

## Committee of Adjustment Application for Minor Variance

Please note: Effective January 1, 2023, the fee for processing a Minor Variance application to the Committee of Adjustment is **\$1607.99 (HST exempt)**.

Fees may be paid by cheque, cash, debit or credit card. Cheques are to be made payable to “The Treasurer, Town of Newmarket” and are non-refundable.

### Notice to all Applicants

1. Before you prepare and submit your application to be processed by the Committee of Adjustment, it is strongly recommended that you engage with a Planner and/or consult with the Planning and Building Department at the Town of Newmarket to ensure that your proposal is feasible and also to confirm the zoning and the section of the By-law that requires relief.
2. Public notice signs are required to be posted in a prominent location on the subject property for a minimum of ten (10) days before the scheduled Hearing of the Minor Variance application. Failure to comply will result in the deferral of the hearing of your application.
3. Lake Simcoe Region Conservation Authority (LSRCA) may require an application review fee to be paid if the property is situated within a mapped area that is subject to O. Reg. 179/06. Please contact their office directly to confirm.
4. Pursuant to Subsection 45 of the Planning Act, and Ontario Regulation 200/96, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.
5. Personal information on this form is collected under the legal authority of the Planning Act, R.S.O. 1990, c.P.13, as amended. This information will be used to process an application for a Minor Variance or permission for the Committee of Adjustment. Questions about this collection should be directed to the Secretary Treasurer, Town of Newmarket Committee of Adjustment, at the above noted address.

Information on this application and any documentation submitted in support of or in opposition constitutes public information and will become part of the public record.

## Minor Variance Application Checklist

- Completed Application form, including:
  - Affidavit or Sworn Declaration
  - Permission to Enter
  - Appointment and Authorization
  - Sign Posting Form
- Additional Fees (see cover page of application form and below):
  - Recirculation Fee due to applicant revisions/request- \$1066.38 (HST exempt)
  - Peer Review Costs – actual costs plus Planning Administrative Fee of 15% of consultant's fee
  - Town of Newmarket Fee for matters appealed to Local Planning Appeal
    - Tribunal - \$188.38 (The \$188.38 appeal fee is not subject to HST as per the Town's [Fee Schedule](#)).
- Parcel Abstract(s)
- Two (2) legible copies of a Plan of Survey (8 ½" x 11" or 8 ½" x 14") sketch **drawn to scale**, in metric showing the following:

The boundaries and dimensions of the subject land.

All existing and proposed structures, including their size, setbacks to property lines and lot coverage.

The approximate location of all natural and artificial features on the subject land and on the 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.

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- The current uses on the lands adjacent to the subject land.
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way.

The location and nature of any easements affecting the subject land.  Tree Report Form

Arborist Report in accordance with the requirements set forth in the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

**Note:** The Town shall retain the services of a qualified tree professional to undertake a peer review of any Arborist Report submitted, as required and the Town shall be reimbursed by the applicant at the actual cost for the services rendered by the Town's consultant plus 15% of the consultant's fee.



# Committee of Adjustment Application for Minor Variance

**The undersigned hereby applies to the Committee of Adjustment for the Town of Newmarket under Section 45 of the Planning Act, R.S.O., 1990, c.P.13, as amended.**

**File Number (for office use only)**

**1.0 Applicant Information**

Primary Contact for Application

Property Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Province: \_\_\_\_\_

Phone: \_\_\_\_\_

Alt. Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Fax: \_\_\_\_\_

**2.0 Agent Information**

Primary Contact for Application

Name of Authorized Agent: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Province: \_\_\_\_\_

Phone: \_\_\_\_\_

Alt. Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Fax: \_\_\_\_\_

**3.0 Agent Information**

Primary Contact for Application

Name of Authorized Agent: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Province: \_\_\_\_\_

Phone: \_\_\_\_\_

Alt. Phone: \_\_\_\_\_



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Email: \_\_\_\_\_

Fax: \_\_\_\_\_

## 4.0 Land Use, Official Plan and Zoning

Official Plan Designation: \_\_\_\_\_

Zoning: \_\_\_\_\_

Existing Use of the Subject Land: \_\_\_\_\_

Proposed Use of the Subject Land: \_\_\_\_\_

## 5.0 Relief Requested from the Zoning By-law (Please identify the relief you are requesting from the relevant Zoning By-law Sections and Zone Standards)

