

## MINOR VARIANCE OR PERMISSION APPLICATION

**IT IS THE RESPONSIBILITY OF THE OWNER OR AUTHORIZED AGENT TO PROVIDE COMPLETE AND ACCURATE INFORMATION.**

### PLEASE READ ALL INSTRUCTIONS

*The information in this application form that must be provided by the Applicant is prescribed in O.Reg. 200/96 under the Planning Act. This mandatory information must be provided along with the appropriate fees. If the information and fees are not provided, the City will not consider the application until the prescribed information and the fees are provided.*

All submission materials on file, including cover letters, application forms and plans, will be made available to the public for viewing at the Planning and Building Services Department, as required under Section 1.0.1 of the *Planning Act*, R.S.O 1990 C.P.13. Personal information is collected under the authority of the Planning Act and will be used to process the application.

**This Is Your Application. Make sure you know why you are applying to the Committee of Adjustment and what variances you are applying for. A minor variance application is required per lot.**

All applications need to be reviewed by a Planner before submission. Failing to do so may result in delays. Please identify the City Planner you spoke to about your application.

<b>Discuss the application with a City of St. Catharines Planner prior to submission.</b>	
<b>Planner Name:</b>	<b>Date:</b>
<div style="margin-top: 10px;"> <input type="checkbox"/> Ensure that all sections of this application form are completed.         </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Provide original signatures of all owner(s) and/or authorized agent(s).         </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Affidavit – applicant’s signature has been witnessed and form signed by a commissioner or lawyer (Commissioning is available at City Hall if required).         </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Provide 2 copies of the plan (with all the requirements, as outlined in the application package checklist, listed in the checklist), elevations, interior floor plans and drainage plans in Metric units, with a digital copy of the plans to be forwarded within 2 days of the submission.         </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Include any relevant reports and/or studies as required by the municipality or other agencies.         </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Payment of all fees is required at time of submission by Cash, Debit, Credit or cheque made payable to the ‘City of St. Catharines’. Other fees – i.e. Region of Niagara and/or Niagara Peninsula Conservation Area, are to be paid with a separate cheque for each payment and/or through the Agencies online payment portal with copy of receipt provided to staff prior to the circulation of the Notice of Hearing.         </div>	

**Complete applications are due by 2 p.m. on the submission cut-off date. Submitting an incomplete may result in processing delays.**

**PLEASE PRINT THE MINOR VARIANCE OR PERMISSION APPLICATION ON ONE SIDE ONLY!**

All applications need to be reviewed by a Planner before submission. Failing to do so may result in delays. Please state which City Planner you spoke to regarding your application.

**SECTION A**

- ☐ Include the names of all registered Owners of the property need to be included along with the address as stated on the deed.
- ☐ Include a mailing address (if applicable) to which correspondence is sent.
- ☐ Provide the name and address of your mortgage company, person or organization that has a financial interest in the property. If you do not have a mortgage, indicate this by writing "N/A."
- ☐ Include the contact information of your Agent, if applicable. The Agent will become the point of contact and can make decisions on your behalf. If one (1) Owner is acting as the Agent on behalf of other Owners, please complete Section A. All Owners must sign the authorization.

**SECTION B**

- ☐ Provide the municipal address of the land, along with its legal description.
- ☐ List any easements or restrictive covenants affecting the lands. If so, what kind?
- ☐ State the existing zone, the City's and Regional Official Plan designations. This information is on the City's website, the Region's website, or with a City Planner.
- ☐ Describe the current use and proposed use of the building (e.g., Residential – detached dwelling, Residential – duplex).
- ☐ Provide the dimensions of the lot in metric.
- ☐ State whether municipal water and sewers are available at the lot line.
- ☐ If no municipal services are available, state the type of system used (e.g., septic system, cistern, well). The Regional Private Servicing Application will need to be submitted with the application.
- ☐ Estimate when the property was purchased.

