

### What is a Minor Variance?

A Minor Variance is a minor deviation or relief from the provisions of the Zoning Bylaw. A variance can apply to land, a building or structure, or the use thereof. Consideration can also be made for changes to legal non conforming uses.

The Committee of Adjustment makes the decisions on all Minor Variance applications in the Township of Wainfleet.

### Who is the Committee of Adjustment?

The Committee of Adjustment hears applications under Section 45 of the Planning Act and Section 50/52 & 57 of the Planning Act R.S.O. 1990 c.P13, as amended. They are an independent body appointed by Township of Wainfleet Council and is comprised of five members of the public.

When reviewing a Minor Variance application, they must consider the following matters known as the four (4) tests:

1. Is the variance minor?
2. Is the variance desirable for the appropriate development of the lands in question?
3. Is the general intent and purpose of the by-law maintained?
4. Is the general intent and purpose of the Official Plan maintained?

All these matters must be considered and included in the committee decision. Each case is decided upon its own merit, based on the facts presented in the application and during the hearing.



## For more information

Contact the Township of Wainfleet's  
Planning Department

### Office Hours:

Monday to Friday 8:30 a.m. – 4:30 p.m.  
\*closed on Statutory holidays

### Address:

31940 Highway #3  
P.O. Box 40  
Wainfleet, ON  
L0S 1V0

### Contact Information:

Phone: 905-899-3463  
Fax: 905-899-2340  
[www.wainfleet.ca](http://www.wainfleet.ca)

This brochure is intended to provide preliminary information only.

# Minor Variance



## TOWNSHIP OF WAINFLEET

*"Wainfleet - find your country side!"*

## Application Process

### 1. Pre-consultation

An informal pre-consultation is strongly recommended when applying for a minor variance. This assures that both the Township Planning Department and the Applicant are aware of the proposal and its potential impact on surrounding landowners, and that the proposal does fall within the category of a Minor Variance( versus a zoning bylaw amendment)

### 2. Submit a Complete Application

In order for an application to be deemed complete it must include a completed application form, all required studies identified at the pre-consultation, a survey or sketch and the required fees.

### 3. Public Notification

A public notification is circulated to all review agencies and Township departments as well as properties within 60m of the subject property. At this time any member of the public may speak in favour or in opposition to the application. This is also a time to address any questions or concerns as it relates to the application.

### 4. Recommendation Report & Decision

The Planner will present a recommendation report to The Committee of Adjustment. The recommendation report will review all applicable planning policies as well as all comments received from review agencies and Township departments. The Committee will make a decision on the application.

### 5. Appeal Period

A "Notice of Passing" is mailed to the applicant, external agencies and those who requested to be notified of the decision within 10 days after the decision of The Committee. There is a 20 day appeal period on the decision and the date will be listed on the notice.

**Please note that Bill 23, More Homes Built Faster Act, 2022 removed the ability for third parties to file an appeal for minor variance applications.**

### 6. Decision in Effect

If there are no appeals, the applicant will receive a notice advising that the decision is in full force and effect. The applicant will then be able to apply for any necessary building permits.

If there is an appeal, the applicant will receive a notice advising that an appeal has been received and forwarded to the Ontario Land Tribunal (OLT), formerly known as the Local Planning Appeal Tribunal (LPAT). The OLT is an adjudicative tribunal that hears appeals in relation to municipal planning. More information about the OLT and the appeal process can be found at <https://olt.gov.on.ca/>

The average time to process an application from start to finish is about 2 to 3 months.

## Building Permit

If the minor variance was obtained to permit the construction of a structure, a building permit cannot be submitted until the lapsing of the twenty (20) day appeal period provided no appeals were received.

Additional information regarding the building permit process and application requirements can be found at [www.wainfleet.ca/building-department](http://www.wainfleet.ca/building-department).

