



The Corporation of the
Township of Otonabee-South Monaghan

Minor Variance Information Guide

November 2023

Often a property owner will find that when they plan to construct an addition to their home or construct an accessory building such as a garage, that their building plans do not allow the construction to meet applicable setback requirements contained in the Zoning By-law.

On other occasions the deficiency is found when a property has been sold and in order to have clear title, the purchaser requires a minor variance to be granted by the municipality.

The authority to grant a minor variance is set out in the Planning Act, R.S.O. 1990, c.P.13, as amended. – Section 45.

The Council for the Township of Otonabee-South Monaghan sits as the Committee of Adjustment and deals with all filed Minor Variance applications.

Minor Variance Applications

Copies of the Minor Variance application can be located on the municipal website www.osmtownship.ca or at the municipal office.

The Committee of Adjustment will schedule a public meeting to deal with the application within 30 days of the filing date. Notice of the public meeting will be circulated to all property owners within 60 metres of the subject property.

In reaching a decision, the Committee considers the following points and makes a determination as to whether:

1. The requested variance is minor;
2. The variance is desirable for the appropriate development or use of the land;
3. The general intent and purpose of the Official Plan of the Township of Otonabee-South Monaghan is being maintained; and
4. The general intent and purpose of Zoning By-law No. 2010-65 of the Township of Otonabee-South Monaghan as amended, is being maintained.



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Application fee:

An application fee is payable upon filing an application for minor variance processing of the application. The applicant is required to complete and sign an Acknowledgement form stating that all costs associated with processing this application are the sole responsibility of the applicant.

Fees are as follows:

Minor variance with pre-consultation: \$1,622.40

Minor Variance without pre-consultation: \$2,163.20

The Otonabee Region Conservation Authority charges a fee to review the planning applications. Please contact Township Staff to discuss and determine the fee(s) and/or permit required for your project in Consultation with ORCA. This fee is collected by the municipality at time of application and forwarded to ORCA.

Process:

Application

The completed application, application fee, ORCA and required site sketch are filed with the municipality. The sketch should be to scale and include all structures (including decks, accessory buildings, etc); existing setbacks shown accurately; and location and dimension of proposed construction. You may require a surveyor to determine these measurements which must be accurate.

Contact with Neighbours

It is recommended that the property owner contact neighbouring property owners to inform them of their plans and obtain their feedback before the Township issues the Public Notice. This is not a mandatory step but often helps prevent delays in processing the application, due to concerns expressed related to the nature of the minor variance. It is also helpful for the location of the proposed building (when the application deals with setbacks) to be staked out or marked on the property so that Township officials or interested neighbours can see the subject location.

Public Notice

Upon receipt of a complete application a Public Hearing shall be scheduled within 30 days. Notice must be circulated to property owners within 60 metres of the subject property; and all other agencies/public bodies as prescribed in the Planning Act.

Public Hearing

The Public Hearings will be held in the Council Chambers at 20 Third Street, Keene. Unless decision is deferred, the Committee of Adjustment will render their decision normally after they have heard all particulars from the applicant, received a Planning Report from the Township Planning Consultant and received comments from any persons in attendance.

It is recommended that you or an authorized agent attend the Public Hearing to provide additional information or answer any questions posed by the Committee or the public.



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Notice of Decision

The Notice of Decision (approval or denial) is sent by first class mail to the applicant and/or authorized agent; and to each person who filed in writing with the Secretary-Treasurer a request for the Notice of Decision. The Notice of Decision may include conditions to be met by the applicant such as an agreement with the municipality.

Appeal of Decision

A 20-day appeal period from the date of decision is required under the Planning Act. The applicant and/or authorized agent, or any person or public body who has an interest in the matter may file an appeal to the Ontario Municipal Board.

The appeal is required in writing, filed with the Secretary-Treasurer with a \$400.00 fee payable to the Minister of Finance.

No Appeal

If no appeal is received within the appeal period, the decision of the Committee is final.

The applicant may then proceed to obtain building permits for the proposed structure and/or commence the permitted use.

Appeal to OMB

If an appeal is filed within the appeal period, the matter goes to the Ontario Municipal Board. The Board will issue notice(s), hold a hearing, and render a decision.

If the appeal is by the member of the public or an agency, the Township may request a deposit for these Hearing fees which can amount to thousands of dollars. If the applicant does not wish to defend the matter before the OMB, the application may be withdrawn. No hearing would be held, or costs incurred.

If the applicant wishes to proceed to the OMB hearing, the Township Solicitor and Planning Consultant will defend the Committee decision and all costs for legal and planning representation will be borne by the applicant.

Contact: Emily Baker, Junior Planner
705-295-6852 ext. 232
juniorplanner@osmtownship.ca