



Municipality of Shuniah

Application for Minor Variance

Under Section 44 & 45 of the Planning Act
 Committee of Adjustment of the Municipality of Shuniah

Note to Applicants:

An application to the Committee of Adjustment may not be considered without the following:

- 1) a pre-consultation meeting with Shuniah staff to determine feasibility of your proposal;
- 2) possibly the approval of the Thunder Bay District Health Unit. Please contact the Thunder Bay District Health Unit, Septic and Land Division Section, for guidelines and fee structure. Phone 625-7990;
- 3) a complete application (see below) in a paper and electronic PDF format.

The application fee (LRCA + Shuniah) is non-refundable whether the application is approved or denied.

In this form the term "subject property" or "subject lands" means the land to be severed and the land to be retained.

Site visits are required. Submission of this application constitutes tacit consent for authorized Municipality of Shuniah staff to inspect the subject lands or premises.

Pre-consultation is mandatory to avoid delays in the formal review due to missing information.

Completeness of the application:

The applicant must provide a complete application with the appropriate fee. If the complete application and fee are not provided, the application will be returned, or refused for further consideration until the information and fee have been provided.

The information required by the applicant is prescribed by the Schedule to Ontario Regulation 200/96 made under the Planning Act. A Planning Justification Report is also required (see Schedule B). To be considered a complete application, the prescribed information must be provided with the appropriate fee. If the prescribed information and fee are not provided, the application will be returned, or refused for further consideration until the information and fee have been provided.

The application form also requests other information that will assist the Municipality and others in their planning evaluation of the minor variance application, including preparation of a Planning Justification Report (see Schedule B). To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making decisions. As a result, the application may be refused. *Applications to the*

Committee of Adjustment are processed in accordance with Provincial Legislation and information provided by the applicant. It is, therefore, the responsibility of the applicant to ensure the accuracy and completeness of the application PRIOR to its submission to this office.

Meeting dates will only be determined upon receipt of a COMPLETE application. Once the application is determined complete, revisions and/or changes to the application, including dimensions will not be allowed. Please ensure the accuracy of your application. Errors or omissions may require a further application and additional expense. Confirmation of the current zoning on your property may be obtained from the Planning Department. The hearing agenda and supporting documents will be made available to the public on the Shuniah website, www.shuniah.org, for further information please contact our office.

Submission of the Application:

ONE paper and ONE PDF electronic version of application package is required, including a sketch along with the fees (LRCA + Shuniah), and Authorization from the owner if applicant is not the owner. The application MUST be signed by the owner(s) or authorized agent in the presence of a Commissioner, Notary Public, etc. The application and supporting documents will be made available to the public on the Shuniah website, www.shuniah.org, for further information please contact our office.

Next Step:

The applicant (Owner) or authorized agent is requested to attend the hearing to respond to any questions or concerns the committee or persons present may have. In absence of authorized representation, the committee may defer an application or render a decision.

Disclosure of information:

All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultant(s) or solicitor(s). The Municipality of Shuniah is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The Municipality of Shuniah is also permitted to provide copies of the application and any supporting information to any member of the public or other third party which requests the information.

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OFFICE USE ONLY:

Application No. _____ Receipt No. _____

Date of Pre-consultation Meeting: _____

Date Complete Application Received: _____ Date Notice Given: _____

Fee Enclosed (amount): \$ _____ (LRCA) \$ _____ (Shuniah)

1. Registered Owner:Owner's Name (List Association Name if applicable):

Owner's Mailing Address: _____

City/Town/Municipality: _____ Prov.: _____ Postal Code: _____

Phone: _____ Cell: _____

Email Address: _____

2. Applicant/Agent Information: (If different from Registered Owner, an Owner's authorization is required, Schedule A)

Applicant's Name: _____

Solicitor/Authorized Agent/Firm: _____

Applicant's Mailing Address: _____

City/Town/Municipality: _____ Prov.: _____ Postal Code: _____

Phone: _____ Cell: _____

Email Address: _____

Send Correspondence To? Owner Applicant Agent/Solicitor **3. Location of Subject Property:**Property Address (and site description if in an Association): _____

Property Roll Number - 58-28-0__0-00__ - _____ (obtained from tax bill or assessment notice)

Concession No.	Section No.
Registered Plan No.	Lot(s) No.
Mining Location	Reference Plan No. Pts.

