



Town of East Gwillimbury

Minor Variance

Application Guide

MATERIALS ENCLOSED

General Information
Application Form
Authorization Of Owner Form
Building Department Septic Inspection Form
Conservation Authority Review Application Form
Check List For Owner/Agent/Solicitor
Summary Of Development Application Fees

*Town of East Gwillimbury, Development Services - Planning Branch
19000 Leslie Street, Sharon, Ontario L0G 1V0
Telephone: (905) 478-4282 Fax: (905) 478-2808*

Website: www.eastgwillimbury.ca



MINOR VARIANCE APPLICATION **GENERAL INFORMATION**

1. PURPOSE OF THE APPLICATION

The purpose of this Minor Variance Application Guide is to set forth the information required by the Town to allow it to properly evaluate your application.

The attached application form is to be used only when applying for a Minor Variance to the Committee of Adjustment for the Corporation of the Town of East Gwillimbury. One completed copy of the application must be filed.

2. APPLICATION FEES

Please refer to the Development Application Fees By-law for the schedule of fees. The basic application fee is required to cover normal costs incurred in processing a Minor Variance Application. The fee is payable to the Town of East Gwillimbury.

Refund Policy

NO refunds will be given for Committee of Adjustment Applications.

Revisions to Applications

Should revisions to applications require re-circulation, a fee in the amount of \$1,037 must accompany the request for revision.

Additional Fees

In the event that additional costs are incurred by the Town for Special Studies necessitated by an application(s), the additional costs shall be paid by the applicant in the manner and amount to be determined by the Council of the Town of East Gwillimbury.

Ontario Municipal Board Hearing Deposits

Ontario Municipal Board Hearing Deposits are due and payable upon the receipt of an appeal with respect to the application. The deposit shall be paid by the applicant in a manner and amount to be determined by the Council of the Town of East Gwillimbury. Fees incurred by the Municipality above and beyond the amount of deposit required will be invoiced to and payable by the applicant. Should the fees incurred be less than the amount of deposit required, the appropriate refund will be issued to the applicant.

On-Site Sewage System Approval

Minor Variance applications requiring comments regarding on-site sewage system review by the Town's Building Department must be accompanied by a completed Inspection Form (copy enclosed). A fee of \$400, payable to the "Town of East Gwillimbury", must accompany the completed Inspection Form. Please note that this fee only applies to Minor Variance Applications pertaining to properties serviced by private sewage disposal systems.



3. APPLICATION FORM

The application form should be completed by the owner of the subject lands, his/her solicitor, or his/her authorized agent. If this application is to be submitted by a solicitor or agent on behalf of the owner, the attached authorization form must be completed and signed by the owner. If the owner is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation, who has the authority to bind the corporation, and the corporation's seal, if any, must be affixed.

[NOTE TO OWNER: If the application is to be prepared by a solicitor or agent, authorization should not be given until the completed application and its attachments have been examined and approved by the owner.]

It is important to note that the signature on the application form must be witnessed by a Commissioner. Where the subject lands are owned by a corporation, the application must be under corporate seal and/or must be signed by an authorized signing officer who has the authority to bind the corporation. Names and titles are to be typed under the signatures, where shown. If there is more than one owner, all parties are required to sign the application and/or authorization form.

The questions on the application form identified with an asterisk (*) provide information prescribed in accordance with The Ontario Planning Act, R.S.O. 1990. Those questions not identified in this manner provide the Town with required information in order to facilitate a complete review and proper analysis of the proposed Amendment.

4. INFORMATION REQUIRED

It is the responsibility of the owner/authorized agent/applicant to provide complete and accurate information. This form will not be accepted as an application until all questions have been answered and all requirements have been met in the manner requested. If the form is incomplete or inaccurate, the application will be returned for completion, correction or clarification prior to processing.

The following additional information in support of this application is also required by the Town:

- (a) A legal survey of the subject lands, prepared by an Ontario Land Surveyor, showing all boundaries and dimensions of the subject land;
- (b) A plan identifying the following:
 - the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - 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 buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 - current uses on land that is adjacent to the subject lands;



- 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;
- if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- the location and nature of any easement affecting the subject land.

A copy of the deed for the subject lands **must** accompany each application as proof of ownership.

5. **APPLICATION SIGN**

The Development Sign shall be erected and maintained in accordance with the following requirements.

Written confirmation must be forwarded to the Town advising that the required sign has been erected.

