

## **MINOR VARIANCE APPLICATION SUBMISSION REQUIREMENTS AND INFORMATION**

### **1.0 BEFORE SUBMITTING AN APPLICATION**

- 1.1 Prior to submitting an application, it is strongly recommended that you contact Planning staff in order to determine the feasibility of your proposal at [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca) or by visiting the front counter of the 5<sup>th</sup> floor, City Hall, 71 Main Street West, Hamilton. Please include the subject address, brief sketch and/or explanation of the proposal.
- 1.2 If you have questions regarding what specific variances are required (Section 3 of the Application Form), please contact [zoninginquiry@hamilton.ca](mailto:zoninginquiry@hamilton.ca). Please note fees and additional information may be required to determine what variances would be required.
- 1.3 Information regarding City of Hamilton Official Plans and Zoning By-law can be found at <https://www.hamilton.ca/city-planning/official-plan-zoning-by-law>

### **2.0 COMPLETENESS OF THE APPLICATION**

#### **2.1 Minor Variance Application – Required Items**

- a) Prescribed Fee – See Section 5
- b) Site Sketch – See Section 6
- c) Application Form – Fully completed, with all sections filled out, signed by the owner (and agent if applicable). If information is unknown, contact [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca) for assistance.

For Reference:

Application Form – Section 5.5:

Rural Hamilton Official Plan Designation (if applicable):

<https://www.hamilton.ca/build-invest-grow/planning-development/official-plan/rural-hamilton-official-plan> (Refer to Schedule D – Rural Land Use Designations)

Urban Hamilton Official Plan Designation (if applicable):  
<https://www.hamilton.ca/build-invest-grow/planning-development/official-plan/urban-hamilton-official-plan> (Refer to Schedule E-1 – Urban Land Use Designations)

Application Form – Section 5.6:

Find Zoning for an Area or Property:  
<https://www.hamilton.ca/build-invest-grow/planning-development/zoning/interactive-zoning-mapping>

- d) Signatures Sheet – All signatures must be submitted as part of a complete application. Section 10 of the Application Form must be sworn before a Commissioner of Oaths.

Commissioning of Oaths is available at City Hall in the following locations:  
1<sup>st</sup> Floor – Clerk's Office (subject to a fee)  
5<sup>th</sup> floor – Planning Division Counter

- 2.2 The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation 200/96 made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

- 2.3 Section 3.1 of the Minor Variance Application Form

- a) This item is extremely important as this is the reason for the application. The Notice of Hearing for the application and the Decision are both formulated from this item. It is imperative that the applicant **clearly indicate all of the variances** being applied for in exact mathematical terms with proposed figures. **All measurements shall be provided in metric.** If the applicant has any doubt as to why a variance application is necessary or as to the detail of the nature of the variances, then the applicant should contact the Zoning Section ([zoninginquiry@hamilton.ca](mailto:zoninginquiry@hamilton.ca)).
- b) The staff processing the Minor Variance application cannot look beyond the information provided in Section 3.1 and must process your application on the basis of information in Section 3.1. **This is your application. Make sure you know the details of exactly why you have to apply to the Committee of Adjustment.**
- c) Any errors or omissions in Section 3.1 could result in discovery at the hearing that there is need for additional variances or a change requiring recirculation of your application, resulting in further delay and in some cases the need for submission of an additional application with a further application fee.

- d) If the application is being made for an Additional Dwelling Unit it must be clearly noted on the application (see Section 3.1) as a specific fee is applicable.
- e) If the scope of work involves a reconstruction of an existing dwelling (building being all or partially demolished) it must be clearly noted on the application (see Section 3.1) as a specific fee is applicable.

### 3.0 PROCESS

- 3.1 **Application is accepted.** See Section 4 regarding the information and documents required for a complete application.
- 3.2 **Staff review.** Staff review the application for zoning compliance and additional variances. If sufficient information has not been provided to determine all required variances, the hearing may be delayed.
- 3.3 **Notice of Public Hearing.** The application will be scheduled for a Public Hearing, and a Notice will be sent to the applicable neighbouring property owners, public bodies and interested parties. A Sign must also be posted on the property. It is the responsibility of the applicant to ensure the sign remains erect, visible and accessible from the road (i.e. the public need to be able to read the sign) a minimum of 10 days before the hearing until the day following the public hearing.
- 3.4 **Written comments.** Written comments must be submitted by the date included in the Notice of Public Hearing. Those wishing to submit verbal comments must register by the date included in the Notice of Public Hearing and present their comments at the hearing to the Committee members directly (either in person or virtually if the delegation has been registered). Verbal comments cannot be received before the hearing. Comments received are considered public information and cannot be submitted anonymously. Written Comments will be consolidated and posted on the Committee's webpage two business days before the hearing by 4:00 p.m.
- 3.5 **Public Hearing.** A Public Hearing will be held, and the Committee of Adjustment will make a Decision with regards to the relief [Minor Variance(s)] requested. It is required that the applicant and/or owner attends the hearing to answer any questions the Committee may have. If a representative does not attend the hearing, the Committee may proceed to make a decision in your absence. The Committee will also consider written comments from staff and any other interested parties received prior by the noted deadline and verbal comments received during the hearing.
- 3.6 **Notice of Decision.** Following the Date of Decision, where a Decision of the Committee is made, a Notice of Decision will be sent out to the applicant as well as anyone who filed a written request for a Notice of Decision. A copy will also be posted on the Committee of Adjustment's webpage. Information included in the Notice of Decision will include Conditions of Approval (if any), an outline of the appeal procedures, and will identify the last day to appeal the Committee's decision to the Ontario Land Tribunal.
- 3.7 **Final and Binding.** If no appeal is made by the end of the 20-day appeal period, the decision is final and binding. A Notice of No Appeal (final and binding letter) will be sent

