

Town of The Blue Mountains Minor Variance Application Package



Secretary-Treasurer, Committee of Adjustment
Town of the Blue Mountains
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NOTICE TO ALL APPLICANTS FOR MINOR VARIANCE TO THE TOWN OF THE BLUE MOUNTAINS COMMITTEE OF ADJUSTMENT

1. It is strongly recommended that all applicants consult with Planning Services prior to preparing and submitting an application for consent to sever. This consultation offers a chance to discuss your proposal with Planning Staff and determine specific application requirements including any additional reports/studies that may be required. Two consultation options are available:

Option 1: Pre-Consultation

Recommended for more complex proposals, Pre-Consultation applications can be submitted online through [CloudPermit](#), with fees due upon submission. Meetings with staff are not always required but typically last 30 to 60 minutes when scheduled. If a meeting is necessary, the Town will contact you via CloudPermit to confirm the date and time.

Option 2: Information Meeting Request

Information Meetings are recommended for simpler, more straightforward proposals and provide guidance on the application process and requirements. Information Meeting Request forms are available on the [Town of The Blue Mountains website](#). To request a meeting, please submit the completed form and all required information to planning@thebluemountains.ca, a meeting date will be scheduled within approximately ten (10) business days. A fee of \$200.00, payable to the Town of The Blue Mountains, applies for formal Information Meetings.

2. Application fees are due at the time of submission and are required as part of a complete application. Fees may be paid by cash, debit, or by cheque made payable to "Town of The Blue Mountains". For up-to-date application fee information please visit the [Land Use Planning page](#) on the Town's website. In addition to the payment of any application fee and security deposits, all costs incurred by the municipality to advertise a Notice of Public Meeting regarding this application in a local newspaper shall also be borne by the applicant.
3. A separate application review fee may be required by the Conservation Authority if the subject property is within a regulated area. To determine if your property is within a regulated area please visit:

The Nottawasaga Valley Conservation Authority Permit Information:

<https://www.nvca.on.ca/Pages/Planning---Development.aspx>

The Grey Sauble Conservation Authority Permit Information:

<https://www.greysauble.on.ca/submitting-permit-and-planning-applications/>

If your property is within the Development Control area of the Niagara Escarpment Plan, you will need separate approval from the Niagara Escarpment Commission, **prior to** applying for Minor Variance. To determine if your property is within the Niagara Escarpment Plan Area, please visit: www.escarpment.org/DevelopmentPermits.

4. Please be aware that the applicant is responsible for including all necessary minor variance requests in the application submission.

5. Should the Municipality require any or all documents submitted to the Municipality by either the Applicant or their agent, including any third-party documents, to be made accessible, the Applicant and/or their Agent agree to provide the Municipality with accessible copies at the Applicant and/or their Agent's sole expense.

<p>INSTRUCTIONS AND INFORMATION REGARDING THE MINOR VARIANCE PROCESS PLEASE READ ALL OF THIS INFORMATION PRIOR TO SUBMITTING YOUR APPLICATION</p>

What is a Minor Variance?

The Town's Zoning By-law regulates the use of land within the Municipality by establishing zones which permit specific types of land uses. The Zoning By-law also applies rules to each zone outlining provisions regarding building setbacks and lot coverage. A "minor variance" allows for **minor** relief from the prescribed requirements of the land use zone, subject to review and approval by the Committee of Adjustment.

Submitting Your Application

Before submitting an application for minor variance, it is strongly recommended that you contact Planning Services to discuss your proposal. This consultation will allow staff to identify complete application requirements, the associated fees, and an approximate timeline for processing the application.

The Town uses Cloudpermit, an online system that allows property owners, builders, and developers to easily submit and track development applications. To get started, visit [CloudPermit](#), create an account using your email address, and follow the prompts to begin your application.

The standard requirements for a complete minor variance application are listed on the application checklist on page four (4) of this package. If the application is submitted by a property owner, all property owners must sign the application forms. If the application is signed by an agent on behalf of an applicant, the attached agent authorization form must accompany the submission. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

Please take note that "**DECLARATION OF OWNER OR AUTHORIZED AGENT**" section of the application must be signed in the presence of a Commissioner of Oaths. The Town provides this service free of charge, provided the application is submitted in person.

