

# **THE MINOR VARIANCE PROCESS:**

## **APPLICANT RESPONSIBILITIES**

This kit contains valuable information for prospective applicants regarding the process for dealing with applications for minor variances.

*It is highly recommended that all information be carefully reviewed and that the appropriate pre-consultation contacts be made PRIOR to submitting your application.*

Pre-consultation is an important first-step to determine compliance of the proposal with the appropriate planning policies, as well as to determine any expected conditions of minor variance.

*Please be advised that some conditions of minor variance may require further planning approvals or dedication of lands to a municipality, with associated costs and additional time requirements.*

Please note that it is the responsibility of applicants to contact the appropriate municipal personnel and other government agencies. Telephone numbers of these agencies are included in this kit for your convenience.



# Pre-consultation Certification Form

Township of Wainfleet  
Planning Department

Date: \_\_\_\_\_

Applicant and/or Agent: \_\_\_\_\_

Address: \_\_\_\_\_

City/Prov. \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Type of Application:    Subdivision    Official Plan    Zoning    Site Plan  
                                   Consent    Minor Variance    Other \_\_\_\_\_ (specify)

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This is to certify that this application has undergone a pre-consultation with Township of Wainfleet Planning Department staff.

\_\_\_\_\_  
Planner - Name and Title (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The applicant and/or agent has been directed to contact:

- Region of Niagara
  - Planning & Development Department
- Township of Wainfleet Private Sewage System Regulation Department
- Township of Wainfleet Operations Department
- Niagara Peninsula Conservation Authority
- Ministry of Agriculture, Food & Rural Affairs
- Ministry of Transportation
- Ministry of Natural Resources
- Ministry of Environment
- Ministry of Transportation
- Other \_\_\_\_\_

Contact information for the agencies listed above is provided on the Pre-Consultation Contacts Chart

***It is the policy of the Planning Department that applicants must pre-consult with this Department before submitting an application.***







## Township of Wainfleet Committee of Adjustment

### Tariff of Fees

The fees for processing an application for consent or minor variance to the Committee of Adjustment are outlined below, effective **March , , 201\*** and subject to **Bylaw 0\$) -201\*** .

DESCRIPTION	FEE
<b>Basic Processing Fee – Minor Variance Applications</b> <i>Includes administration and mailing fees required to process minor variance applications.</i>	<b>\$1,1+&amp;'\$\$</b> per application
<b>Basic Processing Fee – Applications for Consent</b> <i>Includes administration and mailing fees required to process consent applications.</i>	<b>\$1,1+&amp;'\$\$</b> per application
<b>Request for Change in Conditions – Consents</b> <i>Includes administration and mailing fees required to process requests for change in conditions, under Section 53(23) of the Planning Act.</i>	<b>\$5' &amp;'\$\$</b> per application
<b>Final Certification Fee</b> <i>Fees are per application, payable upon submission of the documents (deeds) for issuance of final certification.</i>	<b>\$2%&amp;'\$\$</b> per application
<b>Rescheduling Fee</b> <i>Applicable as determined by Committee when an adjournment of an application is necessary.</i>	<b>\$207.66</b> per application
<b>Septic Review of Planning Application Fee</b> (Effective T æ&@ì , 201Î subject to <b>Bylaw 00) -201*</b> ) <i>Applicable only to those lots serviced by private sewage systems.</i>	<b>\$350.00</b> per lot

For above fees, please make cheques payable to the Township of Wainfleet.

<b>Regional Planning Review Fee *</b> <i>Fees cover investigations into matters of Regional and Provincial interest performed by the Regional Niagara Planning Department. Fees are payable on all types of consent applications (including new lot creations, boundary adjustments, leases, easements, etc.) and certain minor variance applications. Please make cheques payable to the Regional Municipality of Niagara and the Secretary-Treasurer will forward payment.</i>	<b>Confirm current fee tariff with Secretary-Treasurer</b>  <b>Fees established by the Regional Municipality of Niagara</b>
<b>Niagara Peninsula Conservation Authority Review Fee *</b> <i>Township of Wainfleet municipal staff will assist in determining if these fees apply. Please make cheque payable to the Niagara Peninsula Conservation Authority and the Secretary-Treasurer will forward payment to the NPCA.</i>	<b>Please refer to the NPCA Fee Schedule</b>

\* Fees are established by Regional Municipality of Niagara for the Regional Planning Review Fee, and Niagara Peninsula Conservation Authority for the NPCA Review Fee. The Township of Wainfleet has no jurisdiction over these fees and therefore, any questions on these particular fees should be directed to the appropriate agency.