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

## 6.0 Why is it not possible to comply with the provisions of the Zoning By-law?

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

## 7.0 Dimensions of the Entire Subject Property

Lot Frontage (metres): \_\_\_\_\_

Lot Depth (metres): \_\_\_\_\_

Lot Area (m2): \_\_\_\_\_

## 8.0 Access to the subject lands (check appropriate box)

- Municipal      Regional      Provincial  
Private Road      Right-of-Way      Other \_\_\_\_\_

Roads abutting the subject lands: \_\_\_\_\_

Width of roads abutting the subject lands: \_\_\_\_\_

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### 9.0 Particulars of all existing building(s) and structure(s) on the subject land. Please specify:

a) Type of building(s) or structure(s)

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Existing Structure 1     Existing Structure 2

b) Gross floor area or dimensions of the building(s) or structure(s)

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Existing Structure 1     Existing Structure 2

c) The front, rear and side yard setbacks

Front: \_\_\_\_\_

Rear: \_\_\_\_\_

Side: \_\_\_\_\_

(Ext.) Side: \_\_\_\_\_

Existing Structure 1     Existing Structure 2

d) Height of the building or structure

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Existing Structure 1     Existing Structure 2

e) Location of parking

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Existing Structure 1     Existing Structure 2

### 10.0 Particulars of all proposed building(s) and structure(s) on the subject land. Please specify:

a) Type of building(s) or structure(s)

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Existing Structure 1     Existing Structure 2

b) Gross floor area or dimensions of the building(s) or structure(s)

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Existing Structure 1     Existing Structure 2

c) The front, rear and side yard setbacks

Front: \_\_\_\_\_

Rear: \_\_\_\_\_



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Side: \_\_\_\_\_

(Ext.) Side: \_\_\_\_\_

Existing Structure 1       Existing Structure 2

\_\_\_\_\_

d) Height of the building or structure

\_\_\_\_\_

Existing Structure 1       Existing Structure 2

e) Location of parking

\_\_\_\_\_

Existing Structure 1       Existing Structure 2

## 11.0 Property Information

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

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

The date the existing buildings and structures were constructed on the subject land:

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

The length of time the existing uses of the subject land have continued:

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

## 12.0 Municipal Services provided to the subject lands: (check the appropriate boxes)

Water

If not available, by what means is it provided:

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

Sanitary Sewers

If not available, by what means is it provided:



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Storm Sewers

If not available, by what means is it provided:

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### 13.0 Other Planning Applications

If known, is or was the property subject of any of the following development type applications:

Official Plan Amendment

Yes  No

File No.: \_\_\_\_\_

Zoning By-law Amendment

Yes  No

File No.: \_\_\_\_\_

Plan of Subdivision

Yes  No

File No.: \_\_\_\_\_

Site Plan Approval

Yes  No

File No.: \_\_\_\_\_

Certificate of Occupancy

Yes  No

File No.: \_\_\_\_\_

Site Plan Approval

Yes  No

File No.: \_\_\_\_\_

Certificate of Occupancy

Yes  No

File No.: \_\_\_\_\_





## Committee of Adjustment Application for Minor Variance

Building Permit

Yes  No

File No.: \_\_\_\_\_

Consent (Committee of Adjustment)

Yes  No

File No.: \_\_\_\_\_

Minor Variance (Committee of Adjustment)

Yes  No

File No.: \_\_\_\_\_

### 14.0 Heritage Designation

Is the property on the Municipal Register of Properties Designated under the Heritage Act?

Yes  No

Is the property on the Municipal Register of Non-Designated Heritage Properties?

Yes  No

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

Dated at the \_\_\_\_\_ of \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2023.



# Committee of Adjustment Application for Minor Variance

## Affidavit or Sworn Declaration

I, \_\_\_\_\_ of the \_\_\_\_\_  
(Print Name of Owner or Authorized Agent) (e.g. Town of Newmarket)

\_\_\_\_\_ in the \_\_\_\_\_  
(e.g. Regional Municipality of York)

Solemnly declare that all above statements and the statements contained in all of the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as it made under oath and by virtue of the **Canada Evidence Act**.

For the purposes of **the Freedom of Information and Protection of Privacy Act**, I 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** for the purposes of processing this application and correspondence purposes. Questions about this collection should be directed to the Committee of Adjustment Secretary-Treasurer, Town of Newmarket, 395 Mulock Drive, Newmarket, Ontario L3Y 4X7, telephone 905-953-5300 ext. 2458.

**Note: The Signature of applicant or authorized agent must be witnessed by a Commissioner, etc. A Commissioner is available in the Town office, if needed.**

Declared before me at the \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_  
of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 2023.

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

\_\_\_\_\_  
Signature of applicant or authorized agent

I have authority to bind the Corporation



## Committee of Adjustment Application for Minor Variance

### Permission to Enter

Date: \_\_\_\_\_

Secretary-Treasurer  
Committee of Adjustment  
Town of Newmarket  
395 Mulock Drive  
Newmarket ON L3Y 4X7

Dear Secretary-Treasurer:

Re: Application to Committee of Adjustment

Location of Property:

\_\_\_\_\_  
(Municipal address)

I hereby authorize the Committee of Adjustment members and Town of Newmarket staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

\_\_\_\_\_  
Signature of owner or authorized agent

\_\_\_\_\_  
Please Print Name



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## Appointment and Authorization

I / We, \_\_\_\_\_,  
(Name of Owner(s))

the undersigned, being the registered property owner(s) of

\_\_\_\_\_, hereby authorize  
(Legal description or municipal address)

\_\_\_\_\_ as my/our agent for the  
(Authorized agent's name)

purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature of the owner or signing officer)

\_\_\_\_\_  
(Please print the full name and position of the person signing)

I have authority to bind the Corporation

\_\_\_\_\_  
(Name of the Corporation, if applicable)

\_\_\_\_\_  
(Signature of the owner or signing officer)

\_\_\_\_\_  
(Please print the full name and position of the person signing)

I have authority to bind the Corporation

\_\_\_\_\_  
(Name of the Corporation, if applicable)



# Committee of Adjustment Application for Minor Variance

## Sign Posting Form

### Notice to Owner/Agent Minor Variance Applications

This will confirm the requirement of the Committee of Adjustment for signs to be posted by all applicants or authorized agents on each property under application.

The Secretary Treasurer will provide a sign indicating the nature of the application, the hearing date and file number. One copy of the **sign should be placed in a clear and visible location facing the main street or highway closest to the subject lands – a second copy of the sign should be placed on a stake located in close proximity to the sidewalk or curb along the street frontage, or in a window facing the street.**

As required by the *Planning Act*, each sign must be posted a **minimum of 10 days prior** to the scheduled hearing, and remain in place until the hearing has concluded. The applicant or authorized agent is responsible for repair or maintenance of the signs to ensure they remain legible.

Along with a copy of the sign, the Secretary Treasurer will provide you and Affidavit form that must be completed indicating that the signs have been posted. The Affidavit is to be signed in the presence of a Commissioner.

Please fill in the form below indicating your agreement to post the signs as required. This form will be included as part of the application in order that it may be placed in the file as evidence that you have met the requirements of the Planning Act. If you have any questions or concerns please feel free to contact the Secretary Treasurer at [umahmood@newmarket.ca](mailto:umahmood@newmarket.ca).

**I, the undersigned, understand that two copies of the sign must be posted at least 10 days prior to the scheduled hearing of my application and be replaced, if necessary, until the conclusion of the hearing. I further understand that failure to post the sign as required may result in a deferral of my application.**

\_\_\_\_\_  
Name of Property Owner (Please Print)

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Name of Property Owner (Please Print)

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Name of Authorized Agent (Please Print)

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date Notice Posted



# Committee of Adjustment Application for Minor Variance

## Tree Report Form

Based on the subject property, please complete either Part 1 or Part 2 of the Tree Report Form and include this with your Planning Act application when submitted.

### Part 1:

There are no trees over 20 cm DBH on the subject property or within 4.5 m from the subject property line(s). There are also no trees of any size on public lands within 4.5 m of the subject property line(s).

\_\_\_\_\_  
Signature of Applicant/Qualified Tree Professional

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address (Street/City/Postal Code)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email

### Part 2:

There are trees over 20 cm DBH on the subject property or within 4.5 m from the subject property line(s) or there are trees of any size on public lands within 4.5 m of the subject property line(s).

An Arborist Report, prepared in accordance with the Town's [Tree Preservation, Protection, Replacement and Enhancement Policy](#) will be provided upon submission of my Planning Act application.

\_\_\_\_\_  
Signature of Applicant/Qualified Tree Professional

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address (Street/City/Postal Code)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email