

# Minor Variance Application

Municipality of Leamington  
111 Erie Street North  
Leamington, Ontario  
N8H 2Z9

**Attn:** Daryan Branch, B.ES  
Planner  
Secretary-Treasurer

**Phone:** (519) 326-5761 (extension 1404)  
**Email:** dbranch@leamington.ca

Personal information on this form is collected under the authority of *The Planning Act*, R.S.O. 1990, Chapter P. 13, Section 45 and will be used for contacting the applicant(s) and for processing of the Application. Please note that personal information contained in this application may be included in the Committee of Adjustment Hearing minutes and become part of the public record and posted on our municipal website. Questions about this collection should be directed to the Manager of Legislative Services/Clerk for the Municipality of Leamington.

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## 2020 Committee of Adjustment Meeting Schedule

Application Submission Deadline	Meeting Date
Friday, December 20, 2019	Wednesday, January 29, 2020 at 5:00 PM
Friday, January 17, 2020	Wednesday, February 26, 2020 at 5:00 PM
Friday, February 14, 2020	Wednesday, March 25, 2020 at 5:00 PM
Friday, March 20, 2020	Wednesday, April 29, 2020 at 5:00 PM
Friday, April 17, 2020	Wednesday, May 27, 2020 at 5:00 PM
Friday, May 15, 2020	Wednesday, June 24, 2020 at 5:00 PM
Friday, June 19, 2020	Wednesday July 29, 2020 at 5:00 PM
Friday, July 17, 2020	Wednesday, August 26, 2020 at 5:00 PM
Friday, August 21, 2020	Wednesday, September 30, 2020 at 5:00 PM
Friday, September 18, 2020	Wednesday, October 28, 2020 at 5:00 PM
Friday, October 16, 2020	Wednesday, November 25, 2020 at 5:00 PM
No December Meeting	

**Note: Office Hours are Monday - Friday from 8:30 AM to 4:30 PM  
Applications are to be received by 4:30 PM on deadline date**

## General Information Sheet

### Minor Variance Application

#### Municipality of Leamington Committee of Adjustment

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1. **Discussion of the Proposal**

At any time when an application for a Minor Variance or Permission is being considered, the applicant should approach the Planner of the Municipality to engage in an informal discussion to explain the proposed application being contemplated. This informal discussion should provide the applicant with procedural direction about processing the application as well as determining planning regulations under which the application can be considered for approval. At this time, the applicant may also wish to obtain a copy of the Minor Variance Application Form.

2. **Completion of Application**

The Application for Minor Variance should then be completed by answering all required questions as well as **as preparing an explicit sketch detailing the application in accordance with the instructions provided by** the Application form. Please note that all measurements must be in metric. *Please do not use highlighters to identify subject area as maps are photocopied in black and white.*

3. **Submission of Application**

The applicant should submit **one (1) original application** together with a detailed sketch and the necessary Application Fee of **\$550.00 + \$115 ERCA fee** made payable to the "Municipality of Leamington". The application must be signed in front of a Commissioner and if signed by a Corporation, must have the corporate seal affixed. If signed by an agent, a written authorization from the owner must also be submitted. **All registered owners must sign.**

Please note that a re-circulation fee of \$100.00 will be charged should an application need to be re-circulated.

4. **Notice of Hearing and Signing of Property**

A Notice of the Hearing will be mailed by prepaid First Class Mail to the applicant and to every owner of land within 60 metres of the subject site not less than ten (10) days prior to the date the application is to be heard. A sign will also be sent to the applicant not less than ten (10) days prior to the date the application is heard. The sign is to be placed on the land subject to the application at least ten (10) days prior to the hearing date and is to remain in place until the hearing has been held. The sign is to be placed at the center of the subject parcel, facing the public road and as close as possible to the property line.

5. **Hearing and Decision**

The applicant or an agent should attend the hearing at the designated time and location and speak on behalf of the application answering any questions, which the members of the Committee of Adjustments may have.

A written decision will be forwarded to the applicant within fifteen (15) days of the Hearing Decision. Any conditions imposed by the Committee form part of the Decision. Within twenty (20) days of the date of decision, any person may appeal the decision to the Local Planning Appeal Tribunal (LPAT) by filing the Notice of Appeal and the necessary \$300.00 fee with the Secretary-Treasurer for the Committee of Adjustment.

