



**APPLICATION FOR VARIANCE OR
PERMISSION
UNDER SECTION 45 OF THE PLANNING ACT**

**THE CORPORATION OF THE CITY OF LONDON
PLANNING AND DEVELOPMENT
300 DUFFERAIN AVENUE, LONDON ON N6A 4L9**

DETACH THE FIRST THREE PAGES AND RETAIN FOR FUTURE REFERENCE:

1. This process pertains to an Application for Minor Variance or Permission Under Section 45 of the Planning Act.
2. There are different fees for each type of application (See Schedule APP-2 attached for a fee schedule).
3. If the application requires a Consent application, it is recommended that the Consent be completed first.
4. Once an application has been submitted, Planning and Development will not accept any revisions to applications or submission materials once the application is deemed complete. This standard requirement has been implemented to ensure that the planning process is completed within the **60-day statutory timeline**. If there are any major revisions to the application, such as increased height and density, the applicant will be directed to make a new application.

GENERAL INFORMATION:

- Variations or Permissions under Section 45 of the Planning Act may be applied for in order to:**
- Vary the regulations of the Zoning By-law or any other by-law passed under Sections 34 or 38 of the Planning Act;
 - Permit a change in the use of land or buildings from one non-conforming use to another non-conforming use;
 - Permit the extension or enlargement of a legal nonconforming use; and
 - Permit the use of land or building for a use permitted by the by-law, where the use is defined in general terms.

STEPS IN THE PROCESS:

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|---------------|--|
| Step 1 | <p>Identify if a Variance or Permission is necessary:</p> <p>When a project does not conform to the regulations of the Zoning By-law passed under Section 34 or 38 of the Planning Act an adjustment- through variance or permission – may be required. This can be identified by the City in a number of ways; through the Building Permit Process, Licensing, Enforcement and many others. This ability to adjust By-laws passed under Section 34 or 38 of the Planning Act is described in Section 45 of the Planning Act, in relation to the Committee of Adjustment.</p> |
| Step 2 | <p>Submit your detailed conceptual site plan, survey or diagram (in metric) to zoning@london.ca to attain a referral record.</p> <p>Once the need for adjustment has been identified, a zoning officer will use the information and plans you have provided to complete a Zoning Referral Record (Schedule APP-1 herein) which forms part of a complete application. The zoning officer will review your site plan and contact you if more information is required in order to complete the Referral Form.</p> <p>You will need to provide dimensioned and scaled sketches of the proposal showing all of the information and features as prescribed in Section 9 of the attached application form to assist in completing the Zoning Referral Record.</p> <p>A completed Zoning Referral Record will identify:</p> <ul style="list-style-type: none"> • The number, type, and/or extent of variance(s) or permissions required; • The general need for variance(what is being varied and why) and; • Whether a Consent, Site Plan or other Application is also necessary. <p>NOTE: Adding a use that is described in the Zoning By-law and not permitted in the zone is done through an Amendment to the Zoning By-law and not through adjustment or variance.</p> |

STEPS IN THE PROCESS:

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| Step 3 | <p>Discuss your proposal and review the completed Zoning Referral Record with a Planner and other City divisions:</p> <p>Once you have obtained a completed and signed zoning referral record, it is encouraged, however not required that you speak with a planner about the planning aspects of your potential application. This is done by submitting your completed zoning referral record to coasubmit@london.ca where a planner will be assigned to your application.</p> <p>By speaking with a Planner you can determine:</p> <ul style="list-style-type: none">• Whether or not the proposal is within the scope of the minor variance process;• If there are any other Municipal issues or concerns with your proposal;• Whether or not there might be servicing requirements/limitations, or land dedications involved with a given proposal;• If you need to discuss other issues with other City departments like Heritage Planning, Engineering, Transportation etc.;• If there are other items of interest, expenses or requirements relevant to your proposal. <p>Consultation with other agencies or departments may also be necessary. Municipal Staff will do their best to advise you but it is your responsibility to check with the following agencies at least:</p> <ul style="list-style-type: none">➤ Conservation Authorities - if the site is within an Authority's regulated area. The Upper Thames, Lower Thames and Kettle Creek Conservation Authorities each regulate portions of London.➤ Heritage Planning Staff – if the subject lands are considered to have archaeological potential, are within a Heritage Conservation District, or feature a listed or designated property.➤ Ontario Ministry of Transportation, - if the application involves a site which is adjacent to a provincial highway. Visit the MTO's "highway Corridor Management" webpage. |
| Step 4 | <p>Submit the Minor Variance Application Form:</p> <p>When you are ready to submit your application, compile your site plan, completed zoning referral record, supporting materials and documents and proof of payment of the application fee to coasubmit@london.ca. Payment can be made by submitting payment (cash or cheque) in person to the City's Business Hub, or online, please email plandev@london.ca for a request form to submit online payment.</p> |
| Step 5 | <p>Notice of Application:</p> <p>Now that the application is complete a "Notice of Application" is published in a Thursday edition of <i>The Londoner</i>, and circulated to the required agencies, departments and nearby property owners explaining the nature of the requested amendment(s) and inviting comment. The comments and opinions submitted on this matter, including the name and address of the respondent become part of the public record and may be viewed by the general public.</p> |

