

Guide to the Minor Variance Process

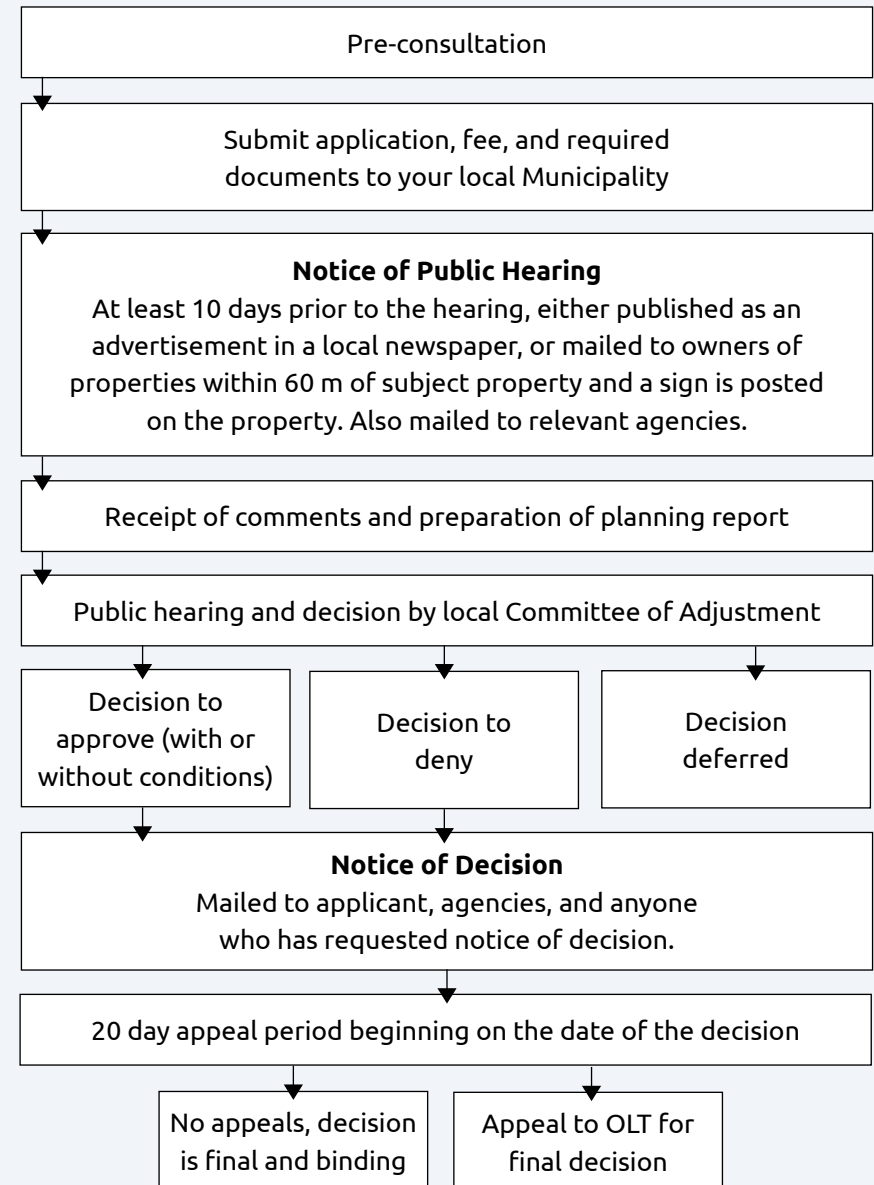
What is a Minor Variance?

If a proposed use or structure does not comply with the provisions of the Zoning By-law, but follows its general intent, the owner may apply for a Minor Variance. It allows the owner to vary from a specific requirement of the By-law. A Zoning By-law amendment may be required if the relief from the Zoning By-law is not considered “minor”.

The decision to approve or deny a Minor Variance is made by the local municipality’s Committee of Adjustment. Section 45 of the Planning Act sets out the process and requirements for Minor Variance applications.



Minor Variance Process



1. Preconsultation

Contact the Huron County Planning and Development Department at 519-524-8394 ext. 3, or your local municipal office to arrange a meeting with the Planner for your municipality. Applicants are strongly encouraged to have a pre-consultation meeting with the Planner before they submit an application. During this meeting, the details of the proposal will be discussed to determine if a Minor Variance is the best approach and how to apply. The Planner will help you understand the process and assist in finding solutions to problems.

2. Complete an Application

Please ensure all questions in the application form are answered and detailed explanations are given, especially for questions #4 (nature and extent of relief requested) and #5 (why it is not possible to comply with the Zoning By-law). Also ensure the application is accompanied with a sketch or copy of a survey showing the property and building layout, as well as the applicable application fee. Planning application forms are available online via Cloudpermit at <https://www.huroncounty.ca/plandev/forms/>.

This guide is intended to provide preliminary information only.

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3. Submit Application and Required Documents

Submit the application, sketch, fee and any required supporting materials to your local municipality. Application submission is done online through Cloudpermit available here: <https://www.huroncounty.ca/plandev/forms/>.

You may wish to call the municipal office in advance to ensure a Commissioner is available to sign the application form. If you require contact information for your local Municipal office, please call the Planning and Development Department at 519-524-8394 Extension 3.

4. Notice of Public Hearing

If the information in the application form is complete, a public hearing date is set for the application to be heard by the Committee of Adjustment. Notification of the public hearing will be sent by mail to neighbouring property owners within 60 metres of the subject property or published in a local newspaper at least 10 days prior to the hearing. A sign displaying details of the public hearing will also be posted on the subject site if a mailed notice is used. Copies of the application are circulated to the local Council, municipal staff and external agencies such as the Conservation Authority to obtain comments. The Planner will review the application against provincial, county, and local policies, consider all comments received, and conduct a site visit prior to preparing a planning report.

5. Public Hearing and Decision

At the public hearing, the Planner will present the planning report to the Committee of Adjustment. Those present are given the opportunity to speak and the Committee makes a decision on the application. If your application is approved, the Committee may impose conditions as part of its decision.

6. Notice of Decision

A notice of the decision which identifies appeal rights is mailed to the applicant. It is also sent to any members of the public who provided written comments or attended the public hearing and who requested to be notified of the decision of the Committee. This notice is sent within 10 days after the public hearing. Listed on this notice is the last day for appeals, which is 20 days from the date of decision.

7. Decision is in Effect

If there are no appeals, the applicant will receive a "Notice of No Appeals" in the mail. If the application has been approved, subject to the fulfillment of any conditions set out in the final decision, the applicant will be able to apply for a building permit and be in compliance with the Zoning By-law. Please be aware that a common condition of a decision is an expiry date for the minor variance. Ask your local Planner if you have any questions about the decision.

Appeals

Members of the public do not have the right to appeal the decision; only the applicant, the Minister of Municipal Affairs and Housing, a specified person under the Planning Act or public body that has an interest in the matter, may appeal the decision. Please refer to the County of Huron website for detail about appeal rights: <https://www.huroncounty.ca/plandev/guides-and-resources/planning-procedures/additional-appeal-information>

Any appeals of the decision of the Committee of Adjustment must be filed with the Secretary-Treasurer of the Committee setting out the reasons for the appeal. A payment of \$400 to the Minister of Finance is required. A copy of the appeal form is available from the Ontario Land Tribunal website: <https://olt.gov.on.ca/appeals-process/>

Applications

Forms are available online via Cloupermit at <https://www.huroncounty.ca/plandev/forms/>. Completed applications and fee(s) are submitted to the local municipality.

The time from submission of a complete application to a final decision is typically two months. The decision may include an 'expiry date' condition.

Fees

The fees schedule is available online here: <https://www.huroncounty.ca/plandev/guides-and-resources/application-fees/>.

Further Information

For more specific information related to individual applications, or for assistance in completing applications, please call the number below and ask for the Planner for your local municipality.

Huron County Planning & Development Department

57 Napier St., 2nd Fl Goderich, ON, N7A 1W2
519-524-8394 Ext. 3
E-mail: planning@huroncounty.ca

***“Planning with the
community for a healthy,
viable and sustainable
future.”***

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