**SECTION C**

- ☐ Check off the relevant box applying for.
- ☐ Outline each variance you are requesting as well as the Zoning By-law requirements (e.g., "Reduction of front yard setback from 6 to 3 metres"). All variances must be noted at time of application. Please review the current Zoning provisions to ensure that all variances are captured.
- ☐ A Legal Non-Conforming use is a use which is not currently permitted by the Zoning by-law in effect today, but was legally established under the Zoning By-law in effect at the time the use commenced and has continued uninterrupted.

If applying for Permission under Section 45 (2), please indicate the Section being used.

#### **SECTION D**

☐ For Minor Variance (s), explain what your proposal is and provide reasons why you cannot comply with the provisions of the Zoning By-law and how the variance(s) meet the four (4) tests:

1. Why is the variance minor in nature?
2. Why are the variances desirable for the appropriate use of the land?
3. Does it meet the intent and purpose of the Official Plan?
4. Does it meet the intent and purpose of the Zoning By-law?

When justifying your proposal, consider if the minor variances have any impact on the surrounding area. You can include pictures, photos or letters of support with your minor variance application.

- ☐ For Permissions under Section 45 (2), explain what your proposal is and provide all supporting evidence being relied upon to prove the use meets the criteria above.
- ☐ State whether there are other applications submitted at the same time for this property. If so, include the type of application and file number.

#### **SECTION E**

- ☐ To be signed by the Property Owner or Agent to acknowledge that the sign(s) will be picked up and posted for the Public Hearing. You will be notified when to pick up the sign and where to post the sign. Email a picture of the sign from the roadway to the Secretary-Treasurer or Planning Committee Coordinator. The sign must be posted on the property until the day after the Hearing. If the sign is blown away or missing, contact the Secretary-Treasurer or Planning Committee Coordinator immediately for a replacement.

#### **SECTION F**

- ☐ To be signed by the Property Owner or Agent to acknowledge that permission to enter the subject property is given to the Committee Members and City Staff if needed.

#### **SECTION G**

- ☐ To be signed by the Property Owner to acknowledge that personal information and any supporting documents collected under the MFIPPA and the *Planning Act* shall become part of the public record and will be made publicly available.

#### **SECTION H**

- ☐ To be signed by the Property Owner or Agent to acknowledge that the sketch requirements are reflective of the subject property. Please use the checkboxes in the Minor Variance Sketch Instructions to ensure all information is on the sketch. Any missing information may delay your application.

#### **SECTION I**

- ☐ All Owner(s) must complete the authorization form if someone else will act on their behalf. If one owner is acting on behalf of the other Owner(s), then that owner must be authorized by the Owner(s) to be considered the agent.

## SECTION J

- ☐ Declaration to be signed by the Owner(s) or the person who has been authorized as the Agent to act on their behalf, when submitting to the Secretary-Treasurer/Planning Committee Coordinator. Do not sign this section before submission unless signed in the presence of a Commissioner or Lawyer. If commissioned at City Hall, please have government photo ID ready (Drivers Licence, Passport).

