



## **A GUIDELINE FOR APPLICANTS TO THE APPLICATION FOR MINOR VARIANCE**

### **1. Completing Required Application Form and Sketch**

- a) The purpose of a Minor Variance Application is to obtain permission to develop land in a manner that varies slightly from that which is required in the pertinent Zoning By-law, or in other words, to obtain relief from a specific section of the Zoning By-law. The Zoning By-law can be found on the Township's website at [www.northfrontenac.com](http://www.northfrontenac.com). The Secretary- Treasurer of the Committee of Adjustments (Secretary) can also provide you with the By-law number and pertinent section(s).
- b) The Applicant shall complete the Application Form ensuring the questions on the Application are completed accurately. All parties on the Deed must be included on the Application.
- c) A copy of the Deed/Transfer of the Property, if available, should accompany the Application.
- d) The Sketch is the most important part of the application. Ensure it is accurate, drawn to scale and includes the required information (see attached checklist). Please provide measurements in metric. Applicants may produce a Sketch on a separate sheet of paper rather than on the space provided in the Application. Frontenac Maps available at [www.frontenacmpas.ca](http://www.frontenacmpas.ca) may be helpful in preparing the sketch.
- e) The Declaration at the bottom of the Application must be signed in the presence of a person who has been legally appointed as a commissioner to take an oath (Clerk, Deputy Clerk, and Treasurer). If the Applicant is a Corporation, a representative of the Corporation must sign the Application and the corporate seal must be included.
- f) If the Declaration is signed by one owner (in the case of multiple owners), an Agent or a Solicitor the Authorization must be completed.

### **2. Pre-Consultation**

- a) Prior to submitting the Draft Application, it is recommended the Applicant arrange a pre-consultation meeting with the Secretary to discuss the Draft Application and ensure it is complete.
- b) All Draft Applications shall be submitted to the Secretary. The submission shall include the Township's Planning Fee, per the Tariff of Fees and the signed Indemnity Agreement.

- c) The Fees for the applicable Agencies, as determined by the Secretary (see attached Agency Consultation Criteria) must also accompany the Application, as a money order or a cheque made payable to the applicable Agency.
- d) The Secretary will assess the Application to determine if the Application has been accurately completed and if the sketch is acceptable. Any Application that is not complete or accurate will be returned to the Applicant along with the fees, until it is properly completed and re-submitted.

### **3. Processing and Circulating the Application**

- a) The Secretary will deem the Application complete and schedule the hearing date. The hearing date will be within 30 days of the Application being deemed complete, if possible. The scheduled hearing date will be determined based on the Committee of Adjustment/Planning Advisory Committee's (Committee) schedule and the required circulation of the Application.
- b) The Secretary will provide the Applicant with a cover letter (containing pertinent information); a copy of the completed Application; Notice of Hearing (includes the date, time and location of the hearing); and a land marking card(s).
- c) The land marking card is a green laminated sign(s) which provides information about the proposed Minor Variance. The Applicant is required to post the card(s) along the road frontage and waterfront, if applicable. The Applicant may also be required to post additional signs on a main road to ensure the property is easily located and the public are notified of the Application. It is imperative the sign can be easily seen by anyone required to inspect the property.
- d) A copy of the Application, Notice of Hearing and the required fee (if applicable) will be provided by the Secretary to the applicable agencies, the Committee and the Township's Contract Planner. A minimum of 10 days Notice is required. The Township would therefore require the completed Application and fees at least one month before.
- e) A copy of the Notice and Sketch will be provided by the Secretary to every property owner and/or tenant who owns or resides on property within 60 metres (200 feet) of the subject land.

### **4. Committee of Adjustment/Planning Advisory Committee Hearing**

- a) The Hearing is held at a Meeting of the Committee. The Committee will make a Decision on the Application or defer the Application to a future Meeting if additional information is required.
- b) Committee meetings are conducted monthly. The schedule is determined by the Committee, at the end of the previous year and posted on the Township's website). The Meetings are held at the Clar/Mill Fire Hall Upstairs Meeting Room unless

another location is determined necessary (this information will be included on the Notice of Hearing).

- c) All Meetings are open to the public. Members of the public are provided an opportunity to speak with respect to an Application.
- d) A Hearing provides an opportunity for Applicants or Agents to answer and pose questions, provide and request additional information and to respond to reports from agencies to which the application was circulated.
- e) It is in the Applicant's best interest to attend the hearing. If an Applicant does not attend or is not represented at the hearing the Committee may proceed with the application in his/her absence.
- f) A Notice of Decision will be provided to the Applicant within ten (10) days of the Hearing.

