

Minor Variance Application Form

General Information

A minor variance facilitates a building permit specifically for a development or property that doesn't precisely comply with the zoning by-law. An application for minor variance is required to request the following permissions:

- a small variation from the requirements of the zoning by-law;
- the extension or enlargement of a legal non-conforming use; and
- a change in the legal non-conforming use that is similar to the existing use or more compatible with the uses permitted by the by-law.

The Planning Act outlines four tests a minor variance must meet to be considered appropriate to permit:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent of the Zoning By-law?
4. Does the application conform to the general intent of the Official Plan?

Application Fee(s)

The application fee for a minor variance is listed in the Fees By-Law attached. All fees are reviewed from time to time and may be changed by the Municipality. If the proposed development requires multiple planning applications then fees are consolidated. Please refer to the Planning Services website at www.chatham-kent.ca/PlanningServices for a complete list of fees.

Applicant(s) are responsible for all costs associated with the processing of Planning Act applications. Any additional costs associated with the review of the application that are incurred by the Municipality will be billed to the Owner of the property. Applicants will be notified in writing of such costs and may cease the review process at that point if they wish. If an application is ceased after the Municipality has accepted it as a complete application then the review process has begun and the application fees are non-refundable. A declaration from the applicant recognizing the potential fees and costs associated with application and the review is required and is part of the Application Form, see Section 9.

Minor Variance Process	
Step 1	Pre-Consultation – While not mandatory, Pre-Consultation is encouraged for Minor Variance applications. The applicant meets with Planning Services staff to discuss the proposed application and to review zoning, servicing and characteristics of the site that are relevant to the development. For more information refer to the “Preparing for a Land Use Planning Application: A Guide to Pre-Consultation”.
Step 2	Technical Advisory Committee – Planning Services staff review the proposed application with the Municipality’s Technical Advisory Committee (TAC) resulting in a list of the site specific complete application requirements. A record of this list will be provided to the applicant.
Step 3	Consult other agencies – The application process can involve consultation with a number of outside agencies. In some cases you may be required to consult with one or more of those agencies prior to the submission of the application to determine what, if any additional items will be required. Fees associated with those consultations are not covered by the application fee paid to the Municipality.
Step 4	Prepare the Application – The Applicant has sole responsibility for submitting a complete application and may need to commission drawings or studies depending on feedback from the pre-consultation, TAC and consultation with other agencies. The need for drawings and studies will depend on the nature of the proposed application and the characteristics and circumstances of the subject property. The complete application including supporting material, declarations and the appropriate fees is to be submitted to Planning Services by mail or in person.
Step 5	Application Completeness Review – Every application is reviewed for completeness before it is accepted by the Municipality. During the review of an application, the need for further information or studies may be identified. It is the applicant’s responsibility to submit these items once they have been identified.
Step 6	Planning Services Report – Planning Services reviews the application for conformity to the Official Plan, Zoning By-law, Provincial Policy Statement and the Planning Act. Comments from local agencies, provincial ministries and the public are taken into consideration and a report is prepared for Council or the Committee of Adjustment’s review. During application review and report preparations, Planning Services may speak with applicants, neighbours, and staff from other departments and agencies to complete an assessment of the development proposal. During application review and report preparations Planning Services staff may talk with applicants, neighbours, and staff from other departments and agencies to complete an assessment of the proposed project.
Step 7	Notice of Public Meeting – A notice of public meeting is circulated to neighbouring municipalities, agencies, provincial ministries, applicable municipal departments and abutting landowners within 60 metres. For a Minor Variance application, a public meeting requires at least 10 days of notice.
Step 8	Public Meeting and Committee of Adjustment Meeting - The Municipality’s Committee of Adjustment is the decision making authority for minor variance applications, with Municipal Council having authority under certain circumstances. The Committee will hold a public meeting to receive comments about the application. If required, Planning Staff will provide a presentation to the Committee on the application. This is also an opportunity for the applicant to provide any additional comments on their application. The Committee will review the application, the report and any comments received prior to issuing a decision on the application. Generally, the Committee will issue a decision at this same meeting, but could defer a decision on an application to a future meeting should issues arise at the Public Meeting. The Committee of Adjustment generally meets every three weeks on Thursday mornings.

Minor Variance Process	
Step 9	Decision – The Committee of Adjustment or Council may approve, refuse or defer an application and a written notice of an approval or a refusal decision will be sent to the Applicant and those who requested notice within 10 days of the decision.
Step 10	Appeal Period – A 20 day appeal period begins the day the notice of decision is given. Following the decision of the Committee of Adjustment an appeal may be made to the Ontario Municipal Board (OMB) by filing a notice of appeal with the Clerk of the Municipality.
Step 11	Enactment – If no appeals are submitted within the 20 day appeal period then the decision is final and enacted as of the date given in the Notice of Decision. If the minor variance was approved with conditions then the applicant can begin to fulfill the conditions.

The Application Package Must Be Submitted To:

Planning Services, Municipality of Chatham-Kent
Civic Center, 315 King Street W., PO Box 640, Chatham, ON, N7M 5K8
519-360-1998

Concurrent Applications Filed		Office Use Only
Note to Applicant: For each application that is filed concurrently, complete and attach the appropriate application form and fees		Date Stamp – Date Received
<input type="checkbox"/>	Official Plan Amendment File No. _____ Status _____	<p>For Reference Purposes</p> <p>Municipal address:</p> <p>CityView Number:</p> <p>Meeting Date:</p>
<input type="checkbox"/>	Zoning By-law Amendment File No. _____ Status _____	
<input type="checkbox"/>	Site Plan File No. _____ Status _____	
<input type="checkbox"/>	Consent or Subdivision File No. _____ Status _____	
<input type="checkbox"/>	Other (Specify): _____ File No. _____ Status _____	

Requirements For A Complete Application Include:

Note: Until the Municipality of Chatham-Kent, Planning Services has received the information and material as requested in the Schedule of Regulation 200/96, and any fee under Section 69(1) of the Planning Act, the application will be deemed incomplete, the time periods referred to in Section 45(4) of the Planning Act will not have begun and the application will be returned to the applicant.

<input type="checkbox"/>	The completed application form, including declarations as required by Regulation 200/96.
<input type="checkbox"/>	If the owner of the subject land is not the person applying for the minor variance, then a Letter of Authorization from the Owner or completion of the Owner's Authorization in Section 8.
<input type="checkbox"/>	The applicable application fee(s) made payable to the Municipality of Chatham-Kent.
<input type="checkbox"/>	A copy of the most recent land survey, and if possible the PIN abstract (Property Identification Number). Both can be acquired at the Land Registry Office.
<input type="checkbox"/>	A drawing/sketch of what the minor variance amendment is proposing. The drawing/sketch must be no larger than 11x17 standard size paper and show all of the items identified in Section 7 in metric units.
<input type="checkbox"/>	Any other information identified during the pre-consultation and any additional supporting documentation the applicant wishes to submit. Refer to the Record of Pre-Consultation.

Please List The Reports Or Studies That Accompany This Application

Note: Please submit 2 hard copies and 1 electronic copy of each report or study that accompanies your application.

Section 1 Applicant Information

Registered Owner(s):

Note: If the owner of the property is a corporation then the articles of incorporation identifying those with signing authority to bind the company must be included with an application.

Name:

Principal of Company (if Owner is a Company):

Address:

City:

Postal Code:

Phone:

Cell:

Email:

Authorized Applicant (complete if the Applicant is not the Owner and the Owner has Authorized the Applicant):

Name:

Address:

City:

Postal Code:

Phone:

Cell:

Email:

Which of the above is the Primary Contact? Owner Applicant All

All correspondence will be made with the Primary Contact.

Are there any mortgages, easements or restrictive covenants affecting the subject lands? Yes No

If yes, describe each its effect indicating whether a discharge or partial discharge is required as part of this application:

Reference Plan No.	Instrument No:	Purpose of easement and/or covenant (e.g. hydro, sewer, telecommunications, turbine, solar, pipeline, etc.)

Section 2 Property Description

Community of:		
Lot(s):	Part Lot(s):	
Concession(s):	Registered Plan No.:	
Municipal Street/911 Address of property subject of this application (if applicable):		
Assessment Roll Number(s):		
Frontage (m):	Depth (m):	Area (m ² or ha):
The date the subject land was acquired by the current owner:		
The current use(s) of the land (main and accessory uses):		
The length of time that the current use(s) have existed on the land:		
Has the land ever been the subject of an application under section 45 of the Planning Act? For example, have there been minor variances granted in the past for this property? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>		

Section 3 Application Details

<p>1. What is the current designation(s) of the land in the Chatham-Kent Official Plan? _____</p> <p>Does the proposal conform to the Official Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. What is the current zone(s) of the land in the Chatham-Kent Zoning By-law? _____</p> <p>Does the proposal conform to the Zoning By-law? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>3. What is the proposed use(s) of the land?</p> <p><input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Agricultural <input type="checkbox"/> Other Please describe:</p>
<p>4. What is the nature and extent of the relief (variance) from the Zoning By-law that is requested? (e.g. reduction of side yard setback from # to #, etc.)</p>
<p>5. What is the reason that the proposed use cannot comply with the provisions of the Zoning By-law?</p>

Section 4 Existing and Proposed Buildings and Structure on the Land

4a) Existing Buildings

Type of Building/Structure And date of construction	Setback from Lot Line (m)			Height (m)	Ground Floor Area (building dimensions)
	Front	Rear	Side		

4b) Proposed Buildings

Type of Building/Structure	Setback from Lot Line (m)			Height (m)	Ground Floor Area (building dimensions)
	Front	Rear	Side		

Section 5 Servicing

a) Access			
Access is provided by:			
<input type="checkbox"/>	Provincial Highway	<input type="checkbox"/>	Municipal year-round
<input type="checkbox"/>	Municipal – seasonal	<input type="checkbox"/>	Right-of-way
<input type="checkbox"/>	Other (specify)	<input type="checkbox"/>	Existing Private Road
		<input type="checkbox"/>	New Access Required
		<input type="checkbox"/>	Water Access (distance to nearest dock/ramp facility)

b) Water Supply			
Water Supply is Provided by:			
<input type="checkbox"/>	Municipal	<input type="checkbox"/>	Privately owned and operated individual well
<input type="checkbox"/>	Privately owned and operated communal well	<input type="checkbox"/>	Lake or other body of water (water test required)
<input type="checkbox"/>	Easement to well	<input type="checkbox"/>	Other (specify i.e. dug, sand point etc. _____)
<input type="checkbox"/>	Drilled well	<input type="checkbox"/>	New water supply needed
What is the distance from the well (if applicable) to septic system? _____ metres.			

c) Sewage Disposal			
Sewage Disposal is Provided by:			
<input type="checkbox"/>	Municipal sanitary sewers	<input type="checkbox"/>	Privately owned individual septic system for each lot
<input type="checkbox"/>	Privately owned communal collection	<input type="checkbox"/>	Other (specify)
<input type="checkbox"/>	Sewage disposal is not required for the current use of the lands.	<input type="checkbox"/>	New sewage disposal/septic system is needed for the lands.
If there is a septic system on the property, is it in good working order? <input type="checkbox"/> Yes <input type="checkbox"/> No			

d) Storm Drainage:			
Is any portion of the subject property assessed for drainage works?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Are there any outstanding local drainage improvements?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Storm Drainage is Provided by:			
<input type="checkbox"/>	Municipal storm sewers	<input type="checkbox"/>	Municipal Drain
<input type="checkbox"/>	Private Drain	<input type="checkbox"/>	Other (specify)
Is the drainage outlet located on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No			

e) Local Improvements:

Are there any local improvements/charges currently assessed to the subject property such as tile loans, bridges, water or sewer connections etc.? If so, please describe:

Section 6 Special Policy Area

Source Water Protection Planning

Is any of the land in a 'Source Water Protection Area '? YES NO

Section 7 Drawings/Sketches

Please note: A 'Surveyor's Real Property Report', completed by a licensed Ontario Land Surveyor is the accepted method of providing a drawing for the application.

The sketch accompanying the application must include the following items or a note that they are not applicable to the site. The sketch should be completed using metric units:

1. The boundaries and dimensions of the subject land;
2. The location, size, height, and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines
3. 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 and septic tanks) that;
 - a) are located on the subject and adjacent lands, and;
 - b) in the applicant's opinion, may affect the application;
4. The current land uses on and adjacent to the subject lands;
5. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way;
6. If access to the subject land will be by water only, the location of the parking and docking facilities to be used; and;
7. The location and nature of any easement or restrictive covenant affecting the subject land.

Section 8 Owner's Authorization of an Agent:

<p>This must be completed by the Owner if the <u>Owner Is Not Filing The Application</u></p> <p>Note: If there are multiple Owners, an authorization letter from each Owner (with dated, original signature) is required OR each Owner must sign the following authorization.</p>		
<p>I, (we) _____, being the <div style="text-align: center; margin-left: 100px;">Print name(s) of Owner, individual or company</div> </p> <p>registered Owner(s) of the subject lands, hereby authorize _____ <div style="text-align: center; margin-left: 100px;">Print name of agent and/or company (if applicable)</div> </p> <p>to prepare and submit an Application for a minor variance application.</p>		
<p>_____</p> <p style="text-align: center;">Signature</p>	<p>_____</p> <p style="text-align: center;">Day</p>	<p>_____</p> <p style="text-align: center;">Month Year</p>

Section 9 Applicant's Declaration:

By making this application, permission is hereby granted to the Municipality of Chatham-Kent staff and Council Members to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning same. This information is being collected pursuant to the Planning Act, Municipal Act and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

Declaration of Applicant(s)

I/WE, of the of
 in the of
 solemnly declare that:

1. 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. I have been advised that incomplete and/or inaccurate information will delay the processing of my application and result in additional costs to me.
2. I hereby acknowledge receiving and reviewing the user fee tariff and have reviewed the tariffs relating to planning matters. I further understand and agree to be bound by the tariff and specifically agree that I shall pay full cost recovery for any items with a tariff listed as such. I agree that such costs, if not paid for forthwith after being invoiced, shall be paid by the Municipality and added to my municipal tax bill and collected in the same manner as taxes.

<p>.....</p> <p>Signature of Applicant</p>	<p>.....</p> <p>Date</p>
<p>.....</p> <p>Witness</p>	<p>.....</p> <p>Date</p>

Schedule "A"

Environmental Site Screening Questions

Introduction:

This schedule is used to determine whether or not further Environment Site Assessment is warranted. In the Province of Ontario it is required that prior to redevelopment of a site, the previous uses are examined for potential contaminants. This could be as simple as listing previous uses or depending on what those uses were it could mean soil investigation and/or remediation. There are various phases of assessing a site. Under certain circumstances a Record of Site Condition must be filed in a Provincial Registry. The following questions will help to identify if the property that is proposed to be developed will require further assessment.

Previous Use of Property:

Some commercial and industrial properties such as gasoline stations, automotive repair garages, have an increased potential for contamination. Contamination potential can be significantly affected by both the number of different uses that have occurred on the property and the length of time that they were present for.

Have any of the following uses occurred on the property in the past, check all that apply:

- | | | |
|--|---------------------------------------|---|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Agricultural | If Industrial or Commercial, specify use: |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Parkland | |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Vacant | |
| <input type="checkbox"/> Institutional | <input type="checkbox"/> Other | |
| | | |

Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

- Yes No Unknown

Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- Yes No Unknown

Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- Yes No Unknown

Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- Yes No Unknown

Have the lands or adjacent lands ever been used as an agricultural operation where pesticides have been applied to the lands?

- Yes No Unknown

Have the lands or adjacent lands ever been used as a weapons firing range?

- Yes No Unknown

Is the boundary of the subject property within 500 metres (1,640 feet) of the property boundary line of an operational/non-operational, public or private landfill or dump?

- Yes No Unknown

Schedule "A" Continued

If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which contain designated substances (e.g. asbestos, PCB's)?

Yes No Unknown

Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

Yes No Unknown

Former practices/uses that can possibly have caused contamination include but are not limited to:

operation of electrical transformer stations	disposal of waste materials	raw material storage
residues left in containers	maintenance activities and spills	

If previous use of property is industrial or commercial, or if YES to any of questions above, please attach an inventory of all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

ACKNOWLEDGEMENT CLAUSE

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations and guidelines and the Municipality's Official Plan policies pertaining to contaminated sites. I acknowledge that as a condition of approval of this application that the Municipality may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the Municipality of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the Municipality may require the qualified person signing the Record of Site Condition to submit to the Municipality a Declaration acknowledging that the Municipality may rely on the statements in the RSC. I further acknowledge that the Municipality of Chatham-Kent is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in (or as a result of) any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the Municipality of Chatham-Kent, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Date

Signature of Applicant(s)(Owner)