Road access: Fire No. and Common Road Name _____

Road Ownership: Municipality Ministry of Transportation
 Private Other

Water access (if applicable):(a) If the proposed access is by water, please describe the nearest public boat launching and car parking facility and if secured by registered easement.

(b) How far is it from the property, and what facilities are there? _____

Other access (Specify) _____

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4. Encumbrances:

4.1 Please indicate the nature of any restrictive covenants or easements affecting the subject property and describe each easement or covenant and its effect.

4.2 If known, the name of person(s) to whom the property or interest in property is to be conveyed, leased or mortgaged.

5. Nature and extend of relief applied for: (By-law # _____ Section: _____)

6. Why is it not possible to comply with the provisions of the zoning by-law?

7. Dimensions of the subject property affected:

Frontage _____ Depth _____
 Area _____ Width of Street _____
 Date Land Acquired: _____

8. Location and use of buildings and structures as shown on sketch – must include height, distance to front and rear of lot line, side lot lines, floor area, distance to all other buildings, including distances to abutting property buildings (in meters) – use separate page, if necessary

List All Existing Buildings (i.e., Residential Dwelling, Garage, Storage Shed, Bunkhouse, Commercial Shop, Office Building) These distances are to be included on your site plan.				Proposed Building(s) and Use of building: These distances are to be included on your site plan shown as "proposed".			
Structure:				Structure:			
Date Constructed:							
to Front Yard	___m	to Rear Yard	___m	to Front Yard	___m	to Rear Yard	___m
Separation distance to _____	___m	Separation distance to _____	___m	Separation distance to _____	___m	Separation distance to _____	___m
to __Side Yards	___m	to __Side Yards	___m	to __Side Yards	___m	to __Side Yards	___m
Square footage	___m ²	Height	___m	Square footage	___m ²	Height	___m
Structure:				Structure:			
Date Constructed:							
to Front Yard	___m	to Rear Yard	___m	to Front Yard	___m	to Rear Yard	___m
Separation distance to _____	___m	Separation distance to _____	___m	Separation distance to _____	___m	Separation distance to _____	___m
to __Side Yards	___m	to __Side Yards	___m	to __Side Yards	___m	to __Side Yards	___m
Square footage	___m ²	Height	___m	Square footage	___m ²	Height	___m

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9. Existing use of property (residential, commercial etc.):

Subject Property: _____

Length of time of existing use: _____

10. Additional information – particulars of all buildings and structures on or proposed for the subject property (specify ground floor area, gross floor area, number of storeys, width, length, height, etc.):

Existing: _____

Proposed: _____

11. Former Use of Property Table (check as applicable):

Does the Owner own Adjoining Property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Is there any reason to believe that the site or adjacent site may be environmentally contaminated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Has an industrial or commercial use, or an orchard, been on or adjacent to the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Has lot grading been changed by adding or removing earth or other material?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Has a gas station been located on the subject property or adjacent land at any time?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Has there been petroleum or other fuel stored on the subject property or adjacent land?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Has the Ministry of the Environment, Conservation and Parks, or any other agency formally or informally advised the owners that the property is or may be contaminated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

11.1 What information did you use to determine the answers to the above questions on former uses?

11.2 If you answered YES to any of Section 11 Former Use of Property Table, a previous use inventory showing all former uses of the subject property, or if appropriate, the land adjacent to the subject property is needed. Is the previous use inventory attached? Yes No

If the inventory is not attached, please explain.

