



**A GUIDE TO THE MINOR
VARIANCE PROCESS**

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

A **variance** is the relief from the terms of a Zoning By-Law where a proposed use, building or structure does not conform exactly to the Zoning By-law, and / or any By-Law that implements the County of Hastings **Official Plan**. The same application form may be used to request the expansion of a non-conforming use, creation of similar uses, and/or creation of a use which conforms more to the current Zoning By-Law than the present non-conforming use.

The approval of a minor variance rests with the Township of Faraday's Committee of Adjustment (Committee). The Committee can also approve the expansion of a non-conforming use and similar uses. The Committee currently consists of three members of the public as appointed by Council.

2. WHERE DO I OBTAIN A MINOR VARIANCE APPLICATION FORM?

The Application for Minor Variance is available at the Township of Faraday Municipal Office located at 29860A Hwy 28 South, Bancroft, Ontario, K0L 1C0

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

As this is your application, you are responsible for its accuracy and applying for the correct relief. If your application is incomplete or you do not provide all of the required information, your application will not be accepted and returned to you. Before you apply for a variance, you should arrange a meeting with Staff to assess the merits of the proposed variance and discuss your potential application. Staff 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 (e.g. Building Permits) and approvals may be required.

There may also be approvals required from the Crowe Valley Conservation Authority.

The non-refundable fee for processing the application is \$300.00.

As an applicant, you will be required to fill out the Minor Variance Application Form. The more accurate the information provided, the less likely that delays will occur in the review.

A legislated 30 day time frame for rendering a decision begins once all the prescribed information is received. Once your application is complete, a Public Meeting date will be arranged.

Your application will be circulated for comment to any internal Departments and External Agencies (e.g. Conservation Authority) that may have an interest in the application.

The Committee, through mail, is legislatively required to 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. As part of the legislative requirements an advisory sign must be posted upon the subject property at least 10 days before the public meeting. The Township of Faraday will provide a sign to the applicant.

The applicant is responsible for posting the sign, placing it correctly, and marking the location of the requested variance on the property with Coloured Ribbon.

4. HOW IS A MINOR VARIANCE APPLICATION EVALUATED?

Staff shall visit the subject property prior to writing a Committee of Adjustment Report with their recommendations. The applicant and the Committee receives a copy of the report at the Public Meeting. When the Committee considers a Minor Variance Application, four tests are applied to determine if the variance is minor in nature and should be approved. The four tests are:

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

Any person or public body may submit opinions / concerns to the Committee in writing or in person at the public meeting. Written opinions / concerns may be submitted to the Committee prior to the meeting. These comments are considered by the Committee prior to the rendering its decision.

5. COMMITTEE DECISION AND CONDITIONS OF APPROVAL?

When the Committee has reached a decision on your application, it is required to issue a Notice of Decision. A Notice of Decision issued for minor variance that are granted usually contains conditions.

A minor variance approval may have certain conditions attached such as requirements for landscaping, buffering, or any other condition the Committee feels is appropriate. As the circumstances for each variance are unique, the conditions for each variance will vary. However, most minor variances receive a condition requiring that the construction related to the minor variance application be completed within a specific time frame of the Notice of Decision being given. Be aware that any approve given only applies to what was applied for including the footprint noted in the sketch.

6. RIGHT OF APPEAL

Within 10 days of the Notice of Decision the applicant and any person or public body who submitted written comment prior to the public meeting or attended the meeting and requested, in writing, to be notified shall receive a copy of the Notice of Decision.

When a decision is made, an appeal to the Ontario Municipal Board (OMB) may be submitted. The OMB is an independent administrative tribunal responsible for hearing land use planning appeals. Any person or public body who submitted written comment to the committee and/or spoke at the public meeting is entitled to file an appeal.

Decisions of the Committee may be appealed to the OMB in two circumstances:

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/or any condition within 20 days from the date of the Committee's decision.

Appeals must be filed with the Secretary-Treasurer of the Committee of Adjustment, accompanied by reasons for the appeal and the fee required by the OMB. Any appeal is forwarded to the OMB within 15 days of the end of the appeal period.

Applicants are responsible for all costs associated with third party OMB appeals and municipal peer reviews and background reports.

7. WHAT OTHER APPROVALS AND REVIEW FEES MAY BE REQUIRED?

A minor variance that is granted only permits the applicant relief under the Zoning by-Law. Additional approvals, such as a building permit for a building project are still required. For a building project, other permits and approvals are required in particular circumstances. For example, in cottage areas, a permit may be required from the Ministry of Natural Resources, and/or the Crowe Valley Conservation Authority before any construction takes place at, near, or in the water (i.e. retaining wall, a dock or boathouse).

Please note that the Crowe Valley Conservation Authority and Building Department may charge additional review / permit fees beyond the minor variance application fees.

8. FURTHER INFORMATION

This brochure is intended to provide general guidance only to the minor variance application process. For more specific information related to the minor variance application process please contact the Township of Faraday Municipal Office at 613-332-3638.

Hours of Operation:

8:30 a.m. to 4:30 p.m., Monday to Friday, (except Statutory Holidays).

Appointment with Staff:

Appointments with staff may be made by contacting the Township of Faraday Municipal Office between 8:30 a.m. and 4:30 p.m. at 613-332-3638. The office is located at 29860A Hwy 28 South, Bancroft, Ontario, K0L 1C0

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 Statement, Growth Plan, the relevant Official Plan Policies, Zoning By-Laws, and other By-Laws for definitive requirements and procedures.

