

Application for Minor Variance

The Corporation of the Town of Whitby

575 Rossland Road East, Whitby Ontario, L1N 2M8

Telephone: 905.430.4306

[http://webforms.whitby.ca/Planning/Electronic Submission of Planning Applications](http://webforms.whitby.ca/Planning/Electronic%20Submission%20of%20Planning%20Applications)



Please read the entire application form prior to completing.

General Information and Procedures

The attached application is to be used by persons or public bodies as an application for Minor Variance. In the application, “subject land(s)” means the land(s) that is the subject of this application. This application and any attached supporting documentation, contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours. Personal information on this application is collected under the authority of the Municipal Act, as amended, and the Planning Act, as amended, and will be used for the purposes of processing this application. Questions regarding this collection should be directed to the Office of the Town Clerk at 905.430.4315 or clerk@whitby.ca.

Submission of Application:

Please complete one (1) copy of the application form in full and submit to the Secretary-Treasurer of the Committee of Adjustment with the following:

- a) A Minimum of two (2) Copies of the full size plan, plus one (1) digital copy showing the dimensions of the subject land and all abutting land and showing the location, size and type of all buildings and structures on the subject and abutting land, parking and docking facilities (if access is by water only) and the location of any easement affecting the subject lands. Further the plan should also indicate approximate location of all natural and artificial features on the subject and adjacent lands (i.e., railways, watercourses, roads, drainage ditches, wells, septic tanks, wooded areas etc.). The Committee of Adjustment may require that an Ontario Land Surveyor sign the plan. Plans must be to scale and measured in metric units.
- b) The prescribed non-refundable fee paid by cash, debit card or cheque payable to the Treasurer of the Town of Whitby.

The completed application is to be submitted to:

Town of Whitby Planning and Development Department
575 Rossland Road East
Whitby, Ontario L1N 2M8
(Telephone: 905.430.4306 or planning@whitby.ca)

Fees:

All fees, as detailed in the application, must be submitted with the completed application.

Committee of Adjustment:

Organization

The Committee of Adjustment of the Town of Whitby is composed of five members who are appointed by the Council of the Municipality. Council may appoint any person to the Committee of Adjustment whom they consider appropriate. Committee members, who are not members of Council, hold office for a term concurrent to that of the Council who appointed them, for four years. Council members serving on the Committee of Adjustment are appointed on an annual basis.

Legislation

The Committee of Adjustment is constituted and appointed by a By-law of the Corporation of the Town of Whitby and operates in accordance with Sections 44 and 45 of the *Planning Act*, 1990 and Ontario Regulation 200/96 as amended.

Function

The primary function of the Committee of Adjustment is to consider applications for minor variances from the provisions of existing Zoning By-laws. The Committee must evaluate each application for minor variance as follows:

1. The Committee may authorize a minor variance from the provisions of a By-law, in respect of the land, building or structure;
2. The Committee must satisfy itself that the granting of a minor variance does not violate the general intent of the respective Zoning By-law and the Official Plan.

In addition to requests for minor variance, an application may be filed with the Committee of Adjustment for permission. A request for permission entails either of the following:

1. The enlargement or extension of a legal non-conforming building or structure; or,
2. The conversion of the use of land, building or structure from a legal non-conforming use to a similar legal non-conforming use or to a use which is more compatible with the uses permitted under the relevant Zoning By-law.

Finally, application may be made to the Committee of Adjustment for clarification of the uses permitted by Zoning By-law. Where such uses are defined in general terms the Committee is empowered to permit the use of land, building or structure for any purpose that the Committee considers as being in conformity with the uses permitted by the By-law.

