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Smithville, ON  
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**COMMITTEE OF ADJUSTMENT**

**SCHEDULE UNDER SECTION 45  
Planning Act, R.S.O. 1990, As Amended  
APPLICATION FOR MINOR VARIANCE**

**FILE No. A** \_\_\_\_\_

The undersigned hereby applies to the Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, as amended, for relief as described in this application, from By-law No. 2017-70, as amended.

**Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.**

**PLEASE TYPE OR USE BLACK INK**

**1. (a) Registered Owner(s):** \_\_\_\_\_  
(Please Indicate Name(s) Exactly as Shown on the Transfer/Deed of Land)

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

City: \_\_\_\_\_ Province: \_\_\_\_\_

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

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

**(b) Authorized Agent (if any):** \_\_\_\_\_

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

City: \_\_\_\_\_ Province: \_\_\_\_\_

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

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

**NOTE: Unless otherwise requested, all communications will be sent to the agent, if any.**

2. Current designation of the subject land in any applicable Official Plan:  
\_\_\_\_\_

3. Current zoning of the subject land:  
\_\_\_\_\_

4. Nature and extent of the relief from the zoning by-law (By-law Section requiring variance):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Reason for minor variance request?

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6. Why is it not possible to comply with the provisions of the zoning by-law?

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7. Legal description of the subject land (i.e. concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number)

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8. Dimensions of subject land:

Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_ Area: \_\_\_\_\_

Width of Street: \_\_\_\_\_

9. Type of Access to Subject Land: (Check appropriate space)

- |   |  |
|---|--|
| <input type="checkbox"/> Provincial Highway                   | <input type="checkbox"/> Regional Road     |
| <input type="checkbox"/> Municipal Road Maintained All Year   | <input type="checkbox"/> Other Public Road |
| <input type="checkbox"/> Municipal Road Maintained Seasonally | <input type="checkbox"/> Right-of-Way      |
| <input type="checkbox"/> Water Access                         | <input type="checkbox"/> Private Road      |

10. If proposed access is by water only, describe boat docking and parking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

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11. Existing uses of the subject land:

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12. Are there any buildings or structures on the subject land?

- Yes                       No

13. If the answer to #12 is yes, for each building or structure indicate the type, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area. (Alternatively this information may be provided on the sketch required under Note #2, page 3).

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14. Proposed uses of the subject land:

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15. Are any buildings or structures proposed to be constructed on the subject land?

Yes

No

16. If the answer to #15 is yes, for each proposed building or structure indicate the type, the setback from the front lot line, rear lot line and side lot lines, the height in metres of the building or structure and the dimensions or floor area. (Alternatively this information may be provided on the sketch required under Note #2, page 3).

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17. Date subject land was acquired by the current owner:

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18. Date existing buildings or structures were constructed:

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19. Length of time existing uses of subject land have continued:

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20. What type of water supply is provided? (Check appropriate space)

- Publicly owned and operated piped water system
- Lake
- Well (private or communal)
- Other (specify)

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21. What type of sewage disposal is provided? (Check appropriate space)

- Publicly owned and operated sanitary sewage system
- Septic system (private or communal)
- Other:

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22. What type of storm drainage is provided? (Check appropriate space)

- Sewers
- Swales
- Ditches
- Other:

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23. Is the subject land the subject of an application under the Act for approval of a plan of subdivision or a consent?

Yes

No

24. If the answer to #23 is yes, and if known, give file number and status of application:

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25. If known, state whether the subject land has ever been the subject of an application under Section 45 of The Act.

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**AUTHORIZATION**

**Location of Subject Lands** (Legal Description & municipal Address)

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

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of the \_\_\_\_\_ in the \_\_\_\_\_  
(Municipality) (Region/County/District)

to make application(s) on my/our behalf to the Committee of Adjustment for the Township of West Lincoln for consent to convey an interest in the land in accordance with Subsection 1 of Section 53 of the Planning Act, R.S.O. 1990.

Dated at the \_\_\_\_\_ of \_\_\_\_\_ in the Regional Municipality of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ .

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

\_\_\_\_\_  
(Name of owner - printed)

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

\_\_\_\_\_  
(Name of owner - printed)

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

\_\_\_\_\_  
(Name of owner - printed)

**NOTE:** This Section is only to be filed out where applications are to be signed by someone other than the owner(s). If the applicant is a corporation, the corporate seal is to be affixed over the owner's signature(s).

Personal information collected on this application will become part of a public record. Any questions regarding this collection should be directed to: **The Freedom of Information and Privacy Coordinator: 318 Canborough Steet, P. O. Box 400, Smithville, Ontario L0R 2A0 (905) 957-3346.**

**DECLARATION OF OWNER(S) THAT INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT**

I/We

\_\_\_\_\_ in  
of the City/Town/Township of \_\_\_\_\_ in  
the County/District/Regional Municipality of \_\_\_\_\_

solemnly declare 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.

TO BE SIGNED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

DECLARED before me at the  
\_\_\_\_\_ of \_\_\_\_\_ )  
in the Regional Municipality of Niagara )  
This \_\_\_\_\_ day of \_\_\_\_\_ )  
A.D. \_\_\_\_\_ ) \_\_\_\_\_

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

## **Requirements to Process Minor Variance Applications:**

### **Application Form and Processing Fee:**

- Ensure **all owner names** appear at question 1: Registered Owner. Names should be exactly as shown on the Deed of Land.
- Include complete mailing address, including post office box number, rural route address if required, postal code, etc. Also include telephone number where owner may be contacted.
- Include name, mailing address and telephone number of authorized agent, if applicable.
- Answer ALL questions fully and clearly. Municipal planning and/or building staff will assist with completing information pertaining to the applicable sections of the zoning by-law requiring relief, and the specific wording to be used in this regard.
- Do not sign the application form until you are in the presence of a Commissioner for Taking Affidavits (Secretary-Treasurer is a Commissioner and no additional fee is applicable).
- Complete the Authorization Form if anyone other than all registered owners are signing the application form, under affidavit. Authorization or a sworn signature is required for all registered owners.
- Refer to Fee Tariff, attached, for all applicable fees. Health Unit fee may apply if municipal sewer and water not available. Additionally, a Regional Review Fee may be required where an application is located on a Regional Road, where Regional infrastructure/facilities are nearby, or where a regional of Provincial issue is determined by the Local Municipal Planner.

### **Accompanying Drawings:**

- Drawings are not necessarily required to be prepared by an Ontario Land Surveyor, although the Committee of Adjustment may require that the plan be prepared and signed by an Ontario Land Surveyor.
- In accordance with Provincial Regulations drawings **must** include the following:
  - (a) The boundaries and dimensions of the subject land ~ **drawings must be to scale and include a directional (north) arrow**, and drawings must be of high quality to facilitate photocopying;
  - (b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the exact distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
  - (c) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
  - (d) The current uses on land that is adjacent to the subject land;
  - (e) 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;
  - (f) If access to the subject land is by water only, the location of the parking and docking facilities to be used;
  - (g) The location and nature of any easement affecting the subject land.

## **REFUND OF FEES**

- I If an application is withdrawn prior to circulation to commenting agencies, 90% of the fee may be refunded.
- ii If withdrawn after circulation, but prior to notice of the Planning Committee or Council meeting at which the application will be considered being mailed or advertised, 50% of the fee may be refunded.
- iii If withdrawn after notice of the meeting being mailed or advertised, but prior to the Planning report being prepared, 25% of the fee may be refunded.

In addition, any payments outstanding to the Township shall be deducted from the Application Fee by the Treasurer prior to the refund being issued by the Treasurer.

## **REACTIVATION**

Any application which has been withdrawn or has been inactive for a period of one year shall be considered abandoned and a full fee shall be required to activate a new application.

NOTE: Where a decision on a development application in respect of a planning matter is referred or appealed to the Local Planning Appeal Tribunal and the Township and the applicant jointly support the decision, the applicant shall be responsible for all costs to the municipality associated therewith. Such costs shall include all legal, expert testimony, and administrative costs. To secure payment of such costs, the applicant will provide the Township, upon notice and/or acknowledgement of an objection from the Local Planning Appeal Tribunal, with an initial deposit of \$7,000, such amount to be increased by an amount determined by the Township in the event the Township determines that the nature of the application indicates that \$7,000 may be inadequate. Any costs to the Township in excess of the deposit shall be paid to the Township by the applicant upon submission of an invoice therefore.

For general assistance or if you have any questions, contact the Secretary-Treasurer:

c/o 318 Canborough Street, P. O. Box 400  
Smithville, Ontario L0S 1E0  
(905) 957-3346 Fax: (905) 957-3219  
E-Mail: [planning@westlincoln.com](mailto:planning@westlincoln.com)