



THE TOWNSHIP OF ENNISKILLEN

4465 Rokeby Line
Petrolia, ON N0N 1R0
Telephone: (519) 882-2490
Fax: (519) 882-3335

APPLICATION FOR MINOR VARIANCE (Including Ont. Regulation 200/96) INSTRUCTIONS AND INFORMATION TO APPLICANT

Please complete the form accurately and completely, using a typewriter or a pen with dark ink. It is important that the information be complete and accurate.

If the application is signed by an agent or solicitor on behalf of the owner, the owner's written authorization must accompany the application. A space is provided for this authorization towards the end of the application form, immediately before the declaration of applicant. If the applicant is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal must be affixed.

The applicant should consult the local municipal Zoning By-law before completing the application.

Criteria Considered in Granting a Minor Variance: Section 45 of the Planning Act sets out that in order for a Committee of Adjustment to grant a variance to a zoning by-law they must determine the following:

- a) is the requested variance minor;
- b) is the general intent and purpose of the Official Plan maintained;
- c) is the general intent and purpose of the Zoning By-law maintained;
- d) is the minor variance desirable for the appropriate development or use of the land, building or structure.

Sketch Requirements: Each application **must** be accompanied by a sketch. Because we must copy and circulate the sketch, it must be provided on a sheet of paper no larger than 11" x 17". The County of Lambton maintains a web site (<https://www.lambtongis.ca/sites/?viewer=lcgis#>) with mapping tools that you may find useful to produce the required sketch.

The sketch should clearly show such items as may be necessary to explain your proposal and to allow the Committee and staff to assess its appropriateness. Items which may be necessary to include on the sketch include but are not necessarily limited to:

- a) The boundaries and dimensions of the subject land and any proposed severances or lot boundary adjustments.
- b) The location, size and type of any existing and proposed buildings and structures and septic systems on the subject land and the proposed lot line setbacks of any proposed buildings or structures.
- c) The location of any existing or proposed points of entry (accesses) to the subject lands.
- d) The location and nature of any easement affecting the subject land.
- e) The location of any buildings, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, septic systems, etc. on or adjacent to the lands that are relevant to the application.

The Secretary-Treasurer need not accept an incomplete application, or an application with a sketch that is unclear, unable to be copied, or missing information necessary to explain and assess the proposal.

Application Fees: The applicant shall file a complete, signed application, together with the sketch with the Secretary-Treasurer at the municipal office together with an application fee of **\$400.00 in cash or cheque payable to The Township of Enniskillen.**

If the Township determines that the Conservation Authority has an interest in the application, a **fee of between \$100.00 and \$400.00 will be collected in order to have the Conservation Authority review the application** and provide comments. The cheque for Conservation Authority review is to be made payable to the St. Clair Region Conservation Authority.

If the property, which is the subject of this application, has a septic system or requires a new septic system a **fee of \$75.00 will be collected for the preparation of a septic report**. The cheque is to be made payable to the County of Lambton.

Notice, Public Hearing, Decision: A date will be set for a public hearing of the application before the Committee of Adjustment. Notice of the public hearing will be provided no less than 10 days prior to the meeting. In addition to being posted on the property, notice of the meeting will be sent out, at a minimum, to all landowners within 60 metres of the subject lands. The notice area will be greater where the Township determines that the nature of the application requires it. The Committee may make a decision on the application at the public hearing, adjourn the hearing to a later date, or reserve its decision to a later date. Notice of the Committee's decision, once made, will be sent within 10 days of the decision.

After a Decision is Made: The decision made by the Committee is subject to appeal to the Ontario Land Tribunal for a period of 20 days from the making of the decision.

The approval of a minor variance may be accompanied by conditions that must be completed and maintained for the minor variance to be valid. A minor variance does not expire unless conditions of approval are not maintained or applicable regulations change before the development permitted by the variance is commenced.



