



**COMMITTEE OF ADJUSTMENT AND CONSENT
For Minor Variances and Requests for Permission**

**GUIDELINES AND CHECKLIST
MEETING DATES AND SUBMISSION DEADLINES**

The Town of Milton is dedicated to meeting the needs of all of our customers. To obtain documents in an alternate format such as large print, Braille, electronic, or plain language, please contact the Town's Accessibility Coordinator at 905-878-7252.

CHECKLIST - It is the applicant's responsibility to complete the Checklist (Page 6) PRIOR to submitting any application. This is to ensure that all requirements have been met and the application is complete. Refer to Schedule 'A' - attached.

UPDATED MEETING DATES & DEADLINES - Refer to Schedule 'B'.

PROCESSING FEES

Town and Halton Regional fees are required for EVERY application.

- Town fees for Minor Variance applications are tax exempt and are payable by cheque, cash or debit only; credit cards are not accepted.
- If the subject property is within 15 metres of lands regulated by a local Conservation Authority (e.g. Conservation Halton/Grand River Conservation Authority/or Credit Valley Conservation), an additional fee may be required. Staff will confirm.
- **MULTIPLE PAYMENTS** - Separate cheques are required for EACH application, i.e. one cheque each for Town of Milton; Region of Halton; and applicable Conservation Authority (if and as required).

FEES – January 2017

TYPE 2 Generally Residential	TOWN APPLICATION FEE Required for ALL applications	Payable by cheque/debit/cash \$1,796.00
HALTON REGION APPLICATION FEE (Includes all applicable taxes) Required for ALL applications - Select Urban or Rural (below)		Payable by cheque only
	Urban (Regional Water and Wastewater);	\$34.00
	Rural (Private Well and/or Septic) Includes additional \$134.00 per lot for Health Dept. review	\$168.00
CONSERVATION HALTON FEE, if req'd (incl. HST) Minor: No tech. studies req'd; Intermediate/Major: 1 or more tech. studies req'd For CVC or GRCA, contact applicable Conservation Authority directly		Payable by cheque only \$300.00 Minor \$625.00 Intermediate/Major

or

TYPE 1 Non-Residential; Commercial/ Industrial; subject to Site Plan Approval	TOWN APPLICATION FEE Required for ALL applications	Payable by cheque/debit/cash \$6,723.00
HALTON REGION APPLICATION FEE (Includes all applicable taxes) Required for ALL applications - Select Urban or Rural (below)		
	Urban (Lots with Regional Water/Wastewater);	\$34.00
	Rural (Lots with Private Well and/or Septic) Includes additional \$134.00 per lot requiring Health Dept. review	\$168.00
CONSERVATION HALTON FEE, if req'd (incl. HST) Minor: No tech. studies req'd; Intermediate/Major: 1 or more tech. studies req'd For CVC or GRCA, contact applicable Conservation Authority directly		Payable by cheque only \$300.00 Minor \$625.00 Intermediate/Major

TYPE 1 vs. TYPE 2 FEES

Criteria established by the current Town of Milton By-law (as may be amended from time to time) requires payment of various rates, fees and charges for services provided by the Municipality, defines application types and applies as follows:

TYPE 2 (Minor) APPLICATIONS – Minor Variance or Request for Permission

Generally, Type 2 applications are related to residential uses, as follows:

- i) Any application to permit the construction of accessory buildings or structures on properties used for public or agricultural purposes;
- ii) Any application to permit the construction of a building or structure accessory to one single-detached dwelling, semi-detached dwelling, duplex dwelling or street townhouse dwelling;
- iii) Any application to recognize an existing variance(s) inadvertently arising from authorized construction or any application required as a condition of consent. Notwithstanding the foregoing, in no case shall a Type 2 application fee apply to an application to recognize illegal construction.

TYPE 1 (Major) APPLICATIONS – Minor Variance or Request for Permission

- i) Any application not defined as Type 2. Generally, Type 1 applications are related to commercial or industrial uses.

