

APPLICATION FOR MINOR VARIANCE GUIDELINES

When is a Minor Variance Required?

A minor variance or permission to construct is necessary if you wish to construct, renovate, or alter a building in a way that does not meet the requirements of the City's Zoning By-law. A minor variance is also necessary if you wish to expand or change a use that is considered "legal non-conforming".

How Do I Apply for a Minor Variance?

Application forms are available in the Building Standards Branch at City Hall at 70 Collier Street, Barrie or online at www.barrie.ca. Before making your application, we recommend that you speak to a staff member in the Building Standards Branch for their comments on your proposal. Pre-consultation is strongly recommended. Applicants are encouraged to contact the Planning Services Department, Engineering Department and any affected agency (ie. Lake Simcoe Regional Conservation Authority) as they will be providing the Committee of Adjustment with comments on your application(s) and it is best to work with them to alleviate any potential problems that may arise.

To make an application for a minor variance, you must submit an application form completed in full with an application fee of \$1350.00 per application, made payable to the City of Barrie, to cover the costs of processing the file(s) and 2 copies of a sketch, showing all information as outlined in the application, showing the full extent of the your property and how you propose to develop the lands.

Costs Involved:

Application Fee – Dependant on the type of variance fee's upwards of 1350.00/application are required to pay for the processing of the application, payable to the City of Barrie. You may qualify for a multiple application fee discount as determined by Staff.

Conservation Authorities (Lake Simcoe Regional or Nottawasaga Valley) - If your property is near a body of water/water course or is within a designated "floodplain", your application may be subject to review by the Conservation Authority and you are required to pay a review fee directly to them in order for them to provide comments on your application. Please consult with either zoning staff or the conservation authority to see if your application is subject to this fee.

Other Development Applications – Dependant on the type of minor variance requested and the zoning of the lands you may be required to obtain additional approval such as site plan approval or development agreement.

PLEASE NOTE – Other conditions may be imposed by the Committee of Adjustment based on inter departmental and other agency recommendations on a site by site basis.

The Committee of Adjustment:

The City of Barrie has established a Committee of Adjustment to deal with applications for consents and minor variances. The Committee is made up of five members, appointed by City Council to serve a four year term.

The function of the Committee of Adjustment is to review the application, receive staff and agency comments on applicable planning policies and regulations, additional information provided by the applicant, as well as the input of any neighbours. As part of their review of this information, the Committee must satisfy themselves that the minor variance will not have a negative impact on the surrounding area, and is truly a minor request for change. Minor variances or permission to change or expand legal non-conforming uses can be granted when the Committee feels that the general intent of the Zoning regulations is being maintained. Anything not considered "minor" must proceed through the Zoning Bylaw Amendment process, which is directly handled by City Council.

For this reason, it is not possible for any one person or agency to tell an applicant in advance if their application will be approved. The Committee does, however, strongly encourage pre-consultation with some of these agencies in advance of making a formal submission to determine some of the requirements.

A verbal decision is given to you the night of the hearing, unless the Committee feels it needs further information before making a proper decision. A written decision will be sent to you within 10 days from the hearing date. The Committee's decision is subject to a 20 day appeal period, during which time anyone, including yourself, who is not satisfied with the decision may lodge an appeal with the Ontario Municipal Board. If no appeals are received within the 20 day period, the Committee's decision is then considered final.

What Can I Do If The Committee Does Not Approve My Application?

You have the right to appeal the Committee's decision to the Ontario Municipal Board. The appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment within 20 days of the date of the decision, who will forward the appeal to the OMB. An appeal to the Ontario Municipal Board must be accompanied by a fee of \$125.00 payable to the Minister of Finance. If an appeal is received, the entire matter is taken out of the Committee's jurisdiction, and the Ontario Municipal Board then arranges for a new hearing, which currently may take up to six months to schedule. The decision of the OMB is considered final.

The Various Steps in the Process:

- Applicant submits application to the City of Barrie, including forms, survey sketch and the appropriate processing fee.
- Staff process application and circulates notice to prescribed agencies and neighbours at least 10 days prior to Hearing. Applicant posts an application sign to assist those conducting site inspections.
- City staff reports and any other agency or public comments and are sent to the applicant prior to the Hearing.
- Committee of Adjustment Hearing – application proposal and all reports reviewed by Committee. Applicant and other parties may make presentation to Committee. Decision made.
- 20 day appeal period
- If not appealed and if approval was given, applicant must fulfill any conditions of approval prior to the issuance of a building permit.
- If appealed - sent to Ontario Municipal Board, who will hold a new Hearing.

For more information please contact the Building Standards Branch

Phone: (705) 739-4212 Fax: (705) 739-4240 Email: building@barrie.ca

Updated July 7th, 2009

The City of BARRIE

COMMITTEE OF ADJUSTMENT SUBMISSION CHECKLIST

GENERAL INFORMATION

All applications to the Committee of Adjustment are to be submitted to the Building Standards Branch in the Building Services Department, 8th Floor, City Hall, 70 Collier Street, Barrie, L4M 4T5.

Additional supporting documentation should be filed prior to the Public Hearing to avoid unnecessary adjournments of your application(s).

It is the responsibility of the applicant to ensure that on-site signage is posted in accordance with Regulations under the Planning Act. Please consult with Committee of Adjustment staff regarding current procedure.

Pre-consultation with a City Zoning Administrator, a City Planner, and/or Conservation Partners is strongly encouraged.

WHAT TO SUBMIT

- A completed application form – all sections of the application must be filled out with all registered owners, complete addresses, full legal description and required signatures – **one original and one copy**
- Site Plan – **two copies** (letter or legal size - as explained below)
- Application Fee(s) – Cash/Debit/Credit Card or Cheques made payable to the "City of Barrie"
- Supporting documentation if applicable (i.e. technical/planning reports, elevation drawings, photographs)
- Conservation Authority Fees (if applicable) LSCRA NVCA

SITE PLAN REQUIREMENTS

All site plans shall be survey-based and drawn to scale (either using an existing survey or a sketch signed by an Ontario Land Surveyor). Hand drawn sketches will not be accepted. The Planning Act regulations require that all site plans should show a certain level of detail as noted in the sketch requirement section of your application. These details include:

- Dimensions and calculated area of the property.
- All existing and proposed buildings and structures, including their size and setbacks to the property lot lines.
- All natural and artificial features i.e. railways & watercourses
- Existing uses(s) on adjacent lands
- Location and name of any roads
- Location and nature of any easement affecting the subject land
- For Consents only – clearly label all proposed severed/retained lands and/or proposed easement(s).

APPLICATION FEES (per application)

Consents - New lot or lot addition - \$1,500.00

Consents - Easements - \$1,100.00

Minor Variance - \$1,350.00

Deferrals/Amendments requiring recirculation – 50% of original fee

Multiple Application Discount of 50% of the original fee for the same property, concurrent processing on second and subsequent applications.

FOR STAFF USE ONLY

Was there a pre-consultation with Planning Staff or any other Agency? _____

YES

NO

If Yes, then who? _____

Received by: _____

Date: _____

Confirmed as a complete application by the Secretary-Treasurer: _____

The City of BARRIE

COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE OR PERMISSION

HEARING DATE: _____

APPLICATION NO. A _____ / _____

RECT #. _____

PROPERTY ADDRESS: _____

For Office Use Only

NOTE: Personal information is collected on this form under the authority of the City of Barrie By-law 2002-288, and is used to enforce various City of Barrie By-laws. This is a public record and information in it is accessible to the public. Questions about this collection of personal information should be directed to the City Clerk, City of Barrie, 70 Collier Street, Barrie, ON L4M 4T5 (Updated February, 2009)

1.0 APPLICATION INFORMATION

1.1

Name of Applicant: _____

Address: _____

Town/City: _____

Postal Code: _____

Telephone No.: _____

E-mail.: _____

Fax No.: _____

1.2 Name of Owner(s) (if different from the applicant)

An owner's authorization is required in Section 9.0, if the applicant is not the owner.

Name of Owner: _____

Address: _____

Town/City: _____

Postal/Code: _____

Telephone No.: _____

E-mail.: _____

Fax No.: _____

1.3 Name of Person(s) who is to be contacted if different from the applicant (person or firm acting on behalf)

A letter of authorization is required to be submitted with the application.

Name: _____

Address: _____

Town/City: _____

Postal Code: _____

Telephone No.: _____

E-mail.: _____

Fax No.: _____

2.0 LOCATIONAL INFORMATION OF SUBJECT LANDS

2.1

Concession/Registered Plan No.: _____ Lot Number(s): _____

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

Municipal Address: _____ Roll Number: _____

2.2 Are there easements or any restrictive covenants affecting the subject lands? [] NO [] YES

IF yes please describe: _____

3.0 PURPOSE OF APPLICATION

3.1 Nature and extent of relief applied for:

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

4.0 DESCRIPTION OF THE SUBJECT LANDS

4.1 Property Description

Lot Frontage: _____ m Lot Depth: _____ m Lot Area: _____ m²

4.2 Access (please check appropriate space)

- Municipal Road - Maintained Seasonal or Year Round (circle one)
 Prov. Highway Private/Right of Way Other ie. Water Access

If access to the subject land is by private road, or if "other public road" or "right of way" please indicate below who owns the land or road, who is responsible for its maintenance and whether it is maintained seasonally or all year. If access is by water please indicate the location of the parking and board docking facilities to be used.

4.3 Water (please check appropriate space)

- Municipal Well – Private or Communal (circle one) *
 Other ie. Lake _____

4.4 Sewer (please check appropriate space)

- Municipal Septic – Private or Communal (circle one) *
 Other _____

* A copy of your health unit certificate of approval or septic use permit must be submitted with this application for review. Please be advised that additional review fees may be applicable to ensure compliance. For more information or to request a copy of this information, please contact Building Standards Branch at 739-4212

4.5 Storm Drainage (please check appropriate space)

- sewer ditches/swales Other _____

4.6 Use of Property (please be specific)

EXISTING: _____

PROPOSED: _____

4.7 Buildings or Structures **

EXISTING: _____

PROPOSED: _____

** For each existing/proposed building or structure please indicate type, the setback from the front lot line, rear lot line and side lot lines, the height in metres and the dimensions or floor area.

5.0 LAND USE AND APPLICATION INFORMATION

5.1 What is the existing official plan designation(s) of the subject land?

5.2 What is the zoning of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.3 Has the subject land ever been subject of an application for approval of a plan of subdivision or consent under the Planning Act? If Yes, please provide the application file number and decision made on the application.

Yes

No

5.4 Has the subject land ever been subject of an previous application for a minor variance/permission under the Planning Act? If Yes, please provide the application file number and decision made on the application.

Yes

No

5.5 Date of acquisition of subject lands:

5.6 Date of construction of all buildings and structures on the subject lands:

5.7 The length of time that the existing uses of the subject lands have continued:

6.0 OTHER INFORMATION

6.1 Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page..

7.0 SKETCH REQUIREMENTS

7.1 The application shall be accompanied by a sketch showing the following: (Please note the Committee may request a sketch signed by an Ontario Land Surveyor).

- ❖ the boundaries and dimensions of the subject land
- ❖ the location, size and type of all existing and proposed buildings and structures on the subject lands, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- ❖ the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks
- ❖ the existing uses(s) on adjacent lands
- ❖ 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 boat docking facilities to be used
- ❖ the location and nature of any easement affecting the subject land

8.0 CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION

I _____ am the owner of the land that is the subject of this consent application and for the purposes of the Freedom of Information and Protection of Privacy Act, I 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 _____

Signature (Owner or Agent)

Print Name

Date

9.0 AUTHORIZATION OF USING AN AGENT BY OWNER

I, _____, am the owner of the land that is the subject of this application for a consent and for the purposes of the Freedom of Information and Protection of Privacy Act, I authorize _____ to make this application on my behalf AND as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application _____

Signature (Owner)

Print Name

Date

10.0 Affidavit or Sworn Declaration

I/WE _____ of the City/Municipality of _____ solemnly declare that the information contained in this application is 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, and by virtue of "The Canada Evidence Act" AND hereby grant permission to employees for the City of Barrie and its Members of the Committee of Adjustment to attend, photograph and conduct inspections of the lands subject to this application as part of their review and processing of the application.

Signature of Owner/Applicant (seal if any)

Print Name

Signature of Owner/Applicant (seal if any)

Print Name

Dated at the City of Barrie

In the County of Simcoe

This _____ day of _____ 20____

Commissioner of Oaths

NOTE: IF THE REGISTERED OWNER IS A CORPORATION, THE CORPORATE SEAL MUST BE AFFIXED TO THIS FORM IN ADDITION TO THE SIGNATURE OF AUTHORIZED SIGNING OFFICERS.