



**Municipality of Neebing**  
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## **Applying for a MINOR VARIANCE from the Provisions of the Zoning By-law**

### **Review the Official Plan Provisions for your Area**

Official Plans are local land use planning documents adopted by the municipality and approved by the Province. They reflect provincial and local planning issues and, among other things, establish policies for lot creation.

The permission you are seeking must conform to the spirit and intent of the Official Plan and must also be consistent with the Provincial Planning Statement (established under Section 3 of the Planning Act).

### **Review the Zoning By-law Provisions for your Area**

The Zoning By-law sets out general property use rules, as well as the permitted uses and lot size and set-back regulations for various zones. Your application for a minor variance is for permission to deviate from any of these requirements in a “minor” way.

Whether or not something is “minor” is not easily defined. Where the deviation is from a measurement, it is not determined solely by the percentage of variation that is being sought.

Asking to have a use permitted which is not permitted in the zone for your property is not a minor variance – in those circumstances, a re-zoning application is required.

The best rule of thumb when considering whether something is “minor” is to consider its impact on the neighbouring property owners. If there will be a negative impact, the variance is likely not “minor” and a re-zoning application should be considered.

### **The Application Process**

The Municipal Council will convene a hearing to consider your application. This is a public process. The Municipality is required to give notice of a complete application to persons and agencies that may have an interest in the variance requested. This can occur in 2 ways – either by mail or personal service to all landowners and condominium corporations within 60 metres of the land in question or by publishing a notice in the local newspaper.

The notice and circulation of the application will be done promptly once the application is complete. Some agencies may require site visits to formulate their responses and will require the time necessary to do that.

When a decision is made, notice of that decision is circulated to the same persons and agencies that received notice of the original application, as well as any other person who formally requested notice. Any of those people may appeal the decision to the Ontario Municipal Board. The applicant may also appeal the decision to the Ontario Municipal Board – this may occur if the application is denied or if there is concern or disagreement about any of the imposed conditions. Appeals must be submitted within 20 days of receipt of the notice of decision. If no one appeals within that time frame, then the decision becomes final. If there is an appeal, the matter is in the hands of the Ontario Municipal Board. A hearing will be convened for the Board to hear proponents and opponents of the matter, and the Board will make a decision that replaces the one made by the Municipal Council. That process can take a significant amount of time to be completed.

**Minor Variance Application  
Information for Applicants – Please read carefully**

1. The application fee is \$1,275.00 per application.
2. Applications may only be submitted by property owners or their duly authorized agents. If an agent represents the owner, written authorization from the owner must be provided. Agents include professionals such as lawyers, paralegals or planning consultants, or any other person (such as a relative) who speaks on behalf of the owner.
3. All applications must be complete and must have original signatures. Applications must be signed in front of a Commissioner for Taking Affidavits in Ontario. Commissioning services are available at the Municipal Administrative office. The Planning Act does not allow the Municipality to accept signatures from persons holding Power of Attorney over Property for others. Faxed applications may be submitted, but a hearing will not be scheduled until the office has the original application in hand.

All questions on the application must be completed. If you do not know the answer to any of the questions, Municipal staff may be able to assist, however, staff cannot fill in your application for you.

An application will only be processed once it is fully complete. Municipal staff cannot accept an application if there are blank spots or signatures missing.

Please ensure that everything is filled out and signed/commissioned before the application is filed with the office.

