

# *Committee of Adjustment*

The Township of  
Smith-Ennismore-Lakefield

Building &  
Planning Department

705-292-9507  
[smithennismorelakefield.on.ca](http://smithennismorelakefield.on.ca)

---

## What is the Committee of Adjustment?

The Committee of Adjustment is a committee, comprised of Council members, which deals with minor variances and meets once a month.

---

## Purpose of the Committee of Adjustment

The Committee of Adjustment is authorized to grant minor variances from the Township's Zoning By-law, and to permit enlargements, extensions or changes to legal non-conforming uses.

---

## What is a Minor Variance?

A minor variance is a minor deviation (variance) to the provisions of the Zoning By-law. The variances can relate to the land, building, or structure of the uses thereof. The Committee may authorize such minor variances, if, in the opinion of the Committee, the variance meets the four tests as prescribed in the Planning Act:

1. Is the variance minor?
2. Is it desirable for the appropriate development or use of the land, building, or structure?
3. Does it maintain the general purpose and intent of the Official Plan?
4. Does it maintain the general purpose and intent of the Zoning By-law?

Planning staff provide comments and make a recommendation to the Committee based on the four tests.

The Committee is also authorized to permit the enlargement, extension, or change in use of any legal non-conforming building or use.


Generally, the Committee will consider the impact of the expansion on the neighbourhood and whether the expansion is appropriate. For changes to a legal non-conforming uses the Committee may consider similar or more compatible uses. Section 45(2) of the Planning Act offers more detail into the expansion or change of legal non-conforming uses.

---

## When is a variance required?

All development proposals must comply with the Township of Smith-Ennismore-Lakefield Comprehensive Zoning By-law, which establishes regulations specific to individual properties. These regulations deal with permitted uses, building setbacks, building height, pool and accessory structure requirements, etc. Whenever changes are made to a particular site and any of the regulations are not complied with, a minor variance or an amendment to the Zoning By-law is required to legalize the situation. Potential applicants are encouraged to consult with appropriate Planning staff prior to applying for a minor variance.





Examples of minor variance applications may include, but are not limited to:

- New buildings or additions to existing buildings;
- Porch enclosures or new deck;
- New accessory structures such as garages and sheds;
- Enlargement, extensions or change of use of any legal non-conforming buildings; and/or
- Parking spaces required for a new or expanding business.

## Overview of the Committee of Adjustment Process

---

1. Prior to submitting an application for minor variance, it is strongly recommended that an applicant contact Planning Staff for assistance with outlining necessary variances. In many cases, Planning staff can give an applicant an indication as to whether or not a particular application could be supported.
2. The applicant is required to submit a completed application, along with a detailed sketch of the proposal and the application fees (Conservation Authority (ORCA) fees may also be applicable) to the Building and Planning Department. Planning staff will check the application for completeness and are available to witness signatures. Details of the submission requirements are outlined in this pamphlet and on the application form.
3. Planning staff co-ordinate the processing of the application. The submission and plans are circulated to various municipal departments and agencies and comments are requested, a minimum of 10 days prior to the public hearing,
4. A Notice of Public Hearing is also mailed to neighbouring property owners within 60 metres (200 feet) of the subject lands. The Notice of Public Hearing includes the date, time, and location of the Public Hearing, a description of the requested variances(s) and a plan/sketch of the property. As the hearing is an open forum during which the Committee listens to any and all concerns raised; the applicant may find it beneficial to consult and communicate with surrounding neighbours to identify and resolve any concerns they may have before the scheduled hearing date.
5. The Public Hearing is held, and the Committee members are provided copies of any written comments received from various departments and agencies and from the public. The Secretary-Treasurer introduces the application and gives a summation of the comments received. The owner/agent requesting the variance is given an opportunity to address the Committee. The Committee Chair will then ask anyone in attendance if they have any comments or concerns. The applicant is permitted to respond to any concerns raised by interested parties. The Committee then has an opportunity to ask any questions of the owner/agent and of Planning staff. Once all the evidence is heard, the Committee deliberates and

renders a decision, which may include terms or conditions. The Committee also has the option of tabling the application if for instance, additional information or a site visit is required.

6. Notice of Decision listing the reasons for approval, refusal or deferral and conditions (if any) is mailed to the owner/agent and to each person who requested a copy of the decision in writing. Such notice includes information regarding the right to appeal the Committee's decision.
7. During the specified appeal period (20 days from the date of the oral decision) an appeal can be made by the applicant/agent or any other person or public body who has an interest in the matter who has met the conditions prescribed in the Planning Act, to the Ontario Municipal Board (OMB). Forms required to file an appeal to the OMB are available on the OMB website ([www.omb.gov.on.ca](http://www.omb.gov.on.ca)) or at the Township Office. Any appeal must outline reasons for the appeal and must include the applicable fees. If there is no appeal, the decision of the Committee of Adjustment is final.
8. Once the decision is final and the proposal complies with the applicable zoning regulations and conditions (if any), a Building Permit may be applied for.



## What are the submission requirements?

---

A complete submission package consists of the following:

1. Completed application form available on our website or at the Township Office.
2. Authorization from owner if applicant is not the owner.
3. Required fees in the amount of \$600.00 payable to *The Township of Smith-Ennismore-Lakefield*:

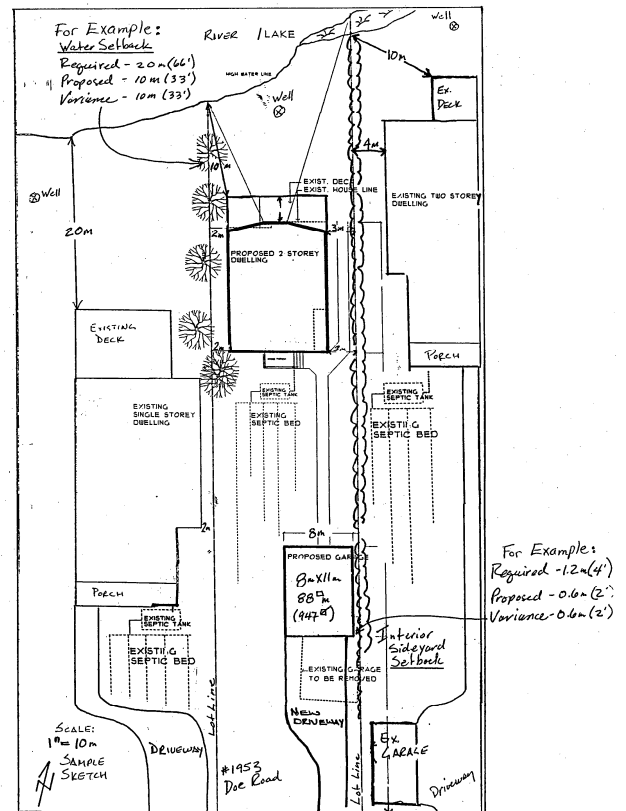
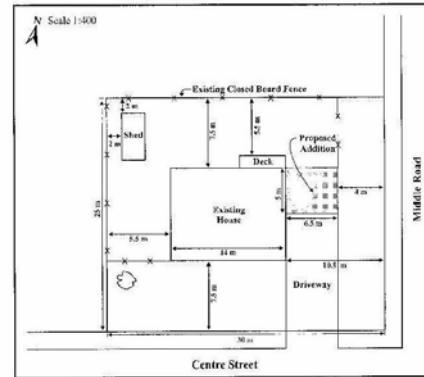
<u>Fee Breakdown</u>	
Township Fee -	\$600
ORCA Fee -	<u>\$200</u>
TOTAL	\$800
4. Completed site plan illustrating the following items:
  - a. The boundaries and dimensions of the subject land;
  - b. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
  - c. The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells, septic tanks, hydro lines, telephone

lines or any other services) on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application;

- d. The current uses on land that is adjacent to the subject land;
- e. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way;
- f. If access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g. The location and nature of any easement affecting the subject land;
- h. The site plan must be drawn to scale utilizing good drafting techniques;
- i. A scale and north arrow should be shown on the sketch; and
- j. The size has to be a minimum of 8.5x 11 and a maximum of 11x17.
- k. The site plan may need to be supported by a location survey
- l. Applications for variances to height requirement will require elevation drawings.



### Sample Sketches for Minor Variance Application



## How do I apply?

---

Applications for Minor Variance are available at the Township Office or on the Township website:

[www.smithennismorelakefield.on.ca](http://www.smithennismorelakefield.on.ca)

## How long does it take?

---

The entire process usually takes 6-8 weeks including:

- 4 weeks from the application submission deadline until the hearing date;
- The Public Hearing
- The 20 day appeal period
- The Decision is final and binding on the 21st day, provided no appeals are received.

If the Committee's decision is appealed to the Ontario Municipal Board, in excess of 3 to 6 months may be added to the process.

## When is the application deadline?

---

Applications must be submitted 4 weeks prior to the scheduled Public Hearing in order to be heard at that Hearing.

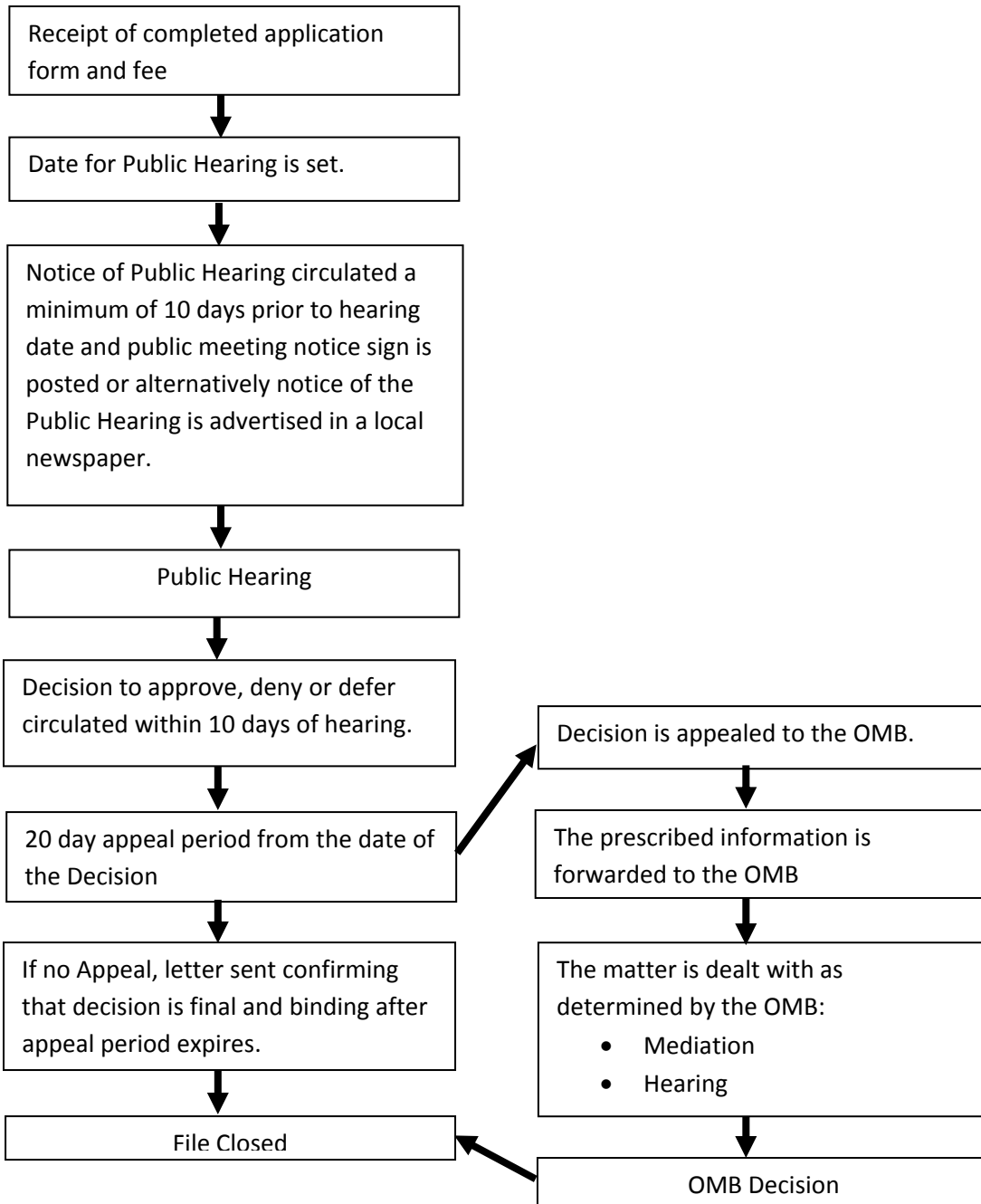
Hearings normally take place on the 4<sup>th</sup> Tuesday of each month. Refer to our website for the scheduled Committee of Adjustment Meeting dates.

## Additional information for the applicant

---

- All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultants(s) or solicitor(s). The Township of Smith-Ennismore-Lakefield is permitted to make the application and any associated supporting information available to the general public. The Township of Smith-Ennismore-Lakefield 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.
- The Secretary-Treasurer schedules the applications and will advise the applicant of the actual hearing date by way of notice.
- The applicant/agent is encouraged to attend the hearing on the date and time stated in the public notice to represent his/her application.
- The applicant/agent should be prepared to present their application before the Committee if required, explaining the necessity for the variance. The applicant/agent should be prepared to answer any questions by the Committee or members of the public.
- Once the application has been heard and the Committee members have made a decision the Secretary will send the applicant/agent a notice of decision.

## Minor Variance Process



Minor Variance Applications are accepted  
Monday to Friday, 8:30 a.m. to 4:30 p.m.

**The Township of Smith-Ennismore-Lakefield**

Building and Planning Department

1310 Centre Line Smith

P.O. Box 270

Bridgenorth, ON K0L 1H0

Tel: 705.292.9507

Fax: 705-292-9238

**To book an appointment, call 705.292.9507**

**For more information, visit [www.smithennismorelakefield.on.ca](http://www.smithennismorelakefield.on.ca)**

This series is published by The Township of Smith-Ennismore-Lakefield Building & Planning Department, as part of a public information service.

These pamphlets have no legal status and cannot be used as an official interpretation of the various bylaws, codes and regulations currently in effect. The Township of Smith-Ennismore-Lakefield accepts no responsibility to persons relying solely on this information.

Pamphlets are updated periodically.  
Contact the Building & Planning Department at  
705.292.9507 to determine if you have  
the most recent edition.

September 2009



Date Received: \_\_\_\_\_

Date file deemed complete & Fee Received:

File Name/No. \_\_\_\_\_

Roll No. \_\_\_\_\_

**Township of Smith-Ennismore-Lakefield  
Application for**

**Zoning By-law 2009-021**

\_\_\_\_ **Minor Variance s. 45 (1)**

\_\_\_\_ **Permission s. 45 (2)**

**(Section 45 (1) & (2) of the Planning Act, R.S.O. 1990, c. P.13, as amended)**

The undersigned hereby applies to the Committee of Adjustment for the Township of Smith-Ennismore-Lakefield under section 45 of the Planning Act for relief, as described in this application, from By-law No. 2009-021, as amended.

1. Name of Applicant(s):

2. Name of Agent: (if the applicant is an agent authorized by the owner)

\_\_\_\_\_

\_\_\_\_\_

3. Address:

4. Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Telephone: \_\_\_\_\_

6. Telephone: \_\_\_\_\_

7. Fax: \_\_\_\_\_

8. Fax: \_\_\_\_\_

9. Email: \_\_\_\_\_

10. Email: \_\_\_\_\_

11. **Legal Description** of the subject land (municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. **Dimensions of Land affected:**

Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_ Area: \_\_\_\_\_

13. **Official Plan** – current designation of the subject land: \_\_\_\_\_

14. **Zoning By-law** – current zoning of the subject land: \_\_\_\_\_

15. **Relief** – Nature and extent of relief from the Zoning By-law:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. **Reason** – why the proposed use cannot comply with the provisions of the Zoning By-law:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. **Access** – to the subject land will be by:

<input type="checkbox"/> Municipal Road – year round	<input type="checkbox"/> Private Road
<input type="checkbox"/> County Road	<input type="checkbox"/> Right-of-way
<input type="checkbox"/> Provincial Highway	<input type="checkbox"/> Water
<input type="checkbox"/> Other public road (specify): _____	

18. **Water Access** – where access to the subject land is only by water:

Docking facilities (specify) _____	Parking facilities (specify) _____
Distance from subject land _____	Distance from subject land _____
Distance from nearest public road _____	Distance from nearest public road _____

19. **Existing Uses** of subject land: \_\_\_\_\_

20. **Length of time** the existing uses of the subject land have continued: \_\_\_\_\_

21. **Date purchased by current owner** \_\_\_\_\_

22. **Existing Buildings – Structures** – Where there are any buildings on the subject land, provide a sketch and indicate for each (in Metric units):

*Please be aware that an up-to-date location survey will be required for most applications*

Type: _____	Front lot line setback: _____	Height in metres: _____
	Rear lot line setback: _____	Dimensions: _____
Date constructed: _____	Side lot line setback: _____	Floor area: _____
	Side lot line setback: _____	

Type: _____	Front lot line setback: _____	Height in metres: _____
	Rear lot line setback: _____	Dimensions: _____
Date constructed: _____	Side lot line setback: _____	Floor area: _____
	Side lot line setback: _____	

23. **Proposed uses** of the subject land: \_\_\_\_\_

24. **Proposed Buildings – Structures** – where any buildings or structures are proposed to be built on the subject land indicate for each (in Metric units):

*If your application is approved, you may be required to obtain/update a Plan of Survey and provide a copy to the Township of Smith-Ennismore-Lakefield to confirm compliance with the Decision of the Committee.*

Type: _____	Front lot line setback: _____	Height in metres: _____
	Rear lot line setback: _____	Dimensions: _____
	Side lot line setback: _____	Floor area: _____
	Side lot line setback: _____	

Type: _____	Front lot line setback: _____	Height in metres: _____
	Rear lot line setback: _____	Dimensions: _____
	Side lot line setback: _____	Floor area: _____
	Side lot line setback: _____	

25. **Water** is provided to the subject land by:

\_\_\_\_\_ Privately-owned/operated individual well      \_\_\_\_\_ Publicly-owned/operated piped water system

\_\_\_\_\_ Privately-owned/operated communal well      \_\_\_\_\_ Lake or other water body

Other (specify): \_\_\_\_\_

26. **Sewage Disposal** is provided to the subject land by:

\_\_\_\_\_ Privately-owned/operated individual septic system

\_\_\_\_\_ Publicly-owned/operated sanitary sewage system

\_\_\_\_\_ Privy

\_\_\_\_\_ Privately-owned/operated communal septic system

Other (specify): \_\_\_\_\_

27. **Storm Drainage** is provided to the subject land by:

\_\_\_\_\_ Sewers      \_\_\_\_\_ Ditches      \_\_\_\_\_ Swales      \_\_\_\_\_ Other

(specify) \_\_\_\_\_

28. **Other Applications** – If known, indicate if the subject land is the subject of an application under the Act for:

\_\_\_\_\_ Approval of a plan of subdivision (under section 51)      File # \_\_\_\_\_      Status \_\_\_\_\_

\_\_\_\_\_ Consent (Severance) (under section 53)      File # \_\_\_\_\_      Status \_\_\_\_\_

\_\_\_\_\_ Previous Minor Variance application  
(under section 45)      File # \_\_\_\_\_      Status \_\_\_\_\_

**Authorization by Owner**

I, the undersigned, being the owner of the subject land, hereby, authorize \_\_\_\_\_  
to be the applicant in the submission of this application.

\_\_\_\_\_  
Signature of owner

\_\_\_\_\_  
Signature of witness

Date \_\_\_\_\_

**Declaration of Applicant**

I, \_\_\_\_\_ of the \_\_\_\_\_ of  
\_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_

solemnly declare that:

*All the statements contained in this application and provided by me are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath*

DECLARED before me at the \_\_\_\_\_  
of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Signature of commissioner, etc.

\_\_\_\_\_  
Signature of applicant

I, \_\_\_\_\_, hereby authorize the members of the Committee of Adjustment or their agent(s)/representative(s) to attend at the property subject to the Application(s), located at  
[Insert address] \_\_\_\_\_.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Signature of Witness

**Municipal Freedom of Information and Protection of Privacy Act**

**PLEASE NOTE** that the *Planning Act* requires the Township of Smith-Ennismore-Lakefield to ensure that adequate information is made available to the public in connection with each land development application. The information collected with this application will be used by the Township to evaluate the application and to create a record that is available to the general public. If you have any questions about this collection of information, you may contact the Clerk of the Township of Smith-Ennismore-Lakefield 1310 Centre Line, R.R. #4 Peterborough, K9J 6X5 (705) 292-9507 [achittick@nexicom.net](mailto:achittick@nexicom.net)

**Consent of the Owner to the use and Disclosure of Information and Supporting Documentation**

I, \_\_\_\_\_, am the owner of the land that is the subject of this planning application and for the purposes of the Freedom of Information and Privacy Act I authorize and consent to the use by dissemination or the disclosure to any person or public body of any personal information, and any reports/studies and supporting documentation submitted in support of this application, that are collected under the authority of the Planning Act for the purposes of processing this application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

This application must be accompanied by a fee of \$800.00 in cash or cheque made payable to the Treasurer of the Township of Smith-Ennismore-Lakefield (\$200.00 will be forwarded to Otonabee Region Conservation Authority where necessary).

### **Sketch Requirements**

**It will be necessary to submit preliminary site plans for the development at the time of the filing of this application.**

**Minimum requirements will be a sketch showing the following:**

- a) The boundaries and dimensions of the subject land
- b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines
- c) The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells, septic tanks, hydro lines, telephone lines or any other services) on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application.
- d) The current uses on land that is adjacent to the subject land
- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way
- f) If access to the subject land is by water only, the location of the parking and docking facilities to be used
- g) The location and nature of any easement affecting the subject land