

The background of the entire page is a detailed architectural floor plan in white lines on a dark blue background. The plan shows various rooms, including a large circular area with a staircase, several rectangular rooms with desks and chairs, and a curved hallway. There are also circular symbols with crosses and some text labels like 'UP' and '10 10-00'. Dimensions such as '4.60' and '1.90' are visible. The overall style is technical and precise.

Committee of Adjustment

Citizens' guide to minor variance and consent processes

- Answers to commonly asked questions
- Public engagement and participation
- The town's role in the process
- Making an application

What is the *Planning Act*?

The *Planning Act* is the legislative document that provides direction on various approval processes related to development within the town. It sets out the rules that most Ontario municipalities must follow, and allows Town Council to appoint a committee to have authority to grant minor variances and consents.

The *Planning Act* is the principal legislation that sets out how good planning is carried out through other planning tools like an official plan and a zoning by-law.

What is the Committee of Adjustment?

The Committee of Adjustment (COA) is the decision maker for minor variance and consent applications submitted to the town. The committee is made up of five citizens who are appointed by Council.

The COA is responsible for evaluating applications and making a decision by considering:

- public input from written correspondence and/or presentation at a public meeting
- the applicant's submission materials and presentation at the public meeting
- comments from the town
- applicable tests and criteria under the *Planning Act*

What is a minor variance?

A minor variance is a small variation from the requirements of the zoning by-law. A minor variance approval is a certificate of permission, allowing the property owner to obtain a building permit even though their property does not comply precisely with the zoning by-law. An example of a minor variance is when a reduced setback from a side property line is requested.

What are the criteria of a minor variance?

There are two types of minor variance applications and each have criteria that need to be satisfied.

The four criteria under Section 45(1), which typically deals with new development or additions to existing compliant development, are:

- does the application comply with the official plan?
- does the application meet the intent of the zoning by-law?
- is the proposal desirable and appropriate?
- is the request minor in nature?

All of these criteria must be satisfied for an approval to be granted by the committee.

The two criteria under Section 45(2), which typically deals with new development onto legally existing non-compliant or non-conforming development, are:

- is the proposal similar to the current usage of the land, building or structure?; or
- is the proposal more compatible with uses permitted by the current zoning by-law?

Only one of these criteria needs to be satisfied for an approval to be granted by the committee.

What is a consent?

Where land division is minor and a plan of subdivision is clearly unnecessary for development, or where a boundary is being adjusted, the *Planning Act* allows the consent granting process. This usually involves a land severance of some kind.



What are the criteria of a consent?

Normally, new lots are created through approval of an application of a plan of subdivision. When only one or two lots would be created and no road is required, a full subdivision application may not be necessary. In this case an application for consent is required, except in certain areas of north Oakville where development by consent is not permitted. Consents are evaluated by considering 13 criteria set out in Section 51(24) of the *Planning Act*, including items such as:

- is the proposal premature?
- is the land suitable for the proposal?
- are the dimensions and shape of the lots and resulting lot being created appropriate?
- are there adequate utilities and municipal services?

The criteria under the *Planning Act* are considered together with the criteria established under the town's official plan. Not all criteria are applicable, but the ones that are, must be satisfied in order to approve the application.

