

Committee of Adjustment – Frequently Asked Questions

1) What is a Committee of Adjustment?

The Committee of Adjustments is a quasi-judicial committee appointed by Council. It is empowered to hear both consent applications and minor variance applications and to ensure that the intent and purpose of the Zoning By-law and the Official Plan are maintained.

2) What is a Minor Variance?

Municipalities in the Province of Ontario establish standards to achieve orderly and safe development in their communities. These standards are set out in zoning by-laws. A zoning by-law governs the types of use permitted on a property and lists minimum development requirements. The minor variance application process is a method to seek relief through a Committee of Adjustment when hardship or circumstances do not allow you to meet the standards listed in the by-law.

3) What is Consent to Sever (Severance)?

A land severance (consent) is the authorized separation of a piece of land to form two new adjoining, but separate properties. This is required if the owner wants to sell, mortgage, obtain a right-of-way or easement, or lease for more than 21 years part of his or her land. Once a severance has been approved, the new land parcel may be sold or resold without further approval, depending on the type of consent given. In order to be approved, it is the Committee of Adjustment responsibility to evaluate consent applications to determine whether or not the granting of the consent is in the public interest after considering planning principles within the Official Plan, Zoning By-law and Provincial Policy Statement.

4) When do you need a Minor Variance?

a) New Construction:

When a building permit application is made for new construction of any type the development is reviewed by the Zoning Administrator or Building Staff member to make sure the development meets the minimum development requirements as set out in the Zoning By-law. If one or more requirements cannot be met you are provided the option of seeking minor variance approval. If all provisions of the by-

law are met no minor variance approval is required and you may proceed to the next step in the building permit application process.

b) Sale of Property:

One of the steps often undertaken as part of a real estate transaction is ensuring that all existing buildings on the property were constructed in compliance with the by-law. To determine compliance with the by-law a Compliance Report can be obtained from the Planning and Building Department. If it is determined that one or more requirements of the by-law have not been met, it may be possible to obtain minor variance approval to 'legalize' the property.

5) When do you need Consent to Sever?

A consent is often referred to as a land severance. The most common types of consent applications are for land severance to divide a parcel of land into two or more new lots or as a lot addition to an abutting property.

- Examples of other consent applications may include, but are not limited to:
- Mortgages over part of a property
- Lease agreements in excess of 21 years
- Easements for servicing and right of ways for access over one property in favour of another Validation of title to resolve conveyance oversights that contravene the Planning Act

Severance proposals may involve minor variance approvals. You can submit both applications at the same time for consideration by the committee.

6) What information is needed to make an Application?

Items required to submit together with your application are listed below. Failure to provide any of the information will result in your application being deemed incomplete and returned to you. If deemed necessary, Staff may also require additional information in addition to the items below.

- 1 copy of the completed application form (in its entirety) with original signatures
- 1 copy of the sketch, drawn to scale and preferably on an 8.5" x 11" sheet. The sketch must indicate all items listed in Section 10 of the Minor Variance application and Section 8 of the Consent application.

- 1 hard copy of any required technical or justification study. We also request a copy of this study via e-mail in order to distribute to the appropriate agency (i.e North Bay-Mattawa Conservation Authority).
- The required fee (cash or cheque)
- A cover letter or planning report summarizing the purpose and justification of the application
- A current PIN sheet/Parcel Register as proof of registered ownership (obtain from the Land Registry Office)
- If the applicant is a numbered company or a Corporation, please provide a list of Officers (President, Treasurer, etc) who have signing authority on behalf of the business.
- In the case of Consent applications, we will require the applicant to mark the front of the subject property using wooden stakes with bright paint in order to assist the Committee of Adjustment Members and Staff with the inspections.

7) Where do I get an Application form?

More information on the Minor Variance and Consent process can be obtained by speaking to a Planning Staff member in the Planning and Building Services Department.

2nd Floor of City Hall, 200 McIntyre Street East

705-474-0400 x 2414

zoning@cityofnorthbay.ca

or online at www.northbay.ca/CofA

8) What are the fees?

Minor Variance:	\$900.00
Minor Variance on an impacted Water Body (including Trout Lake, Lake Nipissing):	\$1,600
Consent to Sever:	\$1,400 + \$115.00 for every additional lot or part lot

Please note that:

- all application fees are non-refundable.
- Application fees include fees collected on behalf of the North Bay-Mattawa Conservation Authority