#### **5. Appealing a Decision or Condition of a Minor Variance**

- a) If a Decision to an Application is not heard within thirty (30) days from the date the completed Application was submitted, the Applicant may appeal the matter to the Ontario Municipal Board (OMB) for deliberation.
- b) Anyone wishing to appeal a Decision to an Application or a Condition of the Decision shall complete an Appellant Form. Forms are available on the OMB website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca) or from the Secretary. An OMB fee made payable to the Minister of Finance is required. The completed form and fee shall be submitted to the Committee within the appeal period.
- c) The Secretary will advise if the Applicant if there is an Appeal filed.
- d) If no appeal is filed within the twenty (20) day appeal period, the Decision of the Committee becomes final and binding.
- e) The Secretary will advise the Applicant if there are no Appeals to the Application.

#### **6. Completing Conditions**

- a) All Conditions to a Decision must be satisfied prior to the Minor Variance being permitted (i.e. Building Permit issued).

## **Agency Consultation Criteria For Minor Variance Applications**

The municipality may be required to circulate Minor Variance Applications to the following Agencies for approval:

### **Ministry of Transportation**

When the property is located on a Provincial Highway and an entrance permit is required; the application is circulated to both the District and Regional Offices of the Ministry of Transportation.

Contact Information:

Ministry of Transportation  
Regional Office  
1355 John Counter Boulevard, Postal Bag 400  
Kingston, ON K7L 5A3  
613-544-2220

Ministry of Transportation  
District Office  
50 Monck Street, P.O. Box 300  
Bancroft, ON K0L 1C0  
613-332-3220 or 1-800-554-0487

### **Kingston, Frontenac, Lennox & Addington Public Health**

Minor Variance are circulated to Public Health to provide comments if the Application involves matters which may affect the water supply and/or sewage disposal.

Contact Information:

#### **Geographic Townships of Barrie, Clarendon and Miller**

KFLA Public Health  
14209 Highway 41, P.O. Box 59  
Cloyne, ON K0H 1K0  
613-336-8989

#### **Geographic Townships of Palmerston, North and South Canoto**

KFL&A Public Health  
1130 Elizabeth Street, P.O. Box 149  
Sharbot Lake, ON K0H 2P0  
613-279-2151

### **Conservation Authorities**

Minor Variance Applications are required to be circulated to the appropriate Conservation Authority when:

- Site is within 30 metres of the shoreline or bank of a river or stream;
- Site is within 90 metres of the shoreline of a lake;
- Site is within a designated flood plain;
- Site is in an area identified as containing unstable soils or bedrock;
- Site is within 30 metres of the crest of any slope which is higher than 3 metres or steeper than 3:1 (horizontal:vertical) (MVCA/MNR mapping or as determined by EIS);
- Site is within or adjacent to a significant wetland;
- Site is within 30 metres of an environmental protection area (or other relevant Official Plan designation);

- Site is within an area, which is a potentially important recharge (i.e. wetland) or discharge zone (i.e. water body) in which there may be a risk of groundwater impacts;
- The proposed development of the site will involve the construction of a new drainage outlet (i.e. storm sewer or surface drain), or the enlargement of an existing drainage outlet into an existing water body or watercourse.

In addition, the Conservation Authority conducts a Plan Review on behalf of the municipality to ensure the proposal has regard for the Provincial Policy Statements as well as the municipal zoning legislation and planning policies.

Contact Information:

Mississippi Valley Conservation Authority  
10970 Highway 7  
Carleton Place, ON K7C 3P1  
613-253-0006

Quinte Conservation  
RR #2, 2061 Old Highway 2  
Belleville, ON K8N 4Z2  
613-968-3434

**Township of North Frontenac Contract Planner**

Contact Information:

Joe Gallivan MCIP RPP  
Planning and Economic Development  
County of Frontenac  
2069 Battersea Road  
Glenburnie ON K0H 1S0  
Phone 613.548.9400 Ext. 350  
Fax 613.548.8460  
Email [jgallivan@frontenacounty.ca](mailto:jgallivan@frontenacounty.ca)

Megan Rueckwald  
Community Planner  
County of Frontenac  
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Fax: 613 548-8460  
Email: [mrueckwald@frontenacounty.ca](mailto:mrueckwald@frontenacounty.ca)

## Sketch Checklist

**The application shall be accompanied by a *clean, legible, accurate sketch* showing the following information. Failure to supply this information will result in a delay in processing the application.**

Your sketch shall provide the following information:

- boundaries and dimensions of the property
- distance between the subject land and the nearest township lot line and/or landmark, such as a roadway or bridge
- location of all wells, including abandoned wells, on neighbouring properties within 30m of lot lines of the subject lands
- location of all natural and artificial features in the subject land and adjacent lands such as railways, roads, watercourses, drainage ditches, field drains, river or stream banks, wetlands, wooded areas
- location and nature of any easement affecting the subject land
- location of all buildings, all wells, including abandoned wells and all components of a sewage system (i.e. septic tanks and weeping beds, communal sewage systems) on the subject lands, and the distance of each to the proposed new lot line
- existing uses on adjacent land such as residential, agricultural and commercial uses
- location of beach access - if the property is a recreational property, adjacent to or in proximity to the waterfront
- location of existing driveways and civic address signs