



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:

The pre-consultation fee is non-refundable whether the application moves forward to a hearing or not. The application fee is non-refundable whether the application is approved or denied at the hearing. An application to the Committee of Adjustment may not be considered without the following:

1. approval of the Thunder Bay District Health Unit. Contact the TBDHU Septic and Land Division Section for guidelines and fee structure at 807-625-7990.
2. finalization of the pre-consultation and submission of a complete application with the required fees.

In this form the term "subject property" or "the property" means the land to be severed and the land to be retained. A site visit is required. Submission of this application constitutes tacit consent for authorized Municipality of Shuniah staff to inspect the subject property or premises. The Hearing agenda and supporting documents will be made available to the public on our website, www.shuniah.org, for further information please contact our office.

Application:

The information required by the applicant is prescribed by the Schedule to Ontario Regulation 200/96 made under the Planning Act. A Site Plan/Sketch (see Notes 3) and a Planning Justification Report (see Schedule B) are also required. The application form also sets out other information that will assist the Municipality and others in their planning evaluation of the minor variance application. To ensure the quickest and most complete review, all information should be submitted at the start of the pre-consultation. In the absence of this information, it may not be possible to complete the pre-consultation process and 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 the responsibility of the applicant to ensure the information accuracy prior to submission to this office. Once the pre-consultation has been finished and the application is complete, the completed application can be submitted along with the applicable fees. Once the application is determined complete and submitted any 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.

Submission Process

Pre-Consultation:

A Pre-Consultation process with the Municipality must be finished before the application is deemed complete. During the pre-consultation your application will be reviewed and (if necessary) returned to you for further revisions until it has been deemed complete. The following documents are to be included in the package submitted for pre-consultation:

- pre-consultation fee (non-refundable)
- the application (unsigned) in paper or electronic PDF format
- owners authorization letter (Schedule A)
- sketch/site plan (Notes 3)
- planning justification report (Schedule B)

Submission of the Application:

Once the pre-consultation process has finished and the application has been deemed complete, the appropriate fees can be paid and the completed application can be signed and submitted. The application must be signed by the owner(s) or authorized agent in the presence of a Commissioner, Notary Public, etc. A Committee of Adjustment Hearing will then be scheduled. The application and supporting documents will be made available to the public on the Shuniah website, www.shuniah.org. The applicant or authorized agent is requested to attend the hearing to respond to questions or concerns the committee or members of the public may have. In the 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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FOR OFFICE USE ONLY		Application No.: _____
Date of Pre-consultation	_____	Receipt No.: _____
Pre-Consultation Fee	\$ _____	Receipt No.: _____
Date Complete App Received	_____	Cheque No.: _____
Application Fee (Shuniah)	\$ _____	
Fee (LRCA)	\$ _____	
Date Notice Given	_____	

1. Registered Owner:

Owner's Name (List Association Name if applicable): _____

Owner's Mailing Address: _____

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

Phone: _____ Cell: _____ Alternate: _____

Email Address: _____ Alternate Email Address: _____

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

Applicant's Name: _____

Solicitor/Authorized Agent/Firm: _____

Applicant's Mailing Address: _____

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

Phone: _____ Cell: _____ Alternate: _____

Email Address: _____ Alternate Email Address: _____

Send Correspondence To? (Check all that apply) 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) – Additional Structure Page Included?** (see application page 10) [] Yes [] No

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".			
Date Constructed:							
Structure Type:				Proposed Structure Type:			
to Front Yard	___ m	to Rear Yard	___ m	to Front Yard	___ m	to Rear Yard	___ m
to ___ Side Yard	___ m	to ___ Side Yards	___ m	to ___ Side Yard	___ m	to ___ Side Yards	___ m
Area	___ m ²	Height	___ m	Area	___ m ²	Height	___ m
Separation distance to _____	___ m	Separation distance to _____	___ m	Separation distance to _____	___ m	Separation distance to _____	___ m
Date Constructed:							
Structure Type:				Proposed Structure Type:			
to Front Yard	___ m	to Rear Yard	___ m	to Front Yard	___ m	to Rear Yard	___ m
to ___ Side Yard	___ m	to ___ Side Yards	___ m	to ___ Side Yard	___ m	to ___ Side Yards	___ m
Area	___ m ²	Height	___ m	Area	___ m ²	Height	___ m
Separation distance to _____	___ m	Separation distance to _____	___ m	Separation distance to _____	___ m	Separation distance to _____	___ 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:

16. Servicing – Water:

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

17. Servicing – Sewage:

- Private: septic (Class _____) 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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EXAMPLE OWNER’S AUTHORIZATION LETTER

If there are multiple owners, an authorization letter must be provided by each.

Schedule A

Date _____

Owners Name _____

Mailing Address _____

City/Province/Postal _____

Phone Number _____

Alt Phone Number _____

Email Address _____

Attention: Committee of Adjustment, Secretary-Treasurer

Subject Letter of Authorization for Subject Lands Located at

Lot _____

Plan _____

Municipal Street Address _____

City/Province/Postal _____

Dear Approval Authority:

I _____, am (the/an) 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 of the application.

