

Township of Asphodel-Norwood Minor Variance Application Policy and Procedures



Township of Asphodel-Norwood
2357 County Road 45
P.O. Box 29
Norwood, Ontario K0L 2V0
www.asphodelnorwood.com
(705) 639-5343

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1.0 INTRODUCTION

The Township of Asphodel-Norwood has delegated authority, under Section of the Planning Act R.S.O. 1990, c13 to establish the Township of Asphodel-Norwood Committee of Adjustment and under Section 45(1) “upon application of the owner/agent may, despite any other Act, authorize such minor variance from the provision of the (zoning) by-law, in respect of the land, building or structure or use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan if any are maintained.” The Committee of Adjustment is established for the purposes of hearing minor variance applications requiring relief from the Comprehensive Zoning By-law for both new and existing development.

This document is intended to provide the applicant(s) with information on the process of making application to the Committee of Adjustment and for obtaining a decision on their application(s).

Pre-consultation to discuss the development concept with municipal staff, relevant agencies and neighbouring property owners is **strongly recommended**. It has been well proven there is significant benefit for discussion and preliminary review in identifying issues at an early stage and highlighting information/studies/calculations/zoning issues required as background information for a complete application. Pre-consultation will also familiarize the applicant with the scope of review and will assist in ensuring accurate submissions. It is also highly recommended that applicant(s) and/or their agent(s) attend all meetings at which their respective application(s) will be addressed in order to answer any questions or provide information when required to avoid delays in the approval process.

This is not a legal document it is rather a resource prepared to assist municipal staff and Committee of Adjustment applicants. If specific information is required direct reference to the appropriate noted documents should be made to the municipal staff or relevant agencies.

2.0 COMPLETE APPLICATION

2.1 SUBMISSION OF APPLICATION

The complete application form including all surveys, site plans, drawings, supporting documents and prescribed fees are to be submitted to:

Secretary-Treasurer, Committee of Adjustment
Township of Asphodel-Norwood
P.O. Box 29
2357 County Road 45
Norwood, ON K0L 2V0

Information collected on this form is collected in accordance with the provisions of the Planning Act, R.S.O. 1990, C.P. 13 and the Township's procedures for processing applications. The information will be used to evaluate the applications as submitted.

2.2 DETAILS FOR A COMPLETE APPLICATION

It shall be the sole responsibility of the property owner(s) or owner(s) agent to fill in all particulars on the application required and to supply all necessary plans and surveys. No application shall be deemed received by the Secretary until such time as all the prescribed information is received and an official receipt acknowledging payment of the prescribed fee is issued by the Township.

- a) One (1) copy of the completed application form. A sample is attached under APPENDIX "A" (Minor Variance). An original copy for the applicant's use will be available in the Municipal Office located at the side entrance of the Town Hall located at 2357 County Road 45, Norwood.
- b) In the event that the application is submitted by an agent, the signed written Authorization (please refer to attached Schedule "A" for an example). The Authorization Form appoints the agent to act on the owner's behalf and must accompany the application. If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal must be affixed.
- c) One (1) copy of the Site Plan (or Site Sketch) must accompany the application.

Where a Site Plan is not presently available for the subject property, one should be prepared to depict the following required information. A legally binding decision will be made based on the information supplied on the Site Plan; therefore it is important to have an accurate plan to present to the Committee.

The following information is required to be depicted on the Site Plan:

- (a) the plans must be legible and in no case shall the scale of the drawing be less than 1"= 20' scale. The scale is to be included in the title block;
- (b) entire subject property must be clearly outlined;
- (c) property and title description of the subject lands must be included in the title block;
- (d) the precise location and dimensions of any existing and/or proposed buildings/structures located on the property;
- (e) the location, dimensions, and nature of any easement, right-of-way, or restrictive covenant pertaining to the property and such other matters as are required to fully inform the Committee of the intent of the application;
- (f) the use of adjoining lands (i.e. residential, agricultural, commercial)
- (g) the approximate location of all natural and artificial features on the subject land (i.e. buildings, railways, highways, watercourses, drainage ditches, banks, slopes, swamps, wooded areas, wells and septic tanks);
- (h) the location, width and names of all road allowances, rights-of-way unopened road allowances.

Informational requirements outlined above may be reduced depending on the scope of the application and at the sole discretion of the Township of Asphodel-Norwood.

2.2 GENERAL CIRCULATION INFORMATION

A formal notice of your application will be sent to the following Council, Departments, Agencies and property owners:

- a) Township of Asphodel-Norwood Council
- b) Township Clerk/Planner-Committee of Adjustment Secretary
- c) Township CBO/Planning Co-ordinator
- d) Otonabee Region Conservation Authority (if applicable)
- e) Township Manager of Public Works
- f) Property owners within 60m of subject property
- g) Any other department/agency deemed to have an interest.

The Otonabee Region Conservation Authority (ORCA) requires a fee for review of a variance affecting development with environmentally sensitive lands. Pre-consultation with the Township and/or ORCA is recommended to determine if the subject lands are within an area of environmental interest.

Highway #7 is controlled by the Ministry of Transportation and therefore in order to maintain the efficiency and safety of the provincial highway system, all development within 45m adjacent to the highway must also comply with the standards and requirements of the Ministry of Transportation and will require a permit from MTO. In order to determine the MTO's requirements and to avoid unnecessary delays, please contact the Corridor

Management Officer (CMO) at MTO's Bancroft District office prior to submitting your application. (see Section 5.0 for contact information)

Any Peterborough County Roads will require comments from the County Public Works Department relating to entrance permits in their area of jurisdiction.

It is anticipated that written submissions regarding the applications will be received on or before the day of the hearing. If you wish to receive copies of these submissions, please contact the Secretary-Treasurer at the Municipal Office at any time during the hours of 8:30 a.m.-4:30 p.m. prior to the meeting at 639-5343 ext. 205.

All questions regarding the agency comments should be directed to the Agency or person forwarding the submission.

3.0 **MINOR VARIANCE APPLICATION PROCEDURES**

According to Section 45(1) of the Planning Act, R.S.O. 1990 c.P.13, the Committee of Adjustment may "authorize a minor variance from the provisions of the (zoning) by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriated development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained."

3.1 **MINOR VARIANCE APPLICATION PROCESS**

Once an application for a minor variance is received and the application is considered complete, it is circulated for comments. A planning report is prepared for presentation to the Committee of Adjustment. If you wish to obtain any Agency/public comments and/or receive a copy of the Planning Report, please contact the Committee of Adjustment Secretary at the Township of Asphodel-Norwood Municipal Office, 2357 County Road 45, P.O. Box 29, Norwood, Ontario, 705-639-5343 ext 205.

At the Committee of Adjustment hearing, the Committee will hear pertinent information about the application, correspondence received, planning report and comments from all attending public. The hearing for the application is a public and open process with all decisions being made in open session at the meeting with the applicant informed of all decisions and conditions imposed on the application.

The Planning Act requires circulation of the notice of decision on a minor variance application within ten (10) days of the hearing. The public has a total of twenty (20) days from the date of decision for a review period, also known as the "appeal period" provided written submissions had been presented at or in advance of the public meeting. It is during this time that an interested person may appeal a decision of the Committee of Adjustment to the Ontario Municipal Board for an independent ruling on either the decision or the conditions imposed with the decision.

If the Committee reaches a decision on an application and the time for appeal has lapsed without the Township of Asphodel-Norwood receiving an appeal of the application, the decision of the Committee of Adjustment becomes final and is binding. The applicant and circulated households will be notified of the status of the decision in writing.

All conditions imposed by the Committee on a minor variance application must be completed within the time frame outlined with the condition to the satisfaction of the Planning Department, Township of Asphodel-Norwood, but at no cost to the Township. Once all conditions are met / completed, the minor variance is in force and effect.

3.2 **REQUIRED INFORMATION**

Site Plan – for application

The Site Plan should include:

- a) the information from Section 2.2 (c) and the following:
- b) the location of the variance or proposed variance and extent thereof

Legal Survey – upon completion of approved project

Once the 20 day appeal period has expired, approval is granted and the foundation is constructed: the applicant **must provide** a full or partial (at the discretion of the Planning Department) **legal survey** prepared by an Ontario Land Surveyor. The survey will be required by the Township to clearly demonstrate that the location of the structure complies with the terms and conditions of the approved minor variance. The partial or full survey must be provided to the Municipality once footings and/or foundations are placed and prior to completion of construction. The extent of the survey shall be determined by the Planning Department with regards to partial surveys (i.e. one lot line) to reflect compliance with the approved minor variance.

3.3 **APPLICATION FEE (Minor Variances)**

The application shall include the prescribed Committee of Adjustment - Minor Variance Application Fee of **\$950.00** in cash or by cheque payable to the “Township of Asphodel-Norwood”.

Note: Additional costs incurred by the Township associated with the processing of the application, including legal, engineering, planning, surveying, notification, and other similar expense (not including site specific performance or development provisions required under the Site Plan or Subdivision Control), may be charged back to the applicant and it is the responsibility of the applicant to pay these charges.

CONTACTS FOR ASSISTANCE AND INFORMATION

Municipal Departments:

Planning and Building Departments
Township of Asphodel-Norwood
2357 County Rd 45, Box 29
Norwood, ON K0L 2V0
(705) 639-5343

Contacts:

Valerie Przybilla, CAO-Clerk/Planning Co-ordinator
valeriep@asphodelnorwood.com

Mike Sinclair, CBO/ By-Law Enforcement Officer
msinclair@asphodelnorwood.com

Brian McMillan, Manager of Public Works
bmcmillan@asphodelnorwood.com

Key Agency Contacts:

Otonabee Region Conservation Authority
250 Milroy Drive
Peterborough, ON K9H 7M9
(705) 745-5791

Beverly Hurford, Environmental Planner
otonabeeeca@otonabee.com
ext. 213

Ministry of Transportation
Attn: District Engineer
Bancroft District Office
P.O. Box 300
64 Monck Road
Bancroft, ON K0L 1C0
(613) 332-3220

County of Peterborough
County Court House
470 Water Street
Peterborough, ON K9H 3M3
(705) 743-0380

Planning and/or Public Works Departments

Ministry of Natural Resources
300 Water Street
Peterborough, ON K9J 8M5
(705) 755-2000