

The *Planning Act* Section 45 – Application for Minor Variance

File No. A_____

The undersigned hereby applies to the Committee of Adjustment for the Town of Pelham under Section 45 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, for relief/permission as described in this application, from By-law No. _____ (as amended).

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

Mailing Address: _____	City: _____
Postal Code: _____	Telephone: _____
E-Mail Address: _____	Fax. No. _____

(b) **Authorized Agent (if any):** _____

Mailing Address: _____	City: _____
Postal Code: _____	Telephone: _____
E-Mail Address: _____	Fax. No. _____

2. Current Official Plan designation of the subject lands: _____

3. Current Zoning By-law Designation of the Subject Land: _____

4. Nature and extent of the relief from the zoning by-law: (Cite By-law sections requiring variances; be specific)

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

6. Legal description of the subject land (i.e. concession and lot numbers, registered plan and lot numbers, reference plan and part numbers, municipal address, assessment roll number)

7. Dimensions of subject land (*in metric units*):

Frontage: _____ Depth: _____ Area: _____ Width of Street: _____

8. 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

9. 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.

10. Existing uses of subject land: _____

11. Are there any buildings or structures on the subject land? Yes No

12. If the answer to #11 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 Item 25(2), p. 2).

13. Proposed uses of the subject land:

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

Yes No

15. If the answer to #14 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).

16. Date subject land was acquired by the current owner: _____

17. Date existing buildings or structures were constructed: _____

18. Length of time existing uses of subject land have continued: _____

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

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

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

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

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

- Sewers Ditches
 Swales Other: _____

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

Yes No

23. If the answer to #22 is yes, and if known, give file number and status of application:

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

25. **Please note:**

(1) It is required that one (1) copy of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the plan referred to in Item 2 below, accompanied by the applicable application fee, payable in cash, by money order or cheque made payable to Treasurer, Town of Pelham.

(2) **In accordance with Provincial Regulations, this application must be accompanied by a sketch, drawn to scale, in metric units, showing the following information:**

- (a) The boundaries and dimensions of the subject land;
- (b) 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;
- (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 traveled 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.

(3) **Failure to comply with these requirements may result in a refusal to accept the application by the Secretary-Treasurer. The Committee of Adjustment may require that the plan be prepared and signed by an Ontario Land Surveyor.**

POSTING OF PUBLIC HEARING SIGN

26. This is to confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application. A sign will be made available to you once the application has been processed. You are directed to post the sign(s) in a prominent location at each street frontage that will enable public observation.

Each sign must be posted a minimum of ten (10) days before the scheduled hearing, including the day of the hearing. The sign may be removed when the hearing has concluded. This section must be completed and submitted with the application so that it may be placed in the file as evidence that you understand the *Planning Act* requirements. Failure to post the sign as required will result in deferral of your application(s) and the applicant will be subject to the applicable rescheduling fees.

*I understand that each sign must be posted at least ten (10) days before the hearing and will remain posted, and replaced if necessary, until the hearing has concluded.

Name of Property Owner (Please Print)

Name of Property Owner or Agent, if applicable (Please Print)

Signature of Owner(s)/Agent

PERMISSION TO ENTER

27. I hereby authorize the Committee of Adjustment members, Town of Pelham staff, and/or the Region of Niagara, and/or Niagara Peninsula Conservation Authority staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Name of Property Owner (Please Print)

Name of Property Owner or Agent, if applicable (Please Print)

Signature of Owner(s)/Agent

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

28. I/We _____ of the City/Town/Township of _____
the County/District/Regional Municipality of _____

solemnly declare that all the statements contained in this application and in all exhibits transmitted herewith 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*.

Yes [] No [] For the purposes of the *Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Planning Act* to process this application.

Note: The signature of the applicant(s) or authorized agent must be witnessed by a Commissioner for Taking Affidavits, etc. The Secretary-Treasurer and Assistant Secretary-Treasurer to the Committee of Adjustment are Commissioner if needed. An appointment is required; no additional fee is charged.

DECLARED before me at the _____
_____ of _____

in the Regional Municipality of Niagara
This _____ day of _____, 20____

Signature of applicant or authorized agent

Signature of applicant or authorized agent

I have the authority to bind the Corporation*

I have the authority to bind the Corporation*

A Commissioner, etc.

AUTHORIZATION FOR AGENT

29. Complete the Authorization for Agent if application to be signed by someone other than the owner(s):

I/We, _____, being the Owner(s) of the
property subject of (PRINT NAME)

this Minor Variance Application hereby authorize _____ to make
(insert name of person authorized to sign/act on behalf of owner)

application on my/our behalf to the Committee of Adjustment for the Town of Pelham for minor variance or
relief in accordance with Section 45 of the *Planning Act*, R.S.O., 1990. Dated this _____ day of __, 20

_____.

Signature of Owner
I have the authority to bind the Corporation*

Please print full name and position of person signing

Signature of Owner
I have the authority to bind the Corporation*

Please print full name and position of person signing

NOTES:

1. This form only to be used for applications to be signed by someone other than owner(s). If applicant (owner) is a corporation, this appointment and authorization shall include the statement that the person signing the appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal is to be affixed over the owner's signature).
2. If the agent is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation so appointed.

INFORMATION PROVIDED IN THIS APPLICATION WILL BECOME PART OF A PUBLIC RECORD

Regional File Number: _____

**Severance Application and Minor Variance Application
PRIVATE SEWAGE SYSTEM INFORMATION & PAYMENT**

This form is to be used along with applications made to the local area municipality Committee of Adjustment for Severance and Minor Variances where the application pertains to property requiring Private Sewage Systems under Part 8 of the Ontario Building Code.

APPLICATION INFORMATION

_____ Application is being made for Severance under Section 53 of The Planning Act, R.S.O. 1990

_____ Application is being made for a Minor Variance under Section 45 (5) of The Planning Act, R.S.O. 1990

Municipal Application File Number: _____ Hearing Date: _____

Subject Property Street Address: _____

Lot #: _____ Concession #: _____ City/Town: _____

Applicant/Owner: _____

Applicant/Owner Contact Information: Mailing Address: _____

City/Town: _____ P.C.: _____ Phone: _____

Email: _____

Please attach site plan drawing showing existing and/or proposed septic tank and tile bed location(s).

INVESTIGATION AND TESTS

The Niagara Region Planning and Development Services is authorized to enter the lands and make such investigation and tests as are appropriate, relating to Inspection of Sewage Systems under Section 12 (1), 32.1 of the Building Code Act, S.O. 1992, C. 23 in connection with the above application.

Applicant/Owner Signature

Date

Contact Information (other than Applicant/Owner): Name: _____

Address: _____

City/Town: _____ P.C.: _____ Phone: _____

Email: _____

FEES

Fees are payable to: **The Regional Municipality of Niagara**

Fee Schedule as set out in Regional By-law 139-2013 (as amended by By-law Numbers 48-2014 and 27-2015) is required to be paid pursuant to Section 7 of The Building Code Act, S.O. 1992, C.23.

Consents: \$400.00 per application

Minor Variances: \$400.00 per application

NOTE: Regional Fee is still required if an application is:

- NOT located on a Regional Road
- Regional infrastructure/facilities are NOT nearby
- There is NOT a Regional or Provincial issue as determined by the local municipal planner

Total Amount submitted: \$ _____ Via: Cheque Credit Card Cash

NOTE: Regional staff must receive fee prior to any review of the application being undertaken.