There will be a minimum \$25 fee on all cheques returned marked "Not Sufficient Funds". In this instance, further payment will be required by Certified Cheque, Money Order or Cash only. This may result in a delay of the hearing.

### Severance Application Review

Applies to applications which involve a Regional response. (i.e. where an application is located on a Regional road, Regional infrastructure/facilities are nearby or there is a Regional or Provincial issue as determined by the local municipal planner)

Description	Fee
Within Urban Areas	\$325 / application
Outside Urban Areas - This fee includes our private septic system review fee.	\$875* / application
<p>Where a severance outside the urban area does not require Regional planning review there will be a private septic system review fee of \$350.</p> <p>* In Wainfleet, Welland and West Lincoln, where the local municipality carries out private septic system review, the fee is \$525</p>	
Final Certification Fee - For active consent files remaining under the authority of the Region	\$200

### Minor Variances Review

Applies to applications which entail a Regional response. (i.e. where an application is located on a Regional road, Regional infrastructure/facilities are nearby or there is a Regional or Provincial issue as determined by the local municipal planner)

Description	Fee
Within Urban Areas	\$225
Outside Urban Areas	\$225
Outside Urban Areas - This fee includes our private septic system review fee.	\$575*

Where a minor variance outside the urban area does not require Regional planning review there will be a private septic system review fee of \$350.

\* In Wainfleet, Welland and West Lincoln, where the local municipality carries out private septic system review, the fee is \$225

**Planning Review Fees  
Schedule I  
(Effective >Ubi Ufm&\$, 201\$)**

CATEGORY	LEVEL	FEE
Official Plan Amendments	Minor	\$ 485.
	Major	\$2,365.
Zoning By-law Amendments	Minor	\$ 485.
	Major	\$2,365.
Minor Variances	Minor	\$ 325.
	Major	\$ 645.
Subdivision & Vacant Land Condominium	Minor	\$ 540.
	Major	\$3,495.
Draft Plan Modification		\$1,600.
Subdivision Clearance of Conditions	Minor	\$ 540.
	Major	\$1,965.
Complex Applications OPA/ZBA/site Plan etc.		\$6,345.

**Minor** – The site area is less than 4.5 hectares.

**Major** – The site area is equal to or greater than 4.5 hectares.

**Complex Applications** – Lifestyle Communities, Golf Courses, Aggregate Extraction and other non-standard development proposals not listed.

**Subdivision Revision and Clearance Fees** will be paid directly to the Conservation Authority and must be paid prior to issuance of revised draft conditions or the final Conservation Authority clearance letter. A draft plan modification fee will be applicable to developer driven amendments to a subdivision or condominium application.

**Note 1:** In addition to the above, fees will be charged for review of applicable supporting Technical Reports / Plans as per Schedule III.

**All fees are to be made payable to the Niagara Peninsula Conservation Authority.**

Approved January 20, 2010



**Development Plan Review Fees**  
**Schedule II**  
 (Effective January 20, 2010)

CATEGORY	LEVEL	FEE
Building Permit Screening / Clearance		\$ 55.
Property Inquiries / Compliance Letters		\$ 215.
NEC Application Screening / Clearance		\$ 110.
Site Plan Agreement	Minor	\$ 485.
	Major	\$3,335.
Consents (Severances)	Minor	\$ 485.
	Major	\$1,130.

**Minor** – The site area is less than 4.5 hectares.

**Major** – The site area is equal to or greater than 4.5 hectares.

**Note 1:** In addition to the above, fees will be charged for review of applicable supporting Technical Reports / Plans as per Schedule III

**All fees are to be made payable to the Niagara Peninsula Conservation Authority.**

Approved January 20, 2010





# **Minor Variances Explained**

## **What Is A Minor Variance?**

When your building project doesn't meet the Zoning requirements, a variance may be requested that

- ✓ Yard Setbacks cannot be met;
- ✓ Building height required is higher than permitted;
- ✓ The lot is already over-built (% of lot coverage)

## **Where Do I Go?**

- ✓ Consult with Planning and Building Departments at municipal office first.
- ✓ Contact the Secretary-Treasurer at Township of Wainfleet municipal office.