Please note that the application form, signatures and site sketch must be fully completed and legible in order to be processed. Failure to provide complete or legible information will result in a delay in processing the application.

After Submitting Your Application

Once your application has been submitted, Town of The Blue Mountains planning staff will review the submission. The application will not be processed unless all required information is provided.

It is important to consider that commenting agencies have their own requirements and may require separate planning review fees and/or additional reports or studies in order to process the application. Pre-consultation with planning staff will help to identify any of the additional information or fees required to process the application.

Notice of Public Hearing

Notice of Public Hearing will be sent out a minimum ten (10) days prior to a decision being made by the Committee of Adjustment. The Notice of Public Hearing will be circulated to adjacent property owners, as well as municipal departments, and public agencies. Any person or public body may provide comments on the proposed minor variance application.

Town staff will prepare a notice sign that the applicant is responsible for posting on the subject land. The sign must be placed in a conspicuous location on the land effected by the application and must be visible at all times. **It is mandatory that this notice be posted.** If the notice sign is not posted, review and processing of the application will be delayed. The application will be assigned a file number when it is received; please refer to this file number for all correspondence with the Municipality.

The Public Hearing

The Public Hearing will normally be held within thirty (30) days of receiving your application. The Committee of Adjustment will hear all comments which have been forwarded to the attention of the Secretary-Treasurer at the Public Hearing. Anyone attending the Public Hearing in person will be given the opportunity to address the Committee. **It is strongly recommended that the applicant attend this meeting** in order to address any questions or concerns that may be asked by members of the public or of the Committee. A decision on the file will be made at the Public Hearing.

Besides considering the site-specific aspects of the application, the Committee will also use the following criteria to evaluate the application and reach its decision:

- Is the variance minor?
- Is it desirable for the appropriate development or use of the land, building or structure?
- Does the request maintain the general intent and purpose of the Official Plan?
- Does the request maintain the general intent and purpose of the Zoning By-law?

If your application is approved, the Committee may impose conditions as part of its decision.

The Decision of the Committee of Adjustment and Notice of Decision

The Committee of Adjustment will consider all comments received from commenting agencies, members of the public, and the recommendations contained in a municipal planning recommendation report. Committee may decide to grant the request, deny the request, or defer the application to a later date. A “Notice of Decision” will be forwarded to the applicant and all required parties within ten (10) days following the decision.