STEPS IN THE PROCESS:**Step 6****Decision-making process:**

The Public Hearing will normally be held no sooner than 30 days after receipt of a complete application and no less than 10 days after the mailing and/or publishing of the Notice of Application. It is **important** that you and/or your agent **attend the Hearing** to explain the reasons for your application; if you do not attend, the Committee may proceed in your absence and without your input and make a Decision on the matter.

Aside from the site-specific aspects of the application, the Committee of Adjustment typically use the following criteria to evaluate the application under section 45 (1) of the *Planning Act* and reach their decision:

- Does the variance meet the general intent of the Official Plan
- Does the variance meet the general intent of the Zoning By-law
- Is the request desirable for the appropriate use of the land, building or structure?
- Is the requested variance minor in nature?

In some circumstances, the Committee of Adjustment may review an application for Minor Variance under section 45 (2) of the *Planning Act* that is considering an enlargement or extension of a building or structure or land that was lawfully used on the day the by-law was passed, for a purpose currently prohibited by the by-law. In these scenarios the Committee will satisfy itself that the enlargement or expansion is similar to the purpose for which the building, structure or land was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law.

Step 7**Notice of Decision:**

Within 10 days of the Committee making its decision, the Minor Variance Coordinator will mail a copy of the the Notice of Decision to the applicant and to anyone else who filed a **written request for notice** of the decision. The information included in the Notice of Decision will outline appeal procedures and identify the last day for appealing the Committee's decision to the Ontario Land Tribunal.

Step 8**A Final and Binding Decision:**

If no appeal is made by the end of the 20 day appeal period, the decision is final and binding. You will receive a Notice of Final Decision by mail and, if the application has been granted, you should be in a position to proceed with your project subject to the fulfillment of any conditions set out in the decision or further permits which may be required. Conditions set out in the decision of the Committee of Adjustment must be satisfied prior to obtaining a building permit.

NOTE: SECTION 45 OF THE PLANNING ACT PROVIDES THAT:

45 (12) The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Ontario Land Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3).



THE CITY OF LONDON:

APPLICATION FOR VARIANCE OR PERMISSION UNDER SECTION 45 OF THE PLANNING ACT

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|--|--------------------------|--|
| CONCURRENT APPLICATIONS FILED: | | Date Received: (OFFICE USE ONLY): |
| Note to Applicant: For each application that is filed concurrently, complete and attach the appropriate application form and fees | | (Place Date Stamp Here) |
| <input type="checkbox"/> | Official Plan Amendment: | |
| <input type="checkbox"/> | Zoning By-law Amendment: | |
| <input type="checkbox"/> | Consent: | |
| <input type="checkbox"/> | Site Plan: | |
| <input type="checkbox"/> | Other (Specify): | FOR REFERENCE PURPOSES Municipal address: |

| | |
|---|---|
| REQUIREMENTS FOR A COMPLETE APPLICATION INCLUDE: | |
| <input type="checkbox"/> | Electronic copy of the completed application form and declarations. |
| <input type="checkbox"/> | Electronic copy of a survey of the proposal, dimensioned and drawn to scale; showing all of the information and features, as required by the Planning Act (see Section 9) |
| <input type="checkbox"/> | Application Fee(s) made payable to the Treasurer, City of London. |
| <input type="checkbox"/> | A Letter of Authorization from the owner (with dated, original signature) OR completion of the Owner's Authorization on page 5 (item 15), if the owner is not filing the application. |
| <input type="checkbox"/> | Photographs or other relevant documentation that will assist in evaluating your application. |
| <input type="checkbox"/> | Completed Zoning Referral Record (see Schedule APP-1) |

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| PLEASE LIST THE REPORTS OR STUDIES THAT ACCOMPANY THIS APPLICATION: |
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THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:

| | |
|---|--------------------------------|
| City of London, Planning and Development ATTN: Minor Variance Coordinator 300 Dufferin Avenue, 6th Floor, London, Ontario N6A 4L9 | Telephone: 519-930-3500 |
|---|--------------------------------|

Updated December, 2021

1a) Applicant Information:

Complete the information below. All communications will be directed to the **Primary Contact** with a copy to the owner.

Note: If additional space is required for owner(s) information, please attach a separate sheet containing said information.

