



Minor Variance Application & Checklist

- Application Fee (\$750 payable by cash or cheque made payable to the Township of Minden Hills).
- Application Form (all sections must be complete).
- Site Plan(s) no larger than 11"x17" (if submitting larger plans, reductions must also be included in the submission) clearly indicating:
 - The boundaries and dimensions of the subject lands;
 - The location and dimensions of all buildings and structures, including septic fields, on the subject lands indicating the distance of each building to the lot lines and, if applicable, the high water mark of any waterbody, or watercourse;
 - The current use of each building/structure, and whether each build/structure is "*existing*", "*proposed*", or "*to be removed*";
 - The approximate location of all natural and artificial features on the subject lands and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples may include buildings, railways, roads, watercourses, wetlands, river or stream banks, steep slopes, wooded areas, wells;
 - 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; and,
 - The location and nature of any easements affecting the subject land.

Note: a legal survey signed and dated by an Ontario Land Surveyor is preferred, but may not be required for all applications. If a survey is available, it is recommended that you compile your Site Plan on the Survey. If a survey is not available the Site Plan must be drawn to an appropriate scale, properly dimensioned, and showing thereon the above noted information.

The Site Plan must be clearly legible. If necessary use separate Site Plans for "Existing" and "Proposed", or alternatively, different coloured highlighters/pens together with an appropriate legend, may be used to effectively communicate the above noted requirements.

- IF an increase in height is proposed Building Profile Plans showing elevations before and after as calculated in accordance with the Zoning By-law (see page ii).
- Photographs of the site (not required, but recommended).

PLEASE PRINT CLEARLY

NON-COMPLYING & NON-CONFORMING

Many buildings and structures located within the Township which were constructed legally at the time they were built, do not meet the performance criteria set out in the Township's current Zoning By-law. In some cases this could mean that the building is too close to their side lot line while in other cases the building could be too close to the high water mark. Provided the use of the building remains permitted, the building would be considered a **non-complying** building. Section 4.8.4 of the Zoning By-law addresses such situations by stating:

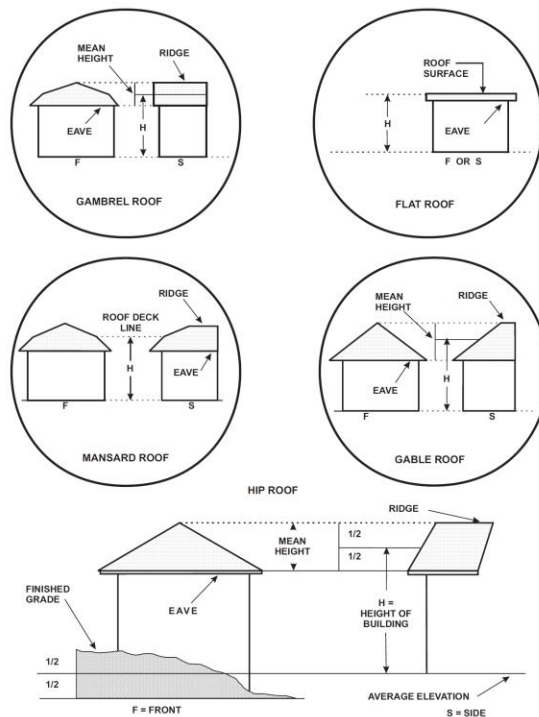
“Permitted Non-Complying Building or Structure: A non-complying building or structure which was legally erected/alterd in accordance with the By-laws in force at the time of construction and/or alteration may be replaced, enlarged, repaired or renovated provided that the replacement, enlargement, repair or renovation does not:

- i) increase the extent of non-compliance, or create a new non-compliance issue; or,
- ii) increase the height of the building or structure by more than 1.2 metres; or,
- iii) increase the ground floor area of the building or structure, or area of a septic tile field, by greater than 25%; or,
- iv) increase the size or height of a building or structure located wholly or in part within 15 metres of the high water mark.”

Where the use of a building is no longer permitted but the building was constructed legally at the time and has been used for such purposes continuously, the use of the building would be considered **non-conforming** use. It is anticipated under the Official Plan that these uses should cease to exist in the long term, and under Section 4.8.2 the Zoning By-law prohibits the expansion of such buildings.