The sign shall be constructed of a durable material and shall be approximately 2 feet square. It shall be supported by a minimum of two uprights and secured in the ground. The sign face should be at eye level [approximately 5 feet above ground].

The sign shall have black lettering on a white background and be clearly visible from the street. The lettering should be plain upper case [Helvetica medium or similar typeface].

The sign shall be completely unobstructed, clearly visible from the street, and shall not be set back more than 15 feet from the lot line.

The notice shall contain the following information and in the following form:

<u>NOTICE</u>
A Minor Variance Application [File No.: _____] has been made to facilitate _____ . A public meeting has been scheduled for _____, at _____ p.m. to be held at the East Gwillimbury Civic Centre, 19000 Leslie Street, Sharon, to discuss this matter.
For further information contact the Town of East Gwillimbury, Committee of Adjustment [Telephone No. 905-478-4282].

All proposed wording should be approved by the Town.

The applicant and/or owner of the lands shall be responsible for preparing, erecting and maintaining the sign and the removal of same and all costs involved.

Failure to erect the prescribed sign and maintain such in good order may be considered sufficient grounds to stop the processing of the application at any time.



6. APPLICATION PROCESS

It is recommended that the owner/agent meet with Planning Staff prior to making the formal submission. This should assist in avoiding delays due to incomplete applications or lacking information requirements. Staff may also recommend pre-consultation with other applicable commenting public bodies or agencies.

Once the completed application has been submitted, a request for written comments is sent to various agencies. A notice of your proposal is also sent to property owners within 60 metres [200 feet] of the subject lands. These owners will have the right to attend the scheduled Hearing and express any concerns or support they may have to the Committee. The request for comments and notices of hearing are circulated a minimum of ten days prior to the date when the application is to be heard by the Committee.

The applicant, his/her staff and/or consultant, is required to attend the public meeting. They should be prepared to make a brief presentation of the proposal and answer any questions that may arise.

Once the Committee has considered all evidence available, they will make their decision. The written decision will be mailed within ten days from the date in which the Committee made its decision. From the date the Committee made its decision and including the above noted ten days, there is a twenty day waiting period within which the decision may be appealed.

If no appeal is lodged, the decision of the Committee is final and binding.

If an appeal is lodged, a record of information pertaining to the Application will be forwarded to the Ontario Municipal Board [O.M.B.]. The O.M.B. will schedule and hold a public hearing to decide the final disposition of the application.



MINOR VARIANCE APPLICATION

This application must be filed with the Development Services, Planning Branch of the Town of East Gwillimbury together with the required documents and fees.

I hereby submit a Minor Variance Application to the Committee of Adjustment for the Town of East Gwillimbury under Section 45 of The Planning Act, R.S.O. 1990, for relief as identified in this application in respect of the property herein after described.

1. Date of the Application: _____

2. *Assessed Owner[s] of the subject property:

Name: _____

Mailing Address: _____

Postal Code: _____

Phone (Daytime): _____ Cell: _____

Contact E-mail: _____

3. *Applicant:

Name: _____

Mailing Address: _____

Postal Code: _____

Phone (Daytime): _____ Cell: _____

Contact E-mail: _____

4. Solicitor:

Name: _____

Mailing Address: _____

Postal Code: _____

Phone (Daytime): _____ Cell: _____

Contact E-mail: _____



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5. *If known, the names and addresses of the holder(s) of any mortgages, charges or other encumbrances in respect of the subject land:

[If space is insufficient, attach a separate sheet.]

6. *Describe, in detail, the nature and extent of the relief applied for:

[If space is insufficient, attach a separate sheet.]

7. *Outline, in detail, the reason why the proposed use cannot comply with the provisions of the Zoning By-law:

[If space is insufficient, attach a separate sheet.]

8. *If known, identify the date the subject land was acquired by the current owner:



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9. *Legal description of property which is the subject of this application: [if description in metes and bounds, attach separate sheet]

Lot: _____ Concession: _____
 Registered
 Lot: _____ Plan: _____
 Street _____
 Address: _____
 Property Tax Roll
 Number: _____

10. *Size of property:

(a) Frontage: _____ metres _____ feet
 (b) Depth: _____ metres _____ feet
 (c) Area: _____ hectares _____ acres

11. *Are there any buildings or structures currently located on the subject property?

Yes No

12. *If the answer to item #11 is yes, for each building or structure, identify the following:

Type Of Building/Structure	Setbacks From Lot Lines				Height Of Building/Structure	Dimensions [Ground Floor Area]
	Front	Rear	Side	Side		

[If space is insufficient, attach a separate sheet.]

