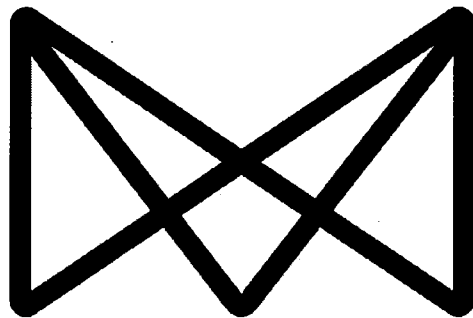


A Citizen Guide to the Minor Variance Process



MISSISSAUGA

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1. What is a minor variance and who approves variances?

A minor variance is the relief from the terms of a zoning by-law where a proposed use or structure does not conform exactly to the zoning by-law. The Committee of Adjustment can also approve the expansion of a legal non-conforming use and similar uses.

The approval of a minor variance rests with the City's Committee of Adjustment (Committee). The Committee currently consists of the seven (7) appointed citizen members.

2. Where do I apply for a minor variance?

The application form is available at the Office of the City Clerk – Committee of Adjustment counter on the 2nd Floor of City Hall located at 300 City Centre Drive. Committee of Adjustment staff can fully explain the process including the cut off dates for submission and meeting schedules, how to apply, supporting material (i.e. sketches, plans, building location survey, etc.) that must be submitted and any other approvals that may be required. The application form is also available on the City's Website at the following link:

[Minor Variance Application](#)

Before you apply for a minor variance, you should consult with municipal zoning staff in the Planning and Building Department on the 3rd Floor at City Hall to ensure that you are asking for the correct relief from the zoning by-law.

3. What is the process for a minor variance?

When applying for a variance, there is a fee for processing the application. For the fee amount, refer to the first page of the Minor Variance Application Form or call the Committee of Adjustment office at (905) 615-3200 ext.5433. As an applicant, you will be required to complete the application form. The more accurate the information provided, the less likely that delays will occur.

If your submission is incomplete, your application will not be processed and will be returned.

The property owners 60.00 metres (196.85 feet) surrounding the subject property and other applicable approval authorities will be circulated a notice of the application a minimum of 10 days prior to the Committee of Adjustment meeting. A notice sign is also placed on the property by the application a minimum of 10 days before the meeting as well. Any person or public body can submit comments

of support or concerns to the Committee. All public submission must have a name and municipal address. These submissions will be read into the record at the Committee of Adjustment meeting.

City staff will visit the site and make comments/recommendations to the Committee of Adjustment. These comments/recommendations are available, upon request, from the Committee of Adjustment office.

When the Committee has made a decision on an application, it is required to send a Notice of Decision, within 10 days of the decision being made, to the applicant, their authorized agent and any other person or public body who attended the meeting or has requested a copy of the decision, in writing to the Secretary Treasurer, will be notified of the decision. Providing a comment on an application does not automatically have a decision sent to you. Once the decision is made by the Committee at the meeting, a 20 day appeal period follows. Any appeal can be filed with the Secretary Treasurer of the Committee of Adjustment who will forward the appeal to the Ontario Municipal Board.

4. How is the variance application evaluated?

When the Committee is considering a minor variance application, the four tests as prescribed by Section 45(1) of the Planning Act are applied to determine if the minor variance should be approved. The four tests are:

- Is the application minor in nature?
- Is it desirable for the appropriate development or use of the land, building or structure?
- Is it in keeping with the general intent and purpose of the Zoning By-law?
- Is it in keeping with the general intent and purpose of the Official Plan?

Additional information can be found at the following links:

[Planning Act, R.S.O. 1990, c. P.13](#)

[Citizens' Guides to Land-use Planning](#)

5. What about the conditions of a variance approval?

A minor variance approval may contain various conditions including required approvals from various city departments, outside agencies or any other conditions that the Committee feels is appropriate.

6. Rights of Appeal

Decisions of the Committee may be appealed to the Ontario Municipal Board (OMB). The applicant, their authorized agent or any person or public body who has expressed an interest in the application may appeal the Committee's decision. The appeal must be received within 20 days of the date of the Committee's decision. Please note that appeal period starts after the decision has been signed which is the first Thursday following the meeting.

Appeals must be filed with the Secretary of the Committee of Adjustment accompanied by the OMB Appellant Form - A1 (see link below) highlighting the reasons for the appeal and the required fees of \$125.00 payable to the "Minister of Finance" by certified cheque or money order and \$150.00 payable to the "City of Mississauga" as a municipal process fee.

The OMB is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters.

[OMB Appellant Form \(A1\)](#)

7. What other approvals may be required?

In addition to the planning approvals and a building permit, there are other permits and approvals required in certain circumstances. (e.g. Credit Valley Conservation Authority, Toronto Region Conservation Authority, Halton Region Conservation.)

Depending on the location of the site and the specific proposed location of structures, there may be approvals needed from other agencies such as Enersource, Hydro One, Region of Peel, Ministry of Transportation, Bell Canada, etc.

8. Further Information

This package is intended to provide general guidance to the minor variance process. For more specific information related to an individual application, please contact the Committee of Adjustment Office (905) 615-3200 ext. 5433 or by e-mail at dave.martin@mississauga.ca. The office hours are 8:30 am – 4:30 pm, Monday to Friday. The office is located at 300 City Centre Drive, 2nd Floor, Mississauga Ontario L5B 3C1.

Please Note: This package is for information only. It should not be construed as a right to approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, the relevant Official Plans and Zoning By-laws and other by-laws for definitive requirements and procedures.

