

Town of The Blue Mountains Minor Variance Application Package



Secretary-Treasurer, Committee of Adjustment
Town of the Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, Ontario N0H 2P0
Tel.: (519) 599-3131
Fax: (519) 599-7723
Email: planning@thebluemountains.ca

NOTICE TO ALL APPLICANTS FOR MINOR VARIANCE TO THE TOWN OF THE BLUE MOUNTAINS COMMITTEE OF ADJUSTMENT

1. It is ***strongly recommended*** that all applicants consult with Planning Services prior to preparing and submitting a minor variance application. This consultation will provide an opportunity to discuss the proposal with Planning Staff and to determine specific application requirements including any additional reports/studies that may be required. Pre-consultation application forms can be found on the Town of The Blue Mountains website at the following link: <https://www.thebluemountains.ca/development-applications.cfm>. Please return the completed form to planning@thebluemountains.ca and a meeting date will be scheduled within approximately ten (10) business days.
2. Application fees are due at the time of submission and are required for a complete application. Fees may be paid by cash, debit card, or by cheque made payable to "Town of The Blue Mountains". For up-to-date application fee information please visit <https://www.thebluemountains.ca/development-applications.cfm>.
3. A separate application review fee may be required by the Conservation Authority if the subject property is within a regulated area. To determine if your property is within a regulated area please visit:

The Nottawasaga Valley Conservation Authority Permit Information:
<http://www.nvca.on.ca/planning-permits/forms-fees>.

The Grey Sauble Conservation Authority Permit Information:
<http://www1.greysauble.on.ca/planning-regulations/planning-regulations-introduction/>.
4. If your property is within the Development Control area of the Niagara Escarpment Plan, you will need separate approval from the Niagara Escarpment Commission, ***prior to*** applying for Minor Variance. To determine if your property is within the Niagara Escarpment Plan Area, please visit: www.escarpment.org/DevelopmentPermits.
5. Please be aware that the applicant is responsible for including all necessary minor variance requests in the application submission.

**INSTRUCTIONS AND INFORMATION REGARDING THE MINOR VARIANCE PROCESS
PLEASE READ ALL OF THIS INFORMATION PRIOR TO SUBMITTING YOUR APPLICATION**

What is a Minor Variance?

The Town’s Zoning By-law regulates the use of land within the Municipality by establishing zones which permit specific types of land uses. The Zoning By-law also applies rules to each zone outlining provisions regarding building setbacks and lot coverage. A “minor variance” allows for ***minor*** relief from the prescribed requirements of the land use zone, subject to review and approval by the Committee of Adjustment.

Submitting Your Application

Before submitting an application for minor variance, it is strongly recommended that you contact Planning Services to discuss your proposal. This consultation will allow staff to identify complete application requirements, the associated fees, and an approximate timeline for processing the application. Pre-consultation application forms can be found on the Town of The Blue Mountains website at the following link: <https://www.thebluemountains.ca/development-applications.cfm>. Please return the completed form to planning@thebluemountains.ca and a meeting date will be scheduled within approximately ten (10) business days.

The standard requirements for a complete minor variance application are listed on the application checklist on page four (4) of this package. If the application is submitted by a property owner, all property owners must sign the application forms. If the application is signed by an agent on behalf of an applicant, the attached agent authorization form must accompany the submission. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation’s seal (if any) must be affixed.

Please take note that “**DECLARATION OF OWNER OR AUTHORIZED AGENT**” section of the application must be signed in the presence of a Commissioner of Oaths. The Town provides this service free of charge, provided the application is submitted in person.

The complete application package and fees should be submitted to:

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Applications may also be submitted electronically by sending the completed application to planning@thebluemountains.ca. Note that the fees must then be forwarded and the application processing will not start until the fees are received.

Please note that the application form, signatures and site sketch must be fully completed and legible in order to be processed. Failure to provide complete or legible information will result in a delay in processing the application.

After Submitting Your Application

Once your application has been submitted, Town of The Blue Mountains planning staff will review the submission. The application will not be processed unless all required information is provided.

It is important to consider that commenting agencies have their own requirements and may require separate planning review fees and/or additional reports or studies in order to process the application. Pre-consultation with planning staff will help to identify any of the additional information or fees required to process the application.

Notice of Public Hearing

Notice of Public Hearing will be sent out a minimum ten (10) days prior to a decision being made by the Committee of Adjustment. The Notice of Public Hearing will be circulated to adjacent property owners, as well as municipal departments, and public agencies. Any person or public body may provide comments on the proposed minor variance application.

