

— TOWN OF —  
**GRIMSBY**

**APPLICATION FOR  
MINOR VARIANCE**

Revised: August 2024

The attached application form is for use when applying to the Committee of Adjustment for the Town of Grimsby for the purpose of Minor Variances from the Zoning By-Law 14-45, as amended. It has been designed based on the principles of section 44 and 45 of *The Planning Act*.

All matters pertaining to such applications and the proceedings of the Committee of Adjustment are governed by the *Planning Act* and other applicable legislation. If you require further details, please contact the Secretary/Treasurer of the Committee.

### **The Application Process**

**1. Pre-consultation Meeting**

Prior to submitting an application, the applicant should check with the Town if a Pre-consultation meeting is warranted. This meeting will allow for Town departments including Planning, Public Works, Building, and other provincial and regional agencies to provide preliminary guidance and confer with the applicant about any additional requirements or studies.

**2. Application**

The application must be completed in full by the applicant and returned to the Secretary/Treasurer of the Committee of Adjustment.

**NOTE:** The applicant and/or their authorized representative are encouraged to make an appointment to submit their completed application. Email [planning@grimsby.ca](mailto:planning@grimsby.ca) to make an appointment.

If the applicant is acting on behalf of an owner, then the owner's written authorization must be submitted before the application can be accepted. The application must be accompanied by the Town's form of Affidavit, sworn before a Commissioner of Oaths before it can be deemed complete.

The site plan should be of adequate scale (in metric dimensions) to show all buildings on the subject property, and any buildings on neighbouring properties immediately adjacent to the lot lines. The nature and extent of the variance or relief required should be clearly shown on the site plan. The Secretary may also request such other information deemed necessary prior to acceptance.

**3. Public Hearing**

When the application and the plan have been accepted by the Secretary/Treasurer, a hearing date will be set. The hearing is required to be not less than ten (10) days, nor more than thirty (30) days after acceptance. Hearings are held on the third Tuesday of the month, in the evening, as required.

All owners of property within sixty (60) metres of the subject property, with the exception of single-detached dwellings, where the distance is thirty (30) metres, will be notified of the application and hearing, together with various government agencies and utilities, etc. Planning staff will post a clearly visible notice on the subject lands or where posting on the property is impractical, at a nearby location chosen by the Secretary-Treasurer, no less than 10 days prior to the hearing.

The hearing is held in public and any neighbour or other person who has an interest in the application may make verbal or written comments with regard to the application.

**NOTE:** The applicant and/or their authorized representative or agent must be in attendance at the hearing. Non-attendance may result in the denial of the application in accordance with the rules of procedure of the Committee of Adjustment.

Planning staff and other interested public agencies will prepare recommendation memos that will be submitted to the Committee of Adjustment regarding the application.

At the hearing, the applicant will be required to speak to why it is not possible to comply with the zoning by-law and to provide adequate reasons as to why the variance or relief should be granted and may bring other persons or evidence in support of the application. The applicant, or representative, may be questioned by the Committee or, through the Chair, by any other person present at the Hearing. Evidence may be taken under oath at the discretion of the Chair.

#### **4. Notification of Decision**

After all the presentations have been heard in support of, or against, the application, the Committee may choose to approve, approve with conditions, deny or defer its decision for further information. The Decision is made *in open session*, usually on the same day of the hearing. If another hearing is necessary, the applicant and any person at the hearing who so requested, will be notified of the time and place of the subsequent hearing.

After a Decision is made, the applicant and any other person who so requested, will be notified in writing. If the application is approved, the Committee may set conditions or time limits as part of the approval.

#### **5. Decision with Conditions**

If there is a condition(s) of approval the applicant must satisfy the condition(s) prior to obtaining building permit, if a permit is required for construction.

#### **6. Building and Other Permits**

A minor variance approval is not a building permit. A building permit application is required if the project requires construction. The building permit application may be submitted prior to the appeal period ending; however, the building permit cannot be issued until the minor variance is final and binding. Other permits may also be required from other departments/ organizations such as the conservation authority.

**NOTE:** If a minor variance application is approved and the plans submitted to the building department for construction differ from those submitted for the variance application/ approval, a new minor variance application may be required.

## Minor Variance Application Requirement Checklist

1. **Pre-consultation Meeting (if suggested)**

2. **Completed Original Application Form**

3. **Affidavit**

The person signing the declaration must appear before a Commissioner of Oaths and must show proof of identity via Government issued photo identification such as a driver's licence, or passport. The person signing the declaration must sign the document in the presence of the Commissioner.

Please note that an appointment is required to see the Commissioner. Contact Town Hall at 905-945-9634 or email [clerks@grimsby.ca](mailto:clerks@grimsby.ca) to inquire about appointment availability.

4. **Letter of Authorization**

One (1) Letter of Authorization is required if an applicant is acting on behalf of an owner.

5. **Sketch**

One (1) physical copy (legal size), and one (1) high quality digital copy showing the following:

- The boundaries and dimensions of the subject land.
- The location, size 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.
- 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, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- The current uses on land that is adjacent to the subject land.
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- The location and nature of any easement affecting the subject land.

6. **Application Fees**

7. **Supporting Studies, as indicated in Pre-Consultation Meeting**

8. **Electronic copies of all required items sent to the Town of Grimsby's Planning Department.**

Please contact [planning@grimsby.ca](mailto:planning@grimsby.ca) for more information on how to provide electronic copies.

— TOWN OF —  
**GRIMSBY**

**APPLICATION FOR  
MINOR VARIANCE**

160 Livingston Avenue Grimsby, Ontario.L3M 0J5  
Tel: (905) 945-9634 Fax: (905) 945-5010 Email: coa@grimsby.ca

Dilhara Abeywardene  
Secretary/ Treasurer of Committee of Adjustment; Administrative Coordinator, Planning and Building

The undersigned hereby applies to the Committee of Adjustment for the Corporation of the Town of Grimsby under Section 45 of the *Planning Act* for relief, as described in this application from By-law No. 14-45, as amended.

**For Office Use Only**

Date Received	Date Application Deemed Complete
Application Reviewed by	

**1. Pre-Consultation Meeting**

Pre-Consultation Meeting Date

**2. Registered Owner** (as shown on the deed and title of the property)

Name	Company Name	Municipality	
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	

**3. Authorized Agent or Solicitor** (if one has been authorized)

Name	Company Name	Municipality	
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	
Contact for all future correspondence (select one): <input type="checkbox"/> Registered Owner <input type="checkbox"/> Authorized Agent			

**4a. Other Parties** (consultant, surveyor, lawyer, etc.)

Contact Name	Company Name	Municipality	
Role to application (consultant, surveyor, lawyer, etc.)			
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	

**4b. Other Parties** (consultant, surveyor, lawyer, etc.)

Contact Name	Company Name	Municipality	
Role to application (consultant, surveyor, lawyer, etc.)			
Mailing Address		Unit #	Postal Code
Province	Email	Telephone	

**5. Details of the Subject Lands**

Municipal Address
Legal Description

Are there any: easements, restrictions, or other covenants applicable to the property? If yes, provide a description of each easement, restriction or covenant, and its effect.

Date of acquisition of subject land

Date of construction of all buildings and structures on subject land

What is the current land use?

What is (if any) the adjacent land use?

Length of time the existing uses of the subject property have continued

## 6. Proposed Land Use

Please describe the nature and extent of relief from the Zoning By-law (such as relief from requirements for any minimum yard(s), maximum permitted height, maximum permitted encroachments, minimum lot frontage, minimum lot size, parking requirements and/or other requirements and/or provisions as described in *Zoning By-law 14-45, as amended*). Please specify the sections of the Zoning By-law 14-45, as amended, that are relevant to this application:

Why is it not possible to comply with the provisions of the By-Law described above?

<b>Please identify the dimensions of the land affected:</b>	
Frontage (metric)	Depth (metric)
Area (metric)	

<b>Please identify the following information regarding existing and proposed buildings and structures (metric)</b>		
	Existing Buildings and Structures	Proposed Buildings and Structures
Ground Floor Area		
Gross Floor Area		
Number of Storeys		
Width		
Length		
Height		
Distance from Front Lot Lines		
Distance From Rear Lot Lines		
Distance From Side Lot Lines		
Other (describe):		

**7. Servicing (select all that apply)**

Identify how the subject lands will be serviced:

<p><b>Water</b></p> <input type="checkbox"/> Municipal water <input type="checkbox"/> Private individual well <input type="checkbox"/> Private communal well <input type="checkbox"/> Lake or other waterbody <input type="checkbox"/> Other: _____	<p><b>Wastewater</b></p> <input type="checkbox"/> Municipal wastewater <input type="checkbox"/> Private individual septic <input type="checkbox"/> Private communal septic <input type="checkbox"/> Other: _____	<p><b>Stormwater</b></p> <input type="checkbox"/> Sewers <input type="checkbox"/> Ditches/swales <input type="checkbox"/> Other: _____
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**8. Access (select all that apply)**

Identify how the subject lands will be accessed:

<input type="checkbox"/> Regional road	<input type="checkbox"/> Other public road	<input type="checkbox"/> Private road
<input type="checkbox"/> Municipal road maintained all year	<input type="checkbox"/> Provincial highway	<input type="checkbox"/> Right of way/Easement



## 9. Planning Information

Regional Plan Designation

Grimsby Official Plan Designation

Current Zoning

Has the owner previously applied for relief in respect to the subject property?

Yes  No

If "yes" please describe

Is the subject property the subject of a current application for Consent for Severance under Section 53 of the *Planning Act*, R.S.O. 1990?

Yes  No

If "yes", please indicate the file number and status of the application (if known)

# Affidavit

I, \_\_\_\_\_ OF THE \_\_\_\_\_  
*Applicant Name* *Name of City Town, or Township etc.*

IN THE \_\_\_\_\_, SOLEMNLY DECLARE THAT  
*Name of Regional Municipality*

the information and material contained within this application, including this form and all documents that accompany it, is accurate and complete. 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.

Declared before me in \_\_\_\_\_ in the \_\_\_\_\_  
*Name of City Town, or Township etc.* *Name of Regional Municipality*

on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
*Month* *Year*

\_\_\_\_\_  
*Signature of Applicant or Authorized Agent*

\_\_\_\_\_  
*Signature of Commissioner of Oaths*

## Acknowledgement of Agreement of Registered Owner

I (we), \_\_\_\_\_, REGISTERED OWNER(S) OF THE SUBJECT LANDS,  
*Name of Registered Owner(s)*

### ACKNOWLEDGE AND AGREE AS FOLLOWS:

- i. I am the registered owner of the Subject Lands.
- ii. All information requested on this form is collected and maintained under the authority of the *Planning Act*, R.S.O 1990, c. P.13 for the purpose of creating a record that is available to the general public within the meaning of section 27 of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.
- iii. I hereby grant the Town permission to reproduce, in whole or in part, any document submitted as part of a complete application for internal use, inclusion in staff reports or distribution to the public either online or through other means for the purpose of application review.
- iv. Employees and agents of the Town to which this application is made ("the Municipality"), Niagara Region, and any relevant commenting agency may enter onto the Subject Lands, without notice, to view, survey, and/or photograph the Subject Lands to obtain information required by the Municipality to process this application.
- v. All information and material requested on this form and/or obtained by entering onto the Subject Lands is required by the Municipality to process this application and will be used for that purpose.
- vi. For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, 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 and correspondence purposes. Questions about this collection should be directed to The Town Clerk, Town of Grimsby, 160 Livingston Ave, Grimsby, Ontario L3M 0J5, telephone 905-945-9634.

\_\_\_\_\_  
*Signature of Registered Owner*

\_\_\_\_\_  
*Date*

**The section below is only to be completed by the Corporate Owner or an Agent of the Corporate Owner (if applicable).**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

*I have the authority to bind the corporation.*

## Owner's Authorization of an Agent

If an agent is employed, the Owner(s) must complete the following:

I (we) \_\_\_\_\_,  
*Name of Registered Owner(s)*

REGISTERED OWNER(S) OF THE SUBJECT LANDS, hereby authorize

\_\_\_\_\_  
*Name of Agent*

to prepare and submit an Application for Minor Variance for approval.

\_\_\_\_\_  
*Signature of Registered Owner*                      *Date*