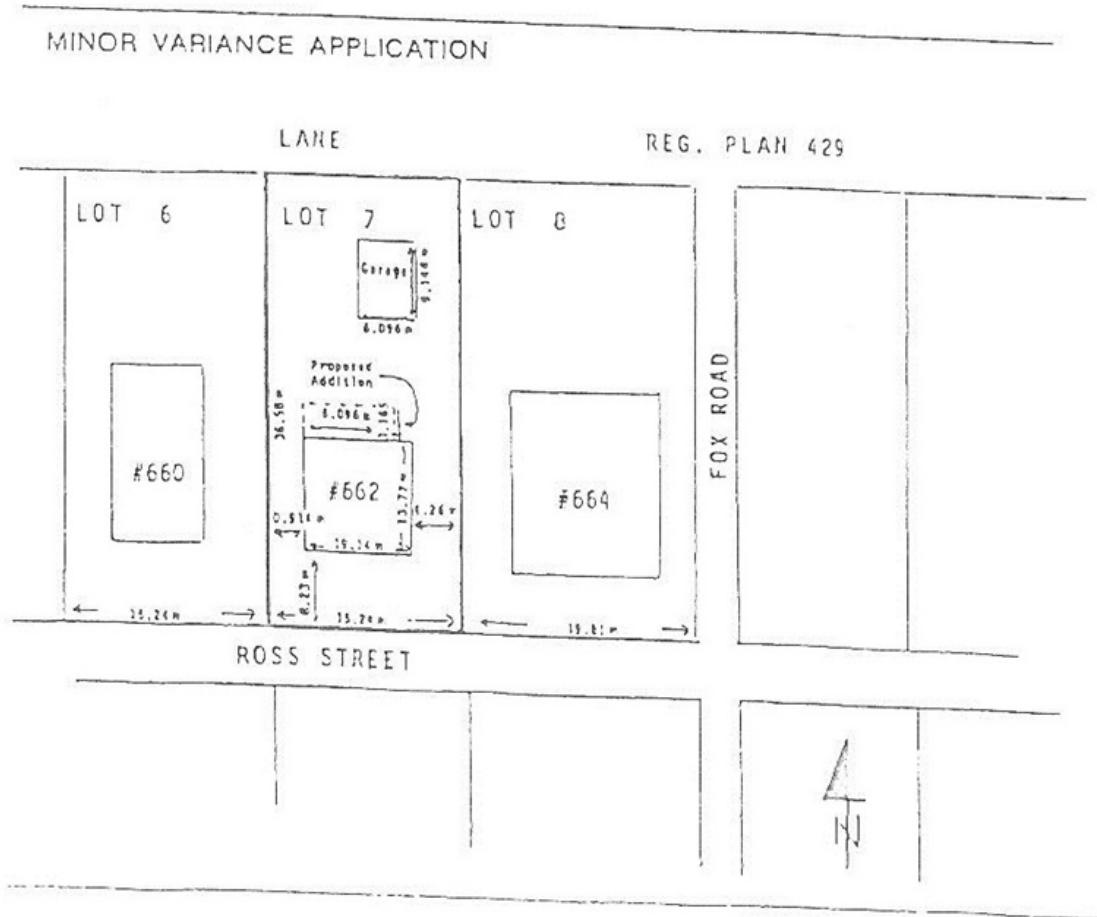
4. A sketch must accompany the application. Measurements on the sketch must correspond to the measurements indicated in the application. Photocopies of a property survey (if one exists) should form the base document for the sketch. If no survey is available, a detailed hand-drawn sketch, as close as possible to scale, is acceptable. All buildings must be on the diagram and all neighbouring properties must be shown, including buildings on those properties (to the best of the Applicant's ability). Where the property has variations in topography, contour lines should be included to illustrate hills, valleys, cliffs, fields, streams, rivers, etc. Forested areas must be designated.

ALL relevant and required information is presented on ONE sketch only. The maximum size for any sketch is 8.5 inches by 14 inches ("legal sized" paper).

In some cases, it may be appropriate to obtain professional services to determine the accuracy of property dimensions.

