



TOWN OF AURORA

MINOR VARIANCE AND/OR PERMISSION APPLICATION GUIDE

PLANNING AND BUILDING SERVICES
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**MINOR VARIANCE AND/OR PERMISSION
APPLICATION GUIDE**

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1. INFORMATION ABOUT THE VARIANCE PROCESS

The Committee of Adjustment (“Committee”) is a Committee comprised of Town residents who are appointed by Council for a 4 (four) year term. Committee meetings are generally held at Aurora Town Hall on the second Thursday of each month. The duties and responsibilities of the Committee are outlined in the provincial *Planning Act*.

In general terms, the Committee has the power to grant the following types of relief:

- a. A **Minor Variance** from the requirements of the Town’s Zoning By-law. For example, if a building is required to be set back 9.0 (nine) metres from the front lot line and the actual or proposed building has an 8.0 (eight) metre set back, the Committee can authorize the variance of 1.0 (one) metre; and
- b. Where land, buildings or structures have been lawfully used for a purpose now prohibited by the Zoning By-law, the Committee can grant **Permission** to enlarge the buildings or structures, or may permit a similar or more compatible use, subject to certain conditions.

In making its Decision, the Committee will conduct a Public Hearing. The Applicant, together with any interested parties (i.e. neighbours), and various commenting agencies, including internal departments at the Town, the Lake Simcoe Region Conservation Authority, Toronto & Region Conservation Authority and the Regional Municipality of York will be invited to attend the hearing and/or provide written comments.

To authorize a Variance, the Committee must determine that:

- a. The Variance is minor in nature;
- b. It is desirable for the appropriate development or use of the land, building or structure;
- c. The general intent of the Town's Zoning By-law is maintained; and
- d. The general intent of the Official Plan is maintained.

To ensure these aims are met, as part of its Decision, the Committee can impose such conditions as it considers appropriate. The Decision of the Committee is usually given at the Public Hearing. Following the Decision, there is a 20 (twenty) day appeal period, during which time interested parties, may appeal the Decision of the Committee to the Ontario Municipal Board (OMB). If there is no appeal, the conditions imposed at the meeting must then be satisfied in order to finalize the variance and close the file.

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2. PREPARING THE APPLICATION FOR MINOR VARIANCE/PERMISSION

Please prepare and submit the following materials:

a) **Application Fees**

Please refer to the Fee By-law for the Committee of Adjustment Application Fees, found on the Town's website under Planning. A processing fee in the amount specified on the Fee Calculation Worksheet shall be made payable to **The Town of Aurora**, and must be submitted with this Application Form. Please note that this fee is **non-refundable** regardless of the outcome pertaining to this request. Planning Applications will not be accepted unless the full Application Fee and required material is received. The Town does not collect fees on behalf of external agencies. The fees for an associated Committee of Adjustment Application should be made at the same time. A Complete Application, including the completed Fee Calculation Worksheet and subsequent fees are required prior to initiating a new file.

b) **Preliminary Zoning Review Form**

This Form must be completed and accompanied with relevant information by the Applicant and submitted to the Building Division staff for their review. This Form confirms the relevant Zoning and Official Plan provisions and identifies whether the proposal requires any relief from the Town's Zoning By-law. Building staff will review the Form and accompanying documents and provide a return response to the Applicant within 5 (five) business days. The Applicant must submit the form along with 2 (two) copies of drawings to Building for their review. After the review is complete, 1 (one) copy of the drawings and a response letter will be provided to the Applicant. The Applicant is then required to attach this letter to their Committee of Adjustment Application Form when submitted to Planning and Building Services. For further information, please contact the Building Division.

c) **Pre-consultation Meeting**

As indicated on the Preliminary Zoning Review letter, Pre-Consultation with Planning staff is necessary prior to submission of your Application. Do speak with Planning staff in Planning Services to determine if meeting is necessary. A meeting can then be scheduled. On the Application Form, if a meeting was held, do provide relevant information on this in the Complete Application section.

d) **Completion of Application Form**

All sections of the Application Form must be completed in full. Incomplete information could result in delays in processing the Application Form. Once completed, the Declaration of Owner/Agent must be signed before a Commissioner of Oaths to affirm the accuracy of the Application Form. If an Agent is submitting the Application Form on behalf of the property Owner, the Owner(s) must complete and sign the Authorization of Agent section of the Application Form. In addition, the Owner/Agent must complete and sign the section entitled Public Record Notice and Release, relating to the use and disclosure of personal information contained in the Application Form.

