



**City of Kenora**  
**Application for Minor Variance/Permission**  
 Section 45 of the Planning Act & Ontario  
 Regulation 200/96, as amended

**Applying for a Minor Variance or Permission**

Minor variance decisions are made by the Kenora Planning Advisory Committee/Committee of Adjustment (PAC). The Committee has delegated authority by Council under the *Planning Act* to make land use planning decisions regarding minor variance applications, consents, plans of subdivision and condominium descriptions.

Planning Advisory Committee meetings are generally held on the third Tuesday of every month at the City of Kenora Operations Centre Training Room, 60 Fourteenth Street North, 2<sup>nd</sup> Floor.

All applicants and/or agents attend the PAC meeting to represent their application.

The deadline for application submissions is the day of the PAC meeting prior to the PAC meeting that you would like to have your application considered.

**Types of Applications**

Section 45(1) Minor Variance

A minor variance is a small variation from the requirements of the Zoning By-law. Where a proposal does not comply with the provisions of the Zoning by-law approval of an application for minor variance would enable a property owner to obtain a building permit. As per Section 45(1) of the *Planning Act*, there are four tests which a minor variance must meet:

Test	Criteria
Does the proposed variance meet the general intent and purpose of the City of Kenora's Official Plan?	This test takes into account the Official Plan polices that are directly associated with the proposed variance (Land use designations, special policy overlays, environmental issues, hazards etc.)
Does the proposed variance meet the general intent and purpose of the City of Kenora's Zoning By-law?	This takes into account the specific provisions of the zoning by-law that apply to the subject property, with regards to the types of uses permitted. For example, proposing to construct a commercial woodworking manufacturing shop in a residential zone would not meet the intent of the Zoning By-law even if the proposition complied with all setback, lot coverage etc. requirements.
Does the proposed variance represent an appropriate and reasonable use of the subject property?	This test takes into account the nature of the proposed variance with regards to the character of the surrounding neighbourhood.
Is the proposed variance minor in nature?	This test reviews the anticipated impact of the variance on the surrounding neighbourhood and property owners, the environment, traffic concerns etc. This is not measured in

quantitative mathematical form, but in terms of the overall impact to the community. For example constructing a 500 square foot addition to a house for a private workshop compared to a 500 sq. foot addition for an auto wrecking facility are the same mathematically, however the latter has a much greater impact on the surrounding community.

### Section 45(2) Permission

An application may be filed with the Planning Advisory Committee for permission, which entails either of the following:

- The enlargement or extension of a legal non-conforming/non-complying building or structure; or,
- 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 that is more compatible with the uses permitted under the Zoning By-law.

### The Application Process

1. Applicant will pre-consult with the Planning Department Staff.
2. The complete application will be placed on the agenda for the next Planning Advisory Committee meeting, which is open to the public.
3. A notice describing the proposal and providing the date, time and location of the meeting will be sent a minimum of ten (10) days prior to the hearing to neighbouring property owners and relevant agencies within 60 metres of the subject property.
4. Applicants will post a sign, provided by Planning Staff, on the subject property detailing the notice of complete application and public hearing. Staff/committee members will conduct a site visit.

For site visit purposes, please stake out on the subject property the extent of any proposed additions, using orange tape or paint.

5. The hearing of the application will take place at which time the Planning Advisory Committee will render its decision. Decisions may be tabled to a future meeting and complex applications may require more than one meeting prior to obtaining approval. Staff will make a recommendation to the Committee on all applications. New conditions of approval may be added at a meeting.
6. The decision of the Committee will be circulated no later than ten (10) days from the date the decision was rendered.
7. If no appeal to the Local Planning Appeal Tribunal (LPAT) is filed within twenty (20) days of the making of the decision, the decision is final and binding.
8. If a decision is appealed the file will be sent to the Local Planning Appeal Tribunal, who will render a final decision.

**Note:** Building permits or licenses, if required, will only be issued after the appeal period has ended and the conditions of approval (if any) have been fulfilled.