SUBMITTING YOUR APPLICATION

- **IMPORTANT!** A minimum of five (5) working days prior to any COA deadline, Applicant/Agent must provide a completed, draft application (+ drawings) to the Committee Secretary-Treasurer for advance zoning and planning review. E-Mail submission is encouraged. An application will be considered complete only when the zoning and planning review has been completed and signed off. This clearance + final submission of the required copies, fees, etc. must be completed by the published COA deadline. An applicant is encouraged to coordinate with a Zoning Officer and Development Review Planner prior to submitting a draft application to discuss the merits of the proposal, confirm variances/ permissions that may be required, and identify any documentation needed in support of the application. Insofar as possible, scheduling an appointment with Staff is recommended.

To contact Zoning Staff directly, please call the General Inquiry Line at 905-878-7252, Extension 2329.

- Prior to submission of the completed application form, and based upon the information provided by the applicant, the Zoning Officer will complete a Zoning Pre-consultation Form which is to be used for internal information purposes only.
- The application form should be completed by the property owner or solicitor/authorized agent. If the application is submitted by a solicitor or agent on behalf of the owner, the associated authorization form must be completed and signed by the owner. If the owner 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 (if any) must be affixed. Documentation confirming signing authority may be required. The name and title of the signatory are to be included under the signature blocks.

ORIGINAL SIGNATURES ARE REQUIRED FOR THE RECORD.

CAUTION: If the application is prepared by a solicitor or agent, the owner's authorization should not be given until the completed application and attachments have been examined and approved by the owner.

- A Commissioner for Taking Affidavits **MUST** witness signatures on the application form. Photo I.D. (e.g. driver's licence) is required. This service is available at no cost in the Town's Planning Department.
- All questions must be answered/completed exactly (i.e. "see plan" is not acceptable). It is very important that the reasons given for not being able to comply with each of the zoning provisions (Page 2 of application form) are specific and fully explained. If the space provided on the form is insufficient, a separate explanatory letter should be provided as part of the submission. If other additional information would be helpful to the Committee Members and Staff in their review of the application, this should also be provided in the form of a letter or e-mail.
- It is the responsibility of the Owner/Authorized Agent to provide complete and accurate information. The application will **NOT BE ACCEPTED** until all questions have been answered and all requirements have been met. If the form is found to be incomplete or inaccurate, the application will be returned (without prejudice) for completion, correction or clarification prior to acceptance and processing by Town Staff.
- It is important that the Applicant be satisfied that any application for minor variance meets the four tests outlined in the Section 45(1) of the "Planning Act", i.e.:
 - 1) That the application is considered to be minor in nature;
 - 2) That the application meets the intent and purpose of the Zoning By-law;

- 3) That the application meets the intent and purpose of the Official Plan; and
 - 4) That the application is considered to be desirable for the appropriate development or use of the property.
- If an application is being made under any subsection of Section 45(2) of the "Planning Act", the Applicant must be satisfied that the application meets the corresponding criteria.
 - A legal survey or sketch/drawing of the subject property is to be submitted and forms part of the application. It is the Owner's responsibility to ensure the accuracy of any site plan provided. This sketch must be legible in all respects. If full-sized copies are provided, a reduction (not larger than 11" x 17") is also required. Over-sized drawings must be folded to a size of 11" x 17" or smaller. Digital drawings may also be requested.
 - The required site plan must show:
 - the proposed minor variance/request(s) – to be clearly identified;
 - boundaries and dimensions using metric measurements;
 - location, size and type of all existing and proposed buildings and structures, indicating the distance of the buildings or structures from the lot lines for the front, rear and side yards;
 - location of railways, roads, driveways, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, easements, wells and septic tanks, etc.;

IMPORTANT! In the case of rural applications, BOTH the EXISTING AND/OR PROPOSED WELL(S) AND SEPTIC SYSTEM(S) must be clearly shown.

 - locations, caliper sizes, and species (if possible) of existing trees on-site and within the municipal/ public right(s)-of-way abutting the subject property. Any proposed tree removal/replacement in the right(s)-of-way should be clearly identified and will be subject to approval by the Milton Community Services Department. Further details may be obtained from Community Services Staff directly.
 - At time of submission, the ORIGINAL COMPLETED APPLICATION FORM + 20 COPIES, together with corresponding copies of the survey/sketch, must be provided. All drawings/associated documents must be collated and appended to each copy of the application form.
 - The following additional information in support of an application may also be provided by the applicant and/or required by the Town:
 - a) A property deed as proof of ownership. If there is more than one owner, all parties are required to sign the application and/or authorization form;
 - b) Where a corporation owns the subject property, the Town may require Articles of Incorporation or similar documentation as evidence of ownership and signing authority;
 - c) Reduced copies of any building/elevation plans or site plans;
 - d) Photographs (will not be returned);
 - e) Affidavit or other documentation confirming the legal non-conforming status of a property or use; and
 - f) Additional supporting documentation as may be determined by Town Planning Staff; for example, planning justification, parking brief, traffic study.

HOW AN APPLICATION IS PROCESSED

- Once a completed application has been submitted, Requests for Comments and Notices of Public Hearing are circulated a minimum of ten days prior to the Committee hearing (as required by the "Planning Act").
- The application form is circulated to certain municipal departments and agencies for review and comment. Copies of comments received, other than those of "No Objections/No Concerns", will be made available to the applicant or agent, prior to the Public Hearing.
- A Notice of Public Hearing is also sent to property owners within 60 metres (200 feet) of an urban property or 120 metres (400 feet) of a rural property. These owners have the right to attend the scheduled hearing and express any concerns or support they may have.
- In conjunction with a copy of the Public Hearing Notice, one notice placard (two or more for a corner lot) will be provided to the applicant. The placard must be posted on the property at least ten (10) days prior to the hearing. The placard must be clearly visible to Committee Members and passersby, located as close to the front of the property as practicable, and maintained in good repair.
- The applicant will be required to return an Acknowledgment of Posting (including photographs) to the Committee Secretary-Treasurer. The placard must remain posted on the subject property until the completion of the Appeal period.

WHAT TO EXPECT AT THE PUBLIC HEARING

- Committee Meetings are held monthly in the Council Chamber at Milton Town Hall West and are open to the public. The Committee comprises 5 Milton residents appointed by Council to consider "Planning Act" (Sections 45 and 52) applications on behalf of the Town of Milton.
- The applicant and agent are asked to attend the Public Hearing. In the event that a representative does not attend, the Committee may defer the application to a future meeting or the application may be considered

without any further input from the applicant or agent. If someone other than the applicant or authorized agent will be attending the Hearing to speak to an issue, the Committee Secretary-Treasurer is to be advised in writing prior to the Meeting.

- Applicants or their representatives will be asked to swear or affirm as to their testimony and to give a brief verbal explanation of their proposal and the reasons for it. The Committee may, in turn, ask questions of the applicant for clarification.
- Delegations are generally limited to 5 minutes; any extensions in time are at the discretion of the Committee Chair.
- At the Meeting, Members will consider all available evidence, including representations from those in attendance, and make a decision - either approving or refusing the proposed variance/request(s). If a variance/request(s) is/are approved, conditions can also be imposed. On occasion, and with reason, consideration of an application may be deferred or rescheduled to a subsequent meeting.

FOLLOWING THE DECISION

- Within 10 days of the decision date, a copy of the decision will be mailed to the applicant and those having made a written request. A 20-day appeal period follows the decision date, during which time the decision may be appealed, by either an owner/applicant, interested person or the Town.

If No Appeal

- If no appeal has been lodged upon completion of the 20-day appeal period, the decision of the Committee (including any conditions that may have been imposed) is considered to be final and binding, pending clearance of the conditions. Written confirmation as to whether or not there has been an appeal will be provided to the applicant/agent by the Town.