Procedure for Processing of Minor Variance Applications

1. The completed application is reviewed to ensure the information contained therein is accurate and complete. If the application is satisfactory, a file is opened.
2. A hearing date is established at the discretion of the Secretary-Treasurer. However, in no case shall the time period between the date of receiving the application and the hearing date be greater than thirty (30) days.
3. A mailing list, consisting of the owner, the agent, the mortgagee and all property owners and tenants within 60 metres, depending on the zoning, of the subject property, is prepared. Each entry on the list is mailed at least ten (10) days in advance of the meeting, a Notice of Public Hearing which indicates the nature and extent of the variance, a legal description and the location of the property and the date, time and location of the hearing.

4. The applicant will be provided with a notification sign from the Planning and Development Department, which is required to be posted a minimum of 10 days in advance of the meeting date.
5. A member of the Planning and Development Department carries out a site inspection.
6. The Committee of Adjustment considers the application. The application may be granted, denied or tabled (pending further information) and in no case shall the decision be valid unless concurred with by the majority of the members that heard the application.
7. Notice of the Committee of Adjustment decision is sent to the Commissioner of Planning for the Region of Durham, the applicant, the agent, the mortgagee(s), and each person who attended the meeting and who requested a copy of the decision.
8. Within twenty (20) days of the date of the decision, the Commissioner of Planning for the Region of Durham, or any other person who has an interest in the matter may appeal to the Local Planning Appeal Tribunal (LPAT) against the decision.
9. If no appeal is received by the Secretary-Treasurer within this twenty (20) day period, the decision of the Committee becomes final and binding. Notices to this effect are sent to the applicant, agent and mortgagee.
10. Appeals received by the Secretary-Treasurer will be subject to a preliminary screening by the Local Planning Appeal Tribunal. If the appeal is found to be valid, a Notice of Commencement from the LPAT Registrar will be issued, and a statutory case management conference (CMC) will be scheduled. Additional information regarding the appeal process can be found on the LPAT website at <http://elto.gov.on.ca>.

Town of Whitby Committee of Adjustment Notification Sign - Posting Instructions

You, the applicant, are responsible for erecting the Committee of Adjustment notification Sign on the Subject Property in accordance with the following requirements:

- 1) The sign shall be nailed or firmly stapled to a wooden stake.
- 2) The sign shall be located on the subject property so that it is visible from the abutting public roadway by the passing public and for the Committee of Adjustment members when making inspections of the subject property. The sign shall **NOT** be posted within a public road allowance, within a sight triangle, or on hydro poles, telephone poles, etc.
- 3) The sign shall be located on the subject property such that it is not obstructed from the view of the abutting public roadway.
- 4) The sign shall be located on the subject property a minimum of 1.0 metre from the front property line.
- 5) The sign shall maintain a height of not less than 1.0 metre and no more than 1.5 metres.
- 6) The sign shall be posted immediately upon receipt and shall remain in place until the day after the Hearing.

Members of the Committee will be inspecting the properties for which an application has been made. If the sign is not properly posted, your application may be tabled.

If you have any questions regarding the posting of the Committee of Adjustment Notification Sign, please do not hesitate to contact the Secretary-Treasurer to the Committee of Adjustment at 905.430.4306 or the Town of Whitby Toronto line at 905.686.2621.

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SHADED AREAS FOR OFFICE USE ONLY

File No.: A/_____/_____ Date Entered in AMANDA:	Entered By (Initials):
By-law: <input type="checkbox"/> 1784 <input type="checkbox"/> 2585 <input type="checkbox"/> 5581-05 <input type="checkbox"/> With Site Plan	
Date Received:	Meeting Date:

PART I – APPLICANT INFORMATION

1. Owner / Applicant / Agent:

Please list the contact information for each of the following (if applicable).

Name	Mailing Address & Postal Code	Contact Information
Applicant:*		Telephone:
		Email:
Agent or Solicitor:*		Telephone:
		Email:
Owner:**		Telephone:
		Email:

* An Owner's authorization is required if the applicant is not the owner. If the applicant is a prospective purchaser, also attach a copy of the offer to purchase.

** If there is more than one owner, attach a list of each owner. If the owner is a company, provide the name and address of company owner(s).