Office Use Only	
File Number: _____	Combined Application Number: _____
Date Pre-consultation Initiated: _____	
Date Application Received: _____	Amount Paid: _____
Date Application Deemed Complete: _____	

**Application for Minor Variance**  
**Corporation of the Municipality Of Leamington**

1. Name of approval authority: Municipality of Leamington Committee of Adjustment

2. **Name of Registered Owner(s):** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone & Fax No: \_\_\_\_\_

Email Address: \_\_\_\_\_ Cell No. \_\_\_\_\_

**Name of Registered Owner's Solicitor or Authorized Agent (if any):**

\_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_ Cell No. \_\_\_\_\_

**Please specify to whom all communications should be sent:**

Registered Owner                       Solicitor                       Agent

**Indicate to whom signs are to be sent for posting:**

Registered Owner                       Solicitor                       Agent

3. Names and addresses of any mortgages, charges or other encumbrances in respect of the subject land:

\_\_\_\_\_

4. Location and description of subject land:

Concession No. \_\_\_\_\_ Lot No(s). \_\_\_\_\_

Registered Plan No. \_\_\_\_\_ Lot No(s). \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part No(s). \_\_\_\_\_

Street Address \_\_\_\_\_

Assessment Roll No. 37-06- \_\_\_\_\_

5. Size of subject parcel: Frontage (m) \_\_\_\_\_ Depth (m) \_\_\_\_\_ Area (ha) \_\_\_\_\_  
Frontage (ft) \_\_\_\_\_ Depth (ft) \_\_\_\_\_ Area (ac) \_\_\_\_\_

Irregular Shape - Dimensions shown on attached Site Sketch

6. Access to subject parcel:  Municipal Road  County Road  Provincial Highway

Private Road or Registered Right-of-way: \_\_\_\_\_

Water Access Only:

Location of Docking Facility: \_\_\_\_\_

Nearest Public Road: \_\_\_\_\_

7. Current Official Plan Land Use Designation: \_\_\_\_\_

8. Current Zoning: \_\_\_\_\_

9. Section of Zoning By-law for which relief is being requested: \_\_\_\_\_

10. Nature and extent of Zoning By-law relief being requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

11. Reasons why minor variance is necessary: \_\_\_\_\_

\_\_\_\_\_

12. Current use of subject land: \_\_\_\_\_

13. Length of time current use of subject land has continued: \_\_\_\_\_

14. Number and types of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height(s) and their dimensions/floor area:

As shown on attached detailed Site Sketch

\_\_\_\_\_  
\_\_\_\_\_

15. Date of construction of existing buildings and structures on the subject land:  
 Date: \_\_\_\_\_  Unknown
16. Date subject land acquired by current Registered Owner: \_\_\_\_\_
17. Proposed use of subject land: \_\_\_\_\_
18. Number and type(s) of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:  
 As shown on attached detailed Site Sketch  
 \_\_\_\_\_  
 \_\_\_\_\_
19. Type of proposed water supply:  
 Municipally owned and operated piped water supply  Well  
 Other (specify) \_\_\_\_\_
20. Type of proposed sanitary sewage disposal:  
 Municipally owned and operated sanitary sewers  Septic system  
 Other (specify) \_\_\_\_\_
21. Type of proposed storm drainage:  
 Sewer  Ditches  Swales  
 Other (specify) \_\_\_\_\_
22. If known, indicate whether the subject land is the subject of an application under *The Planning Act* for:  
 Consent to sever  Approval of a plan of subdivision  
 If known, indicate the file number and status of the other consent or subdivision application:  
 \_\_\_\_\_
23. If known, indicate if the property has ever been the subject of an application for Minor Variance under Section 45 of *The Planning Act*. If yes, indicate the file number and status of the application:  
 \_\_\_\_\_

# Declaration Form

I/We \_\_\_\_\_

of the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_

## Do Solemnly Declare:

1. That all the statements contained in this application are true and I/we make this 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; and
2. That it is my understanding that this MINOR VARIANCE APPLICATION must have “regard for” the Provincial Policy Statement which pertains to three (3) general areas of Provincial concern including a) the efficient cost of effective development and land use patterns, b) resources and c) public health and safety, and accordingly, I request the Municipality to receive this Application as a “Completed Minor Variance Application” pursuant to the provisions of *The Planning Act*, R.S.O. 1990, as amended; and
3. That it is my understanding that in those areas where there are no municipal sanitary sewers, approved Class IV septic systems are required for the purposes of new lot development, and accordingly, the Leamington Building Services Department should be contacted to determine calculation requirements for this development proposal; and
4. That I have reviewed the “MTO Notice of Concern” on the following page (page 7) regarding properties which may require access to a Provincial Highway controlled by the Ontario Ministry of Transportation (MTO), and accordingly, I am submitting herewith copies of necessary MTO Permits and/or Approvals required for the approval of my Minor Variance Application.

Declared before me in the Municipality )  
of Leamington in the County of Essex )  
on this \_\_\_\_\_ day of \_\_\_\_\_ )  
A.D., 20\_\_\_\_. )

\_\_\_\_\_  
Applicant - Registered Owner

\_\_\_\_\_  
Applicant - Registered Owner

\_\_\_\_\_  
Applicant - Registered Owner

\_\_\_\_\_  
A Commissioner, etc.

## Sketch Requirements:

*Please do not use aerial photos, pencil or highlighters to identify subject area as maps are photocopied in black and white.*

1. Applications must be accompanied by a site sketch showing the following:
  - a) boundaries and dimensions of the subject land;
  - b) location, size and types of all existing and proposed buildings and structures on the subject land, including the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines (in metric);
  - c) approximate location of all natural and artificial features on and/or adjacent to the subject land. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, septic tanks/tile fields, etc;
  - d) current uses on properties that are adjacent to the subject land;
  - e) all public or private roads or rights-of-way;
  - f) location and nature of any easement affecting the subject land;
  - g) areas to be severed and/or retained must be clearly identified with hatch marks (no highlighting or shading);
  - h) abutting property to which the lands are to be joined, if requesting a minor lot line adjustment;
  - i) north arrow and all 911 numbers on lots to be shown on sketch.

### “MTO Notice of Concern”

“The provincial highways are controlled by the Ministry of Transportation (MTO). In order to maintain the efficiency and safety of the provincial highway system, all development adjacent to the highways must also comply with the standards and requirements of the Ministry of Transportation (MTO). These standards affect many aspects of development including highway access, building setback (including wells and septic systems), the location and size of signs, drainage, etc.

Therefore, in addition to all the necessary municipal approvals, all development near the highways must also be reviewed by MTO and, in accordance with the Public Transportation and Highway Improvement Act, must obtain MTO’s permits for access to the highway and for all buildings, structures and signs.

In order to determine MTO’s requirements and to avoid unnecessary delays, please contact the Corridor Management Officer (CMO) at MTO’s Southwestern Regional Office prior to submitting your application. They are located at 659 Exeter Road, London, Ontario N6E 1L3.

Telephone: (519) 681-1441.”

**Required Sketch (Use Separate Sheet If Necessary)**

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# Authorization Form

**Note:** *This form is only to be used for applications for which the Declaration Form is being signed by someone other than the owner(s).*

To: Secretary-Treasurer, Committee of Adjustment, Municipality of Leamington

RE: Description and Location of Subject Lands:

Concession No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Registered Plan No. \_\_\_\_\_ Lot(s) No. \_\_\_\_\_

Reference Plan No. \_\_\_\_\_ Part(s) No. \_\_\_\_\_

Street Address \_\_\_\_\_

Assessment Roll No. 37-06- \_\_\_\_\_

I/We, the undersigned, being the Registered Owner(s) of the above lands hereby authorize:

\_\_\_\_\_  
Name of Authorized Agent:

\_\_\_\_\_  
Place of Residence of Authorized Agent:

TO:

1. Make an application on my/our behalf to the Committee of Adjustment for the Municipality of Leamington;
2. Appear on my/our behalf at any hearing(s) related to the application; and
3. Provide any information or material required by the Committee of Adjustment relevant to the application.

I, \_\_\_\_\_

of the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Registered Owner

I, \_\_\_\_\_

of the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ of \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Registered Owner