



Provincial Highway \_\_\_\_\_ Maintain Public Road \_\_\_\_\_ Another Public Road \_\_\_\_\_ Right-of-way \_\_\_\_\_ Water \_\_\_\_\_  
If access to subject property is by water, list the distances between parking & docking facilities to the subject land & the nearest public road:

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

Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, gross floor area, number of storeys, width, length, height, etc):

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Setbacks of all buildings and structures on or proposed for the subject land:

Existing: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_  
Proposed: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_

Date of acquisition of subject land: \_\_\_\_\_

Date of construction of all buildings and structures on subject land: \_\_\_\_\_

Existing uses of the subject property: \_\_\_\_\_

Existing uses of abutting properties:

NORTH: \_\_\_\_\_ SOUTH: \_\_\_\_\_ EAST: \_\_\_\_\_ WEST: \_\_\_\_\_

Length of time the existing uses of the subject property have continued: \_\_\_\_\_

Municipal services available [check appropriate spaces]:

Water \_\_\_\_\_ Connected \_\_\_\_\_ Sanitary Sewers \_\_\_\_\_ Connected \_\_\_\_\_ Storm Sewers \_\_\_\_\_

Has the owner previously applied for variances in respect of the subject property? YES \_\_\_\_\_ NO \_\_\_\_\_

If the answer is "YES", describe briefly:

\_\_\_\_\_

#### IV. AUTHORIZATION AND DECLARATION

##### AUTHORIZATION OF OWNER

I/We \_\_\_\_\_ owner(s) of the property known as \_\_\_\_\_

Hereby authorize \_\_\_\_\_ to make a Minor Variance application on my/our behalf to the Town of Whitby.

\_\_\_\_\_

(Signature of Owner)

\_\_\_\_\_

(Signature of Witness)

#### V. STATUTORY DECLARATION

Dated at the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

I, \_\_\_\_\_ of the \_\_\_\_\_ in the \_\_\_\_\_

Solemnly declare that all the statements contained in this application are true and I make this 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 \_\_\_\_\_

In the \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Signature of Owner or Authorized Agent

## NOTES

### 1. Submission of Application

Please complete one (1) copy of the application form in full and submit to the Secretary-Treasurer of the Committee of Adjustment with the following:

- a) **A MINIMUM OF TWO (2) COPIES OF THE FULL SIZE PLAN, PLUS ONE (1) COPY IN REDUCED FORM (LEGAL SIZE)** showing the dimensions of the subject land and all abutting land and showing the location, size and type of all buildings and structures on the subject and abutting land, parking and docking facilities if access is by water only and the location of any easement affecting the subject lands. Further the plan should also indicate approximate location of all natural and artificial features on the subject and adjacent lands [ie. railways, watercourses, roads, drainage ditches, wells, septic tanks, wooded areas etc.]. The Committee of Adjustment may require that an Ontario Land Surveyor sign the plan.
- b) The prescribed non-refundable fee in cash, cheque or money order payable to the treasurer of the Town of Whitby.

### 2. Fee

- a) The fee for this application is **\$500.00**, exclusive of costs (Regular Meeting).
- b) Where a special meeting of the Committee of Adjustment is requested by the applicant, the application fee is **\$1000.00**.
- c) The fee for the tabling of the application at the request of the applicant or where an application is tabled due to the applicant supplying insufficient information is **\$200.00**, exclusive of costs.
- d) An additional non-refundable processing fee of **\$250.00** (paid by separate cheque made payable to CENTRAL LAKE ONTARIO CONSERVATION) is required by CLOC when the application is circulated for their review and comments.
- e) Additional costs for the processing of the application may be charged where studies in support of an application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study. This requirement applies to matters such as, but not limited to, the review of traffic, marketing, environmental, noise, and engineering reports, etc. In all cases the Town shall notify the applicant to seek approval and payment before proceeding to a third party review or supporting studies.
- f) The applicant will be responsible for the costs to the Town of appearing in support of the application and hearings of the Ontario Municipal board or Environmental Assessment Board.
- g) The applicant will be required to pay the reasonable legal fees of the Town for the preparation and registration of development agreements when such agreements are required.

### 3. Other Information

- a) Applications will not be processed where application forms and fees are incomplete.
- b) The applicant is advised to obtain all available Departmental and Agency comments two (2) days prior to the Committee of Adjustment hearing date. Comments can be obtained from the Planning Department.
- c) This application and the attached supporting documentation, if any, contains information collected and maintained specifically for the purpose of creating a record available to the general public and is open to inspection by any person during normal office hours. Personal information on this form is collected under the authority of the Municipal Act, R.S.O. 1990, c.M.45, as amended, and the Planning Act R.S.O. 1990, c. P. 13, as amended, and will be used in the processing of an application for a minor variance. Questions about this collection should be directed to the Director of Planning, Town of Whitby, 575 Rossland Road East, Whitby, L1N 2M8, (905) 430-4306.

## **COMMITTEE OF ADJUSTMENT**

### **OF THE TOWN OF WHITBY**

#### **Procedures**

##### **Organization**

The Committee of Adjustment of the Town of Whitby is composed of six members who are appointed by the Council of the Municipality.

Council may appoint any person to the Committee of Adjustment whom they consider appropriate. Committee members, who are not members of Council, hold office for a term concurrent to that of the Council who appointed them, three years. Council members serving on the Committee of Adjustment are appointed on an annual basis.

##### **Legislation**

The Committee of Adjustment is constituted and appointed by a By-law of the Corporation of the Town of Whitby and operates in accordance with Sections 44 and 45 of the Planning Act, 1990 and Ontario Regulation.