5. Proof of ownership (i.e. copy of property deed) may be required.
6. The legislation requires that the Applicant must provide all relevant information.
7. The Applicant must post a sign at least 14 days prior to the meeting of the Municipal Council at which the application will be considered. Posting must be confirmed by the Applicant and/or Applicant's agent. Failure to confirm that the sign was posted as required will result in a deferral of the Application to a subsequent meeting date.
8. Applications must be signed by the owner of the property, or his/her/their authorized agent, in front of a Commissioner for Taking Affidavits or a Notary Public.
9. Applications to the Municipal Council are processed in accordance with Provincial legislation and information provided by the Applicant. **It is the responsibility of the Applicant to ensure the accuracy and completeness of the information in the application prior to its submission to the Municipal Administration office to avoid any misunderstandings.**
10. Confirmation of the current Zoning By-law and Official Plan designations on the property may be obtained from the Municipal Administration office.
11. Application measurements must be shown in metric. (1 foot equates to 0.304 metres). Conversion calculators are widely available on-line.
12. Applications must be completed in blue or black ink only. Do not use any other colour of ink or pencil. If you are submitting facsimile or photocopied documents, the original copy must also be filed.

**Sample Sketch:**





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**Application for a MINOR VARIANCE from the provisions of the Zoning By-Law**

The Applicant consents to an inspection of the property by members of the Neebing Municipal Council and by municipal staff. The undersigned hereby applies to the Neebing Municipal Council under the Planning Act, R.S.O. 1990, c. P. 13, as amended.

**THE INFORMATION IN THIS APPLICATION IS COLLECTED FOR THE PURPOSE OF CREATING A RECORD THAT IS AVAILABLE TO THE GENERAL PUBLIC.**

**It is required that the completed application be accompanied by the applicable sketch and requisite fee**

**1. Owner/Applicant Information:**

<b>Name:</b>		<b>Tel:</b>	
<b>Address:</b>		<b>Fax:</b>	
<b>City/Prov/PC:</b>		<b>Email:</b>	
<b>Name:</b>		<b>Tel:</b>	
<b>Address</b> Same As Owner Above <input type="checkbox"/> Or		<b>Fax:</b>	
<b>City/Prov/PC:</b>		<b>Email:</b>	

**2. Agent Information Acting on Behalf of Owner (If Any):**

<b>Name:</b>		<b>Tel:</b>	
<b>Address:</b>		<b>Fax:</b>	
<b>City/Prov/PC:</b>		<b>Email:</b>	

**3. This application is required for: Indicate correct intention with an 'X' – more than one may apply:**

<input type="checkbox"/>	Relating to property use rights	<input type="checkbox"/>	To legalize an existing use
<input type="checkbox"/>	Relating to property measurements	<input type="checkbox"/>	To legalize an existing measurement
<input type="checkbox"/>	For new development	<input type="checkbox"/>	Other:

**4. Provide names of any other parties involved (i.e. purchaser, mortgagor, tenant, developer, etc) if known:**

**5. If there are existing easements, rights of way, restrictive covenants, mortgages, or any other encumbrances currently on the property, please provide details including names and addresses of interested parties. If there are no encumbrances, please indicate so.:**

**6. Property Legal Description:**

Assessment Roll Number: **58-01-**

Municipal Address (Or Abutting Road Name If Property Has No Address)

Registered Plan No.:

Mining Location No.:

Reference Plan No.:

Lot No.:

Concession No.:

Part No.:

Sec. No.:

**7. Physical description/dimensions of the subject property:**

Frontage in Meters:

Depth in Meters:

Area in Square Meters:

Area in Hectares:

Number of Buildings and Structures

Existing:

Proposed:

(Attach a list of the *existing* buildings/structures including the dates that each was constructed. Attach a list of *proposed* buildings/structures. If any of the building are proposed to be demolished/removed as part of the development, indicate which ones. Be sure to include both EXISTING (including any to be removed) and PROPOSED building/structures on the diagram, including all set back dimensions and building heights.)

