

# 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 Development Services Department at City Hall at 70 Collier Street, Barrie or online at [www.barrie.ca](http://www.barrie.ca). Before making your application, we recommend that you speak to a staff member in the Planning Services Branch for their comments on your proposal. Pre-consultation is strongly recommended. Applicants are encouraged to contact the Development Services Department, Engineering Department and any affected agency (i.e. 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 \$2,039.00 per application, made payable to the City of Barrie, to cover the costs of processing the file(s) and 1 copy of a preliminary sketch and a **mandatory property survey**, 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 \$2,039.00/application are required to pay for the processing of the application, payable to the City of Barrie. Multiple application discount of \$107.69 off original fee, is applicable on same property, concurrent processing, on second and subsequent applications 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.

**Development Fees**– Development fees such as Development Charges, Education Levies, Area Specific Charges, and Park Levies may be required. For more information, please contact Nicole Myers in our Finance Department at 705-726-4242.

**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 Local Planning Appeal Tribunal. 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 Local Planning Appeal Tribunal (LPAT). 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 LPAT. An appeal to the LPAT must be accompanied by a fee of \$400.00 payable to the Minister of Finance. If an appeal is received, the entire matter is taken out of the Committee's jurisdiction, and the LPAT then arranges for a new hearing, which currently may take up to six months to schedule. The decision of the LPAT 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 the Local Planning Appeal Tribunal, who will hold a new Hearing.

**For more information please contact the Development Services Department**

**Phone: (705) 726-4242 or Email: [ServiceBarrie@barrie.ca](mailto:ServiceBarrie@barrie.ca)**