

# Minor Variance Guide

## Township of Killaloe, Hagarty and Richards

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### 1. Introduction

Municipalities in the Province of Ontario establish standards to achieve orderly and safe development in their communities. These standards are set out in zoning by-laws. A zoning by-law governs the types of use permitted on a property and lists minimum development requirements.

### 2. What is a Minor Variance?

A minor variance is a process to seek relief from the terms of a zoning by-law, where a proposed use or structure does not conform exactly to the zoning by-law. The variance can relate to the land, building, structure or use thereof.

### 3. When is a Minor Variance Required?

All development proposals must comply with the Township of Killaloe, Hagarty and Richards Zoning By-Law. Whenever development is proposed where the standards listed in the Township Zoning By-law cannot be met, a minor variance may be required. Approval of a minor variance rests with the Township of Killaloe, Hagarty and Richards Committee of Adjustment.

### 4. What is the Committee of Adjustment?

The Killaloe, Hagarty and Richards Committee of Adjustment is authorized under the Ontario Planning Act to grant minor variances from the provisions of the Zoning By-law. The Committee currently consists of appointed Council members. Meetings are held at the call of the Chair or as required.

### 5. How Do I Apply for a Minor Variance?

Application forms for Minor Variances are available by contacting the Municipal Office.

### 6. What is the Application Fee?

The application fee for a minor variance is \$500.00. Ontario Regulation 200/96 sets out the rules for the information to be provided in an application and how the application must be processed. Any incomplete applications will be returned. Fees are non-refundable.

Please remit payment by one of the following methods:

1. Cheque to: Township of Killaloe, Hagarty and Richards  
1 John Street, Box 39  
Killaloe ON K0J 2A0
2. E-transfer: [info@khrtownship.ca](mailto:info@khrtownship.ca)
3. Debit, or Cash: In person at the Township office during regular business hours.

**\*Payment must include the application type and name of the applicant in the memo section.**

## **How Do I Apply for a Minor Variance?**

### **7. Consult with Killaloe, Hagarty and Richards:**

Before you submit an application, discuss your plans with the appropriate staff at the Municipal Office.

### **8. Complete the Application:**

Completed applications must include: a) a scaled drawing of the lot, b) the location and size of the buildings and distance from all lot lines, c) the applicable fee, and d) written authorization of the owner if the applicant is not the owner. In some cases, additional information such as photographs are helpful for the Committee of Adjustment.

### **9. Notice of Public Meeting and Circulation of Application:**

A Notice of Public Meeting will be posted on the property and copies of the notice will be sent to all registered property owners within 60 metres (197 feet) of the property, at least 10 days before the date of the Meeting. At the same time, the notice will be circulated to Killaloe, Hagarty and Richards department heads and external agencies. All written comments will be considered at the public meeting. Site inspections may be carried out by the Committee of Adjustment members and appropriate staff.

### **10. Public Meeting and Decision-Making Process:**

A hearing on the application must be held within 30 days of receipt of the application. The applicant or agent is encouraged to attend the hearing to explain the reasons for the application. Other interested persons may also attend to express their views. The Committee will consider all aspects of the application consistent with municipal policy, verbal advice, and written reports from staff and agencies. The Committee will also use the following criteria (Section 45(1) of the Planning Act) to evaluate the application to reach its decision:

- 1) Is the variance minor?
- 2) Is the variance desirable for the appropriate development or use of the land, building or structure?

3) Is the variance in keeping with the general intent and purpose of the Zoning By-Law?

4) Is the variance in keeping with the general intent and purpose of the Official Plan?

If the application is approved, the Committee may impose conditions as part of its decision.

### **Other Considerations:**

When reviewing an application, The Committee of Adjustment will give consideration to the following:

- The nature of the proposed change;
- The suitability of the land for the proposed use;
- Vehicle access;
- Water supply;
- Sewage disposal;
- The design of structures;
- Heritage conservation issues;
- Site parking layout;
- Grading;
- Drainage; and
- Public input.

## **11. Notice of Decision:**

A Notice of Decision is sent not later than 10 days after the Committee has made its decision. The Notice is sent to the applicant, agent and to anyone who requested Notice of the Decision. Anyone may appeal the decision of the Committee within 20 days of the decision. This date is prescribed in the Notice of Decision.

## **12. When the Decision is Final and Binding:**

If there is no appeal by the end of the 20-day appeal period, the decision is final and binding. If the decision includes conditions, the conditions must also be satisfied. Once the conditions are satisfied the property has successfully achieved relief from the provisions of the Zoning By-law pertaining to the specific request within the application.

## **13. Appealing the Decision of the Committee:**

Any person can appeal the decision of the Committee to the *Ontario Land Tribunal* (OLT). Appeals are made through the Township Clerk. The appeal to OLT requires the payment of \$400.00 payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the "Minister of Finance".

For more information about the appeal process, visit

<https://www.ontario.ca/document/citizens-guide-land-use-planning/ontario-land-tribunal>

# Minor Variance Application Process