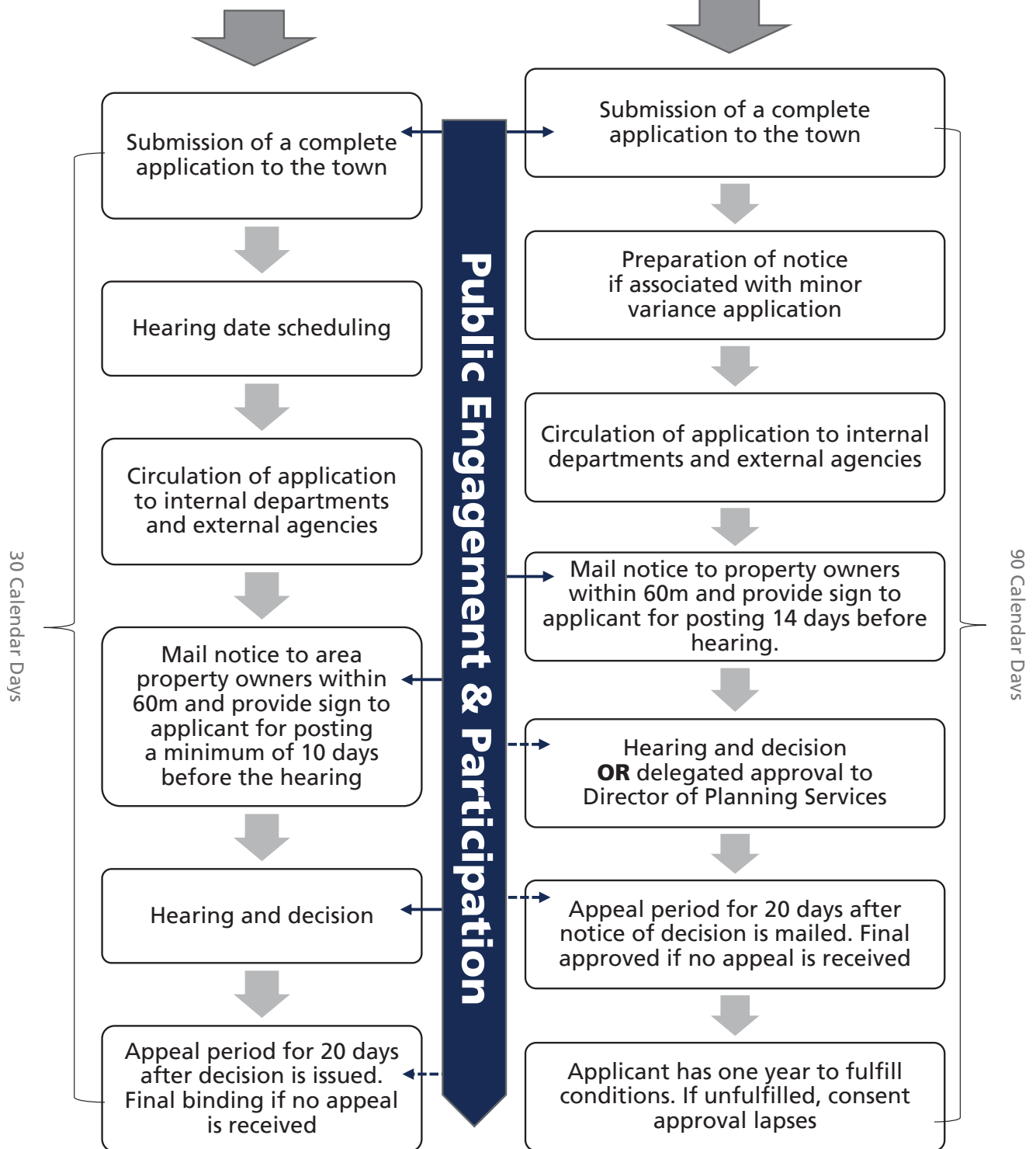
If a consent application is approved, the applicant has one year to satisfy any conditions that are imposed. If the conditions are not satisfied in that time, the approval lapses and the applicant will need to reapply. The consent application is evaluated based on the policies in place at the time of the application, regardless if one was previously approved and lapsed.

What are the steps in a minor variance and consent application process?

There are specific steps in both a minor variance application and a consent application. The *Planning Act* informs the town and the committee when certain steps need to be performed and when a decision needs to be made. For a minor variance, a hearing shall be held within 30 days of receiving a complete application, and for a consent a decision must be made within 90 days of receiving a complete application. These details have been illustrated on the following page.

Minor Variance

Consent



→ Public participation is encouraged.

- - - Public participation *may* occur in certain circumstances.
Contact the Secretary-Treasurer or Planner for more information.

How do I make an application?

A minor variance application is submitted when an applicant requests permission to make a change to their property that is outside the rules of the zoning by-law.

A consent application is submitted when an applicant requests permission to change the way a piece of land is defined, by either creating a new lot, changing lot boundaries, or establishing easements over the land. A minor variance can also be required with this type of application.

There is a set fee and specific materials and information that need to be submitted with the application.

An application to the COA is a public process. This means that property owners within the vicinity are able to participate in the decision-making process.

The town advises applicants to engage the surrounding area property owners about their proposal, although this is not a requirement under the *Planning Act*.

What are my rights as an applicant in the process?

As an applicant you have the right to:

- submit an application for your property or, with authorization, on behalf of someone else for their property
- attend the public meeting and present your proposal to the committee
- file an appeal should you disagree with the decision of the committee
- request a deferral

How will the public get informed?

The minor variance and consent processes require public participation in some form. The *Planning Act* sets out these minimum requirements for engaging the public:

- issuing a Notice of Application of a minor variance a minimum of 10 calendar days before a public meeting by mail to properties within 60 metres (197 feet) of the subject lands
- issuing a Notice of Application of a consent 14 calendar days before a public meeting by mail to properties within 60 metres (197 feet) of the subject lands
- providing a sign to be posted by the applicant on the subject property which explains the application, as shown below

Public Notice

This property has applied for a Committee of Adjustment application. To learn more:

- Please visit oakville.ca and search for Committee of Adjustment;
- Call ServiceOakville at 905-845-6601; or,
- Scan the following QR code for Committee of Adjustment agenda and application information, including drawings.

Committee of Adjustment Application for Variance CAV A/029/2023

Electronic Hearing Date: March 22, 2023 - 7:00pm
For information on how to participate in the electronic hearing, contact the Secretary-Treasurer noted below.

