

# Committee of Adjustment

## CONSENT

### INFORMATION/GUIDELINE

*The following is preliminary information only*

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## **What is Committee of Adjustment?**

The Committee of Adjustment is comprised of Thunder Bay citizen members, appointed by Council, and given authority for certain approvals and/or permissions in accordance with the Planning Act. These approvals and/or permissions relate to minor changes to zoning regulations and permissions related to legal-non conforming uses. The Committee also grants consents (land severances) to sever a parcel of land into more than one lot, or as addition to abutting properties (boundary adjustment); and permit enlargements.

## **What is Consent?**

Consent is the authorized separation of a piece of land to create a new lot or a new parcel of land. This is also commonly known as land severance. In addition to the division of land; rights-of-way, easements, and any change to your existing property boundaries also requires land severance approval. In considering each application for land severance, the Committee of Adjustment will evaluate the merits of each proposal while considering criteria such as:

- The intent and purpose of the Official Plan and Zoning By-law;
- Relevant servicing policies of the Official Plan;
- Compatibility with adjacent uses of land;
- Adequacy of vehicular access;
- Risk to public health or safety or of property damage;
- Protection of natural heritage features.

## **How to Start?**

Before you make a Consent application, it is recommended that you to consult with the Planning Services Division staff. Staff will be able to explain the process, outline the submission requirements, and list any other applicable permits and approvals that may be required. A scheduled appointment is suggested for inquiries at (807) 625-2538.

## **Consent Application Requirements**

- 1) Completed Application Form (available at the Planning Services Division or online [www.thunderbay.ca](http://www.thunderbay.ca))
- 2) Site Plan (8.5" x 11")
- 3) Application Fees

## **Application Fees**

Fees are outlined on the application form and are to be paid at the time an application is submitted.

## **Submission of a Complete Application**

The application form sets out the information that must be provided by the applicant, as prescribed in the schedules to Ontario Regulation 197/96 made under the *Planning Act*. The City of Thunder Bay will consider the application to be 'complete' when accompanied by the prescribed information. The submission of an incomplete application may result in delays in the processing of the application. If any required supporting material (including necessary reports, sketches, plans and fees) is not provided, the City will return the application or withhold its processing until the supporting material has been provided.

## **Specialized Studies**

The City may require additional information to ensure conformity with provincial and other regulatory documents. This requirement may be determined based on the location of proposed development, or following a site inspection whereby potential hazards or conditions that require further consideration have been identified. Specialized Studies may include: Environmental Impact Study, Land Use Compatibility Study, Hydrological and/or Geotechnical Assessment, Traffic Assessment, Noise Impact Study, Lake Impact Study, Heritage Impact Study, Archaeological Report, or other study deemed necessary to demonstrate that the proposal will not negatively impact the public or the natural/built environment.

## **Committee of Adjustments Decision**

Any person or public body has 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 mailing of the decision. If an appeal is received, the entire matter is forwarded to the LPAT, and the LPAT will arrange a new hearing. The decision of the LPAT is considered final. At the end of the 20-day appeal period, if there has been no appeal filed, the decision will become final and a notice to this effect will be issued. The Committee of Adjustment is authorized to impose conditions on the decision. All conditions imposed by the Committee must be fulfilled to complete the process.

**Development & Emergency**  
**Services Department**

**CONSENT APPLICATION CHECKLIST**

Necessary for an application to be deemed 'complete'

