



# **A GUIDE TO THE MINOR VARIANCE PROCESS**

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**1. WHAT IS A MINOR VARIANCE AND WHO APPROVES VARIANCES?**

A variance is the relief from the terms of a zoning by-law where a proposed use or structure does not conform exactly with the zoning by-law, and/or any by-law that implements the City's Official Plan. The Committee of Adjustment can also approve the expansion of a non-conforming use and similar uses.

The approval of minor variances rests with the City's Committee of Adjustment (Committee). The Committee of Adjustment currently consists of seven appointed members of Council.

**2. WHERE DO I GO FOR A LAND SEVERANCE?**

The application form is available at each Service Centre. Before you apply for a minor variance you should consult with municipal staff of the Development Services Department - Planning Division. They will explain the process, how to apply, what supporting material you must submit (e.g. sketches, plans), if there are any requirements for special studies set out in the official plan, and what other permits and approvals may be required.

**3. WHAT IS THE PROCESS FOR A VARIANCE APPLICATION?**

(Please see attached FIGURE 1)

Before you apply for a variance you should consult with municipal staff of the Development Services Department – Planning Division. They will be able to explain to you the process, how to apply, what supporting material you must submit (e.g. sketches, plans, building location survey), if there are any requirements for special studies set out in the Official Plan and Zoning By-Law and what other permits (building permits) and approvals may be required.

When applying for a variance, there is a fee for processing the application. For the appropriate fee please refer to the City of Kawartha Lakes "Planning Application Fees" list. As an applicant, you will be required to fill out a variance application form. The more accurate the information provided, the less likely that delays will occur in the review.

If your application is incomplete or you do not provide all the information required, your application will not be accepted until it is complete. Also, the 30 day time frame for making a decision does not begin until all the prescribed information is received. The Committee, through local newspapers or by mail, must give notice of an application at least 10 days in advance of a public meeting to all property owners within 60 metres of the subject property. Any person or public body may submit opinions/concerns to the Committee.

When the Committee has reached a decision on your application, it is required to send a Notice of Decision, within 10 days of the decision being made, to the applicant and any person or public body who attended the meeting and requested, in writing, to be notified. When a decision is made, a 20 day appeal period follows. Any appeal is forwarded to the OMB forthwith.

**4. HOW IS THE VARIANCE APPLICATION EVALUATED?**

When the Committee considers a variance application, four tests are applied to determine if the variance should be approved. The four tests are:

- Is it in keeping with the general purpose and intent of the Official Plan?
- Is in keeping with the general intent and purpose of the Zoning By-Law?
- Is it appropriate and desirable for the area? and
- Is it minor?

## 5. WHAT ABOUT CONDITIONS OF VARIANCE APPROVAL?

A variance approval may have certain conditions attached such as requirements for landscaping, other buffering, or any other condition the Committee feels is appropriate. In every instance, there is a condition requiring that a **variance be completed within 18 months** of the decision. Be aware that **any approval given applies to what was applied for**.

## 6. RIGHTS OF APPEAL

Decisions of the Committee may be appealed to the Ontario Municipal Board (OMB) and can be made in two different ways:

1. The applicant may appeal if the Committee makes no decision within 30 days from the date of receipt of a completed application.
2. Any person or public body may appeal the Committee's decision and any condition within 20 days of the date of the Committee's decision.

Appeals must be filed with the Secretary of the Committee of Adjustment, accompanied by reasons for the appeal and the fee required by the OMB.

The OMB is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters.

Applicants are responsible for the costs of third party OMB appeals and peer reviews. Deposits of \$2,000.00 are required upon receipt of an appeal and/or the request for peer review.

## 7. WHAT OTHER APPROVALS MAY BE REQUIRED?

In addition to the planning approvals and building permit, which are needed for a building project, there are other permits and approvals required in particular circumstances. For example, in cottage areas, a permit may be required from the Ministry of Natural Resources, the appropriate Conservation Authority or Trent-Severn Waterway before you do any construction at the water (i.e. retaining wall, a dock or boathouse). Staff will assist you in determining which Conservation Authority is involved together with the appropriate fee.

The Haliburton, Kawartha, Pine Ridge District Health Unit will be circulated where development is proposed on either partial or private services, which involves servicing by private well and septic

systems not subject to Ministry of Environment approval. The applicant should contact the Health Unit at 705- 324-3569 for the appropriate application fee. The Health Unit will not provide comments on the development application to the City until the application fee has been received and may also charge additional review fees beyond the application fee.

## **8. REQUIRED INFORMATION**

The information required for a complete application is outlined on the attached Minor Variance Application form.

## **9. FURTHER INFORMATION**

This brochure is intended to provide general guidance only to the variance process. For more specific information related to individual applications please contact the Development Services Department – Planning Division at (705) 324-9411 Ext. 1231.

### **Hours of Operation:**

8:30 a.m. to 4:30 p.m., Monday to Friday, statutory holidays excepted.

### **Appointment with Staff:**

Appointments with staff may be made by contacting the Development Services Department – Planning Division between 8:30 a.m. and 4:30 p.m. at (705) 324-9460 Ext. 1231. The offices are located at 180 Kent Street West, 2<sup>nd</sup> Floor, Lindsay, Ontario, K9V 2Y6.

### **Please Note:**

This brochure is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, Growth Plan, the relevant Official Plan policies, Zoning By-Laws, and other by-laws for definitive requirements and procedures.

**FIGURE 1**  
**MINOR VARIANCE APPROVAL PROCESS**