Use of the Land

Existing:

Proposed:

Official Plan Designation:

Existing Zoning:

**8. Please provide the following information relating to the subject property:**

Use of the land abutting the subject property to the East:

Municipal address of that property:

Distance between the closest building (if any) on that property and the shared lot line with the subject property: \_\_\_\_\_meters

Use of the land abutting the subject property to the West:  
 Municipal address of that property:  
 Distance between the closest building (if any) on that property and the shared lot line with the subject property: \_\_\_\_\_meters

Use of the land abutting the subject property to the North:  
 Municipal address of that property:  
 Distance between the closest building (if any) on that property and the shared lot line with the subject property: \_\_\_\_\_meters

Use of the land abutting the subject property to the South:  
 Municipal address of that property:  
 Distance between the closest building (if any) on that property and the shared lot line with the subject property: \_\_\_\_\_meters

**9. Where this application relates to required measurements on the subject property, please provide the following information:**

Required Frontage:		Meters
Proposed Frontage:		Meters
Required Lot Depth:		Meters
Proposed Lot Depth:		Meters
Required Lot Area:	Square Meters	Hectares
Proposed Lot Area:	Square Meters	Hectares
Required Front Yard Set Back:		Meters
Proposed Front Yard Set Back:		Meters
Required Rear Yard Set Back:		Meters
Proposed Front Yard Set Back:		Meters
Required East Side Yard Set Back:		Meters
Proposed East Side Yard Set Back:		Meters
Required West Side Yard Set Back:		Meters
Proposed West Side Yard Set Back:		Meters
Required North Side Yard Set Back:		Meters
Proposed North Side Yard Set Back:		Meters
Required South Side Yard Set Back:		Meters
Proposed South Side Yard Set Back:		Meters
Required Minimum Building Floor Area:		Square Meters
Proposed Minimum Building Floor Area:		Square Meters
Required Maximum Building Floor Area:		Square Meters

Proposed Maximum Building Floor Area:		Square Meters
Maximum Building Height		Meters
Proposed Building Height		Meters
Maximum Lot Coverage:		Percent
Proposed Lot Coverage:		Percent

**10. Has the subject property been re-zoned since the date of the most recent comprehensive Zoning By-law for the Municipality?**

YES  NO  If 'YES', provide the date and the site-specific approvals:

**11. Has minor variance approval been previously granted for the subject property?**

YES  NO  If 'YES', provide the date and the site-specific approvals:

**12. Is the subject land the subject of any other applications under the Planning Act?**

YES  NO

If 'YES', indicate below and provide file/application number and the status of the application:

Official Plan Amendment:

Zoning By-Law Amendment:

Minister's Zoning Order:

Plan of Subdivision:

Minor Variance:

Consent:

**13. Explain why it is not possible to conform to the provisions of the applicable Zoning By-Law (attach additional pages if required):**



**14. Is this application consistent with the Provincial Planning Statement issued under the Planning Act?**

YES  NO

**All applications must be complete and must have original signatures. Applications must be signed in front of a Commissioner for Taking Affidavits in Ontario. Commissioning services are available at the Municipal Administrative office.**

**CERTIFICATE OF THE APPLICANT**

I/We \_\_\_\_\_ of the **Municipality/Township/City** of \_\_\_\_\_ in the Province of Ontario, solemnly declare that the statements contained in this application are true. **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.

**Jointly and severally** (delete if not required) at the **Municipality/Township/City** of \_\_\_\_\_ . This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Commissioner for Taking Affidavits**

**Applicant(s) Signature:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the Applicant is a Corporation, the application shall be signed by an Officer of the Corporation and the Corporate Seal shall be affixed – or written authorization from the Corporation signed by an individual who has authority to bind the Corporation.

**Owner's/Owners' Authorization for an Agent to make the application on his/her/their/ behalf/belhalves:**

**I/We** authorize \_\_\_\_\_ (**name of Agent**) to act on **my/our** behalf in submitting this application, which is filed with **my/our** knowledge and consent.

\_\_\_\_\_  
**Owner/Owners' Signatures**

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