13. *If known, identify the date the existing buildings or structures on the subject land were constructed.

Type Of Building Or Structure	Date Of Construction

Type Of Building Or Structure	Date Of Construction

[If space is insufficient, attach a separate sheet.]



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14. *Current use of Property: _____

15. *Identify the length of time that the existing uses of subject land have continued:

16. *Current Official Plan designation of the property:

17. *Current Zoning of the property:

18. *Proposed use of the property:

19. *Are there any buildings or structures proposed to be built on the subject property?

- Yes No

20. *If the answer to item #19 is yes, for each building or structure, identify the following:

Type Of Building/Structure	Setbacks From Lot Lines				Height Of Building/Structure	Dimensions [Ground Floor Area]
	Front	Rear	Side	Side		

[If space is insufficient, attach a separate sheet.]

21. *Indicate what type of access is provided to the subject property:

- Provincial Highway Regional Road
 Open Town Road Unopened Town Road
 Right-of-way Water



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28. *Have the subject lands ever been the subject to a previous Minor Variance Application?

- Yes No Unknown

29. Does the subject property have any of the following located thereon? [if so, show location[s] on a plot plan]

- Marshland, or area[s] subject to flooding or surface ponding
 Watercourses or drainage ditches or drainage swales
 Oak Ridges Moraine

30. Is the subject property predominately: [answer yes or no]

Low Lying: _____ Level: _____
Rolling: _____ Hilly: _____

31. Does the assessed owner[s] of the subject property agree to pay the costs of the Town related to an appeal if the application is approved and the matter comes before the Ontario Municipal Board?

- Yes No

Dated at the _____ this _____
[Name of Municipality] [Day]

day of _____, _____, I, _____
[Month] [Year] [Applicant's Full Name]

of the _____ in the
[Name of Municipality]

_____ solemnly declare that all the above
[Name of Regional Municipality]

statements contained in this application and all the exhibits transmitted herewith are true, and I make 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".

By signing this application form, I also confirm that I have read and understand the information included in the Minor Variance Application Guide.

Signature of Assessed Owner/Authorized Agent

Declared before me at the _____ in the
[Name of Municipality]

_____ this _____ day of
[Name of Regional Municipality] [Day]

_____, _____
[Month] [Year]

Signature of a Commissioner, etc.

[If signed by other than Owner, written authorization of the Owner must accompany the application.]



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NOTE: The questions on the application form identified with an asterisk () represent information prescribed in accordance with The Ontario Planning Act, R.S.O. 1990. Those questions not identified in this manner provide the Town with required information in order to facilitate a complete review and proper analysis of the proposed variance.*



AUTHORIZATION OF OWNER

I _____, hereby authorize
[print full name of assessed owner]

_____, to submit the enclosed
[print full name of agent]

application to the Development and Legal Services, Planning Branch of the Town of East Gwillimbury, and to appear on my behalf at any Hearing[s] of the application and to provide any information or material required by the Council or Planning Committee of said Town relevant to the application.

Furthermore, for the purposes of the Freedom of Information and the Protection of Privacy Act, I authorize _____, as my agent for this application, to
[print full name of agent]

provide any of my personal information that will be included in this application or collected during the processing of the application.

Dated at the _____ of

this ____ day of _____,

_____.

[signature of assessed owner]



**BUILDING DEPARTMENT REVIEW FEE PERTAINING TO
MINOR VARIANCE APPLICATIONS**

LEGAL DESCRIPTION OF PROPERTY:

Lot: _____ Concession: _____
Registered
Lot: _____ Plan: _____
Street _____
Address: _____
Property Tax Roll _____
Number: _____

ASSESSED OWNER[S] OF THE SUBJECT PROPERTY:

Name: _____
Mailing Address: _____

Postal Code: _____
Phone(Daytime): _____ Cell: _____ Fax : _____

APPLICANT/AGENT:

Name: _____
Mailing Address: _____

Postal Code: _____
Phone(Daytime): _____ Cell: _____ Fax : _____

As part of the Committee of Adjustment approval process, your application must be circulated to the Town of East Gwillimbury Building Department. The Ontario Building Code Act S.O. 1992, allows for the collection of a user fee to pay a portion of the inspection and administration costs.

A fee of \$400.00 per application is payable by cheque or money order to the Town of East Gwillimbury, as allowed for by By-law 2011-048 as amended, must accompany your application.

