



A Guide to the Minor Variance Process

1. What is a Variance and who approves Minor Variances?

A variance is the relief from the terms of a Zoning By-law where a proposed use, building or structure does not conform exactly with the Zoning By-law, and/or any By-law that implements the County of Hastings Official Plan. The same application form may be used to request the expansion of a non-conforming use, creation of similar uses, and/or creation of a use which conforms more to the current Zoning By-law 2013-20 than the present non-conforming use.

The approval of minor variances rests with the Township of Limerick Committee of Adjustment (Committee). The Committee can also approve the expansion of a non-conforming use and similar uses. The Committee currently consists of two appointed members of Council and one member of the public as appointed by Council. The Municipal Clerk serves as secretary for the Committee.

2. Where do I obtain a Minor Variance application form?

The Pre-screening form and the Application for Minor Variance/Permission form, along with the application fees, are available at the Municipal office and on the Township's website at;

<http://township.limerick.on.ca/deptdocs/Minor%20Variance%20Application-Revised%202014-12-23.pdf>

3. What is the process for a Minor Variance application?

(Please see Figure 1)

As this is your application, you are responsible for its accuracy and applying for the correct relief. If your application is incomplete or you do not provide all of the required information, your application will not be accepted and returned to you. Before you apply for a variance, you should complete the pre-screening process. Pre-screening allows County and Municipal staff to assess the merits of the proposed variances and discuss your potential application with you. During pre-screening, the Clerk will be able to explain to you the process, how to apply, what supporting material you must submit (e.g. sketches, plans, building location survey), if there are any requirements for special studies set out in the Official Plan and Zoning By-Law and what other permits (e.g. building permits) and approvals may be required.

The fees for processing the minor variance application is Two Hundred and Fifty dollars (\$250.00).

As an applicant, you will be required to fill out the minor variance application form. The more accurate the information provided, the less likely that delays will occur in the review.

A legislated 30 day time frame for rendering a decision begins once all the prescribed information is received. Once your application is complete, a public meeting date will be arranged.

Your application shall be circulated for comment to Hastings County and external agencies or public authorities. (e.g. Conservation Authority) which may have an interest in the application.

The Committee, through mail, is legislatively required to give notice of an application at least 10 days in advance of a public meeting to all property owners within 60 metres of the subject property. As part of the legislative requirements an advisory sign must be posted upon the subject property at least 10 days before the public meeting. The Municipality shall make a sign available to the applicant. The applicant is responsible for posting the sign, placing it correctly, and submitting photographic evidence to the Township demonstrating that they have complied with the posting requirements.

4. How is a Minor Variance application evaluated?

Committee members may visit the subject prior to the public meeting. When the Committee considers a minor variance application, four tests are applied to determine if the variance(s) is/are minor and should be approved. The four tests are:

- Is it in keeping with the general purpose and intent of the Official Plan?
- Is it in keeping with the general intent and purpose of the Zoning By-Law?
- Is it appropriate and desirable for the use of the land?
- Is it minor in nature?

Any person or public body may submit opinions/concerns to the Secretary of the Committee in writing or in person at the public meeting. Written opinions/concerns may be submitted to the Secretary of the Committee prior to the meeting. These comments are considered by the Committee prior to rendering its decision.

5. Committee Decision and Conditions of Approval

When the Committee has reached a decision on your application, it is required to issue a Notice of Decision. A Notice of Decision issued for minor variances that are granted usually contains conditions, notably the following;

- a) Purchase of the shore road allowance;
- b) buffer strip or fencing;
- c) confirmation of adequate sewage system and potable water;
- d) any other condition the Committee feels is appropriate.

As the circumstances for each variance are unique, the conditions for each variance will vary. However, most minor variances receive a condition requiring that the construction related to the minor variance application be completed within 18 months

of the Notice of Decision. Be aware that any approval given only applies to what was applied for including the footprint noted in the sketch.

6. Rights of Appeal

Within 10 days of the Notice of Decision the applicant and any person or public body who submitted written comment prior to the public meeting or attended the meeting and requested, in writing, to be notified shall receive a copy of the Notice of Decision.

When a decision is made, an appeal to the Ontario Municipal Board (OMB) may be submitted. The OMB is an independent administrative tribunal responsible for hearing land use planning appeals. Any person or public body who submitted written comment to the Committee and/or spoke at the public meeting is entitled to file an appeal.

Decisions of the Committee may be appealed to the OMB in two circumstances:

1. The applicant may appeal if the Committee makes no decision within 30 days from the date of receipt of a completed application.
2. Any person or public body may appeal the Committee's decision and/or any condition within 20 days from the date of the Committee's decision.

Appeals must be filed with the Secretary-Treasurer of the Committee of Adjustment, accompanied by reasons for the appeal and the fee required by the OMB. Any appeal is forwarded to the OMB within 15 days of the end of the appeal period.

Applicants are responsible for all costs associated with third party OMB appeals and municipal peer reviews of background reports.

7. Application Fee Refunds

Should the applicant decide not to proceed with the application, a non-refundable deposit of \$100.00 of the original fee is applied.

The fees for applications denied by the Committee are non-refundable.

8. What other approvals and review fees may be required?

A minor variance that is granted only permits the applicant relief under the Zoning By-law. Additional approvals, such as a building permit for a building project are still required. For a building project, other permits and approvals are required in particular circumstances. For example, in cottage areas, a permit may be required from the Ministry of Natural Resources, and/or Crowe Valley Conservation Authority before any construction takes place at, near, or in the water (i.e. retaining wall, a dock or boathouse).

Please note that the Conservation Authority and Building Division may charge additional review/permit fees beyond the minor variance application fees.

9. Further Information

This brochure is intended to provide general guidance only to the minor variance application process. For more specific information related to the minor variance application process please contact the Municipal Clerk at 613-474-2863.

Appointment with Staff:

Should you require an appointment with the Clerk and/or Hastings County planners to go over your proposal with you, a complete application with the applicable fee and a sketch must first be submitted to the Township. Once the form, sketch and fee have been received, the Clerk will forward to Hastings County Planning staff for pre-consultation.

Form Submission:

The completed Application for Minor Variance/Permission forms may be submitted to the Municipal Clerk at 89 Limerick Lake Road, Gilmour, ON K0L1W0.

Please Note:

This brochure is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statement, Growth Plan, the relevant Official Plan policies, Zoning By-Laws, and other by-laws for definitive requirements and procedures.