

PLEASE READ ALL INSTRUCTIONS**Checklist**

Discuss the application with a City of St. Catharines Planner prior to submission:

Name Planner: _____ Date: _____

- Fill out all sections of the application according to the attached instructions.
- Provide original signatures of all owners and/or authorized agent, if applicable.
- Provide 8 hard copies of the sketch with all the requirements, as outlined in the application package, and drainage plan (if applicable) in **metric units**, with a digital copy of the sketch and drainage plan to be forwarded within two (2) days after submission (if applicable).
- Include any relevant reports and/or studies.
- Payment of all applicable fees – Cash, Debit, Credit or Cheques made payable to the “City of St. Catharines”. Other fees - i.e. Region of Niagara and/or NPCA, if applicable, are to be paid with a separate cheque for each fee payment.

Complete applications are due by 2:00 pm on the cut-off date.

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

Incomplete applications may be returned to you or may result in processing delays. Withdrawal of applications are required in writing and fees are returned pending stage application is in. Once notices are circulated, no fees are refunded.

MINOR VARIANCE Application Instructions

Committee of Adjustment Planning & Building Services

PLEASE PRINT MINOR VARIANCE APPLICATION ON ONE SIDE ONLY!

SECTION A

- The names of **all** registered owners of the property need to be included along with the address as stated on the deed.
- Provide the name of your mortgage company, person or organization that has a financial interest in the property.
- Contact information of your agent, if applicable. The agent will become the point of contact and is able to make decisions on your behalf.

SECTION B

- Municipal address of the land is required, along with its legal description.
- Are there any easements or restrictions affecting the lands?
- Existing zone, the City's and Region's Official Plan information can be obtained from the City's and Region website.
- Describe the current use and proposed use of the building, ie. Residential – single detached, residential – duplex, etc.
- Provide the dimensions of the lot.
- Outline if municipal water and sewers are available at the lot line.
- If no municipal services are available, please indicate the type of system used (i.e. septic system, cistern, etc.). A separate form with associated fee will need to be completed.
- When was the property approximately bought.

SECTION C

- Outline each variance you are requesting as well as the Zoning By-law requirements. For example: Reduction of front yard setback from 6 metres to 3 metres. All variances are required to be noted at time of application. Please review the current Zoning provisions to ensure that all variances are captured.

SECTION D

- In your own words, explain what you are proposing to do and why you cannot comply with the provisions of the Zoning By-law and how the minor 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 reasons for approval, consider if the minor variances have any impact on the surrounding area? If you wish, you can include pictures or photos or letters of support with your minor variance application.

- Are there any other applications submitted at the same time for this property? Indicate the type and file number (if available).

SECTION E

- To be signed as an agreement to pick up and post a sign for the Public Hearing. You will be notified when to pick up the sign and where to post the sign. A stake for mounting the sign is not provided. A picture of the sign from the roadway is to be taken and emailed to the Secretary-Treasurer. The sign needs to be posted on the property until the day after the Hearing. If the sign is blown away or missing, please contact the Secretary-Treasurer immediately for a replacement.

SECTION F

- To allow staff and the Committee to go on the property if needed.

SECTION G

- To be signed as a confirmation that you have read all the requirements for the sketch and that they are included on the sketch that you are submitting as part of the application. Any missing information may delay your application. Please use the checkboxes in the Minor Variance Sketch Instructions to ensure all information is on the sketch.

SECTION H

- All** Owner(s) must complete the authorization form if someone else is to act on their behalf. Please note that if one owner is acting on behalf of the other(s), then that person is considered the agent.

SECTION I

- 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. Do **not** sign this section prior to submission unless signed in the presence of a Commissioner.