## MINOR VARIANCE OR PERMISSION Sketch Instructions

### SKETCH INSTRUCTIONS

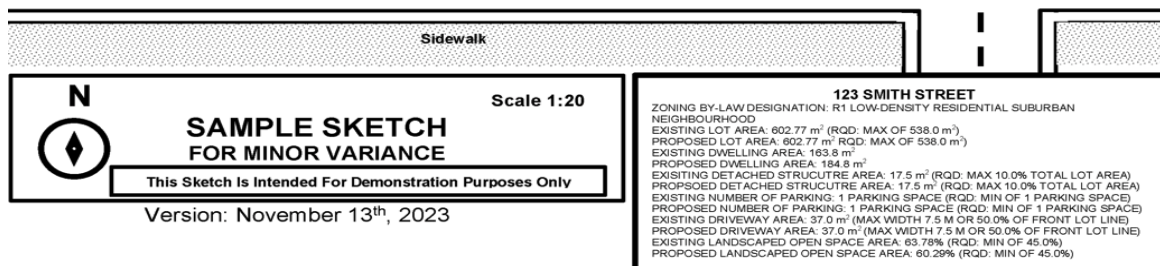
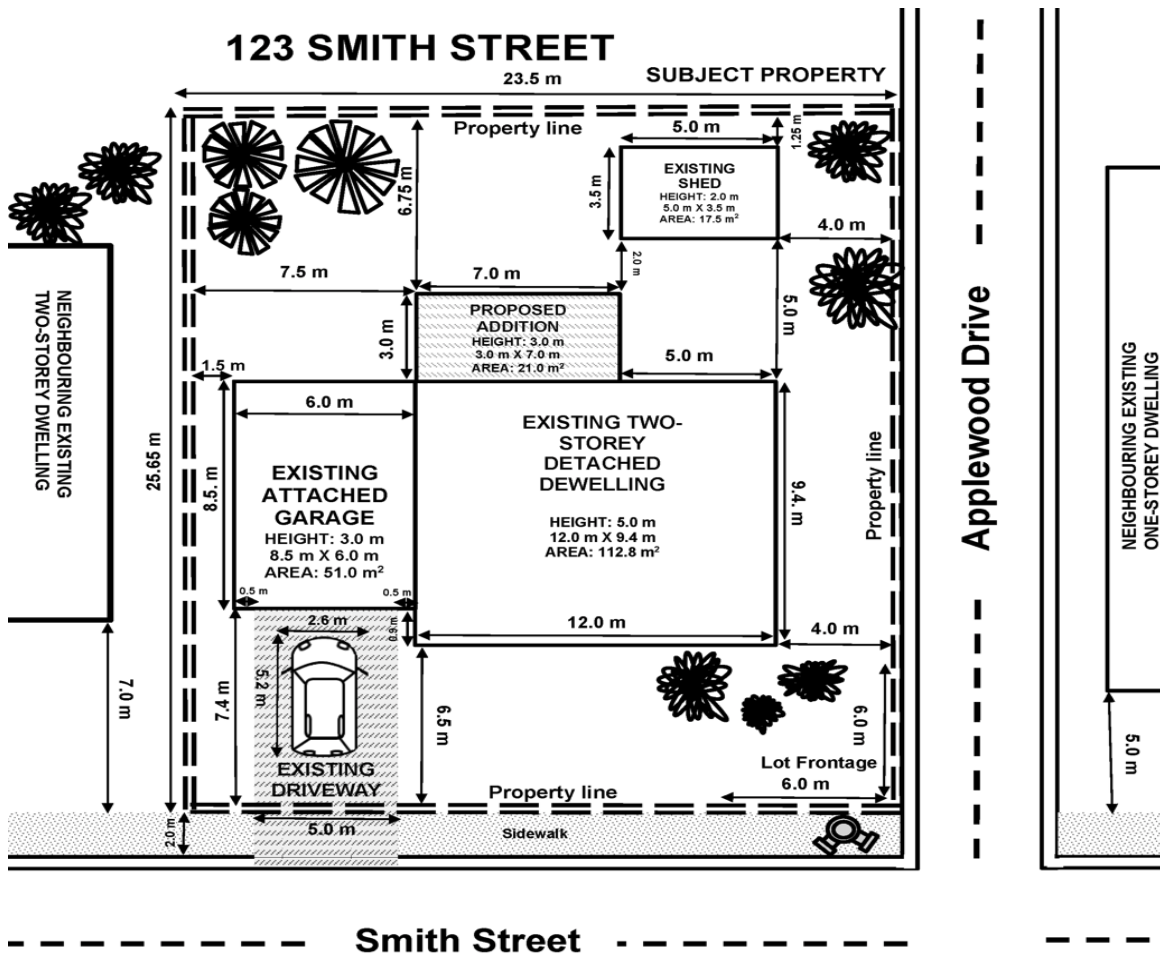
1. This application **must** be accompanied by a **metric** plan and any other information. If applying for an accessory dwelling unit, please include plans of each floor with dimensioned metric measurements.
2. The plans must be drawn to scale and must be printed on **11" x 17" paper**. Ensure all information has been provided in the submitted plans. Two (2) copies must accompany this application.
3. Pictures can be provided to support your application.
4. Within two (2) days of submitting a complete application, forward all digital plans and information to:
  - a. Secretary-Treasurer [emunro@stcatharines.ca](mailto:emunro@stcatharines.ca), and
  - b. Planning Committee Co-ordinator, [rriisi@stcatharines.ca](mailto:rriisi@stcatharines.ca)

