

# Committee of Adjustment

## MINOR VARIANCE & PERMISSION

### INFORMATION/GUIDELINE

Development & Emergency  
Services Department

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*The following is preliminary information only*

### **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 an addition to abutting properties (boundary adjustment).

### **What is a Minor Variance?**

A Minor Variance is a small change to requirements of the Zoning By-law regulations and includes, for example: reduced setbacks, lot frontage, lot depth or lot area, and/or increases in lot coverage or buildings heights. It is important to note that the Committee does not deal with variances to land use nor does it change the zoning of the property, but rather allows some relief for a specific requirement from the By-law necessary to obtain a building permit.

### **Review of Applications**

When reviewing Minor Variance Applications, the Committee of Adjustment must be satisfied that the following tests prescribed in the Planning Act have been met:

- The variance is minor in nature;
- The variance is desirable for the appropriate development or use of the property;
- The general intent and purpose of the Zoning By-law is maintained;
- The general intent and purpose of the Official Plan is maintained.

Consideration is also given to the nature of the proposed change, the suitability of the land for the proposed use, vehicle access, water supply, sewage disposal, the design of structures, heritage conservation issues, tree preservation, parking layout, grading, drainage, and public input.

### **Legal Non-Conforming Permission Applications**

Permission for enlargements or extensions to structures that are Legal Non-Conforming, and changing a Legal Non-Conforming use to another use not permitted in the Zoning By-law, requires an application for permission.

A Legal Non-Conforming use exists when zoning for the subject land does not permit its current use, but the use was permitted and lawfully in existence before the enactment of the current Zoning By-law. The Committee of Adjustment can consider applications for permission to:

- Enlarge or extend structures that are Legal Non-Conforming
- Change a Legal Non-Conforming use to another use not permitted in the Zoning By-law

In either application, it must be demonstrated that the current use has been continuous since the time of its prohibition in the Zoning By-law. Applicants are advised to contact City staff to determine if the use qualifies as a Legal Non-Conforming use, by obtaining a Property Information Report (Compliance Report).

## **How to Start?**

Before you make a Minor Variance 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.

## **Minor Variance Application Requirements**

- 1) Completed Application Form (available at the Planning Services Division or online at [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 200/96 made under the *Planning Act*. The City of Thunder Bay will consider the application to be 'complete' when all information and prescribed fee is submitted. 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 Assessment Report, or other study deemed necessary to demonstrate that the proposal will not negatively impact the public or the natural/built environment.

## **Committee of Adjustment 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 decision being made. 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 Committee's 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.

**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: [Susan.Henton@thunderbay.ca](mailto:Susan.Henton@thunderbay.ca)  
Web: [www.thunderbay.ca/planning](http://www.thunderbay.ca/planning)

**Date Received:**

**MINOR VARIANCE/PERMISSION APPLICATION CHECKLIST**

Necessary for an application to be deemed 'complete'

**Application Fee: \$1,248.00 Consent & Minor Variance Applications together: \$1,872.00**

**Recirculation Fee: \$312.00**

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

**Copy of Deed of Land and/or Tax Bill for proof of ownership**

**Complete Application Form** (use blue or black ink only, do not use pencil) the ORIGINAL COPY MUST BE SUBMITTED

**Cover letter and/or report** briefly outline the nature of the application along with a rationale for the variance requested, 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 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 property. Indicate the distance to the buildings or structures from the front, rear and side lot lines and separation distances between all buildings;
- Location and dimensions of all parking spaces and aisles;
- Location of existing or proposed septic system and drilled/dug well on the property and on 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 and classification (i.e. minor arterial, local, collector) of road abutting the property, 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, hills etc.) that may affect drainage patterns on and off site.
- Location and type of any easement affecting the property;
- Location of all agricultural buildings, manure pits, or barns capable of housing animals on or within 500 m of the subject property.





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 Fax: (807) 623-2206  
 E-mail: [Susan.Henton@thunderbay.ca](mailto:Susan.Henton@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**

**Minor Variance/Permission 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 If yes, explain on separate sheet & attach sketch	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  SOLICITOR  OR PLANNING CONSULTANT  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:
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**8. EXISTING STRUCTURES & SETBACKS ON SUBJECT LAND \*DIMENSIONS TO BE SHOWN IN METRIC\***

**8.1 Existing Structures** (if any) \*Please show all buildings and structures including setbacks and separation distances on the Site Plan as per Minor Variance/Permission Application Site Plan Requirements\*

Type of Structure	Ground floor Area	Gross Floor Area	Number of Stories	Dimensions			Year Built
				Length	Width	Height	

**8.2 Setbacks of Existing Structures** (for side setbacks, please note if it is North, South, East, West)

Type of Structure	Front Lot Line Distance from	___Side lot Line	___Side lot Line	Rear Lot Line	Other (easement, shoreline, etc)

**9. PROPOSED STRUCTURES & SETBACKS ON SUBJECT LAND \*DIMENSIONS TO BE SHOWN IN METRIC\***

**9.1 Proposed Structures** (if any)

Type of Structure	Ground floor Area	Gross Floor Area	Number of Stories	Dimensions			Date to be Constructed
				Length	Width	Height	

**9.2 Setbacks of Proposed Structures** (for side yards, please note if it is North, South, East, West)

Type of Structure	Front Lot Line Distance from	___Side lot Line	___Side lot Line	Rear Lot Line	Other (easement, shoreline, etc)

**10. USE AND BUILDINGS ON ABUTTING LANDS**

Use (i.e. residential, agricultural, commercial, vacant)

Buildings (i.e. dwelling, garage, barn, retail store)

**10.1 Minimum Distance Separation** (Only required when new development is proposed within 500 m of an agricultural operation)

Distance from proposed variance 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:





**13. 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: \_\_\_\_\_

**14. 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 application for Minor Variance.

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.

**15. 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.