2. Primary Contact:

Correspondence relating to this application should be sent to (select one only):

Owner Applicant Agent / Solicitor

PART II – PROPERTY INFORMATION

3. Property Information:

3.1 Location and Description of Subject Land(s)

Municipal Address (Street # and Street Name)		Assessment Roll #	
Registered Plan(s)	Lot(s) / Block(s) #	Reference Plan(s)	Part(s) #
Lot(s)	Concession(s)	Approximate Area (hectares)	

3.2 Site Statistics

Subject Lands:	Lot Frontage (metres)	Lot Depth (metres)	Approximate Area (m ²)
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4. Heritage / Easements / Encumbrances / Mortgages:

4.1 Is this property Designated under Ontario Heritage Act / Listed on Municipal Heritage Register:

Yes No Unknown

If **Yes**, please identify below the Type of designation

Individual Designation (Part IV) or District Designation (Part V)

4.2 Are there any easements, rights-of-way, restrictive covenants, etc., affecting the subject land(s)?

Yes No

If **Yes**, please identify below, and indicate on a site plan, the nature and location of the easement, right-of-way, restrictive covenant, etc.:

PART III – DETAILS OF APPLICATION

5. Official Plan:

What is the current Town of Whitby Official Plan designation and, if applicable, Secondary Plan designation of the subject land(s)?

6. Zoning By-law:

By-law: What is the current zone category(s) of the subject land(s)?

- 1784** _____
- 2585** _____
- 5581-05** _____

7. Minor Variance:

7.1 List all required variances:

7.2 Why is it not possible to comply with the provisions of the By-law?

7.3 Description of affected land(s):

Lot Frontage _____ Lot Depth _____ Lot Area _____

Location, Name and Width of Abutting Street(s):

7.4 Access to the subject land(s) is provided by (check appropriate boxes):

- Unopened Road Allowance
- Opened & Maintained Municipal Road
- Opened & Maintained Regional Road
- Provincial Highway
- Another Public Road
- Right-of-way
- Water

If access to subject land(s) is by water, list the distances between parking & docking facilities to the subject land & the nearest public road:

7.5 Date of acquisition of subject land(s):

7.6 Date of construction of all buildings and structures on subject land(s):

7.7 Existing use(s) of the subject land(s):

7.8 Please complete the following table (in metric units) for any **existing** building(s)/structure(s) on the subject land(s):

Type of Building / Structure	Height (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Building Footprint (m ²)	Gross Floor Area (m ²)

7.9 Proposed use(s) of the subject land:

7.10 Please complete the following table (in metric units) for any **proposed** building(s)/structure(s) on the subject land(s):

Type of Building/ Structure	Height (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Building Footprint (m ²)	Gross Floor Area (m ²)

7.11 Existing uses of adjacent properties:

North: _____

South: _____

East: _____

West: _____

7.12 Services and Infrastructure:

- Municipal Water
- Municipal Sewage Disposal
- Storm Sewer
- Drainage Swales
- Private Well(s)
- Private Septic System
- Ditches
- Other Means

7.13 Length of time the existing uses of the subject land(s) have continued:

8. Site Plan:

Site Plan:

Has a site plan been prepared in support of the application?

Yes No

If **Yes**, is the plan attached?

Yes No

9. Other Applications:

9.1 Has the subject land(s) ever been subject of a previous application for Minor Variance?

Yes No

If **Yes**, please describe briefly (including File No., description of application)

9.2 Is the subject land(s) subject to an application for Plan of Subdivision or Consent?

Yes No

If **Yes**, please specify the File number and status of the application:

10. Agricultural Code of Practice (Minimum Distance Separation – MDS):

10.1 Is the subject land(s) within the urban area boundary as identified on Schedule 'A' – Land Use of the Town of Whitby Official Plan?

Yes No

10.2 Are there one (1) or more livestock barns or manure storage facilities located within 500 metres (1,640 feet) of the boundary of the subject land(s)?