### CHECKLIST

- ☐ Boundaries, dimensions and lot area of the subject lands.
- ☐ Location, size, height and type of all existing and proposed buildings and structures on the subject lands, showing all setback distances (e.g., dwelling, garage, shed, decks, porches, patios, etc.). For decks, balconies and patios, please include height from grade.
- ☐ Location of all natural (e.g., trees, hedges) and artificial features (e.g., shed, deck, fence, pools, utilities, sidewalks) on the subject and adjacent lands that in the opinion of the applicant may affect the application. (e.g., 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 road 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. Show access to the subject lands and the dimensions of drive aisles and fire routes if applicable.
- ☐ If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- ☐ Location and type of easements affecting the subject lands.

- ☐ Show the dimensions of all existing and proposed parking areas (e.g., driveways, drive aisles, garages). Show the location and dimensions of bicycle parking spaces.
- ☐ State the percentage (%) of soft and hard landscaping on the lot. Identify the dimensions for landscape buffers, if applicable.
- ☐ Lot frontage shall be measured 6 metres from the front lot line and parallel to the front lot line, or 6 metres from the chord and parallel to the chord if the lot line is a curve.

Please refer to the attached sample sketch:



**MINOR VARIANCE OR PERMISSION APPLICATION**

**Committee of Adjustment  
Planning and Building Services**

**OFFICE USE ONLY**
**Date Received:**
**Submission No: A-**
**Date Application Deemed Complete:**
**AMANDA Number:**

**PLEASE PRINT CLEARLY IN BLUE INK**

**SUBJECT PROPERTY (Municipal Address):** \_\_\_\_\_

**Reviewed by (Name of City Planner):**
**Date:**
**SECTION A – PROPERTY OWNER/APPLICANT INFORMATION**

All Registered Owners (write name(s) as shown on Transfer Deed of Land)

**First Name**
**Last Name**

Corporation (Company Name)

Mailing Address (if different from subject property)

City

Province

Postal Code

Phone Number

Additional Phone Number

Email Address

Mortgagees, holders of charge or other encumbrances (if no mortgage, indicate N/A)

**AGENT INFORMATION**

Authorized Agent

**First Name**
**Last Name**

Organization Name

Address

City

Province

Postal Code

Phone Number

Additional Phone Number

Email Address

**SECTION B – SUBJECT PROPERTY DESCRIPTION**

Municipal Address	Date of acquisition by current Owner(s)
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Legal Description of Property
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Dimensions of Land		
<b>Frontage (m)</b>	<b>Depth (m)</b>	<b>Area (m<sup>2</sup>)</b>

Existing Buildings/Structures <input type="checkbox"/> Yes <input type="checkbox"/> No	Type	Height (m)
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Proposed Buildings/Structures <input type="checkbox"/> Yes <input type="checkbox"/> No	Type	Height (m)
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**OFFICIAL PLAN AND ZONING INFORMATION**

Zoning By-law Designation	Official Plan Designation	Regional Official Plan Designation
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**EASEMENTS OR RESTRICTIVE COVENANTS**

Are there any easements or restrictive covenants affecting the subject land? <span style="float: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</span>
If Yes, provide a description of each easement or restrictive covenant and its effect.

**SERVICING AND ROAD ACCESS**

<b>Select all that apply</b> Municipal Water <input type="checkbox"/> Yes <input type="checkbox"/> No Sanitary Sewers <input type="checkbox"/> Yes <input type="checkbox"/> No Storm Sewers <input type="checkbox"/> Yes <input type="checkbox"/> No  Municipal Road <input type="checkbox"/> Yes <input type="checkbox"/> No Private Road <input type="checkbox"/> Yes <input type="checkbox"/> No Regional Road <input type="checkbox"/> Yes <input type="checkbox"/> No	If municipal services are not available, by what means are they provided (e.g., Septic, Well)?   If access to the subject land is by water only, the parking and docking facilities used or to be used and the approximate distance to the facilities from the subject and the nearest public road.
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**CONCURRENT PLANNING APPLICATIONS**

Are there any concurrent planning applications for the subject lands? <span style="float: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</span>
If Yes, provide the Types of Applications below.