## Planning Rationale

A Planning Rationale is a document that provides an overall description, justification and rationale for understanding the proposed development application, and is intended to help the applicant organize and provide written support for the application. The document will assist staff and the approval authority, in the assessment and recommendation for the application. A planning rationale must accompany each application.

### **What is the purpose of a planning rationale?**

A planning rationale is required as part of an application in order to:

- A) Provide a clear description and understanding of the proposal
- B) Provide an opportunity, at the outset, to establish why the proposal should be considered
- C) To highlight important information specific or particular to the application (ie. special history, different circumstances, unique site conditions, etc.)
- D) To enable staff to analyze and prepare recommendations on the application

It is not intended to be a personal analysis or business case for a proposed development, rather it should examine the impact of the proposal on the surrounding area, and vice versa.

### **Who can prepare a planning rationale?**

Depending on the complexity of the application, the information requirements can be addressed in a letter, or a longer report. The material can be prepared by the owner, an agent, the applicant or by a member of a consulting team, depending on the nature of the application.

For a complex application it is recommended that a planning professional be retained to prepare the planning rationale. The benefits to the applicant, of hiring a planning professional, can be significant in presenting the proposal in its best form, which may result in cost and time savings, as well as making the approval process as efficient as possible.

### **Under what authority can a planning rationale be requested?**

The Planning Act, R.S.O. (1990 as revised) gives a Municipality the authority to require that a planning rationale be prepared as part of any development application. The City of Kenora's Official Plan (2015) also provides this authority.

### **What, specifically does a planning rationale contain?**

A Planning Rationale shall contain and/or address, at a minimum, the points listed below. The failure to address the following points may result in the application being considered incomplete.

- A) Provide a physical description of the site, including descriptions of current land use(s) and surrounding land uses, context and/or built form
- B) Include a description of the site's planning history, including previous planning approvals and/or agreements (ie. site plan agreement, site-specific zoning by-laws etc.) and provide copies of the pertinent documents
- C) Include a description and overview of the proposal, including any major features or attributes (such as use, height, density, parking, architectural design, natural heritage features, etc.)
- D) Describe the suitability of the site, and indicate reasons why the development is appropriate for the site and will function well to meet the needs of the intended future users
- E) Provide a detailed analysis of the compatibility of the proposed development or land use designation with the existing adjacent developments and land use designations
- F) Provide justification that the proposal is appropriate land use planning, including any details of measures that are to be used to mitigate negative impacts (such as site plan control)
- G) Describe the impact of the proposed development on the natural environment
- H) Describe the impact of the proposed development on municipal services (ie. sewage collection and treatment systems, water distribution and treatment systems, utilities, roads, hydro services, parking,

community facilities, parks and open spaces etc.)

- I) Describe how your application meets the four tests for approving a minor variance
- J) Indicate whether there are other planning approvals require, and if those necessary applications have been filed (ie. Official Plan or Zoning By-law amendment, Site plan Control agreement, site plan approval, minor variance, draft plan of subdivision or condominium etc.)
- K) Provide a draft of the proposed text and mapping (Official Plan/Zoning By-law amendment only), if applicable
- L) Indicate how the proposed development is consistent with the Provincial Policy Statement (PPS) - (2014) and provide any other Planning Act considerations that are relevant. If you are not familiar with these documents, please contact the City of Kenora Planning Department or access the City's portal, [www.kenora.ca](http://www.kenora.ca) or the Ministry of Municipal Affairs and Housing website at [www.mah.gov.on.ca](http://www.mah.gov.on.ca)
- M) Describe how the proposal conforms to the general purpose and intent and goals of the City of Kenora's Official Plan and complies with the City's Zoning By-law
- N) Describe how the proposal is appropriate and desirable development for the land and is minor in nature
- O) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies
- P) Indicate whether the proposal complies with any other relevant City documents and Planning Policies/Secondary Plans etc. (Black Sturgeon Lake Capacity and Management Report, Waterfront Development Guidelines, etc.)

