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**Please read this guide carefully before completing a Committee of Adjustment application for Consent or Minor Variance.** The applicant is advised to consult with staff in the City of Owen Sound Planning Division for Official Plan, Zoning and Provincial Policy Statement information **before** making a formal application.

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### **SUBMITTING AN APPLICATION**

- 1. One original hardcopy** of the application must be submitted to the Secretary-Treasurer of the Committee of Adjustment.
- 2.** The application must be accompanied by a **plan(s)** prepared in accordance with the provisions described in **Schedule A** of this Application Guide.
  - In some cases, the applicant may also be required to obtain a new registered plan of survey.
  - All dimensions must be shown in metric units.
- 3.** The application must be completed and signed by the property owner or the solicitor/authorized agent.
  - The Declaration section must be signed and commissioned by staff in the Owen Sound Clerk's Department (commissioning service provided free of charge for Committee of Adjustment applications).
  - Any person acting as a solicitor or agent must be authorized by the registered owner by completing the Authorization section of the application or providing a signed letter from the owner giving authorization to the agent.
  - If the property is owned by more than one person, both must sign the application, or one owner can sign and the other must provide a letter stating that they give permission to the joint owner to proceed on their behalf.
  - If the applicant is a corporation acting without agent or solicitor, the application shall be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.
- 4.** Applications will not be considered complete until all requested information has been supplied. If additional documentation or supporting material becomes necessary, you will be contacted and this information must be submitted by a date specified by staff prior to your application proceeding.

### **APPLICATION FEES**

- 5.** The application must be accompanied by the appropriate fee, as per the current fee schedule listed on the application, in cash or by cheque made payable to the Treasurer of the City of Owen Sound.
- 6.** Applications may be subject to additional fees from other City departments (e.g., Engineering Review Fees).
- 7.** Applications involving lands that are subject to Grey Sauble Conservation Authority planning review may require additional fees.
- 8.** For any application where a technical study is completed in support of the application is determined by the City to require a peer review, such peer review will be coordinated by the City and paid for by the applicant.

### **HOW AN APPLICATION IS PROCESSED**

#### **9. Notices of Public Hearing and Requests for Comments**

- Once the application is deemed to be complete by the Planning Division, Requests for Comments and Notices of Public Hearing are circulated.
- As required by the *Planning Act*, the application is circulated to municipal offices, provincial ministries and other agencies for comment prior to the public hearing for consent and minor variance applications.
- As per the statutory requirements of the *Planning Act*, a Notice of Public Hearing is published in *The Sun Times* newspaper at least 14 days prior to a consent hearing and at least 10 days prior to a minor variance hearing.

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### 10. Assessing the Application

- In assessing the merits of an application, the Committee of Adjustment considers documentation provided in the application, recommendations provided in a report from Planning staff, comments received from other municipal departments and agencies through circulation, and comments received from members of the general public.
- An application for minor variance is assessed using the four tests outlined in the *Planning Act*:
  1. Is the application considered to be minor in nature?
  2. Does the application meet the general intent and purpose of the Zoning By-law?
  3. Does the application meet the general intent and purpose of the Official Plan?
  4. Is the application considered to be desirable for the appropriate development or use of the property?

### 11. Public Hearings (Committee of Adjustment Meetings)

- Consent or Minor Variance applications are heard by the City of Owen Sound Committee of Adjustment. Application submission deadline dates and committee meeting dates are attached to the application form.
- The applicant is *not required* to attend the public hearing, however, it is *recommended* that an owner or agent attends the hearing, where possible, in order to answer questions and provide clarification for the Committee.
- Any interested members of the public have the right to attend the hearing and express to the Committee any concerns or support they may have regarding an application.

- At the hearing, the Committee Members will consider all evidence available, hear comments from those in attendance, and make a decision regarding a proposed variance(s) or consent to sever.
- If a variance or severance is approved, conditions can be imposed.
- On occasion, consideration of an application may be deferred or rescheduled to a subsequent meeting.

### 12. Following the Decision of the Committee

- A copy of the decision will be mailed to the applicant and those having made a written request. A 20-day appeal period follows the making of a decision (for minor variances) or the giving of notice (for consents).
- **If no appeal is lodged** upon completion of the 20-day appeal period, the decision of the Committee (including conditions) is considered to be final and binding. Written confirmation will be provided to the applicant.
- An appeal must be lodged within the 20-day appeal period. Full information on the process of appeal can be found on the Ontario Municipal Board (OMB) website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca). **Where an appeal is lodged**, all further notice respecting the application will be from the OMB, and not the City of Owen Sound.

### 13. Conditions and Follow-up

- If specific conditions of approval were imposed by either the Committee or the OMB, the requirements must be satisfied and confirmation provided to the Committee Secretary-Treasurer by the applicant within one year from the notice of decision.
- An approval will only be considered final and complete when all conditions have been fulfilled.

*This Guide is meant to answer general questions relating to the Committee of Adjustment, and to outline the general practice for procedure as per the Planning Act, R.S.O 1990, as amended. Please note that this Guide does not contain an exhaustive explanation of all issues and scenarios. For application-specific information and questions, please contact the Planning Division.*

## City of Owen Sound Committee of Adjustment Application Guide

### **SCHEDULE A – PREPARATION OF PLAN(S) TO SUPPORT APPLICATION**

- All applications for minor variance or consent must be accompanied by a plan(s) which provide(s) all of the required information as listed in the chart below.
- All plans must be drawn at a *maximum* size of 11" x 17", using metric units.
- An example plan is provided on the following page.
- Where required by the Committee of Adjustment, plans shall be signed by an Ontario Land Surveyor.

Information to be shown on plan(s) (in <u>metric</u> units)	Minor Variance Application		Consent Application	
	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The applicant's name, address & phone number.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The municipal address or legal description of the subject property.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
A scale and north arrow. <i>(Or if plan is not drawn to scale, ALL measurements must be shown.)</i>	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The boundaries and dimensions of the subject land, including frontage, depth and area. <i>(For consents, clearly demarcate the part that is intended to be severed and the part that is intended to be retained)</i>	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land.			Required	<input type="checkbox"/>
The location of all land previously severed from the parcel originally acquired by the current owner of the subject land.			Required	<input type="checkbox"/>
The location, size and type of all existing and proposed buildings and structures on the subject land. <i>Indicate the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.</i>	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The current uses on land that is adjacent to the subject land.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The location, width and name of any roads 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.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
If access to the subject land is by water only, the location of the parking and docking facilities to be used.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The location and size of driveway and parking areas on the subject property.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The location and nature of any easement affecting the subject land.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>
The approximate location of all natural and artificial features on the subject land, and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.	Required	<input type="checkbox"/>	Required	<input type="checkbox"/>

**SCHEDULE A (CONT.) - PREPARATION OF PLAN(S) TO SUPPORT APPLICATION**

*Example of a Plan Containing Required Elements:*

PLAN to support Application for Minor Variance  
for \_\_\_\_\_ [municipal address or legal description] \_\_\_\_\_.

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Adjacent Use (North-East): Residential – Semi-detached

Adjacent Use (West): Residential – Single Family Home

Adjacent Use (East): Church

Name of Street \_\_\_\_\_  
Type of road? \_\_\_\_\_ metres wide  
(or # of lanes, including parking lanes)

DRAWING SCALE: ?

Or if plan is NOT drawn to scale, ALL measurements must be shown.

Area of property: \_\_\_\_\_ m<sup>2</sup>

Proposed addition 1-storey  
Area: \_\_\_\_\_ m<sup>2</sup>

Existing porch 1-storey  
Area: \_\_\_\_\_ m<sup>2</sup>

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