Name:

Address:

City:

Postal Code:

Phone:

Cell:

Fax:

E-mail:

Name:

Address:

City:

Postal Code:

Phone:

Cell:

Fax:

E-mail:

Name:

Address:

City:

Postal Code:

Phone:

Cell:

Fax:

E-mail:

1b) Which of the above is the Primary Contact? **Owner** **Agent** **Surveyor**

2) Date application submitted to the City of London:

3) The Current Official Plan designation AND London Plan Place Type:

4) The current Zoning of the subject land and the uses permitted by that zone:

(Please use a separate sheet if needed)

5) Describe the nature and extent of the relief from the Zoning By-law (what is being varied):

(Please use a separate sheet if needed)

6) Indicate why the proposed use, or regulations, cannot comply with the provisions of the Zoning By-law:

(Please use a separate sheet if needed)

7) Description of Land:

Geographic Township / Planning Area:

Lot(s):

Part Lot(s):

Concession(s):

Registered Plan Number:

Municipal street address (if applicable):

Assessment Roll Number:

8) Land Use, Existing and Proposed:

Frontage (m)

Depth (m)

Area (m²)

8 b) Existing Use of the subject land?

8 c) The length of time that the existing use of the subject lands has continued?

8 d) Number of existing buildings/structures on the subject land?

8 e) On what date were all existing buildings or structures on the subject land constructed?

8 f) The date the subject land was acquired by the current owner?

8 g) Proposed use of the subject lands?

8 h) If known, the number of proposed (new) buildings/structures?

8 i) Specify the purpose/use of all proposed structures or buildings on the subject land.

9) A sketch illustrating the following information, in metric units, is required:

Sketch is to include all existing and proposed buildings as described above (Section 8).

- (a) The address of the subject site, a north arrow, and any other information necessary to identify what the diagram pertains to and how it is oriented.
- (b) The boundaries and dimensions of the subject land.
- (c) The location, size (area and dimensions), and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line, and the side yard lot lines.
- (d) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells, and septic tanks.
- (e) The current uses on land(s) adjacent to the subject land (*for example, residential, agricultural or commercial*).
- (f) The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road, or a right of way;
- (g) If access to the subject land will be by water only, the location of the parking and docking facilities to be used.
- (h) the location and nature of any easement affecting the subject land.
- (i) **NOTE:** Where an application for variance or permission is being made as part of the site plan approval process, diagrams, drawings, sketches, elevations, etc. shall be provided as prescribed through the Site Plan Consultation process and/or in accordance with the Submission Requirements of the Site Plan Control By-law C.P.-1455-541, Schedule 1.

10) Access: Access to the subject lands will be provided by?

| | | |
|------------------------------|--------------------|--|
| Municipal Road | Provincial Highway | Note: if by water, provide parking/docking facility information and nearest public road. |
| Public Road, or Right of Way | Water only | |

11) Water Supply: Water Supply to the subject lands will be provided by?

| | |
|-------------------------------|---|
| Municipal (piped) water | Privately owned and operated individual or communal wells |
| A lake or other body of water | Other (specify) |

12) Sewage Disposal: Sewage disposal on the subject lands will be provided by?

| | |
|---------------------------------|--|
| Municipal sanitary sewer system | Privately owned individual or communal septic system |
| A Privy (outhouse) | Other (specify) |

12b) If the application would permit development on privately owned and operated individual or communal septic systems, and produce more than 4 500 litres of effluent per day, as a result of the development being completed, you are required to provide:

- a) a servicing options report, and;
- b) a hydrogeological report

13) Storm Drainage: Storm drainage on the subject lands will be provided by?

| | | |
|------------------|-------------------|-----------------|
| Municipal sewers | Ditches or Swales | Other (specify) |
|------------------|-------------------|-----------------|

| | | |
|---|---------|----|
| 14) If known, is the subject land, now or has it ever been, the subject of: | | |
| a) An application for approval of a Plan of Subdivision under section 51 of the <i>Planning Act</i> ? | YES | NO |
| If yes, provide the following: | | |
| FILE No.: | Status: | |
| b) An application for Consent under section 53 of the <i>Planning Act</i> ? | | |
| | YES | NO |
| If yes, provide the following: | | |
| FILE No.: | Status: | |
| c) An application for Variance or Permission under section 45 of the <i>Planning Act</i> ? | | |
| | YES | NO |
| If yes, provide the following: | | |
| FILE No.: | Status: | |

| | | |
|--|---|---|
| 15) Owner's Authorization: | | |
| This must be completed by the owner if the <u>OWNER IS NOT FILING THE APPLICATION</u> | | |
| Note: If there are multiple owners, an authorization letter from each owner (with dated, original signature) is required OR each owner must sign the following authorization. | | |
| <p>I, (we) _____, being the <small>Print (name(s) of owner, individuals or company)</small></p> <p>registered owner(s) of the subject lands, hereby authorize _____ <small>Print (name of agent and/or company (if applicable))</small></p> <p>to prepare and submit an Application for Minor Variance.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black; text-align: center; vertical-align: bottom;"> _____ Signature </td> <td style="width: 50%; text-align: center; vertical-align: bottom;"> _____ Day Month Year </td> </tr> </table> | _____ Signature | _____ Day Month Year |
| _____ Signature | _____ Day Month Year | |

IMPORTANT:
 If the Owner is an incorporated company, the company seal shall be applied in the signature block above (if there is one).