to the primary contact; this should be provided in conjunction with the Notice of Decision if needed for any further applications.

## 4.0 GENERAL NOTES

- 4.1 Submission of a Minor Variance application constitutes tacit consent for authorized municipal staff and Committee members to inspect the subject lands or premises.
- 4.2 Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation. The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
- 4.3 The application form is formatted to be printed on Letter paper size (A4, 8.5 inches by 11 inches) or scaled accordingly.

## 5.0 FEES

The application fee is payable at the time of submission of the completed application and is **non-refundable** whether the application is approved or denied.

### 5.1 Payment Types

- a) Cheque, made payable to The City of Hamilton
- b) Credit Card (Visa/Mastercard) (In person at City Hall or by telephone)
- c) Debit Card (In person at City Hall)

### 5.2 Minor Variance Application Fees:

- a) **Routine – \$740.00** (applies to Additional Dwelling Units, parking for Additional Dwelling Units, pools, decks, sheds, accessory buildings, porches, eave projections, recognizing legal non-complying situations, and outdoor commercial patios).
- b) **Standard – \$4,105.00**
- c) **After the Fact\* – \$5,125.00**  
\*Applicable fee if construction has already taken place and/or where an Order to Comply has been issued by the Building Division.
- d) **Recirculation Fee – \$340.00**

### 5.3 Conservation Authority Plan Review Fees:

Please contact the Conservation Authorities directly to confirm fees and arrange payment of Conservation Authority Plan Review Fees.

**Contact information:**

Hamilton Conservation Authority:	905-525-2181
Halton Conservation Authority:	289-230-0104
Grand River Conservation Authority:	519-621-2763 extension 2324
Niagara Peninsula Conservation Authority:	905-788-3135

## **6.0 SITE SKETCH**

### **6.1 Required Information**

The application must be accompanied by a sketch or survey plan (in metric) containing the following information (you may submit additional sketches if all information is not able to be provided on one plan):

- 1) The true dimensions and boundaries of the property for which the application is being made (note: a sidewalk is not usually a lot line);
- 2) The location, size and type (e.g. deck, Single Detached Dwelling, etc.) of all existing buildings, structures or uses on the subject property, including setbacks measured from the front, rear and side lot lines;
- 3) The location, size and type of all proposed buildings, structures or uses on the subject property (e.g. covered porch, Duplex Dwelling, parking spaces, etc.), including setbacks measured from the front, rear and side lot lines;
- 4) All projections from buildings and structures, including but not limited to eaves and gutters, steps, fire escapes/exterior staircases, etc.;
- 5) Location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that may affect the application (e.g. railways, trees, wells and septic tanks);
- 6) Location, width and name of any roads within or abutting the subject land;
- 7) Location and nature of any easement affecting the subject land;
- 8) The information provided must be legible and drawn with good drafting techniques;
- 9) The submitted sketch shall be a minimum paper size of Letter (A4, 8.5 inches by 11 inches) a maximum paper size of Ledger (A3, 11 inches by 17 inches); or an electronic copy in PDF format.