Town staff will prepare a notice sign that the applicant is responsible for posting on the subject land. The sign must be placed in a conspicuous location on the land effected by the application and must be visible at all times. ***It is mandatory that this notice be posted.*** If the notice sign is not posted, review and processing of the application will be delayed. The application will be assigned a file number when it is received; please refer to this file number for all correspondence with the Municipality.

The Public Hearing

The Public Hearing will normally be held within thirty (30) days of receiving your application. The Committee of Adjustment will hear all comments which have been forwarded to the attention of the Secretary-Treasurer at the Public Hearing. Anyone attending the Public Hearing in person will be given the opportunity to address the Committee. **It is strongly recommended that the applicant attend this meeting** in order to address any questions or concerns that may be asked by members of the public or of the Committee. A decision on the file will be made at the Public Hearing.

Besides considering the site-specific aspects of the application, the Committee will also use the following criteria to evaluate the application and reach its decision:

- Is the variance minor?
- Is it desirable for the appropriate development or use of the land, building or structure?
- Does the request maintain the general intent and purpose of the Official Plan?
- Does the request maintain the general intent and purpose of the Zoning By-law?

If your application is approved, the Committee may impose conditions as part of its decision.

The Decision of the Committee of Adjustment and Notice of Decision

The Committee of Adjustment will consider all comments received from commenting agencies, members of the public, and the recommendations contained in a municipal planning recommendation report. Committee may decide to grant the request, deny the request, or defer the application to a later date. A "Notice of Decision" will be forwarded to the applicant and all required parties within ten (10) days following the decision.

Appeals

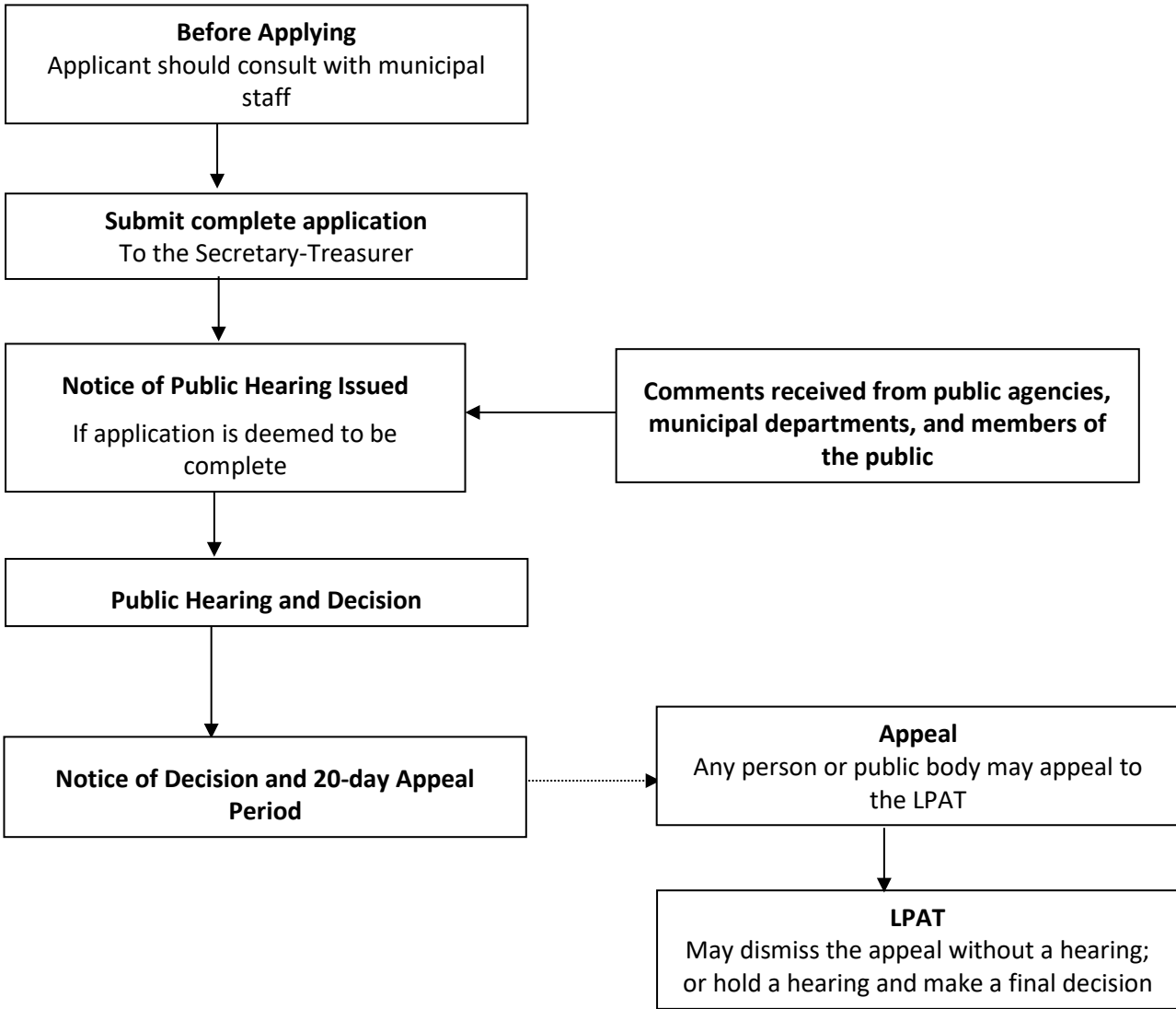
Once the "Notice of Decision" is completed there is a 20-day appeal period that must be completed before the decision becomes final and binding. During the appeal period any person or public body may appeal the decision of the Committee to the Local Planning Appeal Tribunal by filing a notice of appeal with the clerk of the municipality.

