

Minor Variance Applications

Purpose

A Minor Variance allows applicants to request minor changes to the Town of Ajax Zoning By-law 95-2003, as amended; where a proposal is unable to comply to the provisions of the Zoning By-law. A Minor Variance will not change the Zoning By-law. It merely grants a variance from the existing provisions/standards of the By-law to a specific property.

Application Form and Fees

To apply for a minor variance, please complete the Application for Minor Variance or Permission. This application form is provided in a PDF format and may change at any time. Therefore, it is your responsibility to ensure that you are using the correct form.

The fees for the minor variance application are set out in the *Planning Act Fees and Charges By-law*. Fees are payable upon submission of the application to the Town of Ajax. Additional fees may be payable upon application to the following agencies and organizations:

1. Consultant's study in support of an application (i.e. traffic, environment, noise, etc.)
2. Central Lake Ontario Conservation Authority; or
3. Toronto and Region Conservation Authority.

If the Town is asked to appear at an OMB hearing in support of an application, a fee may be required.

Submission Requirements

The following documentation is required to be submitted:

1. Completed application;
2. Two copies of the proposed development concept including dimensions of the subject and adjacent land, location, size and type of buildings on the subject and adjacent lands;
3. One copy of the property tax bill; and
4. Application fee(s).

What is a Committee of Adjustment?

The *Planning Act* allows a municipal council to appoint a Committee of Adjustment to consider the following:

1. Minor variances from zoning by-laws;
2. Expansions or enlargements of legal non-conforming uses
3. Interpretation where the use of land

The Committee is made up of individuals from the community. This group meets monthly to consider Minor Variance applications.

Minor Variances

All development proposals must comply with the Town of Ajax Zoning By-law, which sets out detailed requirements dealing with the use of land and buildings including building setbacks. Where a project design or lot size/shape makes it impossible to comply with all zoning requirements, the Committee of Adjustment may consider a variation from the rules, called a minor variance. Example: Reduction in the required setback from the rear property line for a proposed deck.

The Process

Timing

The entire process usually takes 6 to 8 weeks

- A. 3 weeks from application submission deadline until the hearing date
- B. The 20 day appeal period
- C. The decision is final and binding following the appeal period provided no appeals are received
- D. Appeals are dealt with by the OMB

The Committee of Adjustment meets on the last Wednesday of each month, with the exception of December.

Consultation

Prior to formal Minor Variance submission, owners are encouraged to contact Planning and Development Services for a preliminary consultation. Applicants may benefit from early identification of issues and supporting reports (i.e., Arborists Report, Traffic Study, Parking Study, Environmental Site Assessment).

The Committee of Adjustment process begins with the submission of the application form and associated plan and fee. It is recommended that each application be discussed with planning staff prior to submission.

Circulation

Once a complete application has been received it is circulated to internal staff and external agencies so they may provide their written comments or concerns regarding the proposal. A Public Notice will be distributed to all properties within 60 metres of the property. A sign is to be posted on the property. The sign must be visible from the street or streets.

During a site visit, a Planner will verify the application details to better understand the implications of the proposal. A report based on the comments received and a recommendation will be presented to the Committee of Adjustment. The report will be made available to anyone having an interest in an application and may be picked up at the Planning and Development Services office starting at 8:30 a.m. the Wednesday of the Committee meeting.

Public Meeting

A public meeting is held to hear all applications. The applicant or a representative must be present to make a brief presentation of their application to the Committee. The Committee will also hear anyone else who has concerns or questions regarding the application. All presenters will be required to state their name, address and if they are presenting someone else.

The Committee may ask questions of the applicant or other interested parties for clarification.

Evaluation Criteria

The Planning Act sets out 4 tests that each application is evaluated against, including:

1. Is the application minor in nature;
2. Is the application appropriate for the desirable development of the lands;
3. Does the application maintain the general intent and purpose of the Official Plan; and
4. Does the application maintain the general intent and purpose of the Zoning By-law.

Decisions

The Committee considers all submissions and staff's recommendations before making the decision. The decision is made at the public meeting. A copy of the decision is mailed to the applicant and all others who provide their name at the public meeting or submitted written comments. If the decision of the Committee of Adjustment is not appealed it becomes final and binding following the prescribed appeal period.

Appeals

If there is an objection to the Committee of Adjustment decision, it can be appealed to the Ontario Municipal Board (OMB) at a cost of \$300.00 for each application. Anyone having an interest in the application can appeal the Committee of Adjustment decision. All appeals must be received in writing by the Secretary Treasurer to the Committee of Adjustment within the prescribed appeal period.

All appeals for consents must be filed within 20 calendar days after the Notice of Decision is mailed. All appeals for minor variances must be filed within 20 calendar days from the day that the Committee of Adjustment made the decision at the public meeting.

The OMB

The OMB is an independent quasi-judicial administrative tribunal established by the Provincial Government. On receiving a notice of appeal, the OMB schedules and holds a hearing and makes decisions on land use planning issues.

Conditions

The Committee of Adjustment is authorized to impose conditions in the decision. In order for an application to be complete, all conditions imposed by the Committee of Adjustment must be fulfilled to the satisfaction of the specified agency.

Minor Variance Process