16) Applicant's Declaration:

This must be completed by the person filing the application for the proposed Consent and in the presence of a Commissioner of Oaths.

I, _____ of the _____
Print name of applicant Print name of City, Town, Township, etc.

in the Region/County/District of _____ solemnly declare that all of the statements

contained in this Application for Minor Variance at _____
(description of property)

and all supporting documents and plans are true and complete, and I 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*.

Declared before me at:

Region/County/District of Middlesex

in the Municipality of The City of London, this

_____ day of _____, _____
(Day) (Month) (Year)

Signature

Please Print name of Applicant

Commissioner of Oaths:

17) Municipal Freedom of Information Declaration:

In accordance with the provisions of the Planning Act, it is the policy of the City of London to provide public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I _____

The owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the City of London to post a "Possible Land Use Change" sign, if necessary, and for municipal staff to access the subject site for purposes of evaluation of the subject application.

Signature

Day Month Year

OWNER/APPLICANT'S INFORMATION (Mandatory, please print)

Name: _____ Mailing Address: _____

Telephone No.: _____

E-mail Address: _____

Cell No.: _____

ZONING REFERRAL RECORD

To be completed by an authorized City Employee, 7 Floor, City Hall

NOTE: the diagram submitted with the application must clearly identify items (a) through (m), below. Other regulations/information may also be required.

File No.
A.

| Description | |
|---|-------------------------|
| Geographic Township / Planning Area: | |
| Lot(s): | Part Lot(s): |
| Concession(s): | Registered Plan Number: |
| Municipal street address (if applicable): | |
| Assessment Roll Number: | |

Existing Zone(s) in Z.-1 Zoning By-law:

| (a) Use | | |
|--------------------------------|--|--|
| (b) Lot Area (m ²) | | |
| (c) Lot Frontage (m) | | |
| (d) Front Yard (m) | | |
| (e) Rear Yard (m) | | |
| (f) Interior Yard (m) | | |
| (g) Exterior Yard (m) | | |
| (h) Landscaped Open Space | | |
| (i) Lot Coverage | | |
| (j) Height (m) | | |
| (k) Off-street Parking | | |
| (l) Floor Area Ratio? | | |
| (m) Special Provisions? | | |
| (n) Other | | |

CONSENT REQUIRED? Yes No

| ZONING COMMENTS |
|-----------------|
| |

While every effort has been made to ensure that the information contained herein is correct, the information is not warranted or certified to its accuracy. The information MUST be verified before filing for your Minor Variance Application.

| | | | |
|---|------|-------|-----|
| | | | |
| Signature of Staff Member Authorized to Complete Referral | Year | Month | Day |

SCHEDULE OF FEES

Schedule APP-2

All cheques must be made payable to the **Treasurer, City of London**.

Effective JANUARY 1, 2024

MINOR VARIANCE APPLICATION FEES

| Category 1 \$594.00 | Category 2 \$743.00 | Category 3 \$1,337.00 | Category 4 \$1,782.00 |
|--|---|--|--|
| Accessory Structures (pool equip, garage, sheds, decks, air-conditioner, boat) <input type="checkbox"/> height <input type="checkbox"/> yard setbacks <input type="checkbox"/> gross floor area <input type="checkbox"/> coverage <input type="checkbox"/> location | Yard Setbacks <input type="checkbox"/> interior side yard <input type="checkbox"/> exterior side yard <input type="checkbox"/> rear yard <input type="checkbox"/> front yard MDS regulations | Legal Non-Conforming Uses (LNCU) <input type="checkbox"/> change in one LNCU to another <input type="checkbox"/> extension or enlargement | Lot/Yard Requirements as a result of a consent application |
| | | | Uses not specifically mentioned in the Zoning Bylaw |
| | | | Home Occupation |
| Yard Setbacks for Porches and Decks | Height | | Definitions |
| | | | Increase in Density of Floor Area Ratio |
| | Front Yard Parking Existing prior to Oct 1/95 (Council Oct 6/97) | | Lot Coverage area, depth, and frontage (non consent) |
| | | | Other (not limited to but may include trucks, motor homes, rec. vehicles, etc.) |
| | | | Boulevard Parking insufficient parking spaces |
| | | | Front Yard Parking |