



MINOR VARIANCE & LEGAL NON-CONFORMING USE APPLICATIONS

The *Planning Act* grants authority to Municipal Councils to appoint committees to approve a number of minor applications. Section 45 of the *Planning Act* permits the Committee of Adjustment to make decisions on Minor Variances from the Zoning By-Law and to grant permission for altering or changing a lawful non-conforming use of land, buildings or structures. The Council for the Township of Leeds and the Thousand Islands has appointed a Committee of Adjustment consisting of five citizen members.

Minor Variance Applications

You may need to apply for a Minor Variance if you are proposing new construction on your property that would not comply or conform to the Zoning By-Law. The owner of any land, building or structure or any person authorized in writing by the owner may apply to the Committee of Adjustment for a Minor Variance.

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

- That the proposal conforms to the general intent and purpose of the Township's Official Plan.
- That the proposal conforms to the general intent and purpose of the Township's Zoning By-Law.
- That the proposal is desirable for the appropriate development or use of the land, building or structure.
- That the proposed variance is minor in nature.

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.

It is important to remember that an approval by the Committee of Adjustment does not change a Zoning By-Law, it simply allows you some relief from a specific requirement of the By-Law, which in turn, may allow you to obtain a building permit or other necessary approvals.

Legal Non-Conforming Uses

A Legal Non-Conforming Use exists when zoning for the subject land does not permit its current use, but this use was permitted and in existence before the enactment of the current Zoning By-Law. You may apply to the Committee of Adjustment for:

- Enlargements or extensions to structures that are Legal Non-Conforming
- Changing a Legal Non-Conforming Use to another use not permitted in the Zoning By-Law

In either application, you must demonstrate that the current use has been continuous since the time of its prohibition in the Zoning By-Law. Applicants are asked to contact Township staff to determine if your application qualifies as an extension of a Legal Non-Conforming Use.

Application & Review Process

1. Before submitting an application, applicants are encouraged to consult Township staff regarding any development proposal to discuss details and merits of a proposal, conformity with the Official Plan, intent of the Zoning By-Law, information required, and the application process.
2. Applications and any required supporting information should be submitted to the Township's Planning and Development Department at least 25 days prior to a Committee of Adjustment Hearing. The Committee holds a public hearing to consider applications for Minor Variances and permissions on the third Tuesday of each month. The process of obtaining a minor variance or approval to enlarge, extend or change a legal non-conforming uses can take approximately 50 days.
3. Property owners within 60 metres of the subject property and agencies prescribed under *Ontario Regulation 200/96* are notified of the proposed minor variance or non-conforming use application. Notice of the application must be given a minimum of 10 days prior to the Public Hearing date.
4. Within 30 days of the submission of a 'complete' application, a Public Hearing is held before the Committee of Adjustment. A Planning Report outlines details of the development proposal, how it meets the four tests outlined under the *Planning Act*,

Township of Leeds and the Thousand Islands COMMITTEE OF ADJUSTMENT

and makes a recommendation. Applicants can obtain a copy of this report from the Township to fully understand the recommendation being provided to the Committee.

5. The Committee of Adjustment has three options when making a decision:
 - a. Approve the proposal with or without conditions;
 - b. Refuse the proposal; or
 - c. Defer to allow for additional information, further consultation, etc.

If the application is deferred, the proposal will go back to the Committee of Adjustment once reasons for deferral are addressed.

6. A Notice of Decision must be issued within 10 days of a decision. There will be a 20-day appeal period. No construction may occur until this appeal period has expired. Only the applicant and those persons or public bodies who made oral submissions at the Public Hearing or written submissions to the Committee of Adjustment can appeal the decision to the Ontario Municipal Board (OMB).
7. If no appeals are filed, the Committee's decision is deemed final. Further information on the appeal process is available from the OMB website (www.omb.gov.on.ca).
8. Applicants should contact Township staff to determine how to proceed with the completion of a Building Permit or any subsequent planning approval or regulatory permits that may be required.
9. The variance is granted indefinitely and is tied to the land and not the owner of that land.

