

Township of Douro-Dummer Minor Variance Application

Committee of Adjustment Members

Harold Nelson
Deputy Mayor

Rod Manley
Citizen Appointee

Robert Lamarre
Citizen Appointee

Mark Porter
Citizen Appointee

Jim Patterson
Chair, Citizen Appointee

Planning/Building Department

Martina Chait-Hartwig
Secretary-Treasurer

Christina Coulter
Planner

Don Helleman
Chief Building Official

Municipal Office Contact:
705-652-8392

Pursuant to Section 45 of the Planning Act, as amended, the Township's Committee of Adjustment has the delegated authority to authorize Minor Variances from the provisions of the municipality's zoning by-law.

An application for a Minor Variance commonly stems from the inability of a project to fully comply with the technical provisions of the Township's Zoning By-law. The major criteria used to evaluate Minor Variance Applications are contained within Section 45(1) of the Planning Act and are referred to as the "four tests" which are outlined in more detail below. The Committee of Adjustment must also make sure that the granting of a Minor Variance does not undermine or violate the original purpose of the policies that the municipality has in place. Minor Variances are a special privilege and there must be a valid reason why the by-law cannot be met in order for a Minor Variance to be granted.

The following is an overview of the Minor Variance Application/Review Process:

- 1) At the outset, you are required to consult with Township staff regarding any development proposal to determine if the Minor Variance Planning process is right for your proposal. A pre-consultation meeting will be held.
- 2) Before submitting an Application for Minor Variance, it is recommended that the Applicant contact all neighbours within 60 metres of the proposed land, relevant ministries and agencies to inform them of their plans. This courtesy may prevent a possible delay in the processing of your application should someone not understand the nature of your request.

- 3) Upon receipt of a “complete” Application for Minor Variance, a Public Hearing shall be held within 30 days of the application being received by the secretary-treasurer. The Planning Act prescribes that a Notice of the Hearing shall be given at least 10 days before the day of the Hearing by prepaid first class mail to all property owners within 60 metres of the subject property and to the appropriate agencies.
- 4) During the scheduled public hearing, the Minor Variance application will be presented to the Committee of Adjustment and a recommendation will be presented by planning staff.
- 5) During the public hearing the Committee will make a decision to approve/deny the application based on the facts presented in the planning report/presentation; and based on input received from the public and/or the applicant. The Committee may also defer their decision pending the receipt of additional information. It is recommended that you attend the Hearing or have someone else represent you.

When making a decision about the application, the Committee must determine if the application meets the “four tests” which are:

- 1) Is the variance minor?
- 2) Is the variance desirable for the appropriate development or use of the land, building or structure?
- 3) Does the variance maintain the general intent of the Official Plan?
- 4) Does the variance maintain the general intent of the Zoning By-law?

All four of these tests must be met in order for the application to be approved.

- 6) Within 10 days of the Committee’s decision a Notice of Decision will be sent to the Applicant and/or their Agent and to each person who filed with the secretary-treasurer a written request for notice of the decision. The approval of a Minor Variance may include certain conditions.

There is a **20 day appeal period from the date of the decision** within which the Applicant and/or their Agent or a *specified person or *public body that has an interest in the matter may appeal the decision of the Committee to the Ontario Land Tribunal.

Note: *terms are defined in Section 1(1) of the Planning Act.

If no appeal is received within the 20 day appeal period, the decision of the Committee of Adjustment is final and binding.

*****The information contained in this document is general in nature - for more specific information please contact the municipal office*****

Minor Variance Application Checklist

The following must be provided in order for the application to be deemed “complete”:

- Application Form (all sections must be complete)
- If your property is within a vulnerable area as defined by the Source Water Protection Plan, a clearance notice from the Risk Management Official is required to be submitted with your application. Speak with Township staff to determine if this is required.
- Site Plan drawing: **An up-to-date location survey prepared by an Ontario Land Surveyor is required for all applications. Please ensure that all existing and proposed structures (including decks, accessory buildings, etc.) are shown on the survey and that all setbacks are shown and measured accurately.**

Please request that the surveyor email a draft copy of the site plan to the Municipality ahead of time to ensure that all of the required information is included on it, as follows.

