

Applicant Check List

- Please [✓] to ensure the following is provided:
- Two (2) copies of completed application;
- Sketch including all relevant information;
- \$539.01 Minor Variance for Zoning relief fee;
- Completed Authorization Form



FILE NUMBER:

Zoning By-law Variance **D13-** /

Sign By-law Variance **D13-** /

TOWN OF PERTH

MINOR VARIANCE OR CHANGE IN USE APPLICATION FORM

Pursuant to Section 45 of the Planning Act, R.S.O. 1990, c.P.13, as amended

Application deemed complete on _____

1.0 OWNER/APPLICANT INFORMATION

1.1 Owner's Name(s): _____

1.2 Owner's Address: _____

1.3 Applicant's Name(s): _____
(if not owner, please complete authorization in Section 9)

1.4 Applicant's Address: _____

Send correspondence to _____

2.0 PROPERTY DESCRIPTION AND INFORMATION

2.1 Legal Description of Property
 Reference/Registered Plan Number: _____
 Part/Block/Lot Number: _____
 Municipality: _____
 Concession Number _____
 Lot Number: _____

2.2 Municipal Description of Property
Street Name and Number: _____

2.3 The Date the Subject Land was Acquired by Current Owner: _____

2.4 Dimensions of Property
 Street Frontage: _____
 Depth: _____
 Area: _____

3.0 OFFICIAL PLAN & ZONING INFORMATION

3.1 Current Official Plan Designation of Property: _____

3.2 Current Zoning of Property: _____

3.3 Nature and Extent of the Relief Requested from the Zoning By-law:

3.4 Reason why the Proposed Use Cannot Comply with the Provisions of the Zoning By law: _____

3.5 Describe the Existing Uses of the Property: _____

3.6 Provide the Length of Time each Existing Uses has continued on the Property:

3.7 Describe the Proposed Uses of the Property: _____

4.0 BUILDING AND STRUCTURE INFORMATION

4.1 Existing Buildings or Structures on the Subject Land

Yes No

If yes, please provide the following information for each separate dwelling unit, leased unit, building or structure (attach a separate information sheet if necessary to provide complete information):

Type: _____

Front Lot Line Setbacks: _____

Rear Lot Line Setbacks: _____

Side Lot Line Setbacks: _____

Height (in meters/feet): _____

Dimensions/Floor Area: _____

Additional pages attached? _____ No. of Pages _____

4.2 The Date the Existing Unit, Building or Structure was constructed on the Subject Land:

4.3 Number of Existing Parking Spaces _____ Proposed spaces _____

4.4 Proposed Buildings or Structures to be erected on the Subject Land:

No

Yes

If yes, please provide the following information for each building or structure (attach a separate information sheet if necessary to provide complete information):

Type: _____

Front Lot Line Setbacks: _____

Rear Lot Line Setbacks: _____

Side Lot Line Setbacks: _____

Height (in metres/feet): _____

Dimensions/Floor Area: _____

Additional Pages attached ? _____ No. of Pages _____

5.0 SERVICING INFORMATION

5.1 Access to the Property:

- Provincial Highway
- County Road
- Municipal Road (maintained all year)
- Municipal Road (maintained seasonally)
- Other Public Road
- Private Right-of-Way

5.2 Type of Water Supply to the Subject Lands:

- Publicly owned and operated piped water system
- Privately owned and operated piped water system
- Privately owned and operated individual well
- Privately owned and operated communal well
- Other means: _____

5.3 Type of Sewage Disposal System Servicing Subject Lands:

- Publicly owned and operated sewage disposal system
- Privately owned and operated septic system
- Privately owned communal septic system
- Privy or other means: _____

5.4 Provision of Storm Drainage:

- Piped Storm Sewers
- Ditches
- Swales
- Other means: _____

6.0 OTHER PLANNING APPLICATIONS

6.1 Is the property subject to an application under the Planning Act for approval of a plan of subdivision or a consent:

- Unknown
- No
- Yes

If yes and if known, please provide the following:

The application file number: _____

The status of the application: _____

6.2 Has the land ever been the subject of a previous application under Section 45 of the Planning Act (i.e., a rezoning application):

- Unknown
- No
- Yes

7.0 REQUIRED SKETCH INFORMATION

- 7.1 The following information must be included in the required sketch to be submitted with your complete application (please [✓] boxes to confirm this information has been included on your sketch):
- a) The boundaries and dimensions of the subject land;
 - b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - c) The approximate location of all natural and artificial features on the subject land and on adjacent land 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;
 - d) The current uses on the land adjacent to the subject land;
 - e) The location, width and name of any roads within or abutting the subject land, indicating whether it is a public traveled road, unopened road allowance, a private road or a right-of-way;
 - f) The location and nature of any easement affecting the subject land; and
 - g) If access to the subject land is by water only, the location of the parking and docking facilities to be used.

8.0 AGREEMENT TO INDEMNIFY

The applicant hereby agrees to indemnify and save harmless The Corporation of the Town of Perth (the "Town") from all costs and expenses the Town may incur in connection with the processing of the Applicant's planning application for approval under The Planning Act.

Without limiting the foregoing, such costs and expenses shall include all administrative, legal, engineering, planning, advertising, and consulting fees and charges incurred or payable by the Town to process the application, together with all costs arising from the Town, if required or requested by the Applicant appearing at any hearing of any appeal to the Local Planning Appeal Tribunal (LPAT) from any decisions by Town Council, the Committee of Adjustment or the County's Land Division Committee as the case may be, approving the Applicant's application.

The Applicant agrees that if any amount owing to the Town in respect to the application is not paid within 30 days of being issued; the Municipality will not be required to process or to continue processing the application or appear before the Local Planning Appeal Tribunal (LPAT) in support of a decision approving the application until the amount has been paid in full.