Variance(s) Request:
A variance application has been filed with the Town of Oakville under Section 45(1) of the Planning Act to permit the existing attached private garage to remain, and permit the construction of an accessory building (garage) on the subject property pursuant to the following variances(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 15.10.1 c) The maximum lot coverage for all buildings shall be 19% (263.96 m ²). (Lot area is 1399.25m ² .)	To permit the maximum lot coverage for all buildings to be 24.63% (342.31 m ²).
2	Section 15.10.1 e) The minimum interior side yard for a detached dwelling having two storeys and an attached private garage shall be 1.5m.	To permit a minimum (existing) interior side yard of 1.51 m to the existing attached private garage.

For more information regarding this application please contact:
Deborah Beaudry
Secretary-Treasurer
Committee of Adjustment
1000 Lakeshore Blvd. W. 10th Floor
Oakville, Ontario L6L 1A8
905-845-6601

OAKVILLE

The town exceeds the minimum requirements by extending the notification time frames and providing access to all notices and drawings on the town's website. A hard copy of this information is available by contacting the Secretary-Treasurer at Town Hall.

The website, notice and sign provide details and contact information on how you can participate. You may advise the committee of your concerns regarding the proposal and what impacts the proposal has on you and your property by:

- providing written comments
- attending the public meeting
- speaking at the public meeting

What are my rights, as a member of the public, in the process?

As a member of the public you have the right to:

- view the materials associated with the proposal
- attend the public meeting and advise the committee of your concerns regarding the proposal and what impacts the proposal has on you and your property
- request a deferral

Every comment adds value to the process, and the town encourages participation from the public.

What is the town's role?

The role of the town is to process applications. There are some key people who work together to ensure the application requirements and planning processes are met:

The Secretary-Treasurer/Assistant Secretary-Treasurer for the committee of adjustment at the town are responsible for accepting the applications, managing the circulation to commenting partners, and issuing notice for the application and decision. They also attend the public meetings and assist the committee during the meeting.

Town departments and agencies are responsible for providing comments on the applications to capture any conflicts with the application and town policies and practices.

Town Planning staff evaluates the application using tests and criteria found in the *Planning Act*.

Your Ward Councillor is always available to discuss matters related to the COA and help clarify the process.

What happens after a decision is made?

After a decision is made, the timeframe for an appeal will begin. Filing an appeal to the OLT is a process that can be used when there is a disagreement with the committee's decision. The following people can file an appeal:

- the applicant
- the Minister of Municipal Affairs and Housing
- specified person, such as a utility company
- public body, such as the town

In November 2022, Bill 23 legislation, *More Homes Built Faster Act*, amended the Planning Act to remove appeal rights for members of the public.

The appeal request is submitted to the Secretary-Treasurer at the town, along with the required fee and form. Minor variance and consent applications have different timeframes on when an appeal can be filed. An appellant may wish to have legal representation and professional experts to present their case. For more information, please go to the Ontario Land Tribunal (OLT) website.

Decisions of the COA or the OLT do not guarantee the approval of permits or processes required by the town for the proposed development. Please consult with the appropriate town staff to gather all necessary information before proceeding with your development.

What is the Ontario Land Tribunal?

The Ontario Land Tribunal (OLT) is a type of judicial body that handles land use planning matters. An appeal can be made to the OLT after the COA has made their decision, or when a decision has not been made within the required timeframe set out in the *Planning Act*, or if there is a disagreement with the conditions set out in a decision.

What is an official plan?

The official plan contains policies that help inform staff and the COA in their comments and decision-making process.

The official plan is the guiding planning document for how the town will grow and develop over the next 20 years. The official plan is reviewed every five years to ensure that the town's long-term planning objectives are being met.

The Town of Oakville has two official plans to cover two distinct areas of the town. One is Livable Oakville, approved by Council in 2009; the other is the North Oakville Official Plan which was approved in 2006.

What is a zoning by-law?

A zoning by-law is the implementing planning tool for the official plan. Zoning by-laws set out the specific standards and regulations for each property, while the official plan looks at the town as a whole. Oakville has two zoning by-laws to cover two distinct areas of the town: By-law 2014-014; and By-law 2009-189 which covers north Oakville.

What are the design guidelines?

The town has endorsed a set of guidelines to help direct new development and changes in residential areas within the town. It is called the Design Guidelines for Stable Residential Communities. The rules within the document are guidelines and not policies as in the official plan or regulations as in a zoning by-law. The guidelines ensure new development is compatible with the existing neighbourhood character. The guidelines are used only for residential applications.



The background of the page is a dark blue architectural blueprint. It features various technical drawings, including floor plans, site plans, and sections of buildings. The drawings are rendered in a light blue or white color, creating a complex geometric pattern. A large, white, diagonal shape cuts across the page from the top-left towards the bottom-right, creating a white space for text.

For more information

Please visit oakville.ca and use the search tool to find Committee of Adjustment.

905-845-6601, ext. 1829
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