

# Minor Variance Manual: Information Package



June 2020



6311 Old Church Road  
Caledon, ON L7C 1J6  
[www.caledon.ca](http://www.caledon.ca)

T. 905.584.2272 | 1.888.225.3366 | F. 905.584.4325

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## What is a Minor Variance?

A Minor Variance is an application to request a change or permission from the specific requirements of the [Town's Zoning By-law](#). This application is used to request the Committee consider an expansion to a legal non-conforming use.

The Town's Zoning By-law regulates, among other things, land uses, building/structure uses and relevant standards that speak to their location/design (i.e. setbacks and lot coverage).

The use of land and all issued building permits or other development approvals must comply with the provisions of the Zoning By-law. If there is a demonstrated inability to comply, and if the nature of the non-compliance appears to be in keeping with the four evaluative tests of the *Planning Act* (see below), the minor variance application process allows a property owner to seek relief from a specific provision of the Zoning By-law.

Any property owner (or appointed agent) may submit a Minor Variance application to the [Committee of Adjustment](#) for their consideration. As per Section 45(1) of the *Planning Act*, the application will be considered by staff and the Committee on the basis of the following four tests:

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

It is important to note that to consider any application a minor variance, it must meet all four tests.

## What is the [Committee of Adjustment](#)?

The *Planning Act* establishes the authority of the Committee of Adjustment to make decisions on minor variances to the Zoning By-law.

The Committee of Adjustment is made of 7 appointed residents which meet monthly to hear applications for minor variances, consents and validation certificates. At the meeting, the Committee will make a decision on each application, considering the merits, submissions (either written or verbal) from the applicant, owner, Town or agency staff and other stakeholders including residents.

The meeting is open to the public - everyone is welcome to attend! Residents and stakeholders can either provide written or verbal comments in support of or against the application.

Please note: This package is for information only. It should not be considered as a right to approval if the steps indicated are followed.



**Step 1:  
What approvals are  
required?**

Step 2:  
Preliminary Meeting and/or  
Zoning Certificate  
(Optional)

Step 3:  
Application Submission

Step 4:  
Complete Application,  
Circulation and Site Visit

Step 5:  
Public Notification

Step 6:  
Committee of Adjustment  
Decision

Step 7:  
Appeal Receipt or  
Decision Confirmation

To determine what approvals are required for your proposed project, begin by contacting the following departments and agencies for additional information:

1. Contact Planning and Development Services Division at 905.584.2272 x. 7338 regarding:
  - The designations within the Greenbelt Plan, Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Region of Peel Official Plan, Town of Caledon Official Plan
  - The zoning of the property;
  - Determining if the property and proposal lie within a regulated area of the applicable Conservation Authority;
  - Determining if your proposal is subject to any other planning approvals;
  - Determining if the access for the property is managed by the Ministry of Transportation, Region of Peel or the Town of Caledon;
  - Obtaining clarification and further information regarding additional submission requirements.
2. Contact the Building Services Section at 905.584.2272 x. 2233 regarding Building Permit applications, requirements and timelines.
3. If required, contact the appropriate Conservation Authority regarding their permit requirements:
  - Toronto and Region Conservation Authority (TRCA) at 416.661.6600
  - Credit Valley Conservation (CVC) at 905.670.1615
  - Lake Simcoe Region Conservation Authority (LSRCA) at 905.895.1281
  - Nottawasaga Valley Conservation Authority (NVCA) at 705.424.1479



Step 1:  
What approvals are required?

The Planning and Development Services Division provides the applicant with opportunities to discuss a proposal with staff before submitting the application. These opportunities may eliminate the need to defer the Minor Variance application to a subsequent hearing with costs.

**Step 2:  
Preliminary Meeting and/or  
Zoning Certificate  
(Optional)**

Please note that all comments and direction offered by staff is preliminary and based solely on the information available at the time of the meeting. Through a review of the application, additional information may be identified or discussed.