MINOR VARIANCE Sketch Instructions

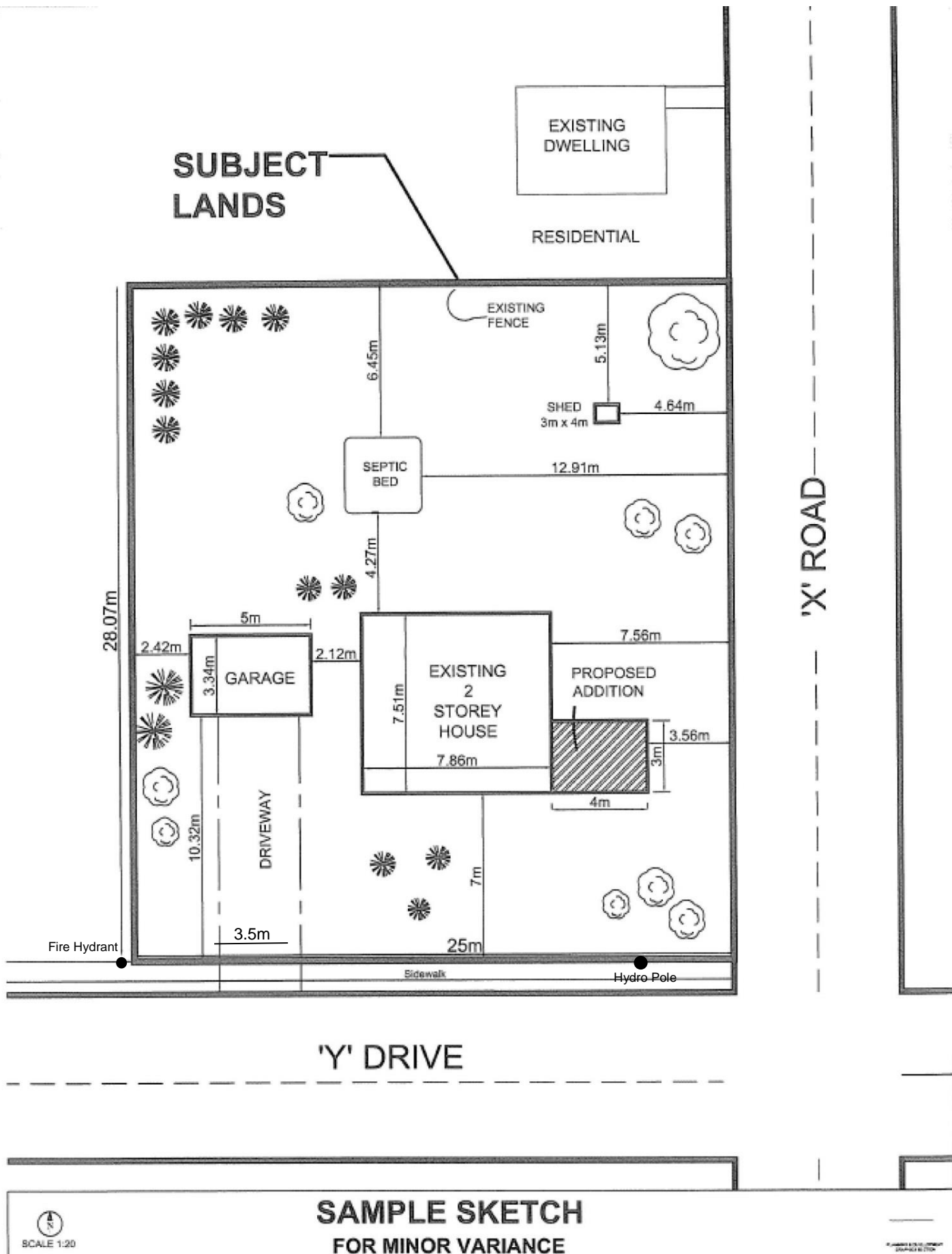
1. This application **must** be accompanied by a **METRIC** site plan and any other applicable drawings. If applying for an interior accessory dwelling unit, please include plans of each floor. The plans must be drawn to scale and must show the following applicable information. If the plans are larger than 11" x 17", 8 copies must accompany the application. Sketch can be hand-drawn on white paper and must be clear and legible.

