



Minor Variance

Information Guide

Municipalities in the Province of Ontario establish standards to achieve orderly and safe development within their communities. These standards are set out in Zoning By-laws. A Zoning By-law governs the types of uses permitted on a property and includes minimum development requirements such as setbacks, height and lot coverage. The Minor Variance application process is a means to seek relief through the Committee of Adjustment when a proposed structure cannot conform exactly to the requirements of the zoning by-law.

A Minor Variance can be pursued when a building or structure you are planning to build will not comply with the City's Zoning By-law. There may be some situations where a minor variance is necessary to rectify an existing non-compliant situation. The Minor Variance process is available for "minor" departures from compliance with the Zoning By-law provisions. Unlike the Zoning By-law Amendment process, the Minor Variance process is a quicker (typically 2-3 months), less costly method to resolve a zoning compliance deficiency.

Step 1

Pre-consultation

City Staff can review the matter with you and advise you if the Minor Variance process is the appropriate avenue to resolve the zoning compliance issue. No assurances can be given by staff with respect to whether any given application will be approved by the Committee of Adjustment. Staff will also advise you if the services of a [professional planning consultant](#) would be beneficial to you.

Step 2

Prepare the Application

The [Minor Variance Application](#) form is available to you at the City Centre or on the City's website. The application requires general information about you, your property and includes a section where you can provide a description of the Minor Variance that you are seeking.

An example of a minor variance would be a "Request for a reduction of the side yard setback for my proposed garage from 1.2m to 1.0m". A [Site Plan](#) sketch is an important part of the Minor Variance Application. This does not have to be professionally done, but it does need to contain sufficient information to clearly illustrate your proposal. Photographs of the existing conditions on the property or any other relevant items may also be submitted with the application. If you have any difficulty completing the application, the Secretary-Treasurer to the Committee of Adjustment is available to assist you.

Step 3

Submit the Application

The completed application must be submitted at the City Centre with the appropriate fee paid. The fee is non-refundable if the application is denied by the Committee of Adjustment. The Committee of Adjustment meets once per month. Each month's [meeting date](#) is the deadline for submissions for the following month's meeting. You will be advised of the hearing date for your Minor Variance application by the Secretary-Treasurer.



Step 4

Circulation of Notice

Under the provisions of the *Planning Act*, the City is required to circulate Notice of your application to all property owners within 60m (200ft) of your property boundaries, in addition to posting a Notice on your property.

As your immediate neighbours are generally the most impacted by deviations from the Zoning By-law regulations, you should make them aware of the application and review your plans with them (if possible). If your neighbours have no objections to your proposal, you may wish to obtain a letter from them confirming this, or encourage them to attend the Committee of Adjustment hearing to voice their support.

Step 5

Committee of Adjustment Hearing

On the date appointed for the hearing, the Committee of Adjustment will meet to hear applications. The Committee of Adjustment is a quasi-judicial body appointed by Council and consists of three members of the community.

At the hearing, the Committee will introduce your item. As an applicant, either you or someone appointed by you, will have an opportunity to present your proposal. Any person having an interest in your application will be invited to identify themselves and will be given an opportunity to make their views known. The Committee members will ask questions of the applicant and/or members of the public. Once the Committee is satisfied that all available evidence has been heard, it will render a Decision to approve or deny the application. To approve any Minor Variance, the Committee of Adjustment must be satisfied that:

1. The general intent and purpose of the City's Official Plan is maintained.
2. The general intent and purpose of the City's Zoning By-law is maintained.
3. The proposal is appropriate for the development of the land and/or building.
4. The variance requested is minor.

On rare occasions where the Committee requires further information prior to rendering a decision, it may defer its Decision to a future meeting and ask the applicant or staff to provide additional evidence.

Contact Information

T: 705-325-2622
E: coa@orillia.ca

Step 6

Decision and Appeal Period

The Planning Act provides for a 20-day appeal period following the Decision of the Committee. During this 20-day appeal period, an appeal may be filed to the Ontario Land Tribunal (OLT) by the applicant, the Minister, a specified person or public body against the Committee's Decision. A specified person is defined in Section 1 (1) of the Planning Act. This appeal along with the associated fee must be filed with the City prior to the expiry of the appeal period.

If no appeals are filed, the Committee's Decision is final and binding, subject to the applicant complying with any conditions attached to the Committee's Decision. A typical condition of a Decision to approve a Minor Variance application is that "Construction must be substantially in compliance with the plans and drawings submitted with the application".

If an appeal is filed, the matter is referred to the OLT for resolution and the City's jurisdiction in the matter is at an end.

Step 7

Building Permit

A Minor Variance does not constitute a Building Permit. A Building Permit application is required to be submitted if your proposal involves construction. An application for Building Permit may be submitted prior to the expiry of the appeal period (this allows the City's Building Division to begin its review of the permit submission), however a Building Permit cannot be issued until the appeal period has expired and the Minor Variance is final and binding.

Step 8

Construction

Once the Minor Variance application is final and binding and the Building Permit is issued, you may proceed with the construction of your project. Once granted, the Minor Variance is permanent and stays with your property, even if you sell.