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e) **Declaration of Site Plan**

The Owner or Authorized Agent must complete and sign the Declaration, in order to address survey copyrights.

f) **Declaration of Sign Posting**

An information Sign is required to be posted on the subject property. The Notice Sign is obtained from the Secretary-Treasurer at the time of Application Form submission and must be placed on the property in the manner described on the instruction sheet. The Owner or Authorized Agent must also complete and sign the Declaration to confirm the posting of the required signage on the property and must be signed before a Commissioner of Oaths.

g) **On-site Sewage System Form**

If the site is serviced by a sewage system, the Applicant should contact the Building Division staff regarding sewage servicing approvals that may be required for the property. On-site Sewage System Forms will then be required to be completed by the Building Division with additional documentation, as may be required. This does not apply to lands on full municipal services.

h) **Site Plan or Survey**

A Site Plan or Survey must accompany every Application Form, indicating the following information:

- i. The boundaries and dimensions of the subject property;
- ii. The location, size and type of all existing AND proposed buildings and structures on the subject land, indicating the distance of the buildings and structures from the front, rear and side lot lines;
- iii. The approximate location of all natural and artificial features on the subject land, and on land adjacent to the subject land that, in the opinion of the owner, may affect the Application. Examples include buildings, railways, roads, watercourses, drainage ditches, rivers or streams, wetlands, wooded areas, wells and septic tanks;
- iv. The current uses of land adjacent to the subject property;
- v. The location, width and name of any roads within or abutting the subject land, indicating whether it is a public travelled road, an unopened road allowance, a private road or a right-of-way;
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used; and
- vii. The location and nature of any easement affecting the subject land.

NOTE: The aforementioned site plan shall be a **maximum size of 8 ½" x 14"**, drawn to a **standard metric scale**. Please ensure that the dimensions of the variance(s) sought are clearly indicated on the sketch. The variance, if authorized, will be based on the sketch/survey submitted with the application. Please make every effort to ensure that the measurements given are accurate.

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3. REQUIRED ATTENDANCE AT THE PUBLIC HEARING:

Please be advised that the Committee of Adjustment for the Town of Aurora has adopted the policy that when the Applicant is not present or represented at the hearing, the hearing of the Application *may* be deferred.

4. SIGN POSTING INSTRUCTIONS

A Notice Sign must be posted on lands which are subject to a Minor Variance Application. A Notice Sign must be posted on the frontage of the subject property. Corner lots or through lots require 2 (two) signs (*one adjacent to each street*). Planning staff will determine how many signs are required.

Please follow these instructions for the proper placement of a Notice Sign:

- a) The Notice Sign has to be placed in a visible location on the subject property within 7 (seven) days after the Committee of Adjustment receives a Complete Application Form. 2 (two) pictures must then be taken with the first showing the picture close-up and a second picture taken from the street. These pictures, accompanied by the 'Declaration of Sign Posting' Form, must then be sent to Committee of Adjustment staff. Failure to post signage may lead to the delay in hearing the Application. The Commissioner of Oath portion of the Declaration Form can be completed on-site by Town staff or by an off-site Notary Public of your choice. Pictures and the 'Declaration' can be brought in person to Committee of Adjustment staff, Planning and Building Services, sent by mail to Secretary-Treasurer, Committee of Adjustment, c/o Planning and Building Services, or by email to planning@aurora.ca;
- b) The Notice Sign will be provided to the Applicant when a Minor Variance Application Form is submitted. Staff will assist in completing the information for the Notice Sign;
- c) The Notice Sign can be attached to an existing feature such as a fence or pole, or placed on a stake;
- d) The Notice Sign should be placed at the mid-point of the property's frontage and be clearly visible from the street;
- e) After the appeal period for an Application has concluded and a 'Notice of No Appeal' Form has been issued to relevant departments and the Applicant, the Notice Sign can then be removed.

If you have any questions regarding Notice Signs, please contact Planning and Building Services and speak with the Secretary-Treasurer for the Committee of Adjustment.

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Sample Sign Photographs for Minor Variance

Below are examples of Notice Sign photographs for Minor Variance Applications that are mandated by the Committee of Adjustment. The first photograph shows a close up of the Notice Sign which demonstrates how the wording on the sign should appear. The second photograph shows the location of the **Notice Sign on the property and its relative distance to the curb and the road**. Please e-mail (to planning@aurora.ca and include **file number** and **property address** in the Subject line), send in by mail (to Secretary-Treasurer, Committee of Adjustment, Town of Aurora Planning and Building Services, 100 John West Way, Aurora, ON L4G 6J1) or bring in person to Planning and Building Services pictures showing the **Notice Sign posted on the property** and the **completed 'Declaration of Sign Posting' form**.

Photograph Number 1:



Photograph Number 2:

