

What is a Minor Variance?

Applications for minor variance are intended to allow minor changes to the Zoning By-law or Municipal Code (for signs & fences) for a specific property. Pursuant to Section 45 of the Planning Act, the Committee of Adjustment considers the following when deciding whether to support the minor variance request:

- Is the general intent of the Official Plan maintained;
- Is the general intent of the Zoning By-law maintained;
- Is the proposed variance appropriate for the development of the lands; and,
- Is the proposed variance minor.

The Committee also has powers under Section 45(2) of the Act to enlarge or extend a legal non-conforming use, and permit similar and more compatible uses provided the nonconforming use had continued until the application was submitted.

Application Process

1. Consultation with Planning Staff

Prior to submission of an application, applicants must consult planning staff to review the details of the proposal and determine if a minor variance application is appropriate. The Planner will go through what is required for a complete application and try to identify any issues which may affect the success of the application.

2. Complete Application Submission

There are monthly deadlines for submission to the Committee of Adjustment. Upon submission, the application is typically heard by the Committee approximately two months later. Deadlines for 2019/2020 can be found at the following link:

<https://www.brantford.ca/en/business-and-development/committee-of-adjustment.aspx>

To submit a minor variance application, the application must be considered complete. Items required to form a complete application are as follows:

1. Fees

Can be found here:

<https://www.brantford.ca/en/business-and-development/planning-fees.aspx>

2. Application Form

Can be found here:

<https://www.brantford.ca/en/business-and-development/committee-of-adjustment.aspx#Minor-Variance>

3. Survey and/or Survey Sketch, completed by an OLS is strongly recommended.

4. Cover Letter describing the proposal

5. Any other **supplementary information** that may be required, which may be requested by the Planner when consulting prior to submission. This may include elevations, grading plan, spatial separation calculations, etc.

3. Circulation of Application

Once a complete application is received, planning staff circulate the application to other departments and agencies, who provide comments on the application. These comments are incorporated into the staff report, and may result in recommended changes or deferral of the application. Conditions could also apply, if approved.

4. Notice of Application

Notification is provided as per Planning Act requirements. Residents within 60m of the site

are mailed a notice at least 14 days prior to the meeting. A sign is also posted on the property, one sign per frontage. The City prepares the sign, and the Applicant posts the sign for at least 14 days prior to the meeting.

5. Public Meeting and Decision

Generally, the applicant or a representative should attend the hearing to answer questions. Other interested parties are also entitled to attend the hearing and express their views on the application.

The staff report is available the Friday before the meeting and will include a recommendation to approve, refuse or defer the application. The Committee Members consider municipal and provincial policies, the input heard at the hearing, as well as the report and presentation prepared by planning staff which is provided for review. Following discussion, the Committee votes upon a motion to approve, refuse, or defer the application. Decisions can be found here: <https://www.brantford.ca/en/business-and-development/committee-of-adjustment.aspx>

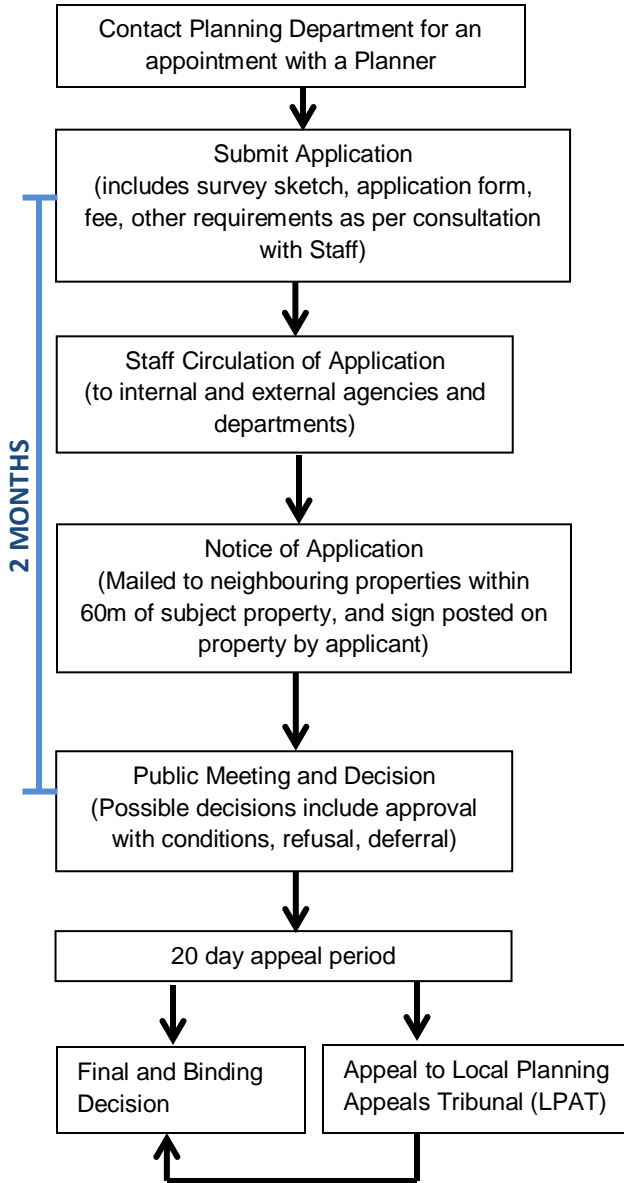
6. Appeal Period

Once a decision is made by the Committee of Adjustment, there is the opportunity to appeal the decision within 20 days from the date of decision. Information regarding the appeal process can be found on the reverse side of this pamphlet.

7. Notice of Decision

If an appeal is not received by the end of the 20-day appeal period, the decision is final and binding.

Minor Variance Process Chart



NOTE: Process from submission to final approval and being able to receive building permits is approximately 3 months.

Appeal

Within the 20 day appeal period, appeals can be submitted by any person who spoke at a public hearing or sent in a written submission. This also includes the applicant and the City. These appeals are made to the Local Planning Appeal Tribunal (LPAT), however they are submitted to the City of Brantford.

The LPAT is a provincial adjudicative tribunal that oversees appeals of Planning Applications throughout Ontario.

Those wishing to appeal must submit a completed Appellant Form along with the \$400 filing fee payable to the Minister of Finance. More information can be found at the website:

<https://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>

Note: Commencing January 1st, 2020, an additional administrative fee in the amount of \$500 is also required, payable to the Corporation of the City of Brantford

For any planning inquiries please contact:

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 Planning Department
 100 Wellington Square,
 Brantford, ON, N3T 5R7
 Tel: (519) 759-4150 x5546
 Website: www.brantford.ca

This pamphlet is intended to provide preliminary information only. Last updated January 2020.



RESIDENT GUIDE TO MINOR VARIANCE APPLICATIONS

COMMITTEE OF ADJUSTMENT

