



Committee of Adjustment and Consent

Minor Variance Application Guidelines

What is an application for a Minor Variance?

The owner of a property or any person authorized in writing, by the owner, who has been denied a Building Permit, a Zoning Certificate of Occupancy or is unable to comply with the provisions of the Zoning By-law, may apply to the Committee of Adjustment by means of an “Application for Minor Variance” for relief from the Zoning By-law.

Minor Variances may be granted provided that, in the opinion of the Committee, the request is minor in nature, is desirable for the appropriate development or use of the land, building or structure and in the opinion of the Committee, the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

The Committee of Adjustment is composed of three (3) members, who are appointed by the Council of the Town of Milton. The authority of the Committee of Adjustment is set out in the Planning Act.

How do I apply?

If you wish to the Committee of Adjustment and Consent, you should obtain and complete the application form. The application form outlines the requirements for submitting an application for minor variance. The requirements include a site plan or survey which will indicate the location of the property, the setbacks of all buildings or structures on the property and sufficient information to clearly identify the variance required.

The application package is available at the Planning and Development Office, 150 Mary Street, 2nd Floor, 150 Mary Street or online at <https://www.milton.ca/en/build/committeeofadjustment.asp>.

What happens next?

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.

What happens at the Hearing?

At the Hearing, you or your authorized agent will be required to make a verbal presentation of your case to the Committee. Please bring a copy of your plans with you to the Hearing for your presentation. Plans should be a maximum of 11x17” paper format for the document camera. Presentations may also be made by any other interested parties in support or in objection to your application.

The Committee considers all presentations for and against your proposal and renders a verbal decision in the presence of all interested parties at the time of the Public Hearing. An approval of your application may be subject to such conditions and/or restrictions as the Committee deems appropriate.

What happens after the Hearing?

A written decision from the Committee will be sent to the applicant, authorized agent and any and all persons that requested a copy of the decision within ten (10) days from the date of the Hearing. At the end of the twenty (20) day appeal period, if there has been no appeal filed, the decision will become final and binding and a notice to this effect will be issued.

Where specific conditions of approval have been imposed by the Committee, 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.

Appeal Provisions:

The decision of the Committee of Adjustment and Consent is subject to appeal within twenty (20) days from the date that the decision is signed. During the appeal period any person having an interest in the application may file an appeal of the Committee's decision to the Local Planning Appeal Tribunal (LPAT). The notice of appeal is filed with the Secretary Treasurer of the Committee of Adjustment. The notice of appeal must be in writing and outline the reasons for the objection. A certified cheque or money order in the amount of \$300.00 payable to "Minister of Finance" must be included with a notice of appeal form which is available at www.elfto.gov.on.ca/tribunals/lpat/forms

The notice of appeal, the fees and all required documents will be forwarded by the Secretary-Treasurer to LPAT. All further inquiries will be handled through LPAT staff.

All additional information regarding the appeal process is available on the Tribunal's website.

<p style="text-align: center;">NOTICE TO ALL APPLICANTS OF MINOR VARIANCE APPLICATIONS TO THE TOWN OF MILTON COMMITTEE OF ADJUSTMENT</p>

1. Before you prepare and submit your application to the Committee of Adjustment, it is strongly recommended that you consult with Zoning Staff and Development Review staff to discuss the merits of the proposal, confirm variances that may be required and identify any documentation needed in support of the application.
2. For requests for reductions in required parking, it may be required that you provide a Letter of Justification (10% reduction or less) or a Parking Study (greater than 10% reduction).
3. A public notice sign (placard) will be provided to you and is required to be posted in a prominent location on the subject property for a minimum of ten (10) days before the scheduled Hearing of the Minor Variance Application.
4. Conservation Authorities may require that an application review fee be paid if the property is situated within an area under their control. Please contact the appropriate conservation authority to confirm.
5. Development Charges may be payable prior to the issuance of a Building Permit.
6. The Committee of Adjustment and Consent requires that all property that are subject to an application be property identified with the following:
 - a. All buildings shall have the street number clearly displayed and the street number shall be visible from the street.
 - b. In the event that a unit within a building is the subject of an application, the unit number shall be clearly displayed on the door of the unit.

ADDITIONAL INFORMATION REGARDING THE APPLICATION PROCESS
MAY BE OBTAINED BY CALLING THE COMMITTEE OF ADJUSTMENT OFFICE
AT 905-878-7252 EXT. 2313

Fees

Effective January 1, 2019 and revised March 2019, the fee for a minor variance application to the Committee of Adjustment is as follows:

TOWN OF MILTON: <i>(Fee payable by cheque to "Town of Milton", or cash or debit)</i>	
Type 2: Residential, per application:	\$1,877.00
Type 1: Commercial/Industrial, per application:	\$7,027.00
HALTON REGION: <i>(Fee payable by cheque only to "Halton Region")</i>	
Urban (Regional Water and Wastewater), per application:	\$34.94
Rural (Private Well and/or Septic), per application:	\$173.94
CONSERVATION HALTON: <i>(Fee payable by cheque only to "Conservation Halton")</i>	
Minor:	\$590.00
Intermediate/Major:	\$1,810.00
No Objections Letter:	\$120.00

Checklist

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

<input type="checkbox"/>	Completed draft application and drawings provided to Committee Secretary-Treasurer for pre-Zoning/Planning Review
<input type="checkbox"/>	Clearance to proceed/submit has been provided by Zoning/Committee Secretary-Treasurer

Submission Requirements on or before Final COA Deadline (see Page 4)

<input type="checkbox"/>	Original Signed Completed Application Form and Plans/Sketches/Drawings (original signatures required) (all sections completed) PLUS five (5) copies of above plus one (1) digital copy of all plans/sketches must be provided to the Committee Office via email or USB. All copies are to be collated and stapled no larger than 11" x 17"
<input type="checkbox"/>	Current Application fee(s), payable to the Town of Milton, Halton Region, and applicable Conservation Authority (as required) are included. Separate cheques are required.

Notes:

<input type="checkbox"/>	All sketches/drawings are to be on plain paper no larger 11"x17" and legible
<input type="checkbox"/>	The required site plan must show: <ul style="list-style-type: none"> • 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 (in metric); • the location of all natural and artificial features on the subject land and on the 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, well and septic tanks; • IMPORTANT! In the case of rural applications, both the <u>existing</u> and/or <u>proposed</u> well(s) and septic system(s) must be clearly shown. • the location and nature of any easements affecting the subject land.
<input type="checkbox"/>	Floor Plans and Building Elevations as required
<input type="checkbox"/>	Additional supporting documentation as may be determined by Town Planning Staff; for example, planning justification, parking brief, traffic study.



Town of Milton
150 Mary Street
Milton Ontario
L9T 6Z5

Tel: 905-878-7252
www.milton.ca

Committee of Adjustment and Consent

2019

Minor Variance Applications Submission Deadline Dates

MEETING LOCATION

Council Chamber, Town Hall West, 150 Mary Street, Second Floor, Milton.

Parking and entry to the building is available from Mary Street.

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/drawing)	Final Submission Date (for complete application)	Meeting Date
Tuesday, December 11, 2018	Tuesday, December 18, 2018	Thursday, January 31, 2019
Tuesday, January 22, 2019	Tuesday, January 29, 2019	Thursday, February 28, 2019
Tuesday, February 19, 2019	Tuesday, February 26, 2019	Thursday, March 28, 2019
Tuesday, March 19, 2019	Tuesday, March 26, 2019	Thursday, April 25, 2019
Tuesday, April 23, 2019	Tuesday, April 30, 2019	Thursday, May 30, 2019
Tuesday, May 21, 2019	Tuesday, May 28, 2019	Thursday, June 27, 2019
Tuesday, June 18, 2019	Tuesday, June 25, 2019	Thursday, July 25, 2019
Tuesday, July 23, 2019	Tuesday, July 30, 2019	Thursday, August 29, 2019
Tuesday, August 20, 2019	Tuesday, August 27, 2019	Thursday, September 26, 2019
Tuesday, September 17, 2019	Tuesday, September 24, 2019	Thursday, October 24, 2019
Tuesday, October 15, 2019	Tuesday, October 22, 2019	Thursday, November 21, 2019
Tuesday, November 5, 2019	Tuesday, November 12, 2019	Thursday, December 12, 2019
Tuesday, December 10, 2019	Tuesday, December 17, 2019	Thursday, January 30, 2020
Tuesday, January 21, 2020	Tuesday, January 28, 2020	Thursday, February 27, 2020

Please note that this schedule applies to Minor Variance Applications only.