Yes No

If **Yes**, the attached **Minimum Distance Separation Data Sheet** must be completed and submitted with the completed application. Complete one data sheet for each livestock barn or manure storage facility.

Is the attached **Minimum Distance Separation Data Sheet** completed?

Yes No

PART IV – SUBMISSION OF APPLICATION

11. Fees:

Select the type of application and submit applicable fee(s) with completed application:

Town of Whitby (Fees effective October 1, 2023; subject to change without prior notice)

- Residential - **\$999.03**
- Non-residential - **\$2,828.51**
- Tabling by Applicant - **\$848.56**
- Draft Approved and Registered Plans of Subdivision/Condominium - **\$5,883.32** plus **\$593.99** per lot/block/parcel of Tied Land to a maximum of **\$29,416.62**

Central Lake Ontario Conservation (Fees effective January 1, 2024; subject to change without prior notice)

- A non-refundable processing fee of **\$900.00** paid by separate cheque made payable to **Central Lake Ontario Conservation**, is required where the property is located within lands subject to Ontario Regulation 42/06. Applications requiring a significant amount of technical review will be charged the Technical Review Fee of **\$3,530.00**. Consolidated applications will be subject to only the higher application fees, not the aggregate.

Durham Region Health Department (Fees effective April 1, 2024; subject to change without prior notice)

- A non-refundable Preliminary Analysis fee of **\$293.00** paid by separate cheque made payable to the **Regional Municipality of Durham** is required when the application is circulated for their review and comments as they relate to existing and proposed private servicing (i.e. well and septic). Additional costs for the processing of the application may be charged where studies in support of an application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study. This requirement applies to matters such as, but not limited to, the review of traffic, marketing, environmental, noise, and engineering reports, etc. In all cases the Town shall notify the applicant to seek approval and payment before proceeding to a third party review or supporting studies.

The applicant will be required to pay the reasonable legal fees of the Town for the preparation and registration of development agreements when such agreements are required.

12. Forms, Information and Materials:

- One (1) original completed application form, including the prescribed information in accordance with the *Planning Act*, as amended, and Ontario Regulation 200/96, as amended
- Minimum of two (2) copies of the full size plan showing the dimensions of the subject land showing the location, size and type of all existing and proposed buildings and structures on the subject land, parking and docking facilities (if access is by water only) and the location of any easement affecting the subject lands. Further, the plan should also indicate approximate location of all natural and artificial features on the subject and adjacent lands (e.g. railways, watercourses, roads, drainage ditches, wells, septic tanks, wooded areas etc.). The Committee of Adjustment may require that an Ontario Land Surveyor sign the plan. Plans must be to scale and measured in metric units.
- One (1) copy of plan reduced to 8½" X 11" (letter size), if applicable
- Five (5) copies of all supporting technical and background information and materials, as required upon completion of the relevant sections of the application form and/or attached questionnaire(s)

13. Applicant's Acknowledgements:

The Applicant hereby acknowledges:

- that this application and the attached supporting documentation, information and materials, if any, contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours pursuant to the provisions of the **Municipal Freedom of Information and Protection of Privacy Act**;
- that personal information on this application is collected under the authority of the **Municipal Act**, as amended, the **Planning Act**, as amended, and Ontario Regulation 200/96, and will be used for the purpose of processing the application and to determine compliance with the policies and by-laws of the Town of Whitby;
- that conceptual development plans and/or drawings submitted with this application are not reviewed for compliance with the Ontario Building Code (O.B.C.) and/or related regulations;
- that submission of this application constitutes tacit consent for authorized Town staff representative(s) to inspect the subject lands or premises, and to carry out any inspections, tests and investigations as may be required;
- that all vegetation on the subject land(s) must be maintained and no filling, grading or excavating is permitted on the subject land(s) during the processing of this application;
- that additional approvals from the Town and/or other agencies (e.g. building permit, site plan approval, CLOCA permit) may be required;

- that additional fees and/or charges (e.g. building permit fees, parkland dedication fees, development charges) associated with any development approved in conjunction with this application may be required;
- that the applicant will be required to pay reasonable legal fees of the Town for the preparation and registration of agreements when such agreements are required;
- that additional costs for the processing of the application may be charged where studies, reports, information and/or materials in support of the application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study (e.g. traffic, marketing, environmental, noise, servicing); and,
- that additional information and/or materials may be required, and therefore the application may not be deemed complete, nor processed unless the additional information and/or materials are submitted.

