

# APPLICATION FOR MINOR VARIANCE OR RELIEF FROM MUNICIPAL CODE SIGN OR FENCE REGULATION

Section 45 of the Planning Act, R.S.O. 1990 &  
City of Brantford Bylaw 28-90, as amended (Chapters 437, 438 & 478 of the Municipal Code)

This application must be typed or printed in black or blue ink, completed entirely and signed.

Have you formerly consulted with the City of Brantford prior to submitting this application?

Yes  No

Name of Planner: \_\_\_\_\_ Date: \_\_\_\_\_

If yes, please attach the record/notes of Formal Pre-consultation to the application.

Have the required studies, plans, or reports been submitted?  Yes  No

Is the survey or accurate (to scale) plan attached?  Yes  No

Incomplete applications will be returned with associated fees. Withdrawal of an application is required **in writing** and fees are returned pending the stage application is in. Once notices are circulated, no fees are refunded.

### OFFICE USE ONLY

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

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

Roll No.: \_\_\_\_\_

Related Files: \_\_\_\_\_

#### Check off all that apply:

Section 45(1) of the Planning Act

Section 45(2) of the Planning Act:

- Enlargement or Extension of Legally Established Non-Conforming Use [Section 45(2)(a)(i) of the Planning Act
- Change of Legally Established Non-Conforming Use [Section 45(2)(a)(ii) of the Planning Act]
- Bylaw Clarification for uses, buildings and structures defined in general terms [Section 45(2)(b) of the Planning Act]

Chapter 437 of the Municipal Code (*Fences/Gates around Swimming pools*)

Chapter 438 of the Municipal Code (*Fences – Height Regulation*)

Chapter 478 of the Municipal Code (*Signs-Outdoor*)

## PART I – CONTACT INFORMATION

<p>1. Name of Applicant<sup>1</sup> _____</p> <p>Address _____</p> <p>City/Postal Code _____</p>	<p>Phone _____</p> <p>Fax _____</p> <p>E-mail _____</p>
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<sup>1</sup> If the applicant is a numbered company, also provide the name of a principal of the company.

<p>2. Name of Agent _____</p> <p>Address _____</p> <p>City/Postal Code _____</p>	<p>Phone _____</p> <p>Fax _____</p> <p>E-mail _____</p>
<p>3. Name of Property Owner<sup>2</sup> _____</p> <p>Address _____</p> <p>City/Postal Code _____</p>	<p>Phone _____</p> <p>Fax _____</p> <p>E-mail _____</p>

<sup>2</sup> It is the responsibility of the owner or applicant to notify the Planner of any changes in ownership within 30 days of such a change.



4. Date the property was acquired by the owner? \_\_\_\_\_

5. Please specify to whom all communications should be sent to.<sup>3</sup>  Agent  Applicant  Owner

<sup>3</sup> Unless otherwise directed, all correspondence, notices, etc. in respect of this development application will be forwarded to the Applicant noted above, except where an Agent is employed, then such will be forwarded to the Applicant and Agent.

**Collection of Personal Information:**

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8(1) and 10 of the *Municipal Act, 2001*, as amended and will be used to contact the owner, applicant and / or agent regarding the Application. Questions about this collection should be directed to the Manager of Development Planning, Planning Department, City of Brantford, 100 Wellington Square, Brantford, Ontario, N3T 2M2, 519-759-4150.

**PART II – GENERAL PROPERTY DESCRIPTION**

1. Municipal Address \_\_\_\_\_

2. Legal Description (fill in all that are applicable)

Concession \_\_\_\_\_ Lot Number(s) \_\_\_\_\_  
Registered Plan No. \_\_\_\_\_ Lot(s)/Block(s) \_\_\_\_\_  
Reference Plan No. \_\_\_\_\_ Part(s) \_\_\_\_\_

3. Property Dimensions (in metric units)

Frontage/Width (m) \_\_\_\_\_ Depth (m) \_\_\_\_\_ Area (m<sup>2</sup>/ha) \_\_\_\_\_

4. Encumbrances

Are there any mortgages, easements or restrictive covenants affecting the subject land? \_\_\_\_\_

If yes, provide names and addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject lands.  
\_\_\_\_\_  
\_\_\_\_\_

5. Existing Use of Property

Agricultural  Commercial  Industrial  Institutional  Residential  Vacant  Other(s) \_\_\_\_\_

How long have the lands been used for the above purpose? \_\_\_\_\_

6.a Previous Use of Property

Agricultural  Commercial  Industrial  Institutional  Residential  Vacant  Other(s) \_\_\_\_\_

If Industrial or Commercial, specify use: \_\_\_\_\_

6.b Details of Previous Uses

	Yes	No	Unknown
Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?			
Has a gas station been located on the subject land or adjacent lands at any time?			
Has there been petroleum or other fuel stored on the subject land or adjacent lands?			
Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?			
Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?			
Have the lands or adjacent lands ever been used as a weapons firing range?			
Is the nearest boundary line of the subject lands within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?			
If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (i.e., asbestos, PCB's)?			
Is there a reason to believe the subject land may have been contaminated by former uses on the site			



or adjacent sites? \_\_\_\_\_

**What information did you use to determine the answers to 6 above?**

If you answered **Yes** to any of the questions in Section 6 of this application, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed.

Is the Previous Use Inventory attached? \_\_\_\_\_

**7. List any Existing Buildings or Structures on the Subject Lands**

Type of Buildings or Structures	When Built (approx.)	To Be Retained (Yes / No)
1.		
2.		
3.		

**8. Servicing, Drainage and Access**

Indicate what services are available or proposed:

**Water Supply**

- Municipal water
- Communal wells
- Individual wells

**Sewage Treatment**

- Municipal sewers
- Communal system
- Septic tank and tile bed

**Storm Drainage**

- Storm sewers
- Open ditches
- Other (describe below)

**Has the existing drainage on the subject lands been altered?**

- Yes
- No

**Does a legal and adequate outlet for storm drainage exist?**

- Yes
- No
- Unknown

**Are the subject lands within an area that is subject to the regulations of the Grand River Conservation Authority (GRCA)?**

If yes, please note that the GRCA may require additional fees for the processing of your application. For more information, please check the following link: <http://www.grandriver.ca/index/document.cfm?Sec=17&Sub1=71>

- Yes
- No

**Have you consulted with GRCA?**

- Yes
- No

**Existing or proposed access to subject lands:**

- Unopened road
- Provincial highway
- Municipal road
- Private Road

Name of road/street: \_\_\_\_\_

**PART III – DETAILS OF THE PROPOSAL**

1. Please provide a complete written description of the application with details of the proposed development including, but not limited to: proposed use(s), development details (i.e. height/storeys, floor area(s), number of parking/loading spaces, lot coverage, landscape area, etc.) If additional space is needed, please attach a separate page.

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2. Please describe the variance(s) you are seeking. To assist, please complete the relevant sections of the Zoning Checklist attached as Appendix A to this application. The information on the checklist is then used to describe the requested relief you are seeking from the Zoning Bylaw. Planning Staff can help with this section. Some examples of how to write out your requested variance(s) are listed below:

- a) To permit a lot width of \_\_\_ m, whereas the Zoning Bylaw requires \_\_\_ m. OR
- b) To permit \_\_\_ parking spaces, whereas the Zoning Bylaw requires \_\_\_ parking spaces. OR
- c) To seek relief from Section \_\_\_\_\_ of the Zoning Bylaw to permit \_\_\_\_\_ etc.

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3. Please explain the nature and extent of the requested relief of the Municipal Code:

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4. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law or Municipal Code:

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5. Please provide any additional information which may assist staff and other agencies in reviewing this application. If additional space is required, please attach a separate page.

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## PART IV – ADDITIONAL INFORMATION

Are there any other applications by the applicant for the subject lands, or for lands within 120 metres of the subject lands for any of the following:

	Yes	No	File Number	Status of Application
Consent (Severance)				
Amendment to Official Plan				
Amendment to Zoning Bylaw				
Minister's Zoning Order				
Approval of a Plan of Subdivision				
Approval of a Plan of Condominium				
Site Plan				
Other:				

## PART V – PROVINCIAL AND MUNICIPAL POLICY

**Note:** Assistance is available from Planning Staff to help complete this section.

1. What is the current Official Plan designation of the subject property?

\_\_\_\_\_

2. What is the current zoning on the subject property?

\_\_\_\_\_

3. Is this application consistent with the Provincial Policy Statements issued under subsection 3(1) of the *Planning Act*?

Yes     No

4. Is the subject land within an area designated or identified under any of the following:

Intensification Area as identified in the Official Plan	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Waterfront Master Plan	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Downtown Master Plan	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Secondary Plan	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Other (specify)	_____								

5. **Heritage Features**

Are there any buildings or structures on the subject lands that are subject to a Heritage Easement or have been designated under Part IV or Part V of the Ontario Heritage Act?  Yes     No

Are there any buildings or structures on *the abutting lands* that are subject to a Heritage Easement or have been designated under Part IV or Part V of the Ontario Heritage Act?  Yes     No

If yes to either of the above, a Heritage Impact Assessment may be required. Is a Heritage Impact Assessment attached?  Yes     No

6. **Endangered Species Act Requirement**

The Ministry of Natural Resources recommends that municipalities advise proponents to undertake a preliminary ecological site assessment for Species at Risk and their habitat. It is important that you, as the applicant, be aware of the Endangered Species Act and how it may affect your development application. It will be at your discretion to undertake an informal assessment of your property to get a better understanding of the type of species that inhabit your property and if any of these species are classified as species at risk. This will help you to determine if there is a need for a formal assessment to accompany your development application. Further information is attached in **Appendix B** of this form, and you can also consult Planning Staff, or contact the MNR district office at 519-826-4255 or the MNR SAR website at <https://www.ontario.ca/page/species-risk>.

Are you aware of any species at risk in your property?  Yes  No  
If so, have you undertaken an informal assessment?  Yes  No  
Is a formal assessment necessary?  Yes  No

**7. Significant Features**

All applications under the Planning Act are subject to review for regard to the Provincial Policy Statement issued by the Province of Ontario. COMPLETE the table (on the reverse side) and be advised that additional information may be required. If the information is not submitted, it may not be possible to do a complete and proper planning evaluation.

**TABLE – SIGNIFICANT FEATURE CHECKLIST**

Use or Feature	Is it on site or within 500 m?		Specify Distance in Metres	Details of Potential Studies/Required Information
	Yes (X)	No (X)		
Class 1 industry <sup>1</sup>				Assess development for residential and other sensitive uses within 70 metres
Class 2 industry <sup>2</sup>				Assess development for residential and other sensitive uses within 300 metres
Class 3 industry <sup>3</sup> within 1000 metres				Assess development for residential and other sensitive uses within 1000 metres
Landfill Site				Address possible leachate, odour, vermin and other impacts
Sewage Treatment Plant				Assess the need for a feasibility study for residential and other sensitive land uses
Waste Stabilization Pond				Assess the need for a feasibility study for residential and other sensitive land uses
Active Railway Line				Evaluate impacts within 100 metres Noise study