#### **Minimum Standards for Site Plan Sketches**

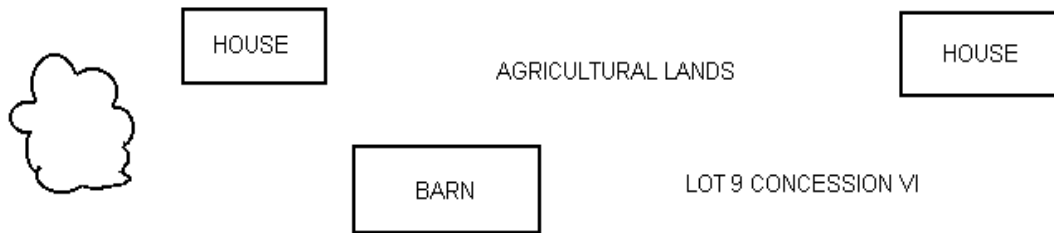
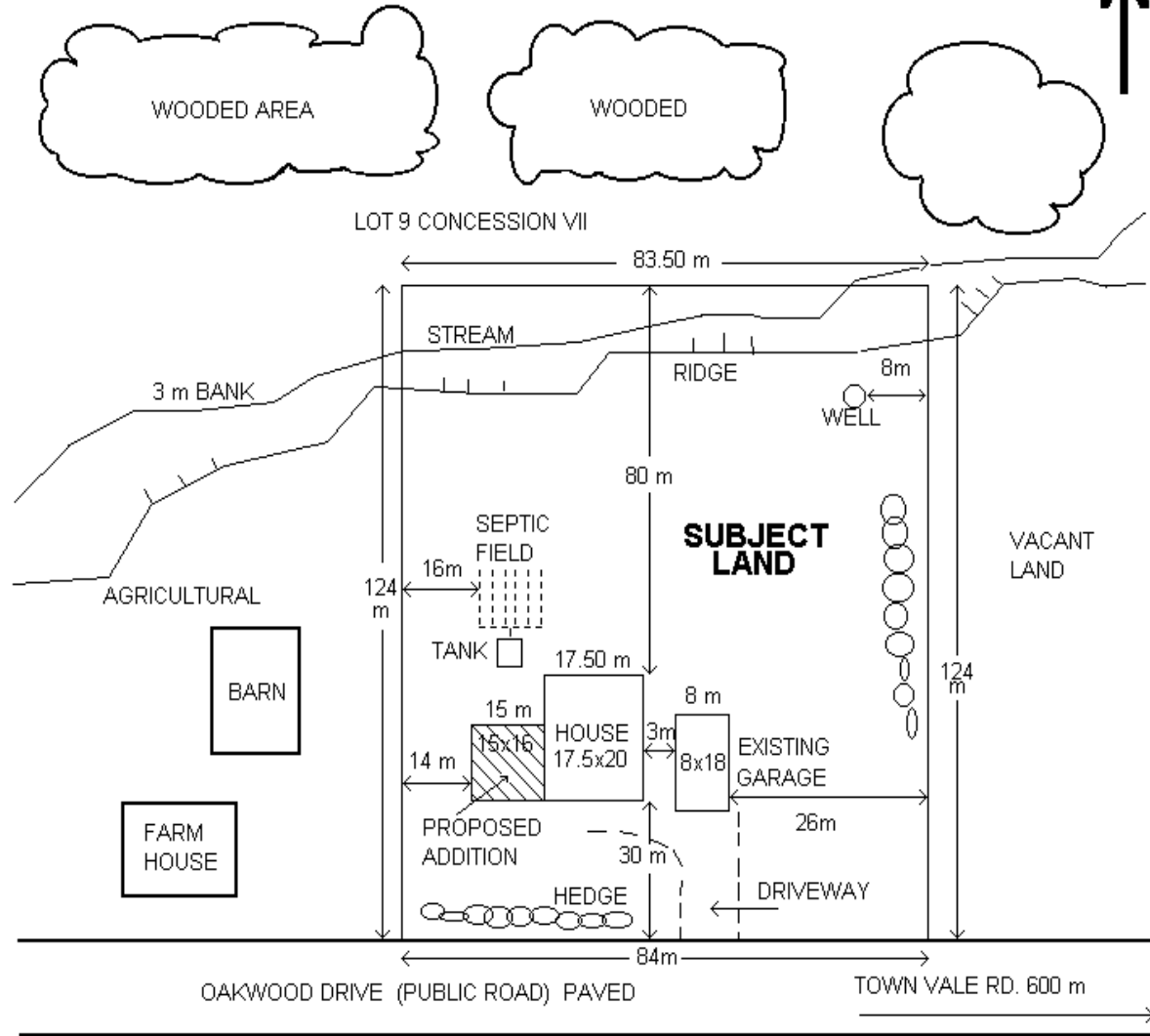
A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. All necessary information must be contained on one single sketch or site plan. The sketch or site plan must clearly demonstrate:

- i. The boundaries and dimensions of the subject land
- ii. 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.
- iii. 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.
- iv. The current uses on land that is adjacent to the subject land
- v. The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. The location and nature of any easement affecting the subject land.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

AREA OF SUBJECT LANDS - 0.79 hectares



**This Application must be submitted to:**

City of Kenora Planning Department  
Planning Analyst – Melissa Shaw Tel: (807) 467-2292 or [mshaw@kenora.ca](mailto:mshaw@kenora.ca)  
City Planner – Devon McCloskey Tel: (807) 467-2059 or [dmccloskey@kenora.ca](mailto:dmccloskey@kenora.ca)

60 Fourteenth Street North, 2nd Floor  
Operations Centre - Kenora, ON P9N 4M9  
Fax: 807-467-2246

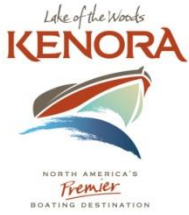
**Prescribed Information**

**Personal Information collected within this document will be used to assist City staff to process this application and will be made public. The information prescribed in this application is contained in Ontario Regulation 200/96 (as amended), of the Planning Act, R.S.O. 1990 (as revised).**

**The undersigned hereby applies to the Planning Advisory Committee for the City of Kenora under Section 45 of the Planning Act, R.S.O. 1990 (as revised), for a minor variance, as described in this application.**

**This application also sets out other information that will assist the Committee of Adjustment/Planning Advisory Committee in their evaluation of the application and Staff review. In the absence of this information, it may not be possible to do a complete review within the legislated timeframe for making a decision. As a result, the application may be refused.**

**It is the sole responsibility of the authorized agent and/or owner to ensure that this application form is complete and that the information provided is accurate and correct. This application form will not be accepted until all required questions have been answered and all other requirements have been satisfied.**



**City of Kenora**  
**Application for Minor Variance or**  
**Permission**  
 Section 45 of the Planning Act & Ontario  
 Regulation 200/96

**Office Use Only**

Date Stamp - Date Received:	File Number: _____ Roll Number: _____ Application Fee Paid: \$ _____ Application Deemed Complete (Date): _____
-----------------------------	---

**1.0 - Submission Requirements**

Note: If the information below is not received the application cannot be deemed complete.

- Pre-consultation meeting
- 1 original copy of the completed application form
- The required application fee of \$325.00 as per the schedule of fees By-law
- Planning Rationale
- Site Plan Sketch
- Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

**2.0 - City of Kenora Application for:**

- |  |  |
|--|--|
| <input type="checkbox"/> Minor Variance s.45 (1) | <input type="checkbox"/> Permission s.45 (2) |
|--|--|

**3.0 - Concurrent Applications Filed**

- |  |  |
|--|--|
| <input type="checkbox"/> Official Plan Amendment               | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Zoning By-law Amendment/Temporary Use | <input type="checkbox"/> Consent Application   |
| <input type="checkbox"/> Subdivision Application               | <input type="checkbox"/> Other: _____          |

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description				
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input type="checkbox"/> Company	
Registered Land Owner	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province	
Contact Information	Phone:		Fax:	
Email				
Acquisition Date of Subject Land				
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name				
Name	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:		Fax:	
Email				
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company				
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				
5.0 – Please list the reports/studies that will accompany this application				
6.0 – Land Use Designation (Please see <a href="http://www.kenora.ca/planning">www.kenora.ca/planning</a> for schedules/maps)				
What is the current Official Plan Designation of the subject property?				
_____				
What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?				
_____				