## **Why Is Approval Needed?**

- ✓ Zoning By-laws are necessary tools used to regulate use of land within a municipality.
- ✓ They determine how land may be used, where buildings may be located on the land, the type of buildings allowed, etc.
- ✓ They regulate lot sizes and dimensions, building heights and setbacks, etc.
- ✓ The by-law implements the Official Plan of the municipality, which sets out the policies for future land uses in specific areas.
- ✓ Zoning by-laws provide a way for a municipality to manage land uses and future development, encouraging orderly development.
- ✓ They are used to PROTECT YOU from conflicting and possibly dangerous land uses within your community.

## **What Do I Do?**

- ✓ A building permit is required when construction is proposed on your land, such as building a garage, addition to a dwelling or constructing a deck, etc.
- ✓ If your proposal does not specifically meet by-law regulations, you may apply for relief through the minor variance process.
- ✓ Contact appropriate agencies **BEFORE** you submit your application, such as:
  - Local Planning/Building Departments;

- Regional Planning Department;
- Regional Public Health OR Local Private Sewage Department;
- Niagara Escarpment Commission;
- Niagara Peninsula Conservation Authority;
- Appropriate Provincial Ministries

### **How Long Does It Take?**

- ✓ Once the application is received with appropriate forms, scale drawings and fees, a hearing is scheduled.
- ✓ A Public Hearing is scheduled, to take place within about one month.
- ✓ Notification is given by direct mail to property owners within 200 feet.
- ✓ A Public Notice Poster is also to be placed on the subject land 10 days prior to hearing date.
- ✓ Committee and Agency staff perform site visits.
- ✓ The Public Hearing takes place and decision is rendered based on all evidence presented.
- ✓ The Decision is subject to a 20 Day Appeal Period, which is calculated from the date of making the decision (the hearing date).
- ✓ If the minor variance is approved, a building permit may be issued once the appeal period is complete (if no appeals are filed).
- ✓ Conditions may be imposed, if they are appropriately related to development.

### **Who Decides?**

- ✓ The Committee of Adjustment is the Approval Authority.
- ✓ This Committee is appointed by Council.

### **What Are the Costs?**

- ✓ Please Refer to the Fee Tariff Attached to this Information Application Package.

**Please also refer to the attached Schedule of Hearings,  
Requirements to Process Minor Variance Applications  
and Application Forms.**

# Requirements to Process Minor Variance Applications:

## Application Form and Processing Fee:

- Ensure **all owner names** appear at question 1: Registered Owner. Names should be exactly as shown on the Deed of Land.
- Include complete mailing address, including post office box number, rural route address if required, postal code, etc. Also include telephone number where owner may be contacted.
- Include name, mailing address and telephone number of authorized agent, if applicable.
- Answer ALL questions fully and clearly. Municipal planning and/or building staff will assist with completing information pertaining to the applicable sections of the zoning by-law requiring relief, and the specific wording to be used in this regard.
- Do not sign the application form until you are in the presence of a Commissioner for Taking Affidavits (Secretary-Treasurer is a Commissioner and no additional fee is applicable).
- Complete the Authorization Form if anyone other than all registered owners are signing the application form, under affidavit. Authorization or a sworn signature is required for all registered owners.
- Refer to Fee Tariff, attached, for all applicable fees. Health Unit fee may apply if municipal sewer and water not available. They will contact you directly.

## Accompanying Drawings:

- Drawings are not necessarily required to be prepared by an Ontario Land Surveyor, although the Committee of Adjustment may require that the plan be prepared and signed by an Ontario Land Surveyor.
- In accordance with Provincial Regulations drawings **must** include the following:
  - The boundaries and dimensions of the subject land ~ **drawings must be to scale and include a directional (north) arrow**, and drawings must be of high quality to facilitate photocopying;
  - The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the exact distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
  - The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
  - The current uses on land that is adjacent to the subject land;
  - 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;
  - If access to the subject land is by water only, the location of the parking and docking facilities to be used;
  - The location and nature of any easement affecting the subject land.