Fees & Associated Costs

Township of Leeds and the Thousand Islands: The application fee as set out in the Township's Fees By-Law is based upon a calculation of staff time, mileage to travel to the site, Committee member payment, file storage costs, notices sent to adjacent property owners, and general administration of the process. All fees must be submitted with a complete application in order for the application to be accepted by the Township. Fees are generally not refundable.

Cataraqui Region Conservation Authority (CRCA): Minor Applications may be subject to review by the CRCA depending on the location of the property and associated development. The applicant is responsible for contacting the CRCA (1-877-956-2722; www.cataraquiregion.on.ca) to determine whether or not a review is required.

Leeds, Grenville & Lanark District Health Unit: All proposals involving development on private sewage

disposal systems require a review by the Health Unit. The applicant is responsible for contacting the Health Unit (613-283-2740; www.healthunit.org) and providing them with a fee to cover the costs of their review of the development proposal.

Specialized Studies: The Township 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 a proposal will not result in negative impacts to the public or the natural/built environment.

Additional Information

Pre-Application Consultation: Applicants are encouraged to discuss proposals for development with Township staff in advance of submitting a Minor Variance Application. It is recommended that you discuss the proposal with adjacent landowners in order to address or alleviate concerns that may affect the consideration of your application.

Public Notice Sign: A public notice sign is to be posted by Township staff in a prominent location on the property for 10 days before the Hearing of a Minor Variance application and must remain until the appeal period is complete. If the subject property is on an island, a notice will need to be placed in a local newspaper at the applicant's cost.

Completeness of the 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*. It also sets out other information that will assist the Township and others in their evaluation of the application. In the absence of this supporting material, it may not be possible to do a complete review within the legislated time frame for making a decision. If the required supporting material (including any necessary reports, sketches, plans and fees) is not provided, the Township will return the application or refuse to further consider the application until the supporting material has been provided.