The Applicant further agrees, that any amount owing by the Applicant is a debt of the Applicant and the Town, in addition to other remedies available to it by law, is entitled to recover the amount owing with interest from the Applicant by actions in the Courts.

Signature of Applicant

Date

9.0 AFFIDAVIT/SWORN DECLARATION BY APPLICANT

9.1 An affidavit/sworn declaration by the applicant certifying that the information contained in this application form is true.

I, _____, of the _____
in the _____, do solemnly declare that:

I am the applicant named in this application;

I shall be responsible for and I agree to pay all necessary fees and expenses incurred by the Corporation of the Town of Perth resulting from this application; and

All of the information and statements made in this application 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.

Declared before me at the

_____ in the _____

this ____ day of _____, ____.

Applicant's Signature

A Commissioner, etc.

(Above to be signed in the presence of a Commissioner)

10.0 AUTHORIZATION FROM OWNER(S)

10.1 The owner(s) formal authorization permitting the applicant to make this application on the owner(s) behalf to the Town of Perth.

I/We _____, the owner's of the property subject of
this application, hereby authorize _____

to make this application on my/our behalf to the Corporation of the Town of Perth.

Witness (other than applicant)

Owner's Signature

Witness Name and Title
(Please PRINT)

Owner's Name and Title
(Please PRINT)

TOWN OF PERTH - PLANNING DEPARTMENT
MINOR VARIANCE AND CHANGE OF USE APPLICATION GUIDELINES

WHAT IS A MINOR VARIANCE AND CHANGE OF USE AND WHEN IS AN APPLICATION REQUIRED?

To obtain a Minor Variance or a Change in Use, one must apply to the Committee of Adjustment. This Committee is a non-political, quasi-judicial body comprised of 3 members who are appointed by Council. The Committee of Adjustment has been delegated the authority for Minor Variance and Change of Use approvals under Section 45 of the Planning Act.

If a proposed development does not conform exactly to the requirements of the municipal Zoning By-law (i.e., in terms of minimum setbacks, maximum building coverage, minimum parking requirements, etc.) but maintains its general intent, one can apply for what is referred to as a Minor Variance. A Minor Variance does not amend a Zoning By-law but rather precludes a particular proposal from a specific requirement(s) of the By-law. Although there are no set criteria for evaluating the appropriateness of a Minor Variance proposal, the Town of Perth's Committee of Adjustment has used 4 criteria to assess appropriateness. These include whether the proposal maintains the intent of the Official Plan, whether the proposal maintains the intent of the Zoning By-law, whether the proposal qualifies as minor in nature and whether the proposal represents a desirable use.

In the case where a property, or a portion of a property, enjoys a legal non-conforming use (i.e., a use lawfully existing and continuing on or before the passing of a zoning by-law) and the owner wishes to make a change in the type of use, an application for a Change in Use would be required. The approvals process associated with this application is the same as that for a Minor Variance.

OVERVIEW OF MINOR VARIANCE/CHANGE OF USE APPLICATION PROCESS:

- ① **Pre-consultation** - prior to submitting an application, the applicant is encouraged to meet with the Director of Development and Protective Services to discuss the requirements of the Minor Variance process and to provide a preliminary review of the proposal;
- ② **Receipt of Complete Application** - The Director of Planning & Heritage will review the application upon receipt to ensure that it is fully complete. The omission of required information in the application form may delay the processing of the application. If the application contains sufficient information it is processed, given a file number and a public meeting is scheduled;
- ③ **Public Hearing Notice** - The public hearing is scheduled within 30 days of the date the complete application was received. A minimum of 10 days notice is given in advance of the public hearing to the applicant, municipal department heads, other prescribed outside agencies and the public. The applicant is strongly encouraged to attend the meeting so that they may answer any questions that may arise;
- ④ **Public Hearing** - A public hearing is hosted by the Committee of Adjustment to consider the merits of the application and both written and verbal submissions by interested parties. Anybody may attend and make representation in support or in opposition to the proposal;
- ⑤ **Committee Decision** - Following the public hearing, the Committee of Adjustment will meet to either make a decision to approve the application, deny the application or reserve its decision to the application in order to properly consider the issues raised during the hearing and comments received from circulation from outside agencies. In the latter case, an additional public hearing may be required;
- ⑥ **Notice of Decision** - Notice of the Committee's decision is provided within 15 days to all parties who provided oral or written submissions and who requested to be notified of the decision in writing; and

- ⑦ **Appeals** - The Committee's decision is subject to a 20 day period within which formal appeals may be filed against the decision to the Local Planning Appeal Tribunal (LPAT). If no appeals are received by the Planning Department during the appeal period the Committee's decision becomes final and binding. Appeals must be accompanied by the prescribed fee of \$125 per appeal payable to the Minister of Finance.

FLOWCHART:

MINOR VARIANCE APPROVAL PROCESS

SUBMISSION REQUIREMENTS AND DEPOSIT FEES:

Two (2) complete copies of the application, including the required sketch and other relevant attachments, are to be submitted to the Director of Development and Protective Services together with the application fee. The Minor Variance and Change of Use Application processing fee is set at \$510.50 per application. This fee must be paid by cash, cheque or money order and are payable to the Treasurer of the Town of Perth. This application fee normally covers the cost of processing the application, however, where costs actually exceed the application fee, the balance will be billed to the applicant.

ADDITIONAL INFORMATION:

The Town Planner is responsible for dealing with Minor Variance and Change of Use Applications. If you have any questions regarding the Minor Variance process, you are directed to contact:

Town Planner
80 Gore Street East
Perth Town Hall
Perth, Ontario
K7H 1H9
(613) 267-3311 (Tel.)
(613) 267-5635 (Fax)