing of this Minor Variance application.

Should you have any questions, please contact the Planning Department at 705 489 2379.