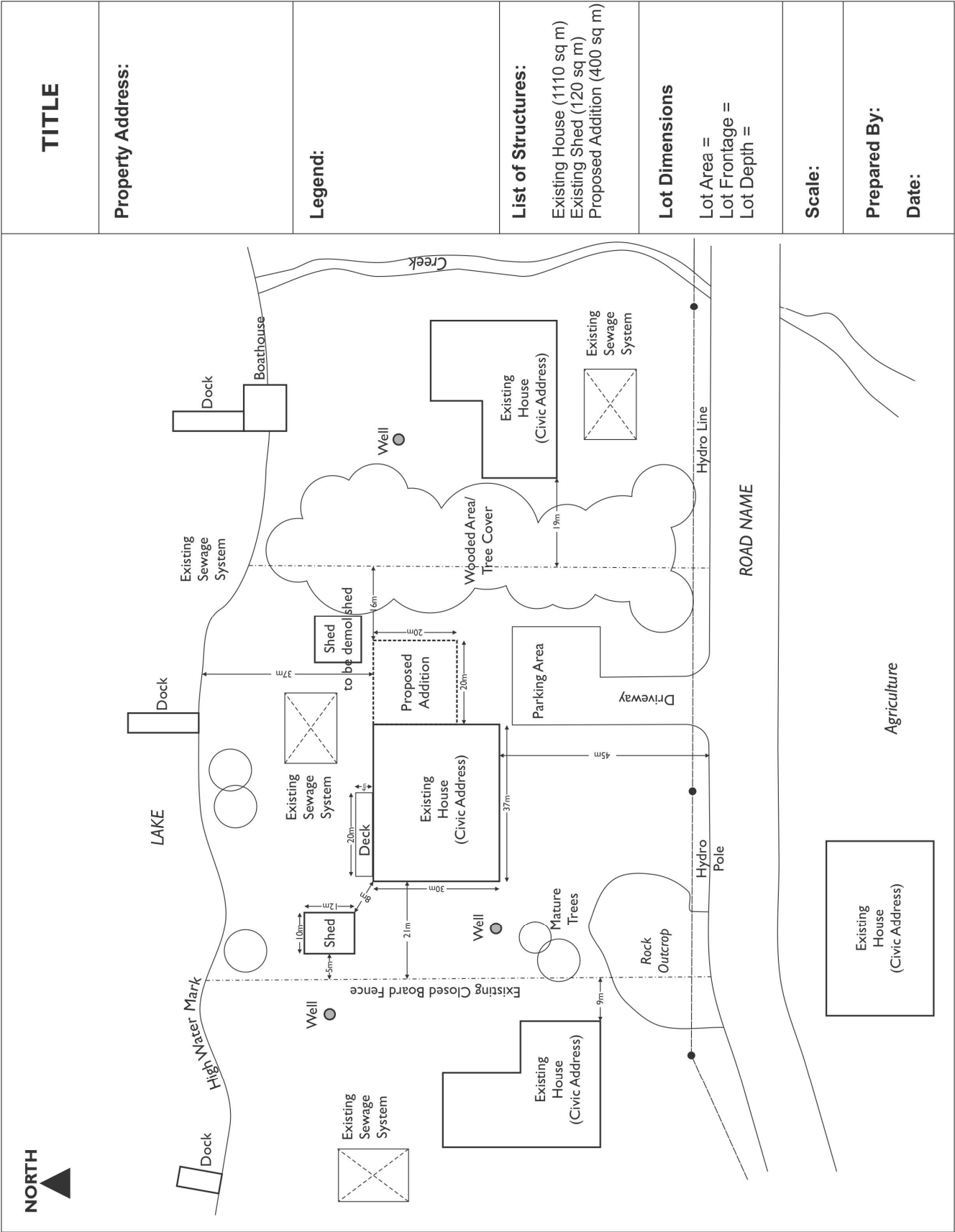
APPLICATION REQUIREMENTS

Necessary for an application to be deemed 'complete'

- ☐ **Complete Application Form** (use blue or black ink only, do not use pencil)
- ☐ **Township Application Fee**
- ☐ **Conservation Authority Review Fee** (separate cheque filed with the Township)
- ☐ **Health Unit Maintenance Inspection Application Form & Fee** (separate cheque filed with the Township)
- ☐ **Cover letter and/or report** briefly outlining the nature of the application along with a rationale for the variance requested any illustrations or photos of the site/building and its context. The report should provide details of any pre-application consultations, full contents of the submission package and contact names for the application.
- ☐ **Survey Plan** to an accurate scale of the entire subject property (if available)
- ☐ **Site Plan** drawing including:
 - Property boundaries and dimensions, including the high water mark (if applicable)
 - 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, rear and side lot lines
 - Location of existing or proposed septic system and drilled/dug well on site and within adjacent properties if known;
 - Boundaries and dimensions of any land abutting the subject land, or any land owned by the owner of the subject land and that abuts the subject land.
 - Location, size and type of all existing buildings on abutting lands, indicating the distance of the buildings or structures from the front, rear and side lot lines
 - Location of all land previously severed from the parcel originally acquired by the subject land's current owner
 - Approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, swales, drainage ditches, river or stream banks, wetlands, wooded areas, barns, sand pits, quarries, retaining walls, wells and septic tanks, tile beds, utilities (hydro, gas, phone, overhead and underground)
 - Existing uses on adjacent lands (e.g. residential, agricultural, commercial, open space, etc.)
 - 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 right-of-way
 - If access to the subject land is by water only, the location of the parking and docking facilities to be used
 - Topographical features (steep slopes, rock outcroppings, low-lying 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 capable of housing animals on a feed lot within 500 m of the proposed lot.
- ☐ **Floor Plans & Elevation Drawings** for all sides, where new construction is proposed; including but not limited to height, grade, and window and door openings (if applicable)
- ☐ **Authorization Form** signed by all registered owners of the property when an Agent is acting on behalf of the Owner(s)
- ☐ **Copy of Property Transfer / Deed of Land** (if available)
- ☐ **Copy of Septic Permit**
- ☐ **Property to be clearly staked, showing the location of the proposed construction**

NOTE: 2 full sets of plans must be provided, in metric, on paper size 28 cm x 43 cm (11 in x 17 in). 1 set of reduced plans should also be provided on letter size paper 21.5 cm x 28 cm (8.5 in x 11 in). All plans must show the applicant's name, municipal address of the subject land, names of adjacent streets, drawing title and number, date, metric scale and dimensioned, and north symbol clearly marked. Plans drawn in pencil will not be accepted.