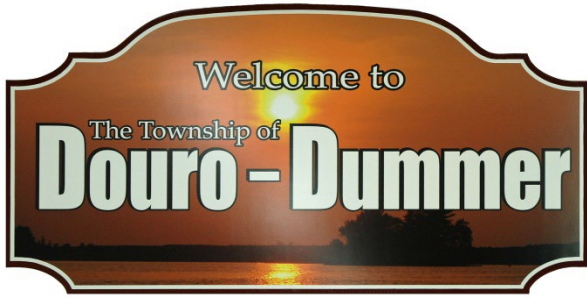
The Ontario Land Surveyor Site Plan/Location Survey must include the following:

- The boundaries and dimensions of the subject land
 - 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 yard lot line, rear yard lot line, side yard lot lines and water yard setback
 - The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells, septic tanks, hydro lines, telephone lines or any other services) 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.
 - The current uses on land that is adjacent to the subject land
 - 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
 - If access to the subject land is by water only, the location of the parking and docking facilities to be used
 - The location and nature of any easement affecting the subject land
 - If Waterfront Property, elevation/Highest Recorded Water Level details must also be included on the site plan - Please contact the Otonabee Region Conservation Authority prior to submitting your application (705-745-5791 Ext. 213)
- Submit photographs of property showing pertinent detail
 - Township Fee (\$1580.00) plus the Otonabee Region Conservation Authority to be paid cash, cheque or Interac
 - Floor Plans and Building Elevations (discuss with staff to determine applicability)

Note: Full size drawings may be submitted however in all cases copies of the drawings must be provided on Ledger-sized paper (11" x 17") or smaller for copying purposes and for inclusion as a schedule to the Decision if approved. A digitized PDF version may also be required.

The Township may require additional information to process your application. It is mandatory that you consult with Township staff prior to submitting your application.

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Office Use Only	
File No.	A- _____
Variance from By-law No.	_____
Date Submitted	_____
Date Fee Received	_____
Date Application Deemed Complete	_____
Roll No.	_____

Township of Douro-Dummer Application for

_____ **Minor Variance s. 45 (1)** _____ **Permission s. 45 (2)**
(Section 45 (1) & (2) of the Planning Act, R.S.O. 1990, c. P.13, as amended)

The undersigned hereby applies to the Committee of Adjustment for the Township of Douro-Dummer under section 45 of the Planning Act for relief, as described in this application, from By-law No.10-1996, as amended.

1.0 Applicant Information

Registered Owner(s): _____
(Please Indicate Name(s) *Exactly* as Shown on the Transfer/Deed of Land)

Address: _____

Phone: (home) _____

Phone: (cell) _____

Email: _____

Phone: (work) _____

Fax: _____

2.0 Agent Information

Authorized Agent (if any): _____

Address: _____

Phone: (home) _____

Phone: (cell) _____

Email: _____

Phone: (work) _____

Fax: _____

3.0 Legal Description/Location of the Subject Land					
County		Township		Ward (Former Township)	
Concession Number(s)	Lot Number(s)	Legal Description:			
Registered Plan No:	Lot(s)/ Block No.	Civic/911 Address:			
Reference Plan No:	Part Number(s):	Are there any easements or restrictive covenants affecting the property?			
Date subject land was purchased by current					

4.0 Land Use, Zoning and Official Plan Designation	
Criteria:	Subject Property
Official Plan Designation ¹ (e.g. Rural, Hamlet, Commercial)	
Zoning Classification ¹ (e.g. Rural (RU), Hamlet (HR))	
Existing Use (e.g. seasonal residential, commercial, open space)	
Length of Time Existing Uses have continued	
Proposed Use (e.g. permanent residential, home-based business)	
Is your property within a vulnerable area as defined by the Source Water Protection Plan? (yes ² or no)	

¹ Please consult with the Municipal Office to identify Official Plan Designation and Zoning Classification
² If yes, a clearance notice from the Risk Management Official is required to be submitted with your application

5.0 Relief Requested from Zoning By-law			
Please identify the relevant zone provision/standard and relief required to support the proposal:			
Section of Zoning By-law 2010-55	Zone Provision/Standard	Proposed Standard	Relief Required
[Example] Section 3.1.6	9 m Side Yard Setback	7 m Side Yard Setback	2 metres

6.0 Purpose/Reason of the Application

Please describe the proposal and explain why it is not possible to comply with the zone provisions/standard set out in the Township’s Zoning By-law. (If additional space is required, please attach a separate sheet)

7.0 Property Characteristics, Access and Servicing Information

Lot Area		(acres, hectares, ft ² , m ²)
Lot Depth		(feet/metres)
Lot Frontage		(feet/metres)

Access to Subject Property –		<input type="checkbox"/> Existing	or	<input type="checkbox"/> Proposed
<input type="checkbox"/> Municipal Road – maintained year round	<input type="checkbox"/> Private Road			
<input type="checkbox"/> County Road	<input type="checkbox"/> Right-of-way			
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water			
<input type="checkbox"/> Other public road (Specify):				
Name of Road/Street:				
If access to the land is by water only:				
Where are parking and docking facilities:				
Approximate distance from subject land:				
Approximate distance from nearest public road:				

7.0 Property Characteristics, Access and Servicing Information (Continued)

Please provide a brief description of the property taking into account factors such as: soil type and depth, lot configuration, steep slopes or low-lying areas, natural features and any other item that may impact the proposed development. Also, please include a description of the use of lands surrounding the lot. Please provide photographs of the property.

Water Supply:	Please identify the type of water supply serving the subject property:
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed	<input type="checkbox"/> Privately-owned/operated individual well <input type="checkbox"/> Privately-owned/operated communal well <input type="checkbox"/> Publicly-owned/operated piped water system <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Other (specify): _____

Storm Drainage:	Please identify the type of storm drainage serving the subject property:
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed	<input type="checkbox"/> Sewers <input type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other (specify): _____

Sewage Disposal:	Please identify the type of sewage disposal serving the subject property:
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed	<input type="checkbox"/> Privately-owned/operated individual septic system <input type="checkbox"/> Privately-owned/operated communal septic system <input type="checkbox"/> Publicly-owned/operated sanitary sewage system <input type="checkbox"/> Privy <input type="checkbox"/> Other (specify): _____ If the sewage disposal system is proposed, have you obtained a permit from the Township of Douro-Dummer? <input type="checkbox"/> Yes or <input type="checkbox"/> No Permit Number: _____

8.0 Existing and Proposed Structures: Dimensions

In the tables below, please provide information regarding all existing and proposed structures (this information must also be included on the site plan provided with the application). **Please note** that an up-to-date location survey completed by an Ontario Land Surveyor is required.

Existing Structures (in metric)

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Length	Width	Height	Date Constructed

Please place an asterisk (*) beside any existing structure that will be demolished.

Lot Coverage (in metric and percentage)

	Existing	Proposed
Principle Use (i.e. Dwelling)		
Accessory Structures		
Total		

Proposed Structures (in metric)

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Length	Width	Height

Will the proposal add any of the following?

	Yes	No	If yes, please provide:	Existing	Proposed
Total Living Area	<input type="checkbox"/>	<input type="checkbox"/>	Size		
Bedrooms	<input type="checkbox"/>	<input type="checkbox"/>	Number		
Bathrooms	<input type="checkbox"/>	<input type="checkbox"/>	Number		
New Plumbing Fixtures	<input type="checkbox"/>	<input type="checkbox"/>	Number of Fixtures		

9.0 Existing and Proposed Structures: Setbacks

In the tables below, please provide information regarding all existing and proposed structures (this information must also be included on the site plan provided with the application). **Please note** that an up-to-date location survey by an Ontario Land Surveyor is required.

Existing Structures (in metric)

Type of Structure	Front Lot Line	Rear Lot Line	Side Lot Line	Side Lot Line	Water yard	Other (specify)

Please place an asterisk (*) beside any existing structure that will be demolished.

Proposed Structures (in metric)

Type of Structure	Front Lot Line	Rear Lot Line	Side Lot Line	Side Lot Line	Water yard	Other (specify)

Note: Information regarding the definitions of the requested dimensions and setbacks can be obtained from the Township’s Zoning By-law 2010-55.

10.0 Other Planning Applications

Please indicate if the subject land is or has been the subject of an application under the Planning Act.

Type of Planning Application	Yes	No	File Number	Status
Approval of Plan of Subdivision (under Section 51)	<input type="checkbox"/>	<input type="checkbox"/>		
Consent (Severance) (Section 53)	<input type="checkbox"/>	<input type="checkbox"/>		
Minor Variance (Section 45)	<input type="checkbox"/>	<input type="checkbox"/>		
Other:	<input type="checkbox"/>	<input type="checkbox"/>		

11.0 Other Information:

Please provide any additional information that you feel may be relevant in the review of this application on additional pages as necessary, including and required studies.

