

# What is a Minor Variance?



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A minor variance is a minor variation from the requirements of the Township Zoning By-law. Minor variance approval allows the property owner to obtain a building permit or use property in a specific way which does not comply with the provisions of the Township Zoning By-law. Zoning by-laws have specific regulations including required setbacks, lot coverage, maximum floor area, and height. While the zoning by-law is written to anticipate most scenarios, the document cannot capture all properties.

Minor variances are approved by Township Council to approve minor alterations from the requirements in the Township of Frontenac Islands Zoning By-law.

Under Section 45(1) of the *Planning Act* there are four tests a minor variance must meet:

1. Does the application conform to the general intent of the Official Plan?
2. Does the application conform to the general intent of the Zoning By-law?
3. Is the application desirable for the appropriate development of the lands in question?
4. Is the application minor?

The application must meet all four tests of a minor variance to be approved by Township Council. The decision of Council may include conditions such as re-naturalization of the shoreline or a requirement to enter into an agreement with the municipality.

## What are Some Examples of a Minor Variance?

A minor variance application may be required for:

- A reduced setback from a waterbody or wetland for the expansion of a building;
- A reduction in the minimum lot area or frontage of a new lot being created through the consent process;
- The number or location of parking and loading facilities; or
- A reduction in yard setbacks including distance from the lot lines to a structure.

## How Does Council Make Decisions on Minor Variances?

Township Council makes a decision on a minor variance by evaluating the application against the four tests through information provided by:

- The application and supporting studies;
- Public input from written comments and/or presentation at the public hearing;
- Reports from planners, and other applicable agencies, including the local conservation authority;
- Applicable tests and criteria under the *Planning Act* and other legislation.

## How to Get Involved

Applications for minor variance are required to have public notice, which includes posted signage at the property, as well as notification to neighbouring properties within 60 metres. Comments may be submitted through email; provided by mail; or by speaking at the public hearing in support or in

opposition to the application. Please note: only the applicant or people who have submitted comments or presented at the meeting can appeal the committee's decision to the Local Planning Appeal Tribunal.

## What is the process for a Minor Variance?

### Pre-Application

Before submitting an application, applicants are required to meet with planning staff to discuss the application and understand requirements. Pre-application meetings must be booked in advance. Applicants should review the official plan designation and zoning for the property; [Frontenac Maps](#) is a helpful tool for this. Applicants may also be advised to speak with the conservation authority or other agencies and Township departments in advance of the meeting.

### Submission of a Complete Application

Once all the requirements for the application have been submitted, including any required studies and fees, the application will be deemed complete. Typically, the Township will require the application a minimum of one month in advance of the upcoming Council meeting. Applications are not processed until they are deemed complete.

### Public Notification and Circulation

Once deemed complete, the application will be scheduled for a Committee of Adjustment meeting. Staff will notify the applicant and property owners within 60 metres of the subject property by mail at least 10 days before the meeting. The applicant will be provided with a notice to be posted on the subject property; the waterfront (if applicable); and at the closest public road accessing the property. Members of the public are invited to send in comments or attend the hearing. The application is also circulated, if required, to the conservation authority, as well as to applicable Township departments. If a member of the public wishes to receive a copy of Council's decision, they must make a written request. All comments submitted will be reviewed by Council and become public documents.

### Township Council Meeting

The application will be reviewed at the Council meeting. The agenda for the meeting is posted on the Township's website in advance of the meeting and will include the planner's report, comments from the commenting agencies and any public comments. The applicant, members of the public and agencies may attend the public meeting. The applicant /agent may be asked to speak to the application and answer questions from Council. All others in attendance will have the opportunity to speak in support of or opposition to the application.

### Notice of Decision and Appeal

Council will approve, deny, or defer an application for more information. When a decision is made, a Notice of Decision will be mailed out outlining the decision and any conditions within ten (10) days of the hearing. The decision may include conditions that are required to be fulfilled prior to receiving a building permit. There is a 20 day appeal period that follows every planning application decision of Council. For more information about appeals, including appeal rights and fees, please visit the [Local Planning Appeal Tribunal](#) website. Once the appeal period is complete, the variance decision made by Council is final and binding. **Staff, including building officials, cannot accept plans and issue permits for work that is different from what was approved by Council.**

## For More Information

For more detailed information on the variance process, to see when meetings are, and to learn more about planning, please visit the [Township's planning website](#).

# Minor Variance Application Process