SAMPLE SITE PLAN





MINOR VARIANCE & LEGAL NON- CONFORMING USE APPLICATION

Section 45 of the Planning Act

OFFICE USE ONLY

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

1. SUBJECT LAND

Subject lands must have a civic address. Contact the Planning and Development Department if no Civic Address has been assigned.

Civic Address			
Assessment Role Number			
Concession Number(s)		Lot Number(s)	
Reference Plan Number		Part Number	
Former Municipality (Ward)			

2. REGISTERED OWNER(S)

Legislation requires that all persons with an interest in the subject lands receive notice. Applicants are asked to provide an address for all registered owners, including a spouse or partner where there is an interest in law. A copy of the transfer/deed of land must accompany this application. If a corporation or estate owns the subject land, all directors that make up that entity must sign the attached affidavit or authorize an individual to act as the agent.

Name(s) / Company Name			
Address			
Postal Code		Phone (cell)	
Phone (home)		Fax	
Email			
Date subject land acquired by current owner:			

3. APPLICANT / AGENT INFORMATION

If an applicant is not the owner of the subject lands, written authorization of the owner must be obtained stating that the agent is authorized to make the application.

Name / Company Name			
Address			
Postal Code		Phone (cell)	
Phone (home)		Fax	
Email			

4. SUBJECT LAND CHARACTERISTICS

4.1 Site Description: (briefly describe factors that may impact the proposed development, such as soil type and depth, lot configuration, steep slopes or low-lying areas, natural features, etc.)

4.2 Dimensions of Subject Land	Total Lot Area:		hectares / square metres
	Lot Depth:		metres
	Lot Width (frontage):		metres

4.3 Road Access (include name)	<input type="checkbox"/> Provincial Highway: _____
	<input type="checkbox"/> County Road: _____
	<input type="checkbox"/> Municipal Road: _____
	<input type="checkbox"/> Private Right-of-Way: _____
	<input type="checkbox"/> Water Only: _____

4.4 If access to the subject land by water only, 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:

4.5 Servicing - Water	<input type="checkbox"/> Municipal Piped Water System
	<input type="checkbox"/> Lake or Other Water Body
	<input type="checkbox"/> Well (Dug, Drilled or Communal)
	<input type="checkbox"/> Other (specify): _____

4.6 Servicing - Sewage	<input type="checkbox"/> Municipal Sanitary Swage System
	<input type="checkbox"/> Privately-Owned Individual Sanitary Sewage System
	<input type="checkbox"/> Privately-Owned Communal Sanitary Sewage System
	<input type="checkbox"/> Composing / Self-Contained Toilet, Privy, Outhouse
	<input type="checkbox"/> Other (specify): _____

4.7 Servicing - Storm Drainage	<input type="checkbox"/> Sewers
	<input type="checkbox"/> Ditches
	<input type="checkbox"/> Swales
	<input type="checkbox"/> Other (specify): _____

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

5.1 Official Plan Designation			
5.2 Special Policy Area (if any)			
5.3 Zoning			
5.4 Heritage Designation (if any)			
5.5 Existing Use(s) (also indicate length of time existing uses have continued)			
5.6 Proposed Use(s)			
5.7 Existing Uses on Adjacent Lands	North:		
	East:		
	West:		
	South:		

6. PREVIOUS LAND USE & PLANNING ACTIVITY

6.1 Previous Uses: (indicate previous land uses on the subject land or adjacent lands including any industrial or commercial use petroleum or other fuel storage, or if there is suspected land contamination)

6.2 Previous Planning History: (indicate any current or previous application under the *Planning Act* affecting the subject land)

- | | |
|--|------------------------------|
| <input type="checkbox"/> Minor Variance | Application Number(s): _____ |
| <input type="checkbox"/> Site Plan Approval | Application Number(s): _____ |
| <input type="checkbox"/> Zoning By-Law Amendment | Application Number(s): _____ |
| <input type="checkbox"/> Official Plan Amendment | Application Number(s): _____ |
| <input type="checkbox"/> Consent Application | Application Number(s): _____ |
| <input type="checkbox"/> Other (please specify) | _____ |