If Appealed

- An appeal must be lodged within the 20-day appeal period (deadline date will be noted in Decision).
- The requisite appeal form is available on the Ontario Municipal Board (OMB) website at <http://elto.gov.on.ca> or can be obtained by contacting the Committee Secretary-Treasurer.
- Appeal fees are to be paid by the appellant with a certified cheque or money order in the amount of \$300.00 (Canadian funds) and made payable to the 'Minister of Finance'.
- The completed Appeal Form (+ fee) is to be sent directly to the Secretary-Treasurer, Milton Committee of Adjustment and Consent. Given timing constraints, hand delivery is recommended.
- Where an appeal is lodged, the Town will provide acknowledgement to the applicant and agent and will redirect the matter to the OMB for processing. All further notice respecting the application can be expected from the OMB, and not the Town/Committee of Adjustment.
- The OMB will hold a public hearing, generally in Milton, to decide the final disposition of an application.
- Additional information regarding the appeal process is readily available on the Board's website.

CONDITIONS AND FOLLOW-UP

- Where specific conditions of approval have been imposed by the Committee or OMB, all requirements must be fulfilled to the satisfaction of the agency having recommended the condition and associated confirmation is to be provided to the Committee Secretary-Treasurer. Obtaining these clearances (generally subject to a specific timeframe) is the sole responsibility of the Applicant.
- An approval will only be considered final and complete, when all conditions have been fulfilled within the stipulated timeframe.

APPLICANT NOTES:

SCHEDULE 'A' - CHECK LIST FOR OWNER/AGENT/SOLICITOR

PRE-SUBMISSION - a minimum of one (1) week in advance of the Final COA Deadline

- The proposal has been discussed with Milton Zoning and Planning Staff and the Committee Secretary-Treasurer with a sketch and draft of required documentation having been submitted for review.
- Additional information, if requested by Town Staff, has been provided for consideration.
- Clearance to proceed/submit has been provided by Zoning Officer/Committee Secretary-Treasurer.

UPON SUBMISSION – on or before Final COA Deadline

- The information being provided has been reviewed by the owner/agent/solicitor.
- All questions on the application have been fully completed or marked “not applicable” and the affidavit has been properly sworn.
- The required plans/surveys (in metric measurements), associated elevations, photographs, etc. are attached to the application form. Over-sized drawings are to be folded to a size no greater than 11” x 17”. **IMPORTANT!** For rural properties, existing and/or proposed wells and septic systems **MUST** be clearly located on the drawing.
- Any additional information required in support of the application is attached to form.
- Meaningful reasons **MUST** be provided as to why each of the requested variances is required and the provisions of the Zoning By-law cannot be met.
- The original, plus twenty (20) copies of the signed, completed application form and survey/sketch(es) are provided. **ALL** copies are to be collated and stapled/clipped, prior to submission.
- Current Application fee(s), payable to the Town of Milton, Region of Halton, and applicable Conservation Authority (as required) are included. Separate payments are required. Refer to Page 1 of this document for guidance.
- The owner(s) or a duly authorized agent has signed the application. Original signature(s) required.
- If the owner is a Corporation, the person signing must have corporate authority to do so. The Corporate seal (if there is one) is to be placed over the signature and the position of the signatory is to be designated. Supporting evidence of signing authority may be required.
- The signature(s) must be witnessed by a Commissioner for Taking Affidavits.

POST-SUBMISSION

- Notice placard(s) will be provided and is to be posted in a prominent location on the subject property, clearly visible to passersby. Confirmation (including photographs) is to be provided to the Secretary-Treasurer immediately upon posting.
- Signage is to be maintained, in good repair, until after the decision has been made and the appeal period is complete. It is the applicant’s responsibility to remove the sign when advised to do so.
- Applicant and Agent (if any) to attend Hearing. Alternatively, if someone else is to attend Hearing, it is the Owner/Agent’s responsibility to advise the Committee-Secretary in advance, in writing.