**PREVIOUS APPLICATIONS & DECISIONS**

Are there any previous committee of Adjustment Decisions for the subject lands? <span style="float: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</span>
If Yes, provide the file numbers and decisions below.

Is the subject land currently, or has it ever been subject of an application under the <i>Planning Act</i> for approval of a plan of subdivision or a consent? <span style="float: right;"><input type="checkbox"/> Yes    <input type="checkbox"/> No</span>
If Yes, provide the file numbers and statuses of the applications below.

(Please check off relevant box or both boxes for joint Applications)

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Use extra pages if necessary, do not leave blank.

## By-Law Section

## Requirement

<b>Proposed</b>
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(Outline the permission requested under Section 45 (2) and the section being used.)

**SECTION D – DESCRIPTION OF PROPOSAL & JUSTIFICATION OF VARIANCE(S) / PERMISSION BEING REQUESTED**

Explain what you are proposing to do. Provide justification of your Minor Variance(s) requested and ensure that you address the four tests for each requested variance. For Permission, provide all supporting evidence being relied upon by the Applicant to prove the use meets the criteria (See Instructions for more details)

Use extra pages if necessary, do not leave blank.

### SECTION E – POSTING OF PUBLIC HEARING SIGN

This will confirm the requirement of the Committee of Adjustment for the sign(s) to be posted by all applicant(s) or agent(s) on the subject lands. The sign(s) will be made available to you after your application(s) are deemed complete. You will be directed to post the sign(s) in a prominent location that will enable the public to observe the sign(s).

Each sign must remain posted beginning 21 days prior to the Hearing, until the day following the Hearing. Fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the Committee's requirements. Failure to post the sign(s) as required may result in deferral of your application(s).

I understand that each sign(s) must be posted at least 21 days before the Hearing and will remain posted, and replaced, if necessary, until the day following the Hearing.

\_\_\_\_\_  
Print Name (s)

\_\_\_\_\_  
Property

\_\_\_\_\_  
Signature of Owner (s) or Agent

\_\_\_\_\_  
Date

### SECTION F – PERMISSION TO ENTER

I authorize the members of the Committee of Adjustment and City Staff to enter onto the subject land(s) under application for the purposes of evaluating the merits of the application(s).

\_\_\_\_\_  
Print Name (s)

\_\_\_\_\_  
Signature of Owner (s) or Agent

\_\_\_\_\_  
Date

### SECTION G – PROPERTY OWNER(S) ACKNOWLEDGEMENT OF PUBLIC INFORMATION

The Owner(s) provide their consent, that personal information, as defined by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended (MFIPPA), is collected and disclosed under the authority of MFIPPA and all required information is collected and disclosed under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

**Information on this application and any supporting documentation provided by the owner(s)/authorized agent(s) shall become a part of the public record and will be made publicly available.**

\_\_\_\_\_  
Signature of Owner (s) or Agent

\_\_\_\_\_  
Date

**SECTION H – SKETCH REQUIREMENTS**

I hereby confirm that all the requirements, as outlined in the application information package, are reflected on the submitted sketch. I understand that my application will be considered incomplete until all the required information is submitted by the application deadline.

\_\_\_\_\_  
Print Name (s)

\_\_\_\_\_  
Signature of Owner (s) or Agent

\_\_\_\_\_  
Date

## SECTION I – AUTHORIZATION OF REGISTERED OWNER

If the applicant is not the owner of the lands that are the subject of this application, the authorization set out below must be completed by the owners. Authorization must be signed by all registered owners.

**Note:** *If the owner is a Corporation, the application must be signed by an officer of the Corporation and the Corporation's SEAL (if any) should be affixed OR the words, "I have the authority to bind the Corporation" may be printed under the signing officer's name instead of affixing the Corporate seal.*

I/we, the undersigned, being the Registered Owner of the land that is/are subject to this minor variance application.

Property Owner Names: \_\_\_\_\_

Subject Property/Municipal Address: \_\_\_\_\_

Hereby Authorize: \_\_\_\_\_  
First Name
Last Name
Company

As the Agent for the purpose of submitting an application to the Committee of Adjustment for a Minor Variance in accordance with Subsections 1 or 2 of Section 45 of the *Planning Act*, R.S.O. 1990.

Dated at the <input type="checkbox"/> Town <input type="checkbox"/> City	of
In the <input type="checkbox"/> County <input type="checkbox"/> Regional Municipality	of

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Property Owner

### **Where Owner is a Corporation**

Company Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Per Signature: \_\_\_\_\_

\_\_\_\_\_  
"I have authority to bind the Corporation"

**SECTION J – DECLARATION OF OWNER(S)/AUTHORIZED AGENT**

The declaration below must be signed in the presence of a Commissioner for taking affidavits. This may be done when presenting your application at City Hall. Please make sure to bring your valid government I.D. with a signature.

I / We \_\_\_\_\_ of the City / Town of \_\_\_\_\_

In the County / Regional Municipality of \_\_\_\_\_

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*.

\_\_\_\_\_  
Name of Corporation

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
"I have authority to bind the Corporation"  
Signature of Property Owner or Authorized Agent

**Declared before me** \_\_\_\_\_

Dated at the ☐ Town ☐ City

of

In the ☐ County ☐ Regional Municipality

of

**This** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** \_\_\_\_\_

\_\_\_\_\_  
A commissioner, etc.

\_\_\_\_\_  
Name/stamp of commissioner, etc.

## WHAT HAPPENS AFTER YOUR APPLICATION IS FILLED?

### Initial Application Review

Once an application has been filed, it will be reviewed for completeness. When an application is deemed complete, a Hearing Date will be assigned, and you will receive an email notification to pick up your sign(s). Hearing dates are not guaranteed based on submission deadlines.

### Staff Review

Once an application is submitted, it will be reviewed by staff and external agencies for the purposes of providing comments and recommendations to the Committee of Adjustment. In the event an unforeseen issue or concern should arise or additional information (e.g., environmental or technical studies), the application may be deferred until all the requested information has been submitted and reviewed.

### Public Notice Sign Requirement

In accordance with the Planning Act, the applicant is required to post their signs on the subject property, prepared and provided by Committee staff. The sign must be posted for 21 days, as per Council's direction, before the Hearing date and be placed in a location that is clearly visible and legible from a public highway. The applicant will need to sign a form indicating that their signs will be posted on the subject property and will remain posted up to and including the day of the Public Hearing. This form must be completed as part of the application.

In addition, a Public Notice will be prepared and mailed out to all assessed property owners within 60 metres of the subject property.

**Failure to meet public notice requirements may result in deferral of the application.**

**If an application requires deferral by the applicant/agent AFTER the public notice has been released, recirculation fees will apply.**

### Staff Report & Comments Received

A Staff Report containing all comments and recommendations received from staff and external agencies will be available on the Friday before your scheduled Hearing date. The Agenda, and comments including the Staff Report will be emailed to you by the Secretary-Treasurer or Planning Committee Coordinator and will be available on the City's website at <https://stcatharines.civicweb.net/filepro/documents/1315/>.

### Attendance at Hearing

1. The applicants or agents of the application **must** be present at the Hearing.
2. The applicants or agents should be prepared to present their application before the Committee if required, explaining the nature of the application. The applicants or agents should be prepared to answer any questions by the Committee or members of the public through the Chair.
3. If you do not attend this Hearing, the Committee may adjourn the application or proceed in your absence, and you will not be entitled to any further notice of the proceedings. **Adjournment and/or recirculation fees may apply.**

The Notice of Decision will be mailed out one (1) week after the Hearing which will include Ontario Land Tribunal Appeal information.