11.3 If you answered Yes to any of the questions related to Section 11 Former Use of Property Table, was an Environmental Site Assessment (ESA) conducted under the Environmental Assessment Act or has a Record of Site Condition (RSC) been filed? Yes No Unknown

If no, why not? Explain on a separate page, if necessary.

12. Uses adjacent to the subject property:

North _____

South _____

East _____

West _____

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13. Current Development Applications:

Not including this application, has the subject property or any abutting land ever been, or currently in the process of any other planning application, including applications before Ontario Land Tribunal (OLT), for approval of (check all that apply):

- Zoning By-law Amendment
- Consent
- Minor Variance
- Site Plan Approval
- Official Plan Amendment
- Plan of subdivision/Condominium
- Minister’s zoning order

If yes, and if known, specify: the file number; the approval Authority; the land it affects; its purpose; its status, and its effect on the proposed amendment:

14. Existing official plan designation:

15. Existing zoning, permitted uses, if it’s located in a high-density area, and Green Star status (none, partial or full):

16. Servicing – Water:

- Private: lake, well , or other (specify) _____
- Is it compliant with Provincial Standards? _____

17. Servicing – Sewage:

- Private: septic tank and field, pit, vault, chemical, holding tank, other (specify) _____
- Is it compliant with Provincial Standards? _____

A certificate of approval from the Thunder Bay District Health Unit or Ministry of the Environment, Conservation and Parks submitted with this application will facilitate the review.

18. Servicing – Storm Drain:

- Provided: sewer, ditches, swales, other (specify)
- No

19. Other information:

Is there any other information you think may be useful to the Municipality or agencies in reviewing this application? If so, explain below or attach on a separate page.

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AFFIDAVIT OR SWORN DECLARATION

I/We, _____ of the City/District/Regional Municipality of _____ in the City/District/Regional Municipality of _____ solemnly declare that all the statements contained in this application are true, and I/We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

SWORN/AFFIRMED /DECLARED before me at the

_____ In the Province _____

of Ontario this _____, day of _____ 20____

SIGNATURE

A Commissioner for taking Affidavits. _____

signature

stamp

CONSENT OF THE OWNER:

***AUTHORIZATION OF OWNER TO THE USE
AND DISCLOSURE OF PERSONAL INFORMATION***

I, _____, am the owner of the property that is subject of this application for a minor variance and for the purposes of the Freedom of Information and Protection of Privacy Act I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Date

Signature of Owner

NOTE:

1. **Each application must be accompanied with a fee according to the most recent Fees and Tariffs By-law.**
2. **ALL** questions **MUST** be answered fully and the sketch completed **BEFORE** the application(s) will be accepted for processing.
3. **A sketch must accompany the application** showing,
 - a) the boundaries and dimensions of the subject property;
 - b) the location, size and type of all existing and proposed buildings and structures on the subject property, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
 - c) the approximate location of all natural and artificial features on the subject property and on the land that is adjacent to the subject property that, in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, slopes (contour lines), drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks. See also Official Plan Schedule B1 Constraints Map. (NOTE: the LRCA Regulates 30m around all wetlands);
 - d) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
 - e) the locations, width and name of any roads within or abutting the subject property, indicating whether it is an unopen road allowance, a public travelled road, a private road or a right of way;
 - f) if access to the subject property is by water only, the location of the parking and boat docking facilities to be used;
 - g) the location and nature of any easement affecting the subject property.

PLEASE ENSURE **ALL** PERTINENT INFORMATION IS CONTAINED ON A SINGLE SKETCH ONLY. THE MAXIMUM SIZE FOR THE ACCOMPANYING SKETCH SHALL BE **11" X 17"**.