Step 3:  
Application Submission

### Preliminary Meeting

An optional Preliminary Meeting may be held to discuss a proposal prior to submitting a Minor Variance application. The meeting will allow the applicant to discuss the proposal, receive feedback and will assist in identifying all required planning approvals (i.e. Minor Variance, Site Plan, etc.).

Step 4:  
Complete Application,  
Circulation and Site Visit

To request a meeting, complete and submit the [Preliminary Meeting Request Form](#) to the Plan Section.

- The form will require that a concept plan be uploaded illustrating the proposal in metric.

Step 5:  
Public Notification

Once the information has been received, within 5 business days the applicant will be contacted to schedule a meeting.

Step 6:  
Committee of Adjustment  
Decision

### Zoning Certificate

Applicants may also obtain a zoning review of the property to determine compliance with all standards of the applicable [Zoning By-law](#) through a Zoning Certificate. As it is the applicant's sole responsibility to identify all minor variances required, a Zoning Certificate may assist in this process.

Step 7:  
Appeal Receipt or  
Decision Confirmation

To request a Zoning Certificate, complete and submit the [Zoning Certificate Application Form](#) and required fee to the Planning and Development Services Division.

- The form will require that a detailed site plan be uploaded illustrating the proposal in metric.
- All plans are to be scalable in metric and meet the [Electronic Submission Requirements for Planning Applications](#)

Once the information has been received, staff will complete the zoning review and provide a Zoning Certificate within approximately 2 weeks.

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## 1. Prepare the Site Plan Drawing

The plan shall clearly indicate in metric the following information:

- The boundaries and dimensions of the subject property.
- The location, size and type of all existing and proposed buildings and structures on the subject land, (i.e. dwellings, accessory buildings, decks, pergolas, pools, retaining walls, etc.) indicating the distance of the buildings or structures from all lot lines.
- The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- The current uses of land that is adjacent to the subject land.
- 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.
- If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- The location and nature of any easement affecting the subject land.

An example Site Plan is included at the back of this manual.

All plans are to be scalable in metric and meet the [Electronic Submission Requirements for Planning Applications](#).

For Industrial, Institutional, Commercial, and Recreational application types:

- All plans are to be formatted as 24"x36" in size, unless otherwise accepted by the Secretary-Treasurer.

For all other application types:

- All other applications are to be supported by a plan that is a minimum of 8 1/2" x 11" in size.

## 2. Prepare Other Supporting Material

Through a Preliminary Meeting, Town staff may have identified additional material required to support the application. To support height variances, elevation drawings are required. Other examples include MDS calculations, planning justification report, parking studies, environmental studies, etc. All plans and studies must meet the [Electronic Submission Requirements for Planning Applications](#).



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### 3. Contact Planning and Development Services

Before you begin this form please contact Planning staff at 905.584.2272 x. 7338 or [planning@caledon.ca](mailto:planning@caledon.ca) to obtain the following planning information as it relates to the subject property, as this information will be required as part of the form:

- Greenbelt Plan designation
- Niagara Escarpment Plan designation
- Oak Ridges Moraine Conservation Plan designation
- Region of Peel Official Plan designation
- Town of Caledon Official Plan designation
- Zoning of the property and the applicable Zoning By-law Number (i.e. Zoning By-law 2006-50, Zoning By-law 87-250, or other site specific by-law)
- If the property is regulated by a Conservation Authority and if so, which Conservation Authority
- The planning applications applicable to the property including the status and file number

### 4. Complete and Submit the Minor Variance Application

Complete the Minor Variance application form [online](#). To complete the form you will need to have the following information/documents with you:

- Property owner contact information
- Application contact information
- Property information such as municipal address, roll number and legal description
- Supporting material and documentation in pdf form
- Preliminary Meeting Date and Staff Names (where a meeting has been held)



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## 5. Making the Fee Payment

Once the Town receives the online application, Planning staff will contact you to arrange for fee payment as follows:

- Where fees are less than \$5,000.00, payment will be accepted by credit card.
- Where fees are greater than \$5,000.00, payment will be accepted by Electronic Funds Transfer.
- Fees can also be paid by cheque, cash or debit when Town Hall is open.

