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**The City of Temiskaming Shores**  
P.O. Box 2050, 325 Farr Drive, Haileybury, Ontario P0J 1K0

**HELPFUL HINTS TO COMPLETING AN APPLICATION FOR MINOR VARIANCE  
Under Section 45 of the Planning Act**

**Pre-consult with City planning staff before submitting an application.**

**Section 1: Applicant Information**

Each owner, whose name is on the deed for the property, must be listed.

**Section 2: Agent Information**

Although it is not necessary, some owners choose to appoint a planner, lawyer, surveyor, contractor, or family member to act on their behalf with respect to the application.

**Section 5: Location of Land**

- This information can be found on your deed, survey or tax bill. The City Planning Department can also supply this information to you.
- Municipal Address is the 911 Address

**Section 6: Easements or Restrictive Covenants**

This could be a water or sewer easement in favour of the City, Hydro easement, Right of Way in favor of a neighbour for their driveway, etc.

**Section 8: Subject Property Zoning**

Consult with City Staff.

**Section 9: Reason Why the Proposed Use Cannot Comply With the Provision of the Zoning By-law**

Explain why you are requesting a minor variance; why you cannot meet the requirements of the zoning by-law. Give as much information as you can to support the application.

**Section 10: Existing Uses of the Subject Land**

These are the uses that one would see during a site visit to the property.

**Section 11: Existing Uses of Abutting Properties**

These are the uses of your neighbours' properties.

## **Section 21: Subdivision or Consent Applications & Previous Minor Variance Applications**

Consult with City Staff.

## **Section 23: Sketch**

All of the information outlined on the application that pertains to your property must be shown on the sketch in accordance with the *Planning Act*.

Note: If you do not have an existing survey plan, a hand drawn sketch to scale is usually sufficient. If you are unable to obtain accurate measurements, you should consider engaging a surveyor to either prepare the sketch, or to make some preliminary calculations for you.

## **Section 25: Declaration and Authorizations**

### **DECLARATION OF THE OWNER**

- This is to declare that the information contained in the application form is true to the best of your knowledge.
- **Each owner** must swear a declaration.
- City Staff have been appointed Commissioners and will Commission the Affidavit for free. Other Commissioners could be lawyers, law clerks, municipal clerks and treasurers, etc.
- **The Affidavit must be signed in front of the Commissioner.**

### **AUTHORIZATION OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION**

Personal information collected is the information you provided on the Consent Application Form. This information will be shared with Committee of Adjustment members, agencies, City staff, neighbours, and the public as required to process the application for Minor Variance in accordance with the *Planning Act*.

### **AUTHORIZATION OF THE OWNER FOR AGENT TO MAKE THE APPLICATION**

If you have chosen an agent to represent you with respect to this application (SECTION 1.2 OF THE APPLICATION FORM), this authorization will permit the agent to speak and act on your behalf and will authorize the City to discuss the application with your agent.

### **AUTHORIZATION OF THE OWNER FOR AGENT TO DISCLOSE PERSONAL INFORMATION**

This gives the agent permission to provide YOUR personal information with respect to the application.

## **What happens next?**

Once your application is submitted, staff is required by the Planning Act to circulate notice of your application to persons and agencies prescribed by Regulation who may have an interest in the proposed minor variance. These agencies include the City departments, Provincial Ministries if applicable, and if applicable agencies such as TransCanada Pipelines, Ontario Northland Railway, the Chief of every First Nation Council, etc. These agencies are asked to comment on the application. Their comments are considered by the Committee before making a decision on the application.

An official "Notice of Complete Application" and "Notice of Public Hearing" will be mailed to the owner, solicitor and/or agent, reporting agencies and to all neighbours within 60 metres at least 14 days prior to the Public Hearing. A notice will also be published in the Temiskaming Speaker.

At the Hearing, the Committee of Adjustment will ask the City Planner to present the application and give planning evidence in support of the application. The Planner will discuss the application in terms of: Description of the property, the purpose of the application, uses on adjacent lands, written comments from agencies and neighbours that were circulated, consistency with the Provincial Policy Statement, Official Plan and Zoning By-

law. The owner will be given an opportunity to speak to the application and any members of the public that are present who wish to speak to the application can do so. Committee members may ask questions of the owner or the public.

The Committee of Adjustment will make a decision to approve, refuse or adjourn the hearing of the application. An adjournment must be made in good faith and is generally used if the Committee requires more information before they can make a decision. In making a decision on the application, the Committee of Adjustment will take into account the Planning Report, and comments from agencies and the public.

Generally, the Hearing will be held and a decision given within 30 days of receipt of a completed application. If a decision has not been reached within 30 days, the applicant has the right to appeal to the Ontario Municipal Board. Before filing such an appeal, however, the applicant should determine the status of the file to see if a decision will be reached within a reasonable time. If all needed information is provided at the time the application is submitted, delays in processing can be avoided.

Once a decision is given, there is a 20-day appeal period, from the date the Decision is made, when the decision of the Committee of Adjustment may be appealed to the Ontario Municipal Board. After the appeal period has expired, the decision is final and binding, and the new zoning is in place.

### **Checklist**

Have you enclosed the following?

- 1 copy of the sketch if the sketch is in black and white. 10 copies if it is in colour.
- The filing fee of \$420 + 5% GST = \$441 made payable to the City of Temiskaming Shores.
- 1 copy of the application form completed. **Please print clearly with dark ink to facilitate photocopying.**
- 1 copy of the signature page signed and the affidavit sworn before a Commissioner of Oaths (Commissioners are available at the Temiskaming Shores City Hall, any Solicitor's Office or City/Municipal Office)
- Written authorization from the owner(s), if the application is submitted by anyone other than the registered owner(s).
- A copy of your Deed showing you have a registered right-of-way, if access to your property is over a private road crossing neighbouring lands owned by someone else.

### **Mail or deliver the application to:**

Secretary-Treasurer of the Committee of Adjustment  
City of Temiskaming Shores  
325 Farr Drive, P.O. Box 2050  
Haileybury, ON POJ 1K0

Any further questions may be directed to the Committee of Adjustment staff at the City of Temiskaming Shores, City Hall at (705) 672-3363. A copy of the notice of hearing will be forwarded to you once your application is processed.

### **Metric Conversion**

TO CONVERT	MULTIPLY BY	TO FIND
Feet	0.3048	metres (m)
Acres	0.404	hectares (ha)
Square feet	0.0929	square metres (m)

Applications may be submitted in either linear or metric measurement, however if you need to make any conversions this table may assist you.