**7.0 – Nature and extent of relief required**

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required

**8.0 – Please explain the extent of the proposed variance or permission requested and why it is not possible to comply with the provisions of the Zoning By-law**

**9.0 – Property Characteristics**

Frontage (metres):\_\_\_\_\_ Depth (metres):\_\_\_\_\_ Area (m<sup>2</sup> or Ha.):\_\_\_\_\_

Existing Use of subject land:\_\_\_\_\_

**Note:** Legal non-conforming use applications must provide evidence to support its status to the Planning Department.

Proposed Use (if applicable):\_\_\_\_\_

The date the subject land was acquired by the current owner: \_\_\_\_\_

The date the existing buildings or structures on the subject land were constructed:\_\_\_\_\_

Length of time that the existing uses have continued? \_\_\_\_\_

**Type of Access:**

- Municipal maintained road
- Seasonally maintained road
- Provincial highway
- Private road or laneway
- Water
- Other public road

\* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

\*If access is by private road, or other public road, please state who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available

**Water Supply:**

- Municipal water                       Private well                       Communal well  
 Lake                                       Other: \_\_\_\_\_

**Sewage:**

- Municipal sewer                       Private septic system/field                       Communal septic system/field  
 Privy                                       Other: \_\_\_\_\_

**Site Drainage:**

- Storm sewers                       Swales                       Ditches  
 Other: \_\_\_\_\_

**Other Services:**

- Electricity                       Garbage Collection                       School Buses

**10.0 - Easements**

Are there any easements or restrictive covenants affecting the subject lands?

- Yes                                       No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

**11.0 - Other Applications under the Planning Act**

Has the subject land ever been the subject of an application for approval of any of the following?

<input type="checkbox"/>	Draft Plan of Subdivision	File No.:	Status:
<input type="checkbox"/>	Condominium Description	File No.:	Status:
<input type="checkbox"/>	Official Plan Amendment	File No.:	Status:
<input type="checkbox"/>	Zoning By-law Amendment	File No.:	Status:
<input type="checkbox"/>	Minister's Zoning Amendment	File No.:	Status:
<input type="checkbox"/>	Site Plan Application	File No.:	Status:
<input type="checkbox"/>	Consent	File No.:	Status:
<input type="checkbox"/>	Minor Variance	File No.:	Status:
<input type="checkbox"/>	Part Lot Control	File No.:	Status:
<input type="checkbox"/>	Other (Please Specify)	File No.:	Status:

**12.0 – Buildings/Structures on Subject Property**

Dimensions must match those indicated on the required sketch

**Existing Structures:**

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

**Proposed Structures:**

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

\*Please place an asterisk next to any existing buildings that will be removed as part of the application.

\*Please indicate whether the side yards are interior or exterior.

**13.0 – Is the effect of the proposed variance consistent with policy statements issued under Subsection 3(1) of the Planning Act?**

Please state how this application is consistent with the 2014 Provincial Policy Statement (PPS).

**14.0 – Additional information**

Please provide any additional information that you feel would be beneficial to the application:

**15.0 – Directions**

Please provide directions to the subject property:

**16.0 – Authorized Agent/Solicitor**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We \_\_\_\_\_, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize \_\_\_\_\_ to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

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

\_\_\_\_\_  
Date

Signature of owner(s)

\_\_\_\_\_

Name and Signature of Witness

**17.0 - Sworn Declaration or Affidavit**

I, \_\_\_\_\_ of the \_\_\_\_\_ in the province of \_\_\_\_\_, make oath and say (or solemnly declare) that the information required under Ontario Regulation 200/96 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

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

Commissioner of Oaths

Applicant(s)

**18.0 - Privacy Consent/Freedom of Information Declaration**

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff, members of the Planning Advisory Committee or Council members.

I/We, \_\_\_\_\_ being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby 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 (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

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

Date

Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora  
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.