Appeals

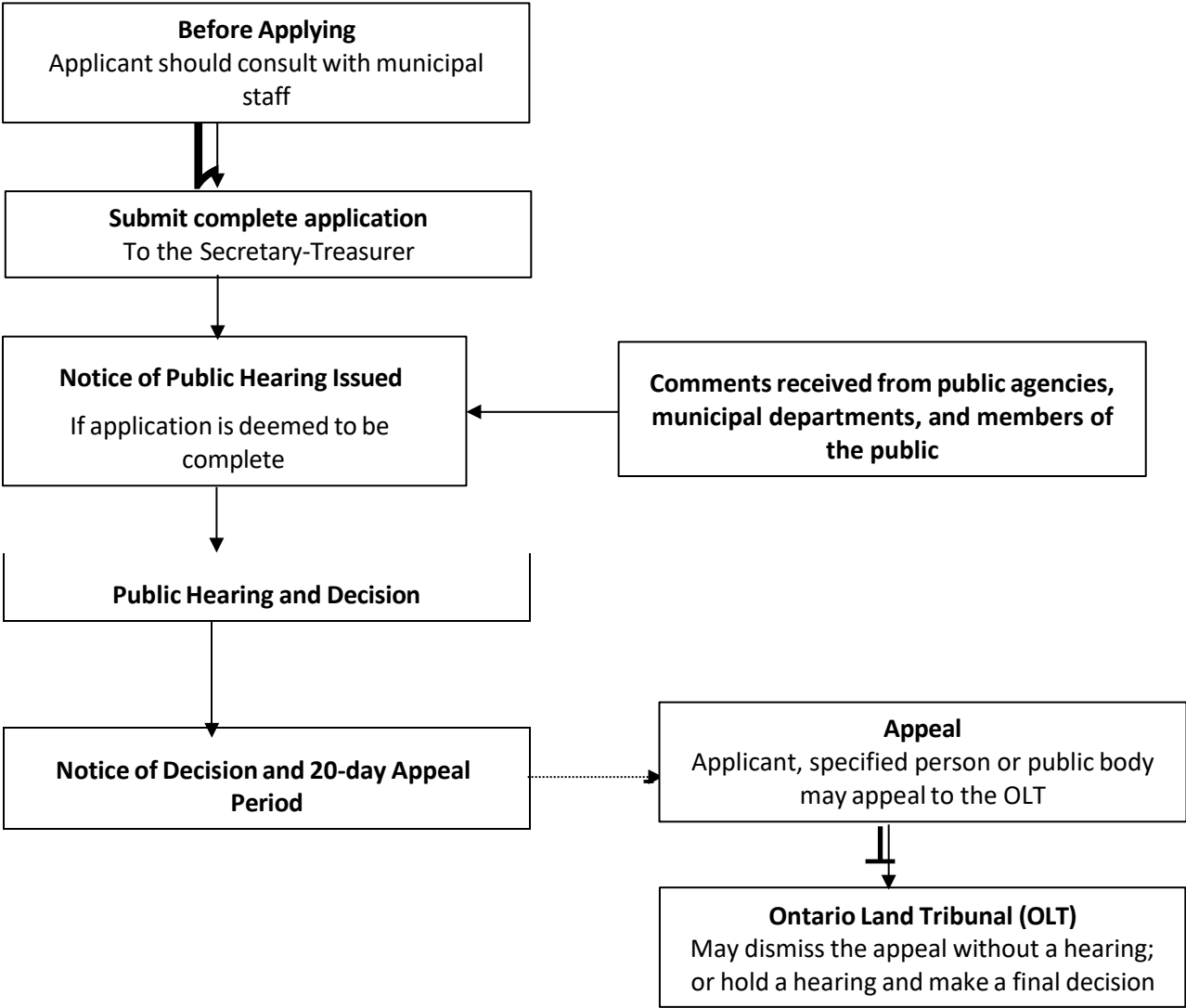
Once the “Notice of Decision” is completed there is a 20-day appeal period that must be completed before the decision becomes final and binding. During the appeal period applicant, public bodies with an interest in the matter, the Minister of Municipal Affairs and Housing, and ‘specified persons’, as defined by the Planning Act, are permitted to appeal decisions related to minor variance applications.

An appeal must include the required Appellant Form and the applicable fees made payable to the Minister of Finance. The Appellant Form must clearly outline the objection to the decision and the reasons supporting the objection.

The Appellant Form and fees must be delivered in person or by registered mail to the Secretary-Treasurer of the Committee of Adjustment. More information about how to file an appeal, including required forms and fees, is available on the Ontario Land Tribunal website at <https://olt.gov.on.ca/>.

After completion of the 20-day appeal period, the applicant will be provided a notice stating that either no appeals were received or that the application has been appealed to the Local Planning Appeal Tribunal.

MINOR VARIANCE PROCESS



MINOR VARIANCE
Submission Checklist

- ☐ Application Fee
- ☐ Application Form (Complete and Executed)
- ☐ Agent Authorization Form (Complete and Executed)
- ☐ A fully dimensioned and scaled site plan in metric units, which includes the following information:
 - i) The boundaries and dimensions of the subject land;
 - ii) 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 lot line, rear lot line, and the side yard lot lines;
 - iii) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
 - iv) The current uses on land that is adjacent to the subject land;
 - v) The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - vi) If access to the subject land is by water only, the location of the parking and docking facilities to be used; and
 - vii) The location and nature of any easement affecting the subject land.
- ☐ Pre-consultation comments matrix received from Town Planning Services Staff, along with any additional or supporting information identified through the pre-consultation process or an information meeting request, if applicable.
- ☐ In some cases, additional information may be helpful in assessing an application. You are encouraged to submit photographs, a letter of justification or other relevant documentation with your application.