

The Committee of Adjustment:

The Town of Fort Erie has established a Committee of Adjustment as the decision-making authority with respect to Minor Variance and Consent applications. The Committee is composed of several members, appointed by Town Council to serve a four-year term. The function of the Committee of Adjustment is to review the application, staff, agency and public comments and the information provided by the applicant.

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.

Examples of Minor Variances include:

- When front, rear or side yard setbacks to the building (including porches, decks or balconies) are less than required
- When minimum required lot area or lot frontage are less than required (In some cases, a Zoning By-law Amendment may be required)
- When maximum building or accessory height requirements are more than required
- if you wish to expand or change a use that is considered "legal non-conforming"

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 further information before making a decision. Formal decisions are sent within 10 days of the hearing.

When are Hearings Scheduled?

Committee of Adjustment Meetings are generally held on the third Thursday of every month. 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.

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 of subject land(s)
4. Applicant Posts Minor Variance Sign on subject property
5. Committee of Adjustment Report provided to applicant with received comments
6. Public Hearing – Applicant / Agent or Owner 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 Land Tribunal with associated fees for review and an OLT Hearing is scheduled which may take 6 or more months. The OLT 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 Section 45 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 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. 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. Fee Schedule found here: <https://www.forterie.ca/build-and-invest/planning-and-development/planning-fee-schedule/>
- 4) Comments/approvals from other agencies if required (ie. Septic, environmental)

For more information please contact:

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Email: cricci@forterie.ca



Minor Variance Procedures

The Town of Fort Erie Planning, Building and By-law Services

**Municipal Centre
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
Telephone: (905) 871-1600**