6.3 Additional information that may be relevant to the review of the application:

7. EXISTING STRUCTURES & SETBACKS ON SUBJECT LAND

7.1 Existing Structures (if any)

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

7.2 Setbacks from Existing Structures

Type of Structure	Front Lot Line	Side Lot Line	Side Lot Line	Rear Lot Line	Other (shoreline, easement, etc)

Note: Indicate any building or structure to be demolished as part of the proposed development

8. PROPOSED STRUCTURES & SETBACKS ON SUBJECT LAND

8.1 Proposed Structures (if any)

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

8.2 Setbacks from Proposed Structures

Type of Structure	Front Lot Line	Side Lot Line	Side Lot Line	Rear Lot Line	Other (shoreline, easement, etc)

9. MINOR VARIANCE REQUEST

9.1 Description of Proposal / Proposed Uses of the Subject Land:

9.2 Relief Requested from Zoning By-Law:

Section of Zoning By-Law No. 07-079	Zone Requirement	Proposed Standard	Relief Required

9.3 Why is it not possible to comply with the provisions of the Zoning By-Law?

9.4 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 on farm containing nearest barn:	
Number of tillable hectares on farm containing nearest barn:	

NOTE: Additional pages or a supporting report may be submitted in support of this Application

AUTHORIZATION FORM

10. 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 as agent and sign the application form to the Township of Leeds and the Thousand Islands on my/our behalf for the property known as

(Municipal Address of Subject Lands)

Signature(s): _____

Date: _____

11. PERMISSION TO ENTER

I/We _____
(Name of registered owner(s) of subject lands)

Herby authorize the Members of the Committee of Adjustment and the Township of Leeds and the Thousand Islands staff members, to enter upon the property of this application for the purpose of conducting a site inspection with respect to the attached for Minor Variance.

Signature(s): _____

Date: _____

NOTE: Access to the Property – Ensure that any driveways/lanes are accessible during the circulation period of the Minor Variance Application so that Committee members, Township staff and other agencies do not have any barriers blocking access to the subject land. Island properties will require a boat ride, which is to be provided by the owner/agent. Staff will make arrangements for the most suitable date and time.

AFFIDAVIT

12. SWORN DECLARATION

I/We _____
(Name of Applicant(s) or Authorized Agent)

Of the _____ (Name of Municipality)

In the _____ (Name of County)

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: _____ (Name of Municipality)

In the _____ (Name of County)

This _____ day of _____

Signature(s): _____

Date: _____

Commissioner of Oaths: _____

Date: _____

AGREEMENT TO INDEMNIFY

13. AGREEMENT TO INDEMNIFY

I/We _____
(Name of Applicant(s) or Authorized Agent)

Hereby agree to indemnify and save harmless The Corporation of the Township of Leeds and Thousand Islands (the "Municipality") from all costs and expenses that the Municipality may incur in connection with the processing of the applicant's application for approval under the Planning Act.

Without limiting the foregoing, such costs and expenses will include all legal, engineering, planning, advertising and consulting fees and charges incurred or payable by the Municipality to process the application together with all costs and expenses arising from or incurred in connection with the Municipality being required, or requested by the applicant, to appear at the hearing of any appeal to the Ontario Municipal Board from any decision of the Council or Committee of Adjustment, as the case may be, approving the applicant's application.

I/We acknowledge and agree that if any amount owing to the Municipality in respect of the application is not paid when due, the Municipality will not be required to process or to continue processing the application, or to appear before the Ontario Municipal Board in support of a decision approving the application until the amount has been paid in full.

I/We further acknowledge and agree that any amount owing by the applicant to the Municipality is, when due, a debt of the applicant and the Municipality may, in addition to any other remedies available to it at law, recover the amount owing together with interest from the applicant by action.

Signature(s): _____

Date: _____

Commissioner of Oaths: _____

Date: _____