Questions about the collection and inspection of this information should be directed to:
Commissioner of Planning and Development, Town of Whitby, 575 Rossland Road East, Whitby, Ontario, L1N 2M8, Telephone: 905.430.4306.

14. Owner’s Authorization:

If the applicant is not the owner of the land that is the subject of this application, then written authorization by the owner, authorizing the applicant to prepare and submit the application must be attached, or the owner must complete the authorization set out below.

Is written authorization attached? Yes No

If **No**, then the following Owner’s Authorization for the Agent to prepare and submit the Application **must** be completed:

I, _____, am the owner of the land that is the subject of
(Please print)

this application, and

I authorize _____ to prepare and submit this application
(Please print)

on my behalf.

Signature of Owner

Date

15. Declaration:

I, _____, of the _____,
(Please print) (e.g. Town of Whitby)

in the _____, make oath
(e.g. Region of Durham)

and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the Sections above is true.

Sworn (or declared) before me at the _____,
(e.g. Town of Whitby)

in the _____, this _____ day of _____, in
(e.g. Region of Durham)

the year _____.

Applicant

Commissioner of Oaths

**Applications will not be processed
where application forms and/or fees are incomplete**

Minimum Distance Separation (MDS) Data Sheet



This form must be completed and submitted with a development application when applying for a new non-farm use within 500 metres (1,640 feet) of an existing livestock facility. Complete one (1) sheet for each different set of buildings used for housing livestock.

What is the closest distance from livestock facility to the property boundary of the subject lands?
 _____ metres.

What is the closest distance from manure storage to the property boundary of the subject lands?
 _____ metres.

How many tillable hectares where a livestock facility is located? _____ hectares.

Type of Livestock		Existing Housing Capacity #	Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
Dairy	<input type="checkbox"/> Milking cows Heifers					
Beef	<input type="checkbox"/> Cows (Barn Confinement)					
	<input type="checkbox"/> Cows (Barn with Yard)					
	<input type="checkbox"/> Feeders (Barn Confinement)					
	<input type="checkbox"/> Feeders (Barn with Yard)					
Swine	<input type="checkbox"/> Sows					
	<input type="checkbox"/> Weaners					
	<input type="checkbox"/> Feeder Hogs					
Poultry	<input type="checkbox"/> Chicken Broiler/Roasters					
	<input type="checkbox"/> Caged Layers Chicken					
	<input type="checkbox"/> Breeder Layers Pullets					
	<input type="checkbox"/> Meat Turkeys (>10 kg)					
	<input type="checkbox"/> Meat Turkeys (5-10 kg)					
	<input type="checkbox"/> Meat Turkeys (<5 kg)					
	<input type="checkbox"/> Turkey Breeder Layers					
Horses	<input type="checkbox"/> Horses					
Sheep	<input type="checkbox"/> Adult Sheep					
	<input type="checkbox"/> Feeder Lambs					
Mink	<input type="checkbox"/> Adults					
Veal	<input type="checkbox"/> White Veal Calves					
Goats	<input type="checkbox"/> Adult Goats					
	<input type="checkbox"/> Feeder Goats					
Other						

Owner of Livestock Facility:

(Please Print)

Telephone: _____ Fax: _____

Applicant's Signature: _____ Date: _____

Shaded Areas For Office Use Only

Minimum Distance Separation: _____
metres

Does the Application Comply with MDS
Requirements?

Yes No

Prepared by:

Date: