

### **THE COMMITTEE OF ADJUSTMENT:**

The Town of Fort Erie has established a COMMITTEE OF ADJUSTMENT to regulate Minor Variance and Consent applications. The Committee is made up of seven members, appointed by Town Council to serve a four year term.

The function of the Committee of Adjustment is to review the application, staff and agency comments on applicable planning policies and regulations, information provided by the applicant, as well as the input of any neighbours. As part of their review of this information, the Committee must satisfy themselves that the minor variance will not have a negative impact on the surrounding area, and is truly a MINOR request for change. Anything not considered "minor" must proceed through the Zoning By-law Amendment process, which is directly handled by Town Council.

### **WHEN IS A MINOR VARIANCE REQUIRED?**

A minor variance or permission to change or expand legal non-conforming uses is necessary if you wish to construct, renovate, or alter a building in a way that does not meet the requirements of the Town's Zoning By-law.

A few examples of Minor Variances:

- front, rear, side yard lot lines from the building (including porches, decks or balconies) are less than required
- changes to required lot area or lot coverage
- building or accessory height requirements
- if you wish to expand or change a use that is considered "legal non-conforming"

### **PRE-CONSULTATION IS RECOMMENDED PRIOR TO SUBMISSION:**

Pre-consultation is an informal process to allow applicants to review their development proposal with Town Planning Staff and other key agencies, as applicable, when the proposal is preliminary. This provides for early identification of issues, constraints and opportunities

### **HOW LONG WILL I HAVE TO WAIT?**

A verbal decision is given to you the night of the hearing, unless the Committee feels it needs to further information before making a proper decision. The Committee of Adjustment hearing will take place approximately within a MAXIMUM OF 45 DAYS from the day your application is submitted to the Town staff.

### **WHEN ARE HEARINGS SCHEDULED?**

Committee of Adjustment Meetings are generally held on Thursday's every three weeks.

Meetings may be cancelled or re-scheduled at the discretion of the Secretary-Treasurer as required. Please refer to the hearing schedule available at Town Hall or online. This schedule also provides application submission deadlines for each hearing date.

A building permit may be submitted at any time however it will not be issued until after the Committee decision and the 20 day appeal period has ended.

### **MINOR VARIANCE PROCESS:**

1. Review required variances with planning staff.
2. Receipt of Formal Application and Fee's
3. Notice of Public Hearing – sent to staff/agencies and residents within 60 metres
4. Applicant Posts of Minor Variance Sign on subject property for 10 days
5. Committee of Adjustment Report provided to applicant with received comments
6. Public Hearing – applicant/agent must be in attendance
7. Verbal Decision – Approval, Refusal or Deferral
8. Written Notice with Decision provided to applicant within 10 days of hearing outlining any conditions of approval
9. 20 day appeal period
  - a. If no appeals received – deemed final decision upon appeal deadline and building permits may be issued
  - b. If appeal(s) received – sent to Ontario Municipal Board with \$300 fee for review and an OMB Hearing is scheduled which may take 6 or more months. The OMB decision will be deemed final decision.

### **FOUR TESTS OF A MINOR VARIANCE:**

When the Committee is considering a variance application, the four tests as prescribed by Sec. 45(1) of the Planning Act are applied to determine if the variance should be approved.

The four tests are:

- Is the application minor in nature?
- Is desirable for the appropriate development or use of the land, building or structure?
- Is the purpose and intent of the Zoning By-law maintained?
- Is the purpose and intent of the Official Plan maintained?

### **WHAT COULD AFFECT THE OUTCOME OF MY APPLICATION?**

- a. Valid objections based on the four tests of a minor variance from neighbours.
- b. Negative comments from one or more departments or agencies such as:
  - Planning
  - Building
  - Fire
  - Engineering
  - Niagara Parks Commission
  - Region of Niagara
  - Niagara Peninsula Conservation Authority
  - Other outside agencies

### **WHAT ABOUT THE CONDITIONS OF A VARIANCE APPROVAL?**

A variance approval may contain various conditions including approvals from outside

agencies, sediment control, or any other condition that the Committee feels is appropriate. Every variance approval will contain the condition that there is a 20 day appeal period before a building permit can be issued.

**HOW DO I APPLY FOR A VARIANCE?**

Application forms are available in the Planning Department or on the website. It is recommended that an appointment is booked to submit completed applications with the Secretary-Treasurer for review. Prior to making your application, we recommend that you pre-consult with planning staff for their comments on your proposal. Since the Planning Department provides the Committee of Adjustment with comments on applications, it is best to work with them to alleviate any potential problems that may arise.

Submit the following to the Planning Department:

- 1) **Application form** completed in full in metric.
- 2) **Sketch (8.5" x 14")**, 1 copy, drawn to scale, **metric**, showing the full extent of the property and how you propose to develop the lands.  
Please note this is not a survey, but rather a preliminary sketch. Our experience has been that more professionally drawn sketches, such as those drawn by a surveyor or a planner, provide more accurate information and as a result, may expedite the process.
- 3) **Application Fees**: made payable to the respective agency.
- 4) **Comments/approvals from other agencies if required (ie. Septic, environmental)**

<b>Town of Fort Erie: (includes \$10.00 surcharge for Lot Grading Poster)</b>	
Residential Property	\$1057
If building permit was not applied for prior to construction	\$1992
Multiple residential, commercial/industrial property	\$1334
If building permit was not applied for prior to construction	\$2647
<i>Full fee for first application plus 50% per additional application (multiple applications within Plan of Subdivision/Condominium)</i>	
<b>Niagara Peninsula Conservation Authority (NPCA):</b>	
Properties near a waterbody/water course or lands designated "hazard"	\$678
<b>Niagara Region:</b>	
Regional Road or Infrastructure	\$435
Regional Road or Infrastructure plus Septic inspection	\$835
Private Septic System Review (outside urban boundary or urban area property with private septic).	\$400



**2023**

**MINOR VARIANCE PROCEDURES**

**Town of Fort Erie  
Committee of Adjustment**

**Municipal Centre  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6**

**Telephone: (905) 871-1600  
Fax: (905) 871-6411**

Please visit our website for further details:

[www.forterie.ca/pages/DevelopmentApprovals](http://www.forterie.ca/pages/DevelopmentApprovals)

**Or contact:**

**Kimberlyn Smith, Secretary-Treasurer to the Committee of Adjustment**

Telephone: (905) 871-1600 ext. 2508

Email: [ksmith@forterie.ca](mailto:ksmith@forterie.ca)