## 6. Submitting the Commissioned Application

The applicant will be required to have the application commissioned prior to the application being considered complete.

Upon receipt of the email confirming the application has been submitted, please print the application form. You will need to get the form signed and commissioned appropriately. When Town Hall is open and during business hours, by appointment Town staff can commission documents for you.

Once the form is commissioned:

- Where the commissioning was completed at Town Hall, Planning Services staff will scan and accept the commissioned document in person.
- Where commissioning was completed elsewhere, the applicant will scan the commissioned document and submit it using the [online form](#).
  - While the Town is accepting applications online and in electronic format, there may be instances where the Secretary-Treasurer will ask for hard copies of the supporting plans. Where this is required, the Secretary-Treasurer will contact you directly.



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### Complete Application and Meeting Scheduling

It is only once the completed application form, required site plan, fee and commissioned document are received that the Town will accept the application as 'complete' and begin processing. You will receive written confirmation of this along with a file number.

Once an application is determined to be complete, it will be tentatively scheduled for a Committee of Adjustment Meeting date. The applicant will be advised of the tentative date.

Through the review and processing of the application, the Secretary-Treasurer will discuss and confirm the meeting date with the applicant.

### Application Circulation

Once complete, the application will be circulated to the following internal departments and external agencies:

- Town of Caledon
  - Building
  - Development Engineering
  - Development Planning
  - Finance
  - Heritage
  - Legal Services
  - Municipal Numbering
  - Open Space Design
  - Regulatory Services
  - Transportation
  - Urban Design
  - Zoning
- Applicable Conservation Authority (if regulated)
  - TRCA
  - CVC
  - LSRCA
  - NVCA
- Ministry of Transportation (if adjacent to a Highway)
- Region of Peel (if adjacent to Regional Road or for site servicing)
- Hydro One
- Other agencies may include the Niagara Escarpment Commission, school boards, or other utilities as may be applicable.

### Site Visit

During the review of the application, Committee of Adjustment members, external agency staff and Town staff may complete a review of the site which may include a site visit to the property. Those visiting the site will have Town identification.



### Coordinating Comments and Preparation of Staff Report

The departments and agencies will review the application and provide comments.

The comments from all departments and agencies, except for Planning staff, will be compiled by the Secretary-Treasurer and will be sent to the applicant. If further information is required staff will request the information for further review and comments. Once all comments have been addressed, commissioned documents received, fees have been paid and staff have determined it is deemed 'complete', it will be tentatively schedule for a Committee of Adjustment Meeting date. The applicant will be advised of the tentative date. Planning staff will prepare a report which will be provided through the Committee of Adjustment website when Agenda is released.

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### Notification Signs

As per the *Planning Act*, the applicant shall post a sign(s) indicating that a Minor Variance application has been submitted to the Town for the subject property.

Upon a complete application being received, Town staff will prepare the sign and contact the applicant when it is ready for pick-up.

The sign must be posted on the property a minimum of 10 days prior to the hearing date. The sign is to be posted on each street frontage, or as otherwise directed by the Secretary-Treasurer and should be at a height of approximately 1 m to 1.5 m (3.2 ft to 5 ft) above the ground in a conspicuous place. Failure to post the sign as required will result in a deferral of the application at costs to the applicant.

Once the sign is posted, the applicant is to submit a photo(s) of the sign using the [online form](#).

The applicant is responsible to ensure that the sign remains posted and visible during the 10 days prior to the hearing. If the sign becomes lost or damaged, the applicant is required to notify the Secretary-Treasurer who will work with the applicant to replace the sign. In the event that an application is deferred, the applicant is responsible to update the date and variances (if required) on the sign as directed by the Secretary-Treasurer. The sign shall not be removed until the Committee has made a decision.

### Mail Notice

As per the *Planning Act*, the Secretary-Treasurer will mail out a written notice to all landowners within 60 m (197 ft) of the property boundary. The Notice includes the variances being applied for, a location map, the site plan and information on how to attend the hearing, provide comments and appeal rights.