**Note: FEES ARE NON-REFUNDABLE AFTER THE APPLICATION IS CIRCULATED**

- Application Fee:**
- |   |   |
|---|---|
| a) Base Transaction/EACH severed lot: <u>\$1,285.00</u>   | b) Additional Transaction(s): <u>\$321.00</u> |
| c) Secretary's Certificate (EACH document): <u>\$321.00</u>   | d) Recirculation Fee: <u>\$321.00</u>         |
| e) Consent & Minor Variance Applications together: <u>\$1,928.00 + \$1,285.00 for each additional severed lot</u> |   |
- Copy of Deed or Tax Bill for proof of ownership**
- Complete Application Form** use blue or black ink only, do not use pencil, ORIGINAL COPY MUST BE SUBMITTED
- Cover letter and/or report** briefly outline the nature of the application along with any illustrations or photos of the site/building and its context.
- Survey Sketch** (if available) **and/or Site Plan** with accurate dimensions of the entire subject property  
*\*Applications accepted in metric only (1 ft.=0.3048 m)*
- Site Plan** (on letter size paper 8.5 in x 11 in) Drawing to include:
- Property boundaries and dimensions;
  - Location, size and type of all existing buildings, proposed buildings and structures on the subject land. Indicate the distance of the buildings or structures from the front, rear and side lot lines;
  - The location of the parking and parking spaces with dimensions;
  - Location of existing or proposed septic system and drilled/dug well on site and within adjacent properties if known;
  - Approximate location of all natural and manmade features on the property and adjacent properties. Examples include wetlands, wooded areas, river or stream banks, watercourses, swales, drainage ditches, pits, quarries, retaining walls, wells and septic tanks, tile beds, buildings, railways, driveways, bridges, utilities (hydro, gas, phone, overhead and underground);
  - Existing uses on adjacent lands (e.g. residential, agricultural, commercial, open space, etc.);
  - Location, classification of roads abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or right-of-way;
  - Topographical features (steep slopes, low-laying areas, etc.) that may affect drainage patterns on and off site;
  - Location and nature of any easement affecting the subject land;
  - Location of agricultural buildings or barns capable of housing animals within 500 m of the proposed lot and abutting lot;

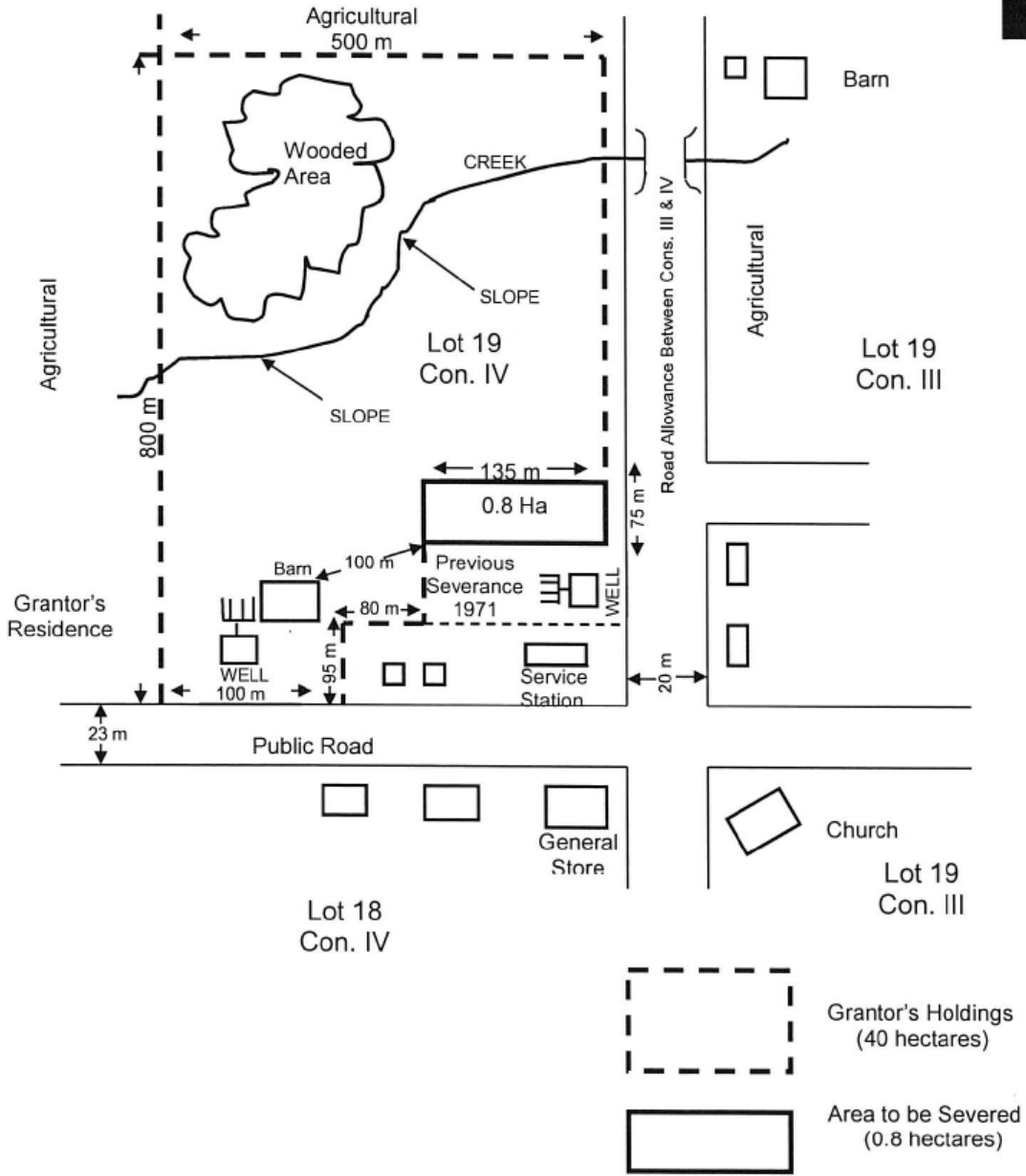
- What is the source of the information for dimensions; who did it and when.
- Elevation Drawings** if applying for an increase in height to a building, show all sides where new construction is proposed; including but not limited to height, grade, and window and door openings.
- Authorization Form** signed by all registered owners of the property when an Agent is acting on behalf of the Owner(s)
- Thunder Bay District Health Unit (TBDHU):** Properties serviced by private sewage systems will require a preliminary soil inspection. It is the responsibility of the applicant to directly contact the TBDHU, Sewage Systems Land Development Program 999 Balmoral Street, Thunder Bay, Rick Kraemer, Telephone 625-7991.
- Lakehead Region Conservation Authority (LRCA):** Applications may be subject to review by the LRCA depending on the location of the property and associated development. The applicant is responsible for contacting the LRCA (807)-344-5857; [www.lakeheadca.com](http://www.lakeheadca.com), to determine whether or not a review is required.

### **Additional Information**

- Please note that a required sign shall be posted fourteen days prior to the Committee meeting. The applicant and/or agent shall confirm the posting of the sign at the Committee of Adjustment meeting.
- The Planning Services Division has a Commissioner on staff available to witness the signing of Applications.
- Applications to the Committee of Adjustment are processed in accordance with Provincial Legislation and information provided by the Applicant(s).

**NOTE: Additional pages or a supporting report may be submitted with this Application**

# Sample Sketch





**Committee of Adjustment**  
 Victoriaville Civic Centre, 2nd Floor  
 P.O. Box 800, 111 Syndicate Avenue South  
 Thunder Bay, ON P7C 5K4  
 Telephone: (807) 625-2538  
 Fax: (807) 623-2206  
 E-mail: [Fiona.Buchan@thunderbay.ca](mailto:Fiona.Buchan@thunderbay.ca)  
 Web: [www.thunderbay.ca/planning](http://www.thunderbay.ca/planning)

**Date Received:**  
*Does not imply acknowledgment of complete application*

**Development & Emergency  
 Services Department**

## Consent Application

**OFFICE USE ONLY**

Date Received:		Application Complete?	YES / NO
Application Number:		Fee Paid:	

1. REGISTERED OWNER(S)			
Name(s)/Company Name			
Address			
Postal Code		Phone (home)	
Email Address		Phone (mobile)	
Do you own abutting lands?	YES                  NO <small>If yes, explain on separate sheet &amp; attach sketch</small>	Fax	
Date subject land acquired by current owner:			

2. APPLICANT INFORMATION if different from above			
Name(s)/Company Name			
Address			
Postal Code		Phone (home)	
Email Address		Phone (mobile)	
		Fax	

3. AGENT <input type="checkbox"/> SOLICITOR <input type="checkbox"/> OR PLANNING CONSULTANT <input type="checkbox"/> INFORMATION if applicable			
Name(s)/Company Name			
Address			
Postal Code		Phone (home)	
Email Address		Phone (mobile)	
		Fax	

4. DO YOU CONSENT TO RECEIVE INFORMATION RELATED TO THIS APPLICATION VIA E-MAIL?	
<input type="checkbox"/> YES	E-mail Address:

5. PROPERTY DESCRIPTION	
House Number & Street Name	
Legal Description (Registered Plan number and lot)	

6. PURPOSE OF THIS APPLICATION	
<b>6.1 Please check the appropriate box</b>  <input type="checkbox"/> Creation of New Lot(s) - number if new lots _____ <input type="checkbox"/> Lot Addition <input type="checkbox"/> An Easement/Right-of-Way <input type="checkbox"/> Lots for Semi-Detached Dwelling <input type="checkbox"/> Other (please specify – correction of title, mortgage, lease, etc): _____	
<b>6.2 Name of person(s) to whom this land or interest in land is to be transferred, leased, charged etc.</b>  Name: _____ Address: _____ <i>If a lot addition, identify on the required sketch the lands to which the parcel will be added (Legal Description)</i>	
<b>6.3 Are there any easements or restrictive covenants affecting the subject land? If so, describe the easement or covenant and its effect:</b>  	

7. DESCRIPTION OF LAND TO BE SEVERED *DIMENSIONS TO BE SHOWN IN METRIC*				
7.1 Proposed Lot(s)		Number of new lots being created:		
		Dimensions		
		Lot Frontage	Lot Depth	Total Lot Area
Severed Lot 1		metres	metres	hectares    square metres
Severed Lot 2		metres	metres	hectares    square metres
7.2	Type of Buildings/Structures	Dimensions of Buildings/Structures	Location of Buildings/Structures	Use of Land
Existing				
Proposed				
Setbacks from existing buildings or structures to the proposed lot line:				

8. DESCRIPTION OF LAND TO BE RETAINED *DIMENSIONS TO BE SHOWN IN METRIC*				
8.1 Retained Lot		Dimensions		
		Lot Frontage	Lot Depth	Total Lot Area
		metres	metres	hectares    square metres
8.2	Type of Buildings/Structures	Dimensions of Buildings/Structures	Location of Buildings/Structures	Use of Land
Existing				

<b>Proposed</b>				
<b>Setbacks from existing buildings or structures to the proposed lot line:</b>				
*Please show all buildings and structures including setbacks and separation distances on the Site Plan as per Consent Application Site Plan Requirements*				

<b>9. USE AND BUILDINGS ON ABUTTING LANDS</b>	
Use (i.e. residential, agricultural, commercial, vacant)	
Buildings (i.e. dwelling, garage, barn, retail store)	
<b>9.1 Minimum Distance Separation</b> (Only required when new development is proposed within 500 m of an agricultural operation)	
Distance from proposed lot line to nearest barn(s):	
Housing capacity of barn(s):	
Type of livestock kept in nearest barn:	
Number of tillable hectares on farm containing nearest barn:	

<b>10. EXISTING PROPERTY CHARACTERISTICS</b>	
<b>10.1 Primary Road Access</b> (include name of Road):	<input type="checkbox"/> Provincial Highway <input type="checkbox"/> Another Public Road <input type="checkbox"/> Municipal Road <input type="checkbox"/> Private Right-of-Way <input type="checkbox"/> Easement/Restrictive Covenant <input type="checkbox"/> Water Only
<b>10.2 If access to the subject land by water only</b> , provide details of parking and docking facilities to be used and the approximate distance of these from the subject land and the nearest public road:	
<b>10.3 Water - Servicing</b>	<input type="checkbox"/> Municipal Piped Water System <input type="checkbox"/> Privately-Owned Individual well, lake or other water body <input type="checkbox"/> Other (specify):
<b>10.4 Sewage - Servicing</b>	<input type="checkbox"/> Municipal Sanitary Sewage System <input type="checkbox"/> Privately-Owned Individual Septic System or Privy <input type="checkbox"/> Other (specify):
<b>10.5 Storm Drainage - Servicing</b>	<input type="checkbox"/> Sewers <input type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other (specify):
<b>10.6 Other Services</b>	<input type="checkbox"/> Gas <input type="checkbox"/> Hydro <input type="checkbox"/> Other (specify):



**11. PROPOSED PROPERTY CHARACTERISTICS**

<b>11.1 Primary Road Access</b> (include name):	<input type="checkbox"/> Provincial Highway <input type="checkbox"/> Another Public Road <input type="checkbox"/> Municipal Road <input type="checkbox"/> Private Right-of-Way <input type="checkbox"/> Easement/Restrictive Convent <input type="checkbox"/> Water Only
<b>11.2 If access to the property by water only</b> , provide details of parking and docking facilities to be used and the approximate distance of these from the property and the nearest public road:	
<b>11.3 Water - Servicing</b>	<input type="checkbox"/> Municipal Piped Water System <input type="checkbox"/> Privately-Owned Individual well, lake or other water body <input type="checkbox"/> Other (specify):
<b>11.4 Sewage - Servicing</b>	<input type="checkbox"/> Municipal Sanitary Sewage System <input type="checkbox"/> Privately-Owned Individual Septic System or Privy <input type="checkbox"/> Other (specify):
<b>11.5 Storm Drainage - Servicing</b>	<input type="checkbox"/> Sewers <input type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other (specify):
<b>11.6 Other Services</b>	<input type="checkbox"/> Gas <input type="checkbox"/> Hydro <input type="checkbox"/> Other (specify):

**12. LAND USE, OFFICIAL PLAN & ZONING BY-LAW INFORMATION**

<b>12.1 Zone</b>	
<b>12.2 Official Plan Designation</b>	
<b>12.3 Community Plan (if any)</b>	
<b>12.4 Heritage Designation (if any)</b>	
<b>12.5 Is the subject property the subject of a current application under the Act for approval of a Plan of Subdivision or Consent?</b>	<input type="checkbox"/> Yes                      If yes, File Number: _____ <input type="checkbox"/> No    Status: _____

**13. PREVIOUS LAND USE & PLANNING ACTIVITY**

**13.1 Existing, Proposed and Previous Uses:** (indicate previous land uses on the subject land or adjacent lands including any agricultural, industrial or commercial uses petroleum or other fuel storage, or if there is any reason to suspect land contamination)

**13.2 Has the subject land ever been the subject of an application for a plan of subdivision under Section 51 of the Act, or consent under Section 53 of the Act?**

Yes  No If yes, provide: File/Application Number: \_\_\_\_\_ Decision: \_\_\_\_\_

**13.3 Have any parcels been created since January 1, 1978?**

Yes  No If yes, how many: \_\_\_\_\_ Date: \_\_\_\_\_

**13.4 Has any land been severed from the parcel originally acquired by the owner? If yes, date of transfer, the name of who it was transferred to and use of the severed land.**

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Use: \_\_\_\_\_

**13.5 Planning History:** (Indicate any current or previous application under the *Planning Act* affecting the subject land)

- |  |                       |
|--|-----------------------|
| <input type="checkbox"/> Minor Variance                                      | File Number(s): _____ |
| <input type="checkbox"/> Consent   | File Number(s): _____ |
| <input type="checkbox"/> Site Plan Approval                                  | File Number(s): _____ |
| <input type="checkbox"/> Zoning By-Law Amendment                             | File Number(s): _____ |
| <input type="checkbox"/> Zoning By-Law Amendment (within the last two years) | File Number(s): _____ |
| <input type="checkbox"/> Subdivision   | File Number(s): _____ |
| <input type="checkbox"/> Other (please specify) _____                        |                       |

**13.5 Describe how the application consistent with Policy Statements issued under subsection 3(1) of the Planning Act:**

**13.6 Explain how the application conforms or does not conflict with the Growth Plan for Northern Ontario:**

**Completeness of the Application**

The information in this form must be provided by the applicant. This information is prescribed in the Schedule to Ontario Regulation 197/96 made under the Planning Act. This mandatory information must be provided with the appropriate fee. If the mandatory information and fee are not provided, the Committee will return the application, or refuse to further consider the application until the information and fee have been provided. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to complete the review within the legislated time frame for making a decision. As a result, the application may be refused. **THIS INFORMATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC.**

**14. AUTHORIZATION OF AGENT**

I/We \_\_\_\_\_  
(Name of registered owner(s) of the subject lands)

Authorize \_\_\_\_\_  
(Name of agent/person authorized to sign application form)

To act on my (our) behalf in submitting this application. This application has been submitted with my (our) full knowledge and endorsement.

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

**15. PERMISSION TO ENTER**

I/We \_\_\_\_\_  
(Name of registered owner(s) of the subject lands)

Herby authorize the Members of the Committee of Adjustment and City of Thunder Bay staff, to enter upon the property of this application for the purpose of conducting a site inspection with respect to this applcation for Consent.

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

**NOTE: Access to the Property** – Ensure that any driveways/lanes are accessible during the circulation period of the Application so that Committee members, City of Thunder Bay staff and other agencies do not have any barriers blocking access to the subject land.

**16. CERTIFICATION BY THE APPLICANT / SWORN DECLARATION**

I/We \_\_\_\_\_ of the

City of \_\_\_\_\_ in the Province of \_\_\_\_\_

solemnly declare that all the statements contained in this application are true and I/We 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.

Declared before me at the City of \_\_\_\_\_ in the Province of \_\_\_\_\_,

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commissioner of Oaths

\_\_\_\_\_  
Applicant/Authorized Agent

If the applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporation Seal shall be affixed OR written authorization from the Corporation signed by an individual who has authority to bind the Corporation.