POST HEARING

- Applicant is responsible for satisfying all conditions, if, as, and when required.

Further information about the Committee of Adjustment function is available on the Town’s website at www.milton.ca. Alternatively, information can be obtained from:

Secretary-Treasurer, Committee of Adjustment and Consent
Telephone: 905-878-7252, Extension 2315
E-Mail: betty.cunningham@milton.ca

Personal information collected on any Committee of Adjustment (COA) application form is collected under the “Planning Act, 1990 (as amended)”, and will be used to assess applications made under the current Comprehensive Zoning By-law for the Town of Milton. Questions about this collection should be directed in writing to the Commissioner of Planning and Development, Town of Milton, 150 Mary Street, Milton ON L9T 6Z5 or by telephone at 905-878-7252, Extension 2301.



**PLANNING AND DEVELOPMENT DEPARTMENT
 Committee of Adjustment and Consent**

150 Mary Street
 Milton ON L9T 6Z5

Tel: 905-878-7252, Ext. 2315
 www.milton.ca

2017

Milton Committee of Adjustment - Minor Variance Applications

This Schedule applies to minor variance applications ONLY. Consent applications are NOT subject to this schedule of predetermined deadline and meeting dates, since public hearings are not necessarily required. For information regarding timing related to specific consent submissions, please contact Committee Secretary-Treasurer.

MEETING LOCATION

Council Chamber, Town Hall West, 150 Mary Street, Second Floor, Milton.
 Parking and entry to the building is available from Mary Street. Watch for signage.

Public Hearings are typically held on Thursday evenings, once a month.

Refer to current schedule for specific meeting dates.

All regularly-scheduled meetings, unless otherwise specified*, will start at 7:00 p.m.

One draft copy of completed application and associated drawings (together with supporting documentation, as may be identified by Town Staff) is required for preliminary zoning/planning review. Wherever practicable, this is to be submitted by e-mail to the Committee Secretary-Treasurer. Once Town Zoning and Planning Staff has completed the necessary review, the Applicant will be advised and final submission (including extra copies, fees, etc. as outlined in associated Guidelines) can be made directly to the Committee Secretary-Treasurer, by appointment.

Zoning Submission Deadline (for draft application)	Final Submission Date (for complete application)	Meeting Date
<u>Friday</u> , December 9, 2016	<u>Friday</u> , December 16, 2016	Thursday, January 26, 2017 *7:30 p.m. start
Tuesday, January 17, 2017	Tuesday, January 24, 2017	Thursday, February 23, 2017
Tuesday, February 21, 2017	Tuesday, February 28, 2017	Thursday, March 30, 2017
Tuesday, March 21, 2017	Tuesday, March 28, 2017	Thursday, April 27, 2017
Tuesday, April 18, 2017	Tuesday, April 25, 2017	Thursday, May 25, 2017
Tuesday, May 23, 2017	Tuesday, May 30, 2017	Thursday, June 29, 2017
Tuesday, June 20, 2017	Tuesday, June 27, 2017	Thursday, July 27, 2017
Tuesday, July 25, 2017	Tuesday, August 1, 2017	Thursday, August 31, 2017
Tuesday, August 22, 2017	Tuesday, August 29, 2017	Thursday, September 28, 2017
Tuesday, September 19, 2017	Tuesday, September 26, 2017	Thursday, October 26, 2017
Tuesday, October 17, 2017	Tuesday, October 24, 2017	Thursday, November 23, 2017
Tuesday, November 7, 2017	Tuesday, November 14, 2017	Thursday, December 14, 2017
Tuesday, December 12, 2017	Tuesday, December 19, 2017	Thursday, January 25, 2018
Tuesday, January 16, 2018	Tuesday, January 23, 2018	Thursday, February 22, 2018