### Consultation with Neighbours

It is strongly suggested that the applicant/owner contact their neighbours and explain the purpose of their application. The Committee may ask the applicant/owner if this was done at the Hearing.

Anyone can provide written comments in advance of the hearing or attend the hearing and provide verbal comments.



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### Committee of Adjustment Meeting

On the day of the meeting, the authorized applicant or owner must attend the meeting to be present and respond to any questions, participate in the meeting and be notified of the decision.

The Committee of Adjustment is a public forum where the Committee will hear from the applicant, staff and every other person who desires to be heard in favour of or against the application. The Chair of the Committee of Adjustment runs the meeting.

### Committee of Adjustment Decision

The Committee can make the following decisions:

1. **Defer the Application:** The applicant/staff/Committee may request to defer the application to a subsequent meeting date to allow the applicant time to address comments/concerns/questions pertaining to the application.
2. **Refuse the Application:** The Committee may decide to refuse an application, meaning that the variance was not supported.
3. **Approve the Application:** The Committee may decide to approve an application, supporting the variance.
4. **Conditionally Approve the Application:** The Committee may decide to conditionally approve an application, supporting the variance. Where conditions are made as part of the decision, those conditions must be cleared before the variance(s) comes into effect. The approval may contain a timeframe in which the conditions must be cleared.

### Notice of Decision

Within 10 days of the decision being made, the Secretary-Treasurer must send a Notice of Decision to those who requested notice, attaching a copy of the decision and notifying the recipient that there is a 20 day appeal period.

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### Monitoring the Appeal Period

The Secretary-Treasurer will monitor the appeal period. The day after the appeal period ends, the Secretary-Treasurer will confirm if any appeal(s) have been received.

### No Appeal Received – Decision Final

If no appeals have been received, the Secretary-Treasurer will complete a declaration stating such and will notify the applicant that the variance is in full force and effect.

If there are permits or other approvals waiting for the minor variance to come into effect, the applicant can forward the notification to the respective departments to resolve that outstanding matter.

### No Appeal Received – Conditional Decision Not Final

If the approval was conditional and no appeals were received, the Secretary-Treasurer will prepare and forward a letter to assist in fulfilling the conditions.

It is the applicant's responsibility to work on and manage the clearing of their conditions so that the variance becomes in full force and effect.

### Appeal Received – Decision Not Final

Where an appeal has been received, the Secretary-Treasurer will notify the applicant accordingly. The decision is not final and the variance is not in effect (if it was approved).

The Secretary-Treasurer will compile the record to be forwarded to the [Local Planning Appeal Tribunal \(LPAT\)](#) as per the *Planning Act*.

Once the decision is appealed, the LPAT will manage the application and work to schedule a hearing. Further inquiries should be directed to LPAT.



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Town of Caledon 905.584.2272

6311 Old Church Road, Caledon, ON, L7C 3J6

General Planning Inquiries x. 7338

General Building Inquiries x. 2233

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Region of Peel 905.791.7800

10 Peel Centre Drive, Brampton, ON, L6T 4B9

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Ministry of Natural Resources 905.713.7400

Aurora Office – 50 Bloomington Road, Aurora, ON, L4G 0L8

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Ministry of Transportation 416.235.4592

1201 Wilson Avenue, 7<sup>th</sup> Floor, Building 'D', Downsview, ON, M3M 1J8

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Toronto Region Conservation Authority 416.661.6600

5 Shoreham Drive, Downsview, ON, M3N 1S4

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Credit Valley Conservation 905.670.1615