To file an appeal, a duly completed appellant form and a letter outlining the reasons of the appeal must be forwarded to the Office of the Clerk of the Town of The Blue Mountains, together with a cheque payable to Minister of Finance in the amount of \$300.00.

Appellant forms can be obtained on the Environmental and Land Tribunals Ontario website at the following link: <http://elto.gov.on.ca/tribunals/lpat/forms/>.

After completion of the 20-day appeal period, the applicant will be provided a notice stating that either no appeals were received or that the application has been appealed to the Local Planning Appeal Tribunal.

MINOR VARIANCE PROCESS



MINOR VARIANCE Submission Checklist

- Application Fee
- Application Form (Complete and Executed)
- Agent Authorization Form (Complete and Executed)
- "Permission to Enter" Form (Complete and Executed)
- One (1) copy of a fully dimensioned and scaled site plan in metric units, which includes the following information:
 - i) The boundaries and dimensions of the subject land;
 - ii) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line, and the side yard lot lines;
 - iii) 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. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
 - iv) The current uses on land that is adjacent to the subject land;
 - v) 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;
 - vi) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - vii) The location and nature of any easement affecting the subject land.
- Additional information as required through the Pre-Consultation process;
- In some cases, additional information may be helpful in assessing an application. You are encouraged to submit photographs, a letter of justification or other relevant documentation with your application.

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APPLICATION FOR MINOR VARIANCE

FOR OFFICE USE ONLY

APPLICATION RECEIVED (date) _____ VARIANCE FILE NO: A_____ / _____

NOTE: The undersigned hereby applies to the Committee of Adjustment for the Town of The Blue Mountains under Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13., for relief, as described in this application from By-law No. 2018-65, as amended, being the Comprehensive Zoning By-law of the Town of The Blue Mountains.

1. (a) **Name of Registered Owner:** _____

Address: _____

Tel. No.: _____ Email: _____

(b) **Name of Applicant/Authorized Agent:** _____

Address: _____

Tel. No.: _____ Email: _____

2. **Indicate how you wish the municipality to forward the Notice of Hearing to you for posting as the Notice must be posted on the subject property minimum ten days prior to the hearing date:**

Mail (only if the owners mailing address is local)

Applicant / Agent to pick up at Municipal Office

Applicant / Agent to make arrangements to have Public Notice picked up

3. **Description of the subject land:**

Assessment Roll No.: _____

Concession No.: _____ Lot No.: _____

Registered Plan No.: _____ Lot(s)/Block(s): _____

Reference Plan No.: _____ Part(s): _____

Municipal Address: _____

What is the current Official Plan designation and Zoning By-law classification applied to the subject lands?

Zoning By-law: _____

Official Plan: _____

4. What is the existing and proposed use of the subject lands?

Existing use of the subject lands: _____

Length of time existing use has continued: _____

Proposed use of the subject lands: _____

5. Nature and extent of request for relief from the Zoning By-law (state the specific sections/standards from which relief is required):

6. Why is it not possible to comply with the provisions of the By-law?

8. Subject Property Information:

a) Frontage (m): _____ Depth (m): _____ Area (m²): _____

b) Type of Access:

Municipal Road

Regional Road

Provincial Highway

Other

If other, please specify:

c) If access is provided by water only, please indicate the parking and docking facilities (to be) used and the approximate distance from these facilities to the nearest public road.

d) For **EXISTING** buildings and structures on the subject land. Please Specify:

Building Type	Floor Area or Dimension	Front Yard Setback	Side Yard Setback	Side Yard Setback	Rear Yard Setback	Building Height

e) For **PROPOSED** buildings and structures on the subject land. Please Specify:

Building Type	Floor Area or Dimension	Front Yard Setback	Side Yard Setback	Side Yard Setback	Rear Yard Setback	Building Height

f) Is water provided by a publicly owned and operated water system?

YES NO

If no, please specify: _____

g) Is sewage disposal provided by a publicly owned and operated sanitary sewage system?

YES NO

If no, please specify: _____

h) Is storm water drainage provided by:

Sewers Ditches Swales Other

If other, please specify:

i) Are the lands subject to an existing easement(s) or right-of-way(s) (please note it is the owner/applicant's responsibility to identify all easements or right-of-way's effecting the property)?

YES NO

If yes, please specify the size and nature:

9. Subject Property History

a) The date that the subject land was acquired by the current Owner:

b) Is the subject property currently subject to an application for Plan of Subdivision or Consent?

YES

NO

If yes, indicate file number and status:

c) To your knowledge, has the land ever been subject of a previous application for minor variance?

YES

NO

If yes, indicate the File Number and status (could be legal description of property):



DECLARATION OF OWNER OR AUTHORIZED AGENT

I/We _____ of the _____
(Name of Owner or Authorized Agent) (e.g. Town of the Blue Mountains)

in the _____
(e.g. County of Grey)

make oath and solemnly declare that the information contained above and that the information contained in any documents that accompany this application is true and that I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the **Canada Evidence Act**.

For the purposes of the Freedom of Information and Protection of Privacy Act, I hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the PLANNING ACT for the purposes of processing this application and correspondence purposes. Questions about this collection should be directed to the Town Clerk of the Town of The Blue Mountains.

It is understood and agreed that the fee submitted with this application covers only routine processing costs (i.e. review by municipality, a Public Meeting and Amendment documents, if approved). It is further understood and agreed that any additional costs or requirements with this application, including any additional information and processing requirements, or as may otherwise be required or incurred and charged to or by the municipality (i.e.: Planning, Legal or Engineering Fees, LPAT Hearing Costs, Agreements, Special Studies, other Approvals or Applications, and any other related matters), will be my responsibility to provide to and/or reimburse the municipality for same. Failure to pay all associated costs may result in refusal of this application and/or collection by the municipality in like manner as municipal taxes, or any other means legally available to the municipality.

EXECUTION OF THIS DECLARATION MUST BE WITNESSED BY A COMMISSIONER OF OATHS.

Sworn or declared before me at the _____ of _____ in the _____ of _____ this _____ day of _____ 20____

Applicant Signature

Applicant Name (Print)

I have authority to bind the Corporation

Commissioner of Oaths

Commissioners Seal



AUTHORIZATION OF APPLICANT/AGENT

I/We, the undersigned, being the registered owner(s) of

(Legal description or municipal address)

in the Town of the Blue Mountains, hereby authorize

(Print name of agent and/or company)

as my/our agent for the purpose of submitting application(s) to the Town of The Blue Mountains and acting on my/our behalf with respect to the application. The authority granted by this authorization shall continue until I shall have revoked such authority in writing, and delivered such written revocation to the Town of The Blue Mountains Planning and Development Services Department. No such revocation shall invalidate any action taken by the authorized applicant/agent prior to the date the Town of The Blue Mountains received such written revocation.

Dated the _____ day of _____, 20__.

(Signature of owner or signing officer)

(Please print the full name and position of the individual signing)

I have authority to bind the Corporation

(Name of corporation, if applicable)

(Signature of owner or signing officer)

(Please print the full name and position of the individual signing)

I have authority to bind the Corporation

(Name of corporation, if applicable)



PERMISSION TO ENTER

Date: _____

Secretary-Treasurer, Committee of Adjustment
The Town of The Blue Mountains
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To Whom It May Concern,

RE: Application for Minor Variance

Location of Land: _____
(Municipal Address)

I hereby authorize the members of the Committee of Adjustment and members of staff of the Town of The Blue Mountains to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of owner or authorized agent

Please print name