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APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

OFFICE USE ONLY:
DATE RECEIVED _____
APPLICATION NO _____
FEE PAID: Yes _____ No _____

The undersigned hereby applies to the Committee of Adjustment for the Township of Enniskillen under section 45 of the Planning Act R.S.O. 1990, (Ontario Regulation 200/96) for relief, as described in this application, from By-law No....., as amended.

1. **Name of Owner:** _____

Address: _____

Telephone: _____ Business/Cell: _____

E-mail address, if applicable. _____

2. **Name of Authorized Agent**, if applicable: _____
(if applicable, ensure owner completes authorization section of application form)

Address: _____

Telephone: _____ Business/Cell: _____

E-mail address, if applicable. _____

3. Please specify to whom communications should be sent: Owner () Authorized Agent ()

4. Date of acquisition of subject land by current owner: _____

5. **Purpose of Application:**

a) Section(s) of By-law from which relief is requested: _____

b) Nature and extent of relief applied for: _____

c) Why is it not possible to comply with the provisions of the By-law? _____

6. **Description of Subject Lands:**

a) Legal Description: _____

b) Street Name and Municipal Address: _____

c) Frontage: _____ Depth: _____ Area: _____

9. Township Official Plan Designation(s) which applies to subject land: _____

10. Zoning By-law Zone(s) which applies to subject land: _____

11. **Use of Subject and Abutting Lands:**

a) Existing uses of the subject land: _____

b) Length of time the existing uses of the subject land have continued: _____

c) Proposed uses of the subject land: _____

12. Existing uses of abutting properties: _____

13. Particulars of any and all buildings and structures on or proposed for the subject land (type, setbacks from lot lines, height, dimensions or floor area, date of construction, etc. of each):

a) Existing: _____

b) Proposed: _____

14. **Other Applications:**

a) Concurrent applications: is the subject land currently the subject of an application under the Planning Act for approval of a plan of subdivision or a consent (severance)?

Yes() No() Do Not Know()

Type: _____ File #: _____ Status: _____

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b) Previous applications: if known, have the subject lands ever been the subject of an application for minor variance or permission under Section 45 of the Planning Act?

Yes() No() Do Not Know()

Type: _____ File #: _____ Decision/Status: _____

16. **Access:** What type of access is provided to the subject lands (check appropriate space)?

- Provincial Highway ()
- Municipal Road that is maintained year round ()
- Municipal Road that is maintained seasonally ()
- Right-of-way ()
- Other (specify): _____ ()

If the access to the subject land is by water only, please state the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

17. **Water Supply:** What type of water supply is provided to the subject lands (check appropriate space)?

- Publicly owned & operated piped water system ()
- Privately owned and operated individual or communal well ()
- Lake or other water body ()
- Other (specify): _____ ()

18. **Sewage Disposal:** What type of sewage disposal is provided to the subject lands (check appropriate space)?

- Public owned and operated sanitary sewage system ()
- Privately owned and operated individual septic system ()
- Privately owned and operated communal septic system ()
- Other (specify): _____ ()

19. **Storm Drainage:** What type of storm drainage is provided to the subject lands (check appropriate space)?

- Municipal storm sewer ()
- Municipal drain (specify drain): _____ ()
- Private drain on easement ()
- Other (specify): _____ ()

20. **Authorization by Owner:** If the applicant is not the owner of the land, the owner's written authorization to the applicant to make the application is required. I, the undersigned, being the owner(s) of the subject land, hereby authorize to be the applicant in the submission of this application.

.....
(Signature) of owner Date

.....
(Signature) of witness Date

21. Declaration of Applicant

I/We of the of in the of solemnly declare that all the statements contained in this application are accurate, and I/We make this solemn declaration conscientiously believing it to be accurate, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act. Further, I/we hereby grant the municipality's staff and its agents (including agencies the municipality has requested to comment on the application) permission to communicate using any email address provided in this application and to enter upon the subject lands at any reasonable time to inspect the property in relation to this application.

.....
(Signature) of applicant(s)

DECLARED before me at the of in the of this day of, 20.....

A Commissioner, etc......