CHECK LIST

- Boundaries and dimensions of the subject land.
- Location, size, height and type of all existing and proposed structures on the subject land, showing all distances (garage, shed, etc.).
- Location of all natural (trees, hedges, etc.) and manmade features (well, shed, deck, fence, pools, hydro poles, etc.) on the subject, and adjacent lands that may affect the application in the opinion of the applicant.
- Show the height of decks, patios and gazebos.
- Show roads and access onto the subject land.
- Show the length and width of driveway and percentage (%) of landscaping on the lot.
- Lot frontage is measured 6 metres from the front lot line, or 6 metres from the chord and parallel to the chord if the front lot line is a curve.
- Location and type of easement affecting the subject land (if applicable).
- Location and number of existing and proposed parking spaces with dimensions, including garages.

Please refer to the attached sample sketch.

2. If you wish to include pictures to support and explain your application, please provide six (6) coloured copies.
3. Forward a digital copy of the sketch to the Secretary-Treasurer within two (2) days of submitting a complete application.





**MINOR VARIANCE
Application
Committee of Adjustment
Planning & Building Services**

OFFICE USE ONLY	
Date Received:	Submission Number: A-
Application Deemed Complete <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Deemed Complete
File Number 60.81.	Amanda Number:
Planner:	Date:

PLEASE PRINT CLEARLY IN INK

See Minor Variance Application Instructions for further information.

SECTION A – OWNER INFORMATION	
All Registered Owners (Please indicate names and address exactly as shown on the Transfer Deed of Land)	
First Name	Last Name
Mailing Address	
Number Street	Apartment City Province Postal Code
Phone Number	Email
Mortgagees, holders of charge or other encumbrances:	
Name	Number Street City Province Postal Code

AGENT INFORMATION (Person to be contacted about the application if not the owner)	
Authorized Agent	
First Name	Last Name
Organization	
Address	
Number Street	Unit City Province Postal Code
Phone Number	Email

SECTION B – LOCATION OF LAND

Legal Description (Street No. & Name of Street, Lot, Registered Plan, etc.)		
Easements or Restrictive Covenants <input type="checkbox"/> Yes <input type="checkbox"/> No		Type
Property Zone	City Official Plan	Regional Official Plan
Existing Structure(s) on Land		Proposed Structure(s) on Land
Lot Frontage (metres)	Lot Depth (metres)	Total Lot Area (metres)
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
If Municipal Services are not available, by what means are they provided		
Property Acquisition Date		

SECTION C – PROPOSED VARIANCE(S) BEING REQUESTED
(Indicate each variance being requested and the Zoning provision being varied) Use an extra page if necessary

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SECTION D – JUSTIFICATION OF REASONS

(Why is it not possible to comply with the Zoning By-law? See Instructions for more details.)

Use an extra page if necessary

Large empty rectangular area for providing justification of reasons.

Any concurrent applications? <input type="checkbox"/> Yes <input type="checkbox"/> No	Type
Any previous Minor Variance? <input type="checkbox"/> Yes <input type="checkbox"/> No	Type

SECTION E - POSTING OF A PUBLIC HEARING SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application. A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

Each sign must remain posted beginning 21 days prior to the hearing, until the day following the hearing. Please 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 too as evidence that you have met the Committee's requirements. Failure to post the sign as required may result in deferral of your application(s).

*I understand that each sign 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	Property
Signature Owner/Agent	Date

SECTION F- PERMISSION TO ENTER

I authorize the members of the Committee of Adjustment and City Staff to enter onto the above property which is under application for the purposes of evaluating the merits of the application(s).

Print Name	
Signature Owner/Agent	Date

SECTION G – 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	
Signature Owner/Agent	Date

SECTION H – AUTHORIZATION OF REGISTERED OWNER(S)

If the applicant is not the owner of the land that is subject of this application, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please 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.*

Photocopies, e-signatures and/or faxed copies are not acceptable; this form must be submitted with ORIGINAL signatures.

I / We, the undersigned, being the registered owner(s) of the land that is subject to this consent application

Property Owner’s Name(s)

(Legal description and/or municipal address)

Hereby authorize _____
First Name Last Name Company (if applicable)

As my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment for a minor variance or for permission 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

This _____ day of _____ 20____.

Signature of Property Owner

Print Property Owner Name

Signature of Property Owner

Print Property Owner Name

Signature of Property Owner

Print Property Owner Name

SECTION I - AFFIDAVIT OF OWNER(S) OR 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 photo I.D. with a signature.

I / We,	of the <input type="checkbox"/> Town <input type="checkbox"/> City
Of	in the <input type="checkbox"/> County <input type="checkbox"/> 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*.

Signature of Owner, or Authorized Agent
I have the authority to bind the Corporation

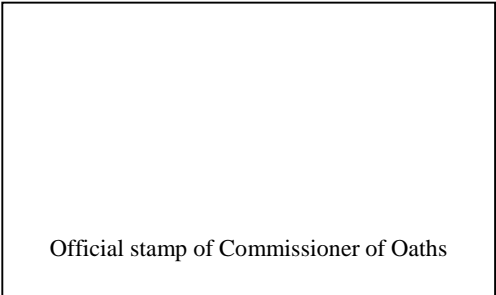
Signature of Owner, or Authorized Agent

Please 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.*

Declared before me at the <input type="checkbox"/> Town <input type="checkbox"/> City	of
in the <input type="checkbox"/> County <input type="checkbox"/> Regional Municipality	of

Dated this _____ day of _____, 20_____

A Commissioner of Oaths



WHAT HAPPENS AFTER YOUR APPLICATION IS FILED?

Application Reviewed:

- * Once an application has been filed, it will be reviewed for completeness. When an application is deemed complete, a Hearing Date will be assigned.

Public Notice Sign Requirement:

- * In accordance with the Planning Act, the applicant is required to post a sign on the subject property, prepared and provided by Committee staff. The sign must be posted for 21 days, as per Council's direction, prior to 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 the sign 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.

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

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

Staff Review:

- * Once an application is submitted, it will be reviewed by staff and outside 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 (i.e. environmental and technical studies), the application may be deferred until all the requested information has been submitted and reviewed.

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

Staff Report & Comments Received:

- * A Staff Report containing all comments and recommendations received from staff and outside agencies will be available on the Wednesday before your scheduled Hearing date. The Agenda and comments including the Staff Report will be emailed to you by the Secretary-Treasurer or Planning Technician and will be available on the City's website at www.cityofstcatharines/CommitteeofAdjustment.

Attendance at Hearing:

- * The applicant (owner) and/or agent of the applicant **must** be present at the hearing. Take notice that 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 in the proceedings. **Adjournment and/or recirculation fees may be applicable.**

Local Planning Appeal Tribunal (LPAT):

* A Notice of Decision will be mailed to the applicant and/or agent and all persons who made a written or verbal submission at the Hearing or requested a copy of the Decision within 15 days after the decision has been made. There is a 20-day appeal period from the day of the Hearing during which it may be appealed to the LPAT. An appeal may be launched in two different ways:

1. Any person or public body may appeal a Committee of Adjustment's decision and any condition within 20 days from the day of the Hearing.
2. The applicant may appeal if no decision is made within 30 days from the date of receipt of the complete application by the Secretary-Treasurer.

Appeals must be filed with the Secretary-Treasurer, accompanied by reasons for the appeal and the appeal fee payable to the Minister of Finance. The appeal is forwarded to the Local Planning Appeal Tribunal (LPAT) which is an independent administrative tribunal responsible for hearing appeals. When a decision is appealed, the LPAT will hold a hearing where you will have the chance to present your case. Appealing a planning decision to the LPAT is a serious matter. It can take considerable time, effort and in some cases, money for everyone involved. A hearing may last only a few hours if the matter is quite simple, but for more complicated matters, a hearing can last for several days. See the Notice of Decision, or visit <http://elto.gov.ca/tribunals/lpat> for more information.

WHAT OTHER APPROVALS MAY BE REQUIRED?

In addition to the planning approvals, a building permit may be required.

Any questions about the Committee of Adjustment process, or submitting an application, please refer to the Citizen's Guide or contact the Secretary-Treasurer at 905.688.5601 x1715, emunro@stcatharines.ca or the Planning Technician x1717, wbanda@stcatharines.ca.