

A GUIDE TO MINOR VARIANCES / PERMISSIONS



Infrastructure and Planning Department

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1.0 Introduction

This document is intended to provide guidelines for the public, property owners, builders and the municipality that will assist in the preparation, submission, review, and approval of new developments in the City of Clarence-Rockland.

A “minor variance” is a minor change to a performance standard set out in the City’s Zoning By-law, granted by the Committee of Adjustment. Applying for a minor variance is a method to seek relief when hardship or circumstances make it difficult to meet the standards set out in the Zoning By-law. Minor variances cannot add a use that is not permitted under the Zoning By-law that would require a “Zoning By-law Amendment”. Note, in certain instances a “permission” under Section 45(2) of the *Planning Act*, (*ie. for a change of non-conforming use and enlargements*) could be considered under this process.

These guidelines are provided to assist a proponent to understand the City’s requirements and the types of issues that will be reviewed for approval.

2.0 Minor Variance Approval Process

2.1 Major Steps

2.1.1 Pre-Consultation with the City’s Planning Staff

Applicants are advised to request a pre-consultation meeting with a municipal planner prior to the submission of an application. During the pre-consultation meeting, a planner will help the applicant specify the variance or variances required and whether it is of their opinion that the variance requested would meet the four tests. Applicants may also use the pre-consultation meeting to ask any questions they have regarding the minor variance or permission process and receive assistance to fill out their application form.

2.1.2 Submit a Complete Application

The applicant submits a complete application including a cover letter or planning rationale, required information identified during the pre-consultation meeting (*ie. up-to-date survey plan, site plan, building*

elevations, etc.) the required fees and a copy of the Deed of Land. The application will then be reviewed by the Secretary Treasurer to ensure that the application is complete and all the required information was provided.

2.1.3 Circulation of Application

Once the application is deemed complete, and at least 10 days before the meeting, the Secretary-Treasurer of the Committee of Adjustment will send a notice of the application to neighbors within 60 meters of the subject property, and any person or public body that made a written request to be notified. A notice sign will also be placed on the property by a company, and will be removed by the company after the public meeting.

The application will also be circulated to prescribed agencies and to the City's Departments in order to obtain comments and conditions to take into consideration when making a recommendation on the application.

2.1.4 Approval by the Committee of Adjustment

The Committee of Adjustment is the approval authority for consents, minor variances and permissions. The Committee carefully considers all aspects of the application, which includes:

- Whether the request maintains the general intent and purpose of the Official Plan;
- Whether the request maintains the general intent and purpose of the Zoning By-law;
- Whether the request is considered minor, and,
- Whether the request is desirable for the appropriate development of land.

Note in addition to these four 'tests' all planning decisions shall also be consistent with the Provincial Policy Statement.

A report will be prepared by a municipal planner and presented at the public meeting, followed by a recommendation to the Committee based on whether the concerns have or can be addressed. If the application is approved, the Committee of Adjustment may impose or remove conditions as part of the decision.

2.1.5 Notice of Decision

A notice of decision will be mailed to the applicant and anyone who filled a written request for notice of decision or provided written comments within 10 days of the date on which the Committee of Adjustment made a decision.

NOTE: There is a 20 day appeal period following the decision.

2.1.6 Final Decision

If no appeals are made by the end of the 20 day appeal period, the decision is final and binding.

2.2 Processing Times

1. Notice of Complete Application and Public Notice
 - a. Time Frame: within 1 week of receiving a complete application
2. Approval by the Committee of Adjustment
 - a. Time Frame: within 30 days of receiving the application
3. Notice of Decision
 - a. Time Frame: within 10 days of the Committee's decision
4. Final Decision
 - a. Time Frame: 21 days after the decision is made

The total processing time, from the submission of a complete application to the decision becoming final is approximately 6 – 10 weeks, assuming no appeal to the Local Planning Appeals Tribunal (LPAT).

3.0 Fees

3.1 Application Fees

- Minor Variance / Permission
\$700.00/application*
- South Nation Conservation(If located in the South Nation Watershed)
\$350.00/application

* A 10% discount is applied if it is concurrent with another application (i.e. consent)

Need more information or have any questions?

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