1255 Old Derry Road, Mississauga, ON, L5N 6R4

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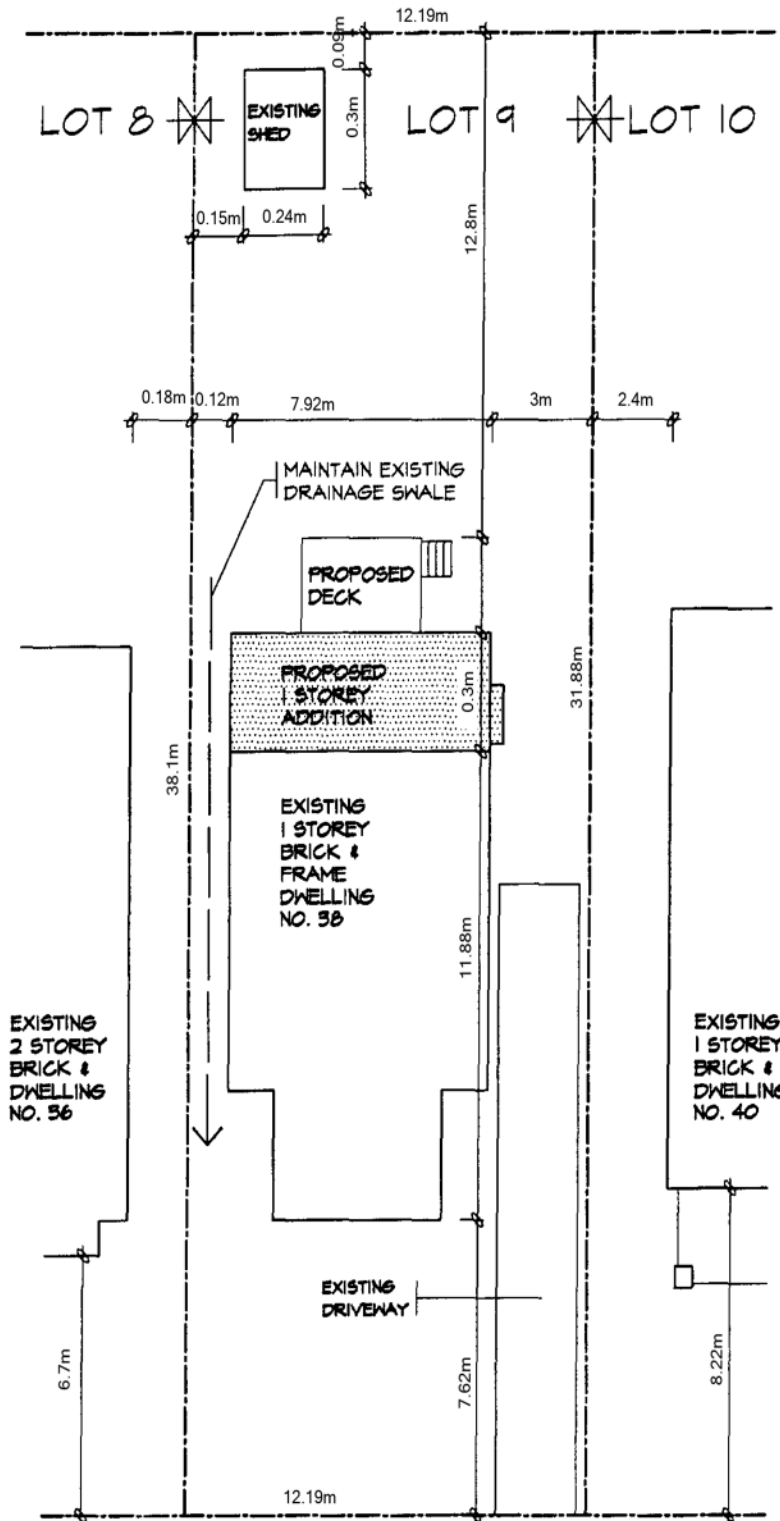
Lake Simcoe Region Conservation Authority 905.895.1281

120 Bayview Parkway, Box 282, Newmarket, ON, L3Y 4X1

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Nottawasaga Valley Conservation Authority 705.424.1479

John Hix Conservation Administration Centre, 8195 8<sup>th</sup> Line, Utopia, ON, L0M 1T0



**SITE PLAN**

Scale 1 : 500

SKETCH OF SURVEY OF  
LOT 9  
REG'D PLAN 4220  
CITY OF TORONTO  
B.C. TRANSIT. O.L.S.  
DECEMBER 31ST, 1999

**KHALMUR CRESCENT**