ILLUSTRATION OF BUILDING HEIGHT

FIGURE 3 - ILLUSTRATIONS OF BUILDING HEIGHT



ZONING BY-LAW 06-10 QUICK REFERENCE GUIDE

LOT REGULATIONS:

Full text of the By-law including Schedules is available at www.mindenhills.ca/planning-documents

Zone	Front Yard	Side Yard: Interior / Exterior)	Rear Yard	Lot Coverage
Shoreline Residential (SR)	30m. (98'5") †	4.5m. (14'9") / 6m. (19'8")	12m. (39'4")	15%
Rural (RU)	15m. (49'3")	15m. (49'3") / 15m. (49'3")	15m. (49'3")	10%
Rural Residential (RR)	15m. (49'3")	10m. (32'10") / 15m. (49'3")	15m. (49'3")	15%
Hamlet Residential (HR)	10m. (32'10")	3m. (9'10") / 10m. (32'10")	10m. (32'10")	25%
Residential One & Two (R1 & R2)	7.5m. (24'7")	1.2m. (3'11") / 4.5m. (14'9")	7.5m. (24'7")	30% R1 / 35% R2

† Lots created before Feb. 22, 2005 - 23 m. (75'6"). Lots NOT fronting on a waterbody - 15 m. (49'3").

SPECIFIC SETBACKS FROM:

High Water Mark - The required setback from the **High Water Mark (HWM)** is 30m. (98'5") for residential lots created after Feb. 22, 2005, and all lots within the RU Zone, and 23m. (75'6") for residential lots created before this date.

Private Road or Right-of-way - Where a private road runs through a property, the minimum setback is 3m. (9'10") from such road.

ACCESSORY BUILDINGS:

- Maximum coverage for all accessory buildings and structures is 5% of lot area which is included in the maximum lot coverage referenced above.
- Within 40m. (131'3") of the **HWM** may not be higher than 3.5m. (11'6") or greater than 1 storey. Greater than 40m. (131'3") from the **HWM**, the building may be up to 6m. (19'8") in height, and may include a 2nd storey for the purposes of a Sleeping Cabin only (see Sleeping Cabin below).
- Must be at least 1.5m. (4'11") from the principal building.
- A structure less than 10.3m² (108 sq.ft.) and **NOT ATTACHED** to an existing structure does not require a building permit **BUT** must comply with the Zoning By-law (e.g., setbacks, permitted uses, etc.).

SPECIFIC PROVISIONS FOR CERTAIN BUILDINGS & STRUCTURES:

Balconies/Open Deck - may project 3.5 m. (11'6") into a required front or rear yard.

Dock - must comply with the required side yard (including its projection into the water) and may not extend more than 15 m. (49'3") into the water, or the lesser of 6m. (19'8") or 30% where the waterbody is less than 30m. (98'5") wide.

Dwelling - must have a minimum size of 55m² (592sq.ft.), and may not exceed 11m. (36'11") in height.

Garage - may be located in any required side yard or rear yard provided it is no closer than the required yard or 2.0m. (6'7") to the interior side or rear lot line, whichever is less. A garage may not be located in the front yard except in the RU Zone. Where Sleeping Cabin above, must comply with all setbacks.

Gazebo or Outdoor Sauna - may be erected and used in the required front yard of a lot abutting a watercourse provided it is setback a minimum of 6m. (19'8") from a side lot line, does not have a total floor area greater than 9m² (97sq.ft.), and, is located a minimum 10 m. (32'10") from the high water mark.

Hunt Camp - permitted in RU Zoned properties greater than 20.25 ha. (50.04ac.) in size provided the Hunt Camp is not larger than 60 m² (645.8sq.ft.) and is 30m. (98'5") from any lot line.

Pump House - may not exceed 2.5m² (22sq.ft.) nor be higher than 2m. (6'7") and may be located in the required front yard of a lot abutting a watercourse or shore road allowance provided it complies with the minimum required side yard.