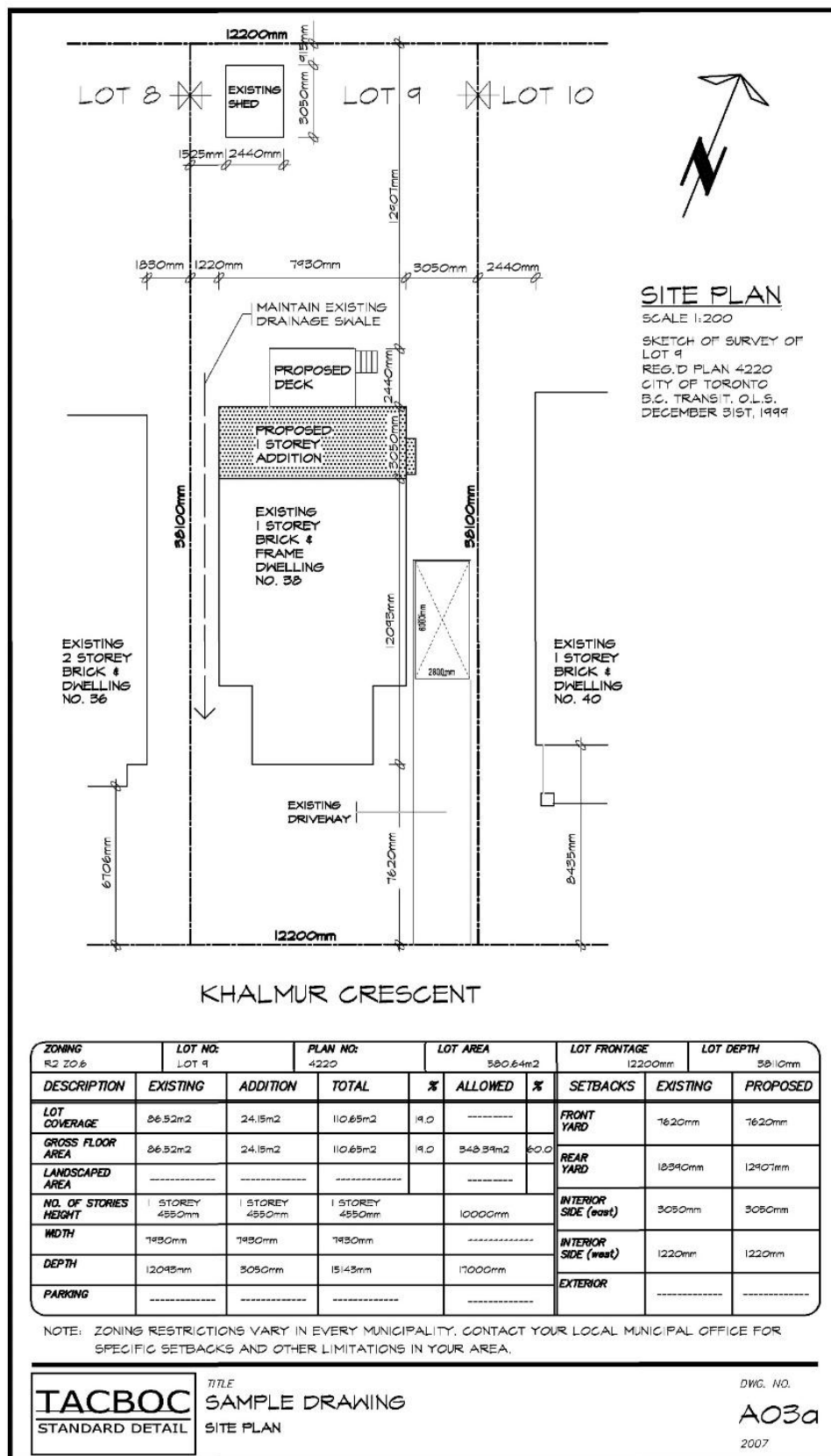
### **6.2 Additional Information Required**

The following information may be required depending on the nature of variances sought. Please contact the Planning Division for assistance in determining what information may be required for your application.

- a) Lot coverage for all buildings, structures and uses;
- b) Dimensions and floor plans;
- c) Elevation plans showing height of building/structure;
- d) Percentage and dimensions of front yard landscaping, planting strips and additional landscaping as required;
- e) Percentage/width of front yard driveway;
- f) Access driveway width;
- g) Size and location of loading spaces; and
- h) Large (full sized) drawing for large-scale developments, must be adequately legible.

Please note failure to provide this information as required could result in the delay of your application.

### 6.3 Sample Sketch – Simple site sketch below, shows required information.



## 7.0 SUBMISSION OF THE APPLICATION

A separate application form is required for each property, along with the applicable fee as indicated above. Please note the nature of the information/reports vary with the type of land uses proposed, the existing land use and topographic features.

Applications may be submitted via electronic submission or hardcopy submission. Electronic submissions must be sent to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Hardcopy submissions must be mailed or dropped off to Committee of Adjustment, 5th floor, 71 Main Street West Hamilton, Ontario L8P 4Y5. Hardcopy submissions (including envelopes containing cheques) must be clearly addressed to **Committee of Adjustment**.

### 7.1 Electronic Submission

- a) Acceptable file formats are .pdf, .jpeg, or .doc. All other formats will be returned as we are unable to process them.
- b) The standard naming convention for files is as follows: MV\_Address\_Document Type (e.g., MV\_71 Main St. W.\_Application Form)
- c) The Submission must include:
  - i) One (1) copy of the completed application form (all applicable sections filled out and commissioned);
  - ii) One (1) copy of the Survey or Site Sketch, including all required information per Section 6;
  - iii) One (1) of any additional information, including studies; and
  - iv) Payment information, either credit card payment (name and phone number of the person paying; they will be contacted by staff) or scan/picture of cheque(s). All physical cheques must be mailed or dropped off at City Hall as per the instructions above.

### 7.2 Hardcopy Submission **ONLY**

- a) One copy of the completed application form and all signature sheets (with all applicable sections filled out and commissioned);
- b) One copy of the Survey or Site Sketch, including all required information per Section 6 (a Letter size sheet A4, 8.5 inches by 11 inches or no larger than a Ledger size sheet A3, 11 inches by 17 inches);
- c) One copy of the information/reports if indicated as needed when completing the sections of the application form; and,



- d) Payment, either credit card (Visa/Mastercard) or debit processed at the counter or cheque(s).