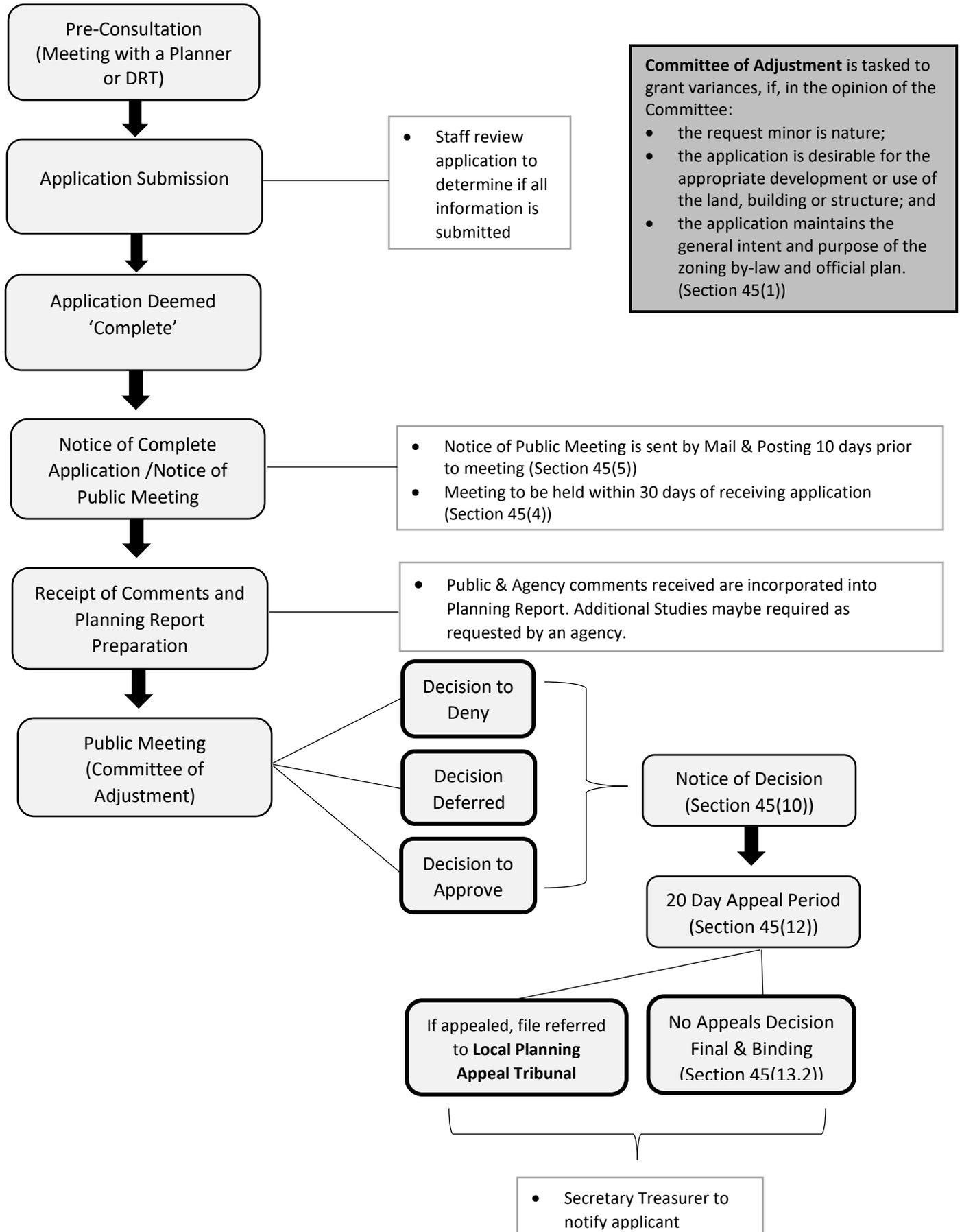


Committee of Adjustment Minor Variance Process



What is a minor variance?

A minor variance is a minor change to a zone provision of North Grenville's Comprehensive Zoning By-law 50-12 that is granted by the Committee of Adjustment. The Committee also has the ability to grant permissions for an expansion or an enlargement to a legal non-conforming use.

There is no definition of minor set out in the *Planning Act* or North Grenville's Official Plan. It is up to the Committee of Adjustment to determine what is minor based on considering four tests under the *Planning Act*:

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

What is the Committee of Adjustment?

The Committee of Adjustment is a quasi-judicial administrative tribunal appointed by Council. The Committee derives their authority to grant Minor Variances under Section 45 of the Planning Act. North Grenville's Committee of Adjustment is comprised of five members appointed by Council.

Minor Variance Process

1. Pre-consultation Meeting

Prior to completing an application it is recommended that you consult with a member of North Grenville's Planning Department to discuss the provisions of the Zoning By-law with regards to your development proposal to determine if a minor variance is required. There is no cost for a pre-consultation and planning staff can assist in letting you know what documents may be needed to support your application. It may be determined through discussions with a planner that a zoning amendment application is required.

2. Application Submission

Submit a complete minor variance application with the Secretary-Treasurer to the Committee of Adjustment. The Secretary-Treasurer will review the application to determine if it is complete, prepare notice of the application and schedule a public hearing.

3. Public Notification

The Secretary-Treasurer prepares notice of a public hearing of a variance application in accordance with the *Planning Act*. Notice of an application and hearing are sent out 10 days prior to the hearing date by mail and a notice is also posted on the subject property.

Property owners within 60 metres of the subject property are notified as well as commenting agencies including the health unit and the conservation authority.

4. Public Hearing

At the public hearing, Planning Staff prepare and present a Staff report to the Committee. Applicants are required to attend this meeting to explain their request and to answer any questions the public or the Committee may have.

The public hearing also provides an opportunity for members of the public to speak either against or in support of the application. Everyone who attends the meeting is given the opportunity to speak or to provide written comments to the Secretary-Treasurer for the Committee to consider in their decision.

Please note that the Committee is not mandated to handle:

- Disputes between neighbors
- Demolition and construction related activities
- Property standards issues
- Capacity of municipal services
- Lot grading and drainage issues

5. Committee Decision and Appeal Period

The Committee is to consider public input, the staff report and the criteria set out in the *Planning Act* when making a decision. The Committee can decide to approve, not approve or adjourn the application to receive additional information. The Committee also has the ability to approve a decision with conditions, provided the conditions are advisable. Conditions must be related to the application at hand. Common examples include entering into a site plan control agreement or establishing a vegetative buffer.

Within 10 days of the Committee's decision, notice of the decision is sent to the applicant and to every person who filed with the Secretary-Treasurer, a written request to receive notice. There is a 20 day appeal period for variance decisions that can be appealed to the Local Planning Appeal Tribunal.

Once the appeal period has passed, the decision is final and in effect. Decisions on minor variances run with the property and are not lost when a property changes ownership.