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

Yours truly,

Owners Signature

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Schedule B

PLANNING JUSTIFICATION REPORT

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 that 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 Format for a Minor Variance
Title: *Planning Justification for a Minor Variance application to allow....., located at.....*
 1. In summary, the reason for the request is to
 2. The proposed development is minor because
 3. The proposed development is desirable and appropriate because
 4. 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)).
 5. 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).
 6. 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:

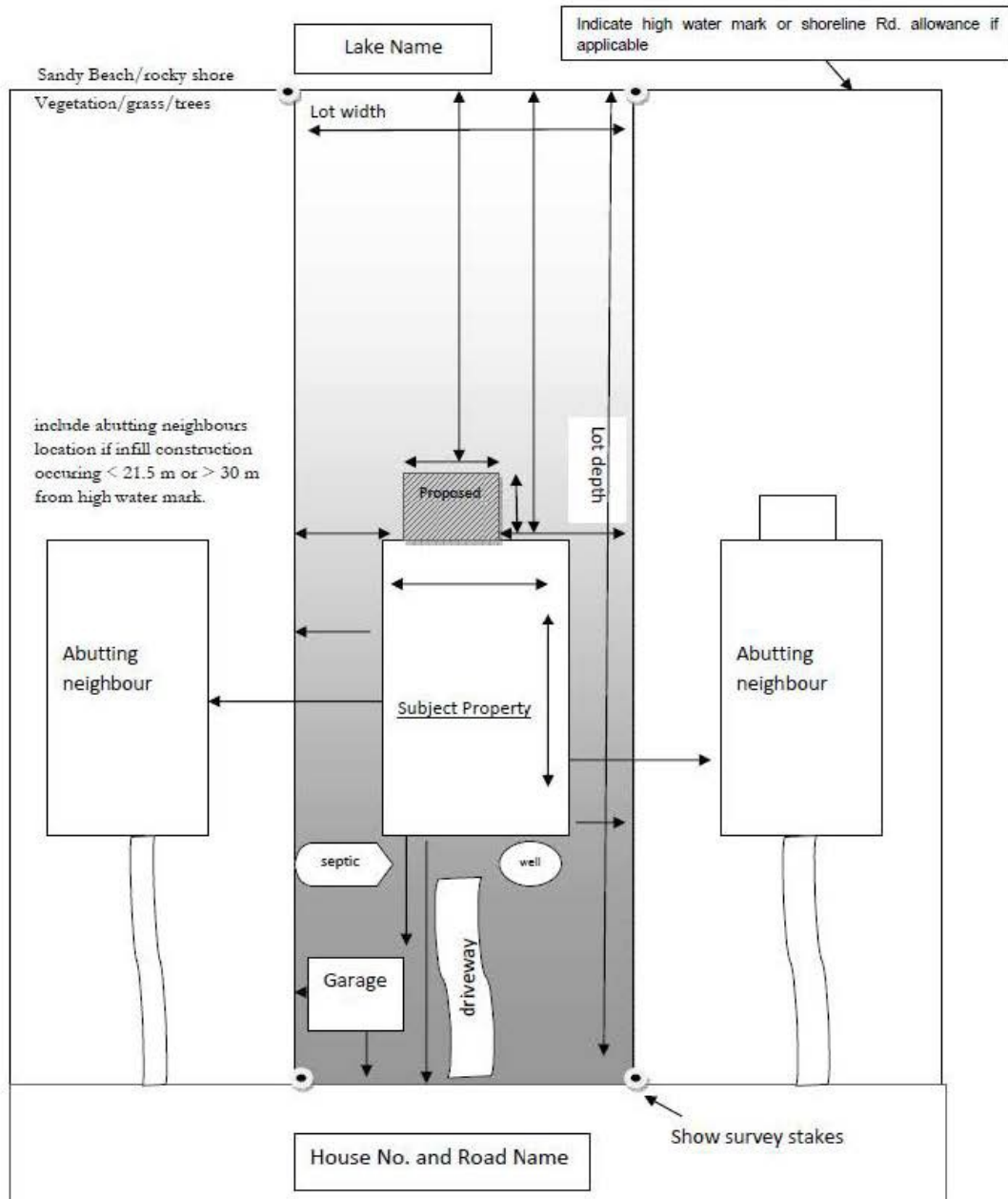
- pattern, scale, massing, design of development, servicing levels of existing and future development;
- visual impacts relating to outdoor storage;
- shadowing and/or lighting and/or visual impacts on surrounding land uses including privacy of adjacent residential uses;
- traffic volume and safety;
- 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.

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Example Site Plan



Site Plan:

1. Indicate lot dimensions and address or legal description.
2. Indicate location and area of all structures on the property and label as "existing".
3. Indicate location and area of the proposed construction and label as "proposed".
4. Indicate the distance from each structure (existing and proposed) to each property line and each other structure.
5. Indicate septic and well location and type.
6. Measurements must be legible, please use metric (bracket imperial measurements if desired).
7. If waterfront property the water is the front yard and the road is the rear yard.
8. If not waterfront, road is the front yard.

For Infill, please include:

9. Abutting neighbours location if infill construction occurring.

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8. Additional Structure Page

Show 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)

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".			
Date Constructed:							
Structure Type:				Proposed Structure Type:			
to Front Yard	___ m	to Rear Yard	___ m	to Front Yard	___ m	to Rear Yard	___ m
to __ Side Yard	___ m	to __ Side Yard	___ m	to __ Side Yard	___ m	to __ Side Yard	___ m
Area	___ m ²	Height	___ m	Area	___ m ²	Height	___ m
Separation distance to	___ m	Separation distance to	___ m	Separation distance to	___ m	Separation distance to	___ m
Date Constructed:							
Structure Type:				Proposed Structure Type:			
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Date Constructed:							
Structure Type:				Proposed Structure Type:			
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Date Constructed:							
Structure Type:				Proposed Structure Type:			
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Separation distance to	___ m	Separation distance to	___ m	Separation distance to	___ m	Separation distance to	___ m
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Area	___ m ²	Height	___ m	Area	___ m ²	Height	___ m
Separation distance to	___ m	Separation distance to	___ m	Separation distance to	___ m	Separation distance to	___ m