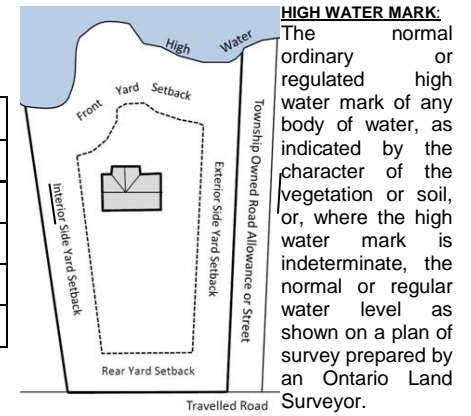
Shoreline Structures - The maximum cumulative width of all accessory structures (decks docks etc.) located in the required yard between the shoreline and the dwelling may not exceed 30% of the lot frontage up to a maximum of 15m. (49'3") of the shoreline.

Sleeping Cabin - maximum of one per lot may be erected within the SR or RU Zones provided it is not larger than 35m² (377sq.ft.) or located to the front of the principal dwelling, , or contain cooking or kitchen facilities, but may contain sanitary facilities.

Utility Shed - may be located the lesser of the required yard, or 2.0m. (6'7") from an interior side or rear lot line provided it does not exceed 9m² (97sq.ft.).

Revised – June 5, 2019

PLEASE NOTE THAT THE ABOVE INFORMATION ARE EXCERPTS FROM ZONING BY-LAW 06-10 AND SHOULD BE USED FOR REFERENCE PURPOSES ONLY.



HIGH WATER MARK:
The normal or regulated high water mark of any body of water, as indicated by the character of the vegetation or soil, or, where the high water mark is indeterminate, the normal or regular water level as shown on a plan of survey prepared by an Ontario Land Surveyor.



APPLICATION FOR MINOR VARIANCE OR PERMISSION

The undersigned, hereby applies to the Township of Minden Hills, for a minor variance or permission under Section 45 of the Planning Act, R.S.O. 1990, c.P.13, as amended, for relief from Zoning By-law No. 06-10, as amended.

Section 1 – Contact Information	
Registered Property Owner(s):	
Mailing Address:	
Telephone No.:	E-Mail:
If the application is being made on the property owner's behalf please fill out the remainder of this section.	
Authorized Agent (if applicable):	
Mailing Address:	
Telephone No.:	E-Mail:

Section 2 – Property Information		
Assessment Roll No: 4616-_____-000-_____-0000		Date Acquired:
Lot(s):	Concession(s):	Geographic Township:
Part(s):		Plan:
Civic Address:		
Lot Frontage:	Lot Depth:	Lot Area:
Name of Lake/River (if applicable):		Do you own the Shore Road Allowance (if applicable): <input type="checkbox"/> Yes <input type="checkbox"/> No

Section 3 – Policy and Planning Information	
Official Plan Designation:	Zoning By-law Designation:
If known, please indicate whether the subject property is currently subject to an for a Plan of Subdivision or Consent, and whether the subject property has ever been the subject of another Minor Variance Application: <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Yes: File#_____ Status:_____.	
Is the Subject Property located within an area subject to the Trent Source Protection Plan?	

Section 4 – Servicing and Access

Water Supply: Municipal Drilled/Dug Well Communal Well Lake/River Other: _____

Sewage Disposal: Municipal Sanitary Sewers Septic Bed Other: _____

Storm Drainage: Sewers Ditches Swales Other _____

Access: Provincial Highway Municipal Private Right-of-Way Water[†]

† Where access is by means of water only, please indicate the location of available docking and parking facilities and their location relative to access from a public road: _____

Section 5 – Nature of Relief Requested from the Zoning By-law

Identify the relief you are requesting

Section 6 – Why is it not possible to comply with the Zoning By-law Requirements

Describe the request and explain why it is not possible to comply with the provisions of the by-law

Section 7 – Building(s) and/or Structure(s) Located on Property:

To be filled out for each building/structure located on the property. Note that a deck which is attached to a dwelling or other building would be considered a separate structure.

#1 - Building/Structure Type (e.g. dwelling, deck, garage): _____.

Date Constructed (if Known):		Length of Time Use has Continued (if Known):	
Front Lot Line Setback:	Existing / Proposed	Rear Lot Line Setback:	Existing / Proposed
Side Lot Line Setback (N/W):	Existing / Proposed	Side Lot Line Setback (S/E):	Existing / Proposed
Height (see pg. ii):	Existing / Proposed	Ground Floor Area:	Existing / Proposed

Section 8 – Cont. Use additional pages as necessary.

