

## What is a Minor Variance?

If a proposed use or structure does not comply with the provisions of the Zoning By-law, but follows its general intent, the owner may apply for a Minor Variance. For example, you may want to construct a building on your property but the minimum setbacks, lot coverage or height cannot be met. A minor variance allows for a minor change from the requirements of a zoning By-law. A minor variance does not change the zoning of a property, it allows the for minor relief from a specific requirement of the By-law in order to obtain a building permit. A Zoning By-law amendment may be required if the relief from the Zoning By-law is not considered “minor”.

The decision to approve or deny a Minor Variance is made by the Municipality’s Committee of Adjustment. Section 45 of the *Planning Act* sets out the process and requirements for Minor Variance applications.

### Application

Forms are available [online](#) or at the municipal office located at 169 St David Street, Mitchell, ON N0K 1N0.

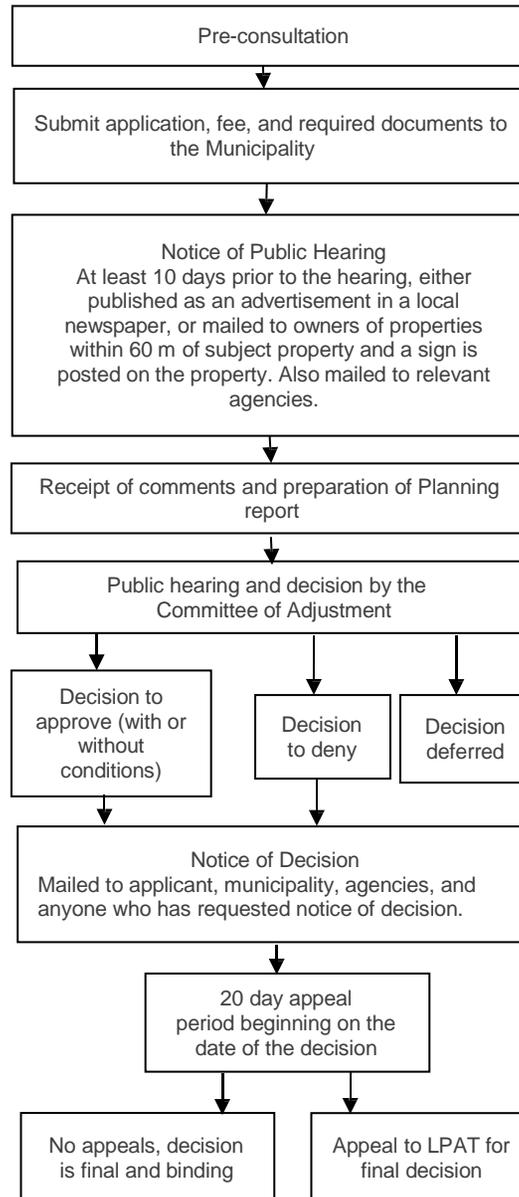


Completed applications and fee(s) are submitted to the Municipal office. Fees are as per the current “Fees and Charges” By-law.

The time from submission of a complete application to a final decision is typically two months. The decision may include an ‘expiry date’ condition.

\*Additional fees may apply; for example, if the application needs to be reviewed by the Conservation Authority and/or the Perth County Health Unit.

## Minor Variance Process



# GUIDE TO THE MINOR VARIANCE PROCESS

For more information, contact:  
Municipality of West Perth Planning Department  
169 St David Street, Mitchell, ON N0K 1N0  
519-348-8429 ext. 259  
Email: [planner@westperth.com](mailto:planner@westperth.com)  
Website: [www.westperth.com](http://www.westperth.com)

This pamphlet is intended to provide preliminary information only.

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*“Come for the day. You may just stay for a lifetime!”*

## Application Process

### 1. Preconsultation

Contact the Municipality of West Perth's Planning Department at 519-348-8429 Extension 259, or the Municipal office to arrange a meeting with the Planner. Applicants are strongly encouraged to have a pre-consultation meeting with the Planner before they submit an application. During this meeting, the details of the proposal will be discussed to determine if a Minor Variance is the best approach and how to apply. The Planner will help you understand the process and assist in finding solutions to problems.

### 2. Complete an Application

Please ensure all questions in the application form are answered and detailed explanations are given, especially for questions #6 (nature and extent of relief requested) and #10 (how the proposed development will be compatible with the surrounding uses). Also ensure that the application is accompanied with a sketch or copy of a survey showing the property and building layout, as well as the applicable application fee. Planning application forms are available [online](#) or you may ask the Planner for a copy.

### 3. Submit Application and Required Documents

Submit the application, sketch, and fee to the municipal office. You may wish to call the municipal office in advance to ensure a Commissioner is available to sign the application form. The Municipal Office contact number is 519-348-8429.

## Application Process (cont.)

### 4. Notice of Public Hearing

If the information in the application form is complete, a public hearing date is set for the application to be heard by the Committee of Adjustment. Notification of the public hearing will be sent by mail to neighbouring property owners within 60 metres of the subject property or published in a local newspaper at least 10 days prior to the hearing. A sign displaying details of the public hearing will also be posted on the subject site if a mailed notice is used. Copies of the application are circulated to the Council, municipal staff and external agencies such as the Conservation Authority and the Health Unit to obtain comments. The Planner will review the application against provincial, county, and local policies, consider all comments received, and conduct a site visit prior to preparing a planning report.

### 5. Public Hearing and Decision

At the public hearing, the Planner will present the planning report to the Committee of Adjustment. Those present are given the opportunity to speak and the Committee makes a decision on the application. If your application is approved, the Committee may impose conditions as part of its decision.

### 6. Notice of Decision

A notice of the decision which identifies appeal rights is mailed to the applicant. It is also sent to any members of the public who provided written comments or attended the public hearing and who requested to be notified of the decision of the Committee. This notice is sent within 10 days after the public hearing. Listed on this notice is the last day for appeals, which is 20 days from the date of decision.

## Application Process (cont.)

### 7. Decision is in Effect

If there are no appeals, the applicant will receive a "Notice of No Appeals" in the mail. If the application has been approved, subject to the fulfillment of any conditions set out in the final decision, the applicant will be able to apply for a building permit and be in compliance with the Zoning By-law. Please be aware that a common condition of a decision is an expiry date for the minor variance. Ask the Planner if you have any questions about the decision.



A decision only becomes final and binding if there are no appeals within the twenty day appeal period.

### Appeals

Any person who spoke at the public meeting or sent a written submission to the Clerk can appeal the decision of the Committee of Adjustment within the 20 day appeal period. Appeals are decided by the Local Planning Appeal Tribunal (LPAT). Those wishing to appeal must submit a completed Appellant Form to the Municipal Clerk along with the \$300 filing fee payable to the Minister of Finance. Website: <http://elto.gov.on.ca/tribunals/lpat/about-lpat/>

### Further Information

For more specific information related to individual applications, or for assistance in completing applications, please call:

519-348-8429 Ext. 259  
Ask for the Planner