Date Signature of Assessed Owner/Authorized Agent

EXEMPTION CLAUSE

A fee is not required ONLY if municipal sanitary sewers are in use on the lot and the appropriate section of your planning application confirms that the property is municipally serviced. You MUST date and sign this section if an exemption is applicable.

I hereby confirm that the subject property is serviced by municipal sanitary sewers and, therefore, is exempt from this inspection fee.

Date Signature of Assessed Owner/Authorized Agent

NOTE: This form and your cheque should accompany the application to be submitted to the Development and Legal Services, Planning Branch.



LAKE SIMCOE REGION CONSERVATION AUTHORITY

Fee Collection Form

Please complete the following and attach to your planning application.

Lake Simcoe Region Conservation Authority

120 Bayview Parkway, Box 282, Newmarket, ON L3Y 4X1 (905) 895-1281, FAX (905) 853-5881

Please be advised that effective April 1, 2004 the Board of Directors of the Lake Simcoe Region Conservation Authority adopted Staff Report 13-04-BOD which provided for the collection of fees for the review of planning and engineering submissions to the Conservation Authority.

Date: _____ / _____ / _____ Application #: _____

1. Name of Applicant Agent: _____ Tel No: _____
Address: _____ Fax No: _____
2. Registered Owner: _____ Tel No: _____
Address: _____ Fax No: _____
3. Legal Description (Lot & Concession, Lot, Plan No.): _____
4. General Location: _____
5. Municipality: _____

Please contact the Lake Region Conservation Authority to obtain their most up to date Planning and Development Fees Policy to determine the appropriate fees made payable to the Lake Simcoe Region Conservation Authority.

Please check if receipt required from the Conservation Authority

NOTE: Additional fees may apply to applications which require extensive investigation (i.e. reports) by Conservation Authority staff. The applicant will be informed by letter of these additional fee requirements if applicable.

FOR CONSERVATION AUTHORITY USE ONLY

DATE RECEIVED: _____ / _____ / _____ CFN: _____ RECIPIENT: _____



CHECK LIST FOR OWNER/AGENT/SOLICITOR

PLEASE COMPLETE AND SUBMIT WITH APPLICATION

THE FOLLOWING ITEMS HAVE BEEN COMPLETED:

- 1. The general information provided has been reviewed by the owner/authorized agent/applicant.
- 2. The proposal has been discussed with Planning Department staff.
- 3. All questions on the application have been fully completed or marked "not applicable" and the affidavit has been properly sworn.
- 4. The application has been signed by the owner[s] or a duly authorized agent. [NOTE: If a corporation is the owner, please place the corporation's seal over the signature of a signing officer of the corporation and designate his or her office.]
- 5. The authorization form has been signed and dated by the owner appointing an agent, if applicable, to act on behalf of the owner.
- 6. The Town of East Gwillimbury Building Department Review Form has been completed and signed.
- 7. The Lake Simcoe Region Conservation Authority Fee Collection Form has been completed.

THE FOLLOWING MATERIALS ARE ENCLOSED:

- 1. The completed Application Form.
- 2. The completed Authorization of Owner Form, if required.
- 3. The completed Town of East Gwillimbury Building Department Review Form.
- 4. The completed Lake Simcoe Region Conservation Authority Fee Collection Form.
- 5. Two full size copies of any plans in support of the application. [Note: All plans submitted must be folded to letter size [8.5" x 11"] with the legend facing out.]
- 6. One copy of the legal survey of the subject lands, prepared by an Ontario Land Surveyor, showing all boundaries and dimensions of the subject land.
- 7. Five copies of a plan identifying the following:
 - the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - 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 buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
 - current uses on land that is adjacent to the subject lands;
 - 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;
 - if access to the subject land is by water only, the location of the parking and docking facilities to be used;
 - the location and nature of any easement affecting the subject land.
- 8. One unmarked 8.5" x 11" reduction of the plans mentioned in Nos. 4, 5 and 6 above, suitable for reproduction.



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- 9. A copy of the proper deed for the subject lands confirming ownership.
- 10. The application fee, payable to the "Town of East Gwillimbury".
- 11. The Building Department Review fee, payable to the "Town of East Gwillimbury".
- 12. The Conservation Authority fee, payable to "Lake Simcoe Region Conservation Authority".

I, _____, hereby confirm that the above noted has been complied with and/or completed for submission with this Minor Variance Application.

Date

Assessed Owner

[If signed by other than Owner, written authorization of the Owner must accompany the application.]