#2 - Building/Structure Type (e.g. dwelling, deck, garage):		Attached to (if applicable): _____.	
Date Constructed (if Known):		Length of Time Use has Continued (if Known):	
Front Lot Line Setback:	Existing / Proposed	Rear Lot Line Setback:	Existing / Proposed
Side Lot Line Setback (N/W):	Existing / Proposed	Side Lot Line Setback (S/E):	Existing / Proposed
Height (see pg. ii):	Existing / Proposed	Ground Floor Area:	Existing / Proposed

#3 - Building/Structure Type (e.g. dwelling, deck, garage):		Attached to (if applicable): _____.	
Date Constructed (if Known):		Length of Time Use has Continued (if Known):	
Front Lot Line Setback:	Existing / Proposed	Rear Lot Line Setback:	Existing / Proposed
Side Lot Line Setback (N/W):	Existing / Proposed	Side Lot Line Setback (S/E):	Existing / Proposed
Height (see pg. ii):	Existing / Proposed	Ground Floor Area:	Existing / Proposed

#4 - Building/Structure Type (e.g. dwelling, deck, garage):		Attached to (if applicable): _____.	
Date Constructed (if Known):		Length of Time Use has Continued (if Known):	
Front Lot Line Setback:	Existing / Proposed	Rear Lot Line Setback:	Existing / Proposed
Side Lot Line Setback (N/W):	Existing / Proposed	Side Lot Line Setback (S/E):	Existing / Proposed
Height (see pg. ii):	Existing / Proposed	Ground Floor Area:	Existing / Proposed

Total Lot Coverage:	Existing / Proposed
a. Lot area covered by all buildings & structures, including open decks:	_____ Existing / Proposed
b. Lot area covered by accessory buildings & structures only:	_____

Section 9 – Owner Authorization: To be filled out if a party <u>other than owner</u> is making this application	
I/We, _____, being the registered owner(s) of the <div style="text-align: center; font-size: small;">Print Name(s)</div> lands subject to this application, hereby authorize _____ <div style="text-align: center; font-size: small;">Print Name of Individual(s) or Business</div> as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment, and to act on my/our behalf in relation to this application.	
_____ Date	_____ Signature of Owner(s)

Section 10 – Use and Disclosure of Personal Information and to Permit Site Visits

I/We hereby authorize and consent to the use by, or the disclosure to, any person or public body any personal information that is collected under the authority of the *Planning Act* for the purposes of processing this application. I/we also authorize and consent to representatives of the Township of Minden Hills entering upon the lands subject of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of this application.

_____ Date

_____ Signature of Owner(s) or Authorized Agent

Section 11 – Deposit in the Event of Third Party Appeals

I/We hereby acknowledge that in the event that this application is appealed to the Local Planning Appeals Tribunal (LPAT) the Township of Minden Hills may require a further deposit of up to Five Thousand (\$5,000.00) Dollars to process the appeal. I/We further agree and acknowledge that any costs in excess of this amount will become my/our responsibility. The Township of Minden Hills hereby acknowledges that any funds not used for the processing of the appeal will be refunded to the applicant once the appeal process has been completed. The undersigned have recognized this notice and have signed below.

_____ Date

_____ Signature of Owner(s) or Authorized Agent

*Note: Deposits on Third Party appeals are due and payable upon receipt of an appeal with respect to the application(s). The said deposit shall be paid by the applicant. Fees incurred by the Township above and beyond the amount of the deposit required will be invoiced to and payable by the applicant. Should the fees incurred be less than the amount of the deposit required, the appropriate refund will be issued to the applicant. **Refusal or failure to pay the appeal deposit, or maintain the deposit as required, may result in the Township’s refusal to provide services in support of the application at the LPAT.***

Section 12 – Declaration To be Signed before a Commissioner of Oaths

I, _____ of the
(Print Name of Owner(s) or Authorized Agent)

_____ in the _____
(e.g., Township of Minden Hills) (e.g., County of Haliburton)

Solemnly declare that all the statements contained in this application are true, and 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 the _____ of _____
in the _____ of _____
this _____ day of _____

_____ Signature of Owner(s) or Authorized Agent

A Commissioner of Oaths