12.0 Authorization by Owner:

I/We _____, being the owner(s) of the subject land, hereby, authorize _____ to be the applicant in the submission of this application.

Signature _____

Date _____

Signature _____

Date _____

13.0 Freedom of Information:

For the purposes of the Freedom of Information and Protection of Privacy Act, I/We authorize and consent to the use by or the disclosure to any person or public body or publishing on the Municipal website any information that is collected under the authority of the Planning Act for the purposes of processing this application.

Owner/Applicant/Agent Signature

Date

Owner/Applicant/Agent Signature

Date

14.0 Access to Property:

I/We _____, hereby, authorize the members of the Committee of Adjustment or their agent(s)/representative(s) to attend at the property subject to the Application(s) located at [*insert address*] _____.

Owner/Applicant/Agent Signature

Date

15.0 Declaration of Applicant:

I/We _____ of the _____ in the
(name of owner(s)/agent(s) (city in which you reside)
_____, in _____ solemnly
(County/Upper-tier municipality, if applicable) (Province/Territory)
declare that:

All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath

Declared before me at the Township of Douro-Dummer in the County of Peterborough this ____ day of _____, 20____.

To be signed in the presence of a Commissioner for taking affidavits

Owner/Applicant Agent Signature

Signature of Commissioner, etc.

Owner/Applicant Agent Signature

This application must be accompanied by a fee of \$1580.00 plus the ORCA Fee to be paid in cash, Interac or cheque made payable to the Treasurer of the Township of Douro-Dummer.

Personal information contained on this form, collected pursuant to the Planning Act, will be used for the purpose of responding to the initial application. Questions should be directed to the Freedom of Information and Privacy Coordinator at the institution conducting the procedures under the Act.

File Name/No. _____

Roll No. _____

Affidavit

In the Matter of a **Minor Variance** application to the Committee of Adjustment of the Township of Douro-Dummer,

I/We, _____, make oath and say that:
[Print Owner/Applicant/Agent name]

1. I am: *[Place a clear mark within the square opposite one of the following paragraphs that describes capacity of deponents.]*

- the applicant or one of the applicants in the Application(s).
- the authorized agent acting in this matter for the applicant or applicants.
- an officer of the corporate applicant named in the Application(s).

2. On or before the *[Insert date]* _____, I will ensure that the notice or notices of the Application(s) provided to me (or the Applicant, as the case may be) by the Secretary-Treasurer of the Committee of Adjustment of the Township of Douro-Dummer have been posted so as to be clearly visible and legible from a public highway, or other place to which the public has access, at every separately assessed property in the area that constitutes the subject land of the Application(s) or, where posting on the property was impractical, at a nearby location so as to adequately indicate to the public what property is the subject of the Application(s).

Should the notice(s) be removed, by any means from the posting area(s), I will immediately contact the Secretary-Treasurer of the Committee of Adjustment for replacement copies of the notice(s).

Declared before me at the Township of Douro-Dummer in the County of Peterborough this ____ day of _____, 20____.

Signature of Commissioner, etc.

To be signed in the presence of a Commissioner for taking affidavits

Owner/Applicant Agent Signature

Owner/Applicant Agent Signature

Note: Failure to post the notices, as required by this Affidavit, may result in additional costs and/or delays with your application.



Township of Douro-Dummer

Planning Application Costs Acknowledgement Form

I/We, _____
[Print Owner/Applicant/Agent name]

do hereby acknowledge and agree that the payment of the fee that is submitted with this application for a Minor Variance, as being an application fee only, will be used to defray the costs of processing this application, and;

do also hereby acknowledge and agree to assume all costs** incurred by the Township of Douro-Dummer associated with the processing of this application that exceed the amount of the application fee, including, but not restricted to, Professional Planning Fees, Engineering Fees and Legal Fees, in addition to the municipal costs associated with this application, and;

do also hereby acknowledge and agree to assume all costs** incurred by the Township of Douro-Dummer associated with any Appeal to the Local Planning Appeal Tribunal with respect to this application.

Dated this _____ day of _____, 20____.

Owner/Applicant/Agent Signature

****** written consent from the applicant will be obtained prior to any such additional costs being incurred.