4. If applicable, property owner's authorization letter attached as Schedule A.

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Schedule A

Date: _____

Owner Name(s): _____

Address: _____

Phone Number: _____

Attention: Committee of Adjustment, Secretary-Treasurer

Subject: Letter of Authorization

RE: Subject Lands at

Lot: _____

Plan: _____

Address: _____

Municipality of Shuniah

Dear Approval Authority:

I, _____, am the owner of the land that is the subject of this application for a minor variance and I authorize _____ to make this application on my behalf as described in the attached site plan. For the purposes of the Freedom of Information and Protection of Privacy Act I authorize _____ as my agent for this application, to provide any of my personal information that will be included in this application or collected during the process on of the application.

Please do not hesitate to contact me if there are any further questions.

Yours truly,

Owner Signature

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Schedule B

A Planning Justification Report is a report provided by an applicant as part of a complete application which:

- describes the subject property, its existing physical conditions, and its context within the surrounding community;
- outlines the Proposed Application;
- provides an overview of the relevant planning policy and regulations that affect the planning application, including Provincial Policy Statement, Growth Plan for Northern Ontario, the Shuniah Official Plan and any other related policy, regulations and guidelines;
- details potential adverse effects or impacts;
- summarizes each of the technical studies triggered by the potential adverse effects or negative impacts;
- details how adverse effects or negative impacts will be minimized or the mitigation measures with contingency plans; and,
- provides planning opinion and justification for the proposed development Application.

The level of detail for the planning justification shall be appropriate to the complexity or potential impact of the proposal; and/or in accordance with relevant Official Plan policy sections.

In the case of a Minor Variance, the Planning Justification Report is a statement which summarizes the information required by the Planning Act; and also gives the applicant an opportunity to explain in their own words what they are seeking to achieve and why.

The Planning Justification Report must describe how the four tests of a minor variance are met; specifically:

- 1) Is the application minor?
- 2) Is the application desirable for the appropriate development of the lands in question?
- 3) Does the application conform to the general intent of the zoning by-law?
- 4) Is the application consistent with the general intent of the official plan?

And conclude by addressing potential adverse effects and compatible development (see *below).

Sample Planning Justification Report for a Minor Variance

Title: Planning Justification for a Minor Variance application to allow:....., located at.....

In summary, the reason for the request is to

The proposed development is minor because.....

The proposed development is desirable and appropriate because.....

The proposed development conforms to the general intent of the zoning because.....(must review what is permitted in the zoning by-law and list or cut and paste the applicable section(s)).

The proposed development is consistent with the general intent of the applicable official plan policies (must review the Official Plan to find applicable sections) as supported by section(s) (either list or cut and paste).

The potential adverse effects are.....; but will have little to no impact because the following (mitigation) measures will be implemented.....

Therefore, the resulting development will be compatible. (See *below for explanation of compatible development and adverse effects).

***Compatible Development (excerpt from the 2020 Shuniah Official Plan)**

In order to proceed, all new development requiring a Planning Act approval shall be compatible with existing uses in the vicinity by avoiding adverse effects or minimizing adverse effects to acceptable or negligible levels, and where applicable, in accordance with Provincial guidelines.

Where a development initiative has the potential to be incompatible with or cause adverse effects to other land uses/users in the vicinity, appropriate technical studies evaluating compatibility; and mitigation using avoidance, buffering, separation distances or other measures, shall be part of the planning justification in a complete application (see section 4) as determined by Shuniah.

Potential Adverse Effects

Common potential adverse effects of a proposed development relate to, but are not limited to:

- pattern, scale, massing, design of development, servicing levels of existing and future development;

[Type here]

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- visual impacts relating to outdoor storage;
- shadowing and/or lighting and/or visual impacts on surrounding land uses including privacy of adjacent residential uses;
- traffic volume and safety;
- vehicle access and parking;
- hydrological and hydrogeological functions;
- surrounding natural heritage features and cultural heritage resources; and,
- noise, vibration, odour, dust and other contaminants or emissions.

Potential adverse effects (for sensitive uses) as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.