##### **Function**

The primary function of the Committee of Adjustment is to consider applications for minor variances from the provisions of existing zoning By-laws. The Committee must evaluate each application for minor variance as follows:

1. The Committee may authorize a minor variance from the provisions of a By-law, in respect of the land, building or structure;
2. The Committee must satisfy itself that the granting of a minor variance does not violate the general intent of the respective zoning By-law and the Official Plan.

In addition to requests for minor variance approval, an application may be filed with the Committee of Adjustment for permission. A request for permission entails either of the following:

1. The enlargement or extension of a legal non-conforming building or structure; or,
2. The conversion of the use of land, building or structure from a legal non-conforming use to a similar legal non-conforming use or to a use which is more compatible with the uses permitted under the relevant zoning By-law.

Finally, application may be made to the Committee of Adjustment for clarification of the uses permitted by zoning By-law. Where such uses are defined in general terms the Committee is empowered to permit the use of land, building or structure for any purpose that the Committee considers as being in conformity with the uses permitted by the By-law.

## Procedures

1. One (1) completed copy of the application form submitted to the Secretary-Treasurer of the Committee of Adjustment with the following:
  - a) A minimum of two (2) copies of a plan showing the dimensions of the subject land and all abutting land and showing the location, size and type of all buildings and structures on the subject and abutting land, parking and docking facilities if access is by water only and the location of any easement affecting the subject lands. Further the plan should also indicate approximate location of all natural and artificial features on the subject and adjacent lands [ie. railways, watercourses, roads, drainage ditches, wells, septic tanks, wooded areas etc.]. The Committee of Adjustment may require that the plan be signed by an Ontario Land Surveyor.
  - b) the prescribed non-refundable fee in cash, cheque or money order payable to the Treasurer of the Town of Whitby.
    - i) the fee for this application is **\$500.00**, exclusive of costs.
    - ii) Where a special meeting of the Committee of Adjustment is requested by the applicant, the fee shall be **\$1000.00**
    - iii) the fee for the tabling of the application at the request of the applicant or where an application is tabled due to the applicant supplying insufficient information is **\$200.00**, exclusive of costs.
    - iv) An additional non-refundable processing fee of **\$250.00** (paid by separate cheque made payable to CENTRAL LAKE ONTARIO CONSERVATION) is required by CLOC when the application is circulated for their review and comments.
    - v) additional costs for the processing of the application may be charged where studies in support of an application must be reviewed by persons not employed by the Town but retained for that purpose due to an expertise in the area of the study. This requirement applies to matters such as, but not limited to, the review of traffic, marketing, environmental, noise, and engineering reports, etc. In all cases the Town shall notify the applicant to seek approval and payment before proceeding to a third party review of supporting studies.
    - vi) the applicant will be responsible for the costs to the Town of appearing in support of the application at hearings of the Ontario Municipal Board or Environmental Assessment Board.
    - vii) the applicant will be required to pay the reasonable legal fees of the Town for the preparation and registration of development agreements when such agreements are required.
2. The application is reviewed to ensure the information contained therein is accurate and complete. If the application is satisfactory, a file is opened.
3. A hearing date is established at the discretion of the Secretary-Treasurer. However, in no case shall the time period between the date of receiving the application and the hearing date be greater than thirty (30) days.
4. A mailing list, consisting of the owner, the agent, the mortgagee and all property owners and

tenants within 60 metres, depending on the zoning, of the subject property, is prepared. Each entry on the list is mailed at least ten (10) days in advance of the meeting, a Notice of Public Hearing which indicates the nature and extent of the variance, a legal description and the location of the property and the date, time and location of the hearing.

5. A member of the Planning Department carries out a site inspection.
6. The Committee of Adjustment considers the application. The application may be granted, denied or tabled (pending further information) and in no case shall the decision be valid unless concurred with by the majority of the members that heard the application.
7. Notice of the Committee of Adjustment decision is sent to the Commissioner of Planning for the Region of Durham, the applicant, the agent, the mortgagee (s), and each person who attended the meeting and who requested a copy of the decision.
8. Within twenty (20) days of the date of the decision, the Commissioner of Planning for the Region of Durham, or any other person who has an interest in the matter may appeal to the Ontario Municipal Board against the decision.
9. If no appeal is received by the Secretary-Treasurer within this twenty (20) day period, the decision of the Committee becomes final and binding. Notices to this effect are sent to the applicant, agent and mortgagee.
10. If an appeal is received, the Ontario Municipal Board conducts a Public Hearing and may dismiss the appeal or make another decision that the Committee could have made.



---

## **Town of Whitby**

### **Committee of Adjustment**

#### **Notification Sign - Posting Instructions**

You, the applicant, are responsible for erecting the Committee of Adjustment notification Sign on the Subject Property in accordance with the following requirements:

- 1) The sign shall be nailed or firmly stapled to a wooden stake.
- 2) The sign shall be located on the subject property so that it is visible from the abutting public roadway by the passing public and for the Committee of Adjustment members when making inspections of the subject property. The sign shall **NOT** be posted within a public road allowance or on hydro poles, telephone poles, etc.
- 3) The sign shall be located on the subject property such that it is not obstructed from the view of the abutting public roadway.
- 4) The sign shall be located on the subject property a minimum of 1.0 metre from the front property line.
- 5) The sign shall maintain a height of not less than 1.0 metre and no more than 1.5 metres.
- 6) The sign shall be posted immediately upon receipt and shall remain in place until the day after the Hearing.

Members of the Committee will be inspecting the properties for which an application has been made. If the sign is not properly posted your application may be tabled.

If you have any questions regarding the posting of the Committee of Adjustment Notification Sign, please do not hesitate to contact the Secretary-Treasurer to the Committee of Adjustment at (905) 430-4306 or the Town of Whitby Toronto line at (905) 686-2621.