

WHAT IS A MINOR VARIANCE

Municipalities in Ontario establish standards to achieve preferred development patterns in their communities. These preferred development patterns are standards, which are set out in the zoning by-law. A zoning by-law governs the type of development permitted on a property and lists the minimum and sometimes maximum development requirements. A minor variance application process is a method for property owners to seek relief or variance through a Committee of Adjustment when circumstances make it difficult to meet the standards recorded in the zoning by-law

HOW DOES ONE GET A MINOR VARIANCE

A minor variance application form must be completed and submitted for consideration to the consent granting authority, which is the Committee of Adjustment.

WHY MAY ONE NEED A MINOR VARIANCE

A minor variance might be required when;

- the requirements of the zoning by-law cannot be met during new construction
- the sale of a property occurs to a legal on complying development.
- to legalise the property prior to sale.

WHERE DOES ONE GET A MINOR VARIANCE APPLICATION

Applications are available at the Municipal Office and on the Municipal Home Page. It is recommended that you discuss the proposal with staff prior to submitting the application in a pre consultation session

WHAT IS INCLUDED IN A MINOR VARIANCE APPLICATION

- A scaled sketch illustrating; the entire property before it is divided, the proposed severance lines, all property dimensions, all building locations including distances, driveway, septic locations, and dock and shoreline activity area locations.
- Details about ownership, property description, dimensions, etc
- Application fees in the form of a cheque
- Completed application
- Any applicable agency information i.e. Timiskaming Health Unit Septic Certificate.

IS THE USE OF AN AGENT OR CONSULTANT NECESSARY

There is no legal requirement for the use of consultants or agents in the making of a consent application. However the more complex an application is, the greater the need for professional assistance to clarify and expedite a proposal. Also special studies may be required to justify the proposed development and answer any technical questions.

WHAT HAPPENS ONCE MY APPLICATION IS SUBMITTED

The application is circulated to a number of regional departments., and various agencies for their comments. Notice of the application will also be sent, by mail, to all property owners within 60.0 meters of the subject property. Following the circulation period, all correspondence will be reviewed and the Planning Officer and the Committee of Adjustment will determine if the proposal meets all requirements and approve, approve with conditions, or not approve the application.

WHAT COULD EFFECT THE OUTCOME OF AN APPLICATION

Concerns expressed by any of the circulated departments or agencies or valid objections from the neighbours.

- If someone objects to an application it does not necessarily mean that the application is rejected. All evidence must be presented and weighed.
- Conformity with the Official Plan and the Zoning By-law as well as the Provincial Policy Statements is necessary.

WHAT TO DO IF AN APPLICATION IS TURNED DOWN

An appeal can be filed to the Local Planning Appeal Tribunal if an application is rejected. Following the final decision by the Committee of Adjustment a person has 20 days to file an appeal with the Regional Clerk.

SUMMARY OF THE MINOR VARIANCE PROCESS

1. Discuss your idea with the Planning Clerk
2. Pick-up and complete the Minor Variance Application form
3. Gather all necessary information
4. Hand in completed application to the Planning Clerk
5. Application will be reviewed
6. Answer any questions derived from the application review
7. Circulation of the application for a minimum of 10 days prior to application going to the Committee of Adjustment
8. Gathering of feed back from the circulation
9. Committee of Adjustment Hearing
10. Approval, Approval with constraints, or Not Approved
11. Circulation of Committee of Adjustment Decision
12. 20 day appeal period following the mailing of the decision
13. 1 year to;
 - Sign papers
 - Complete constraints
14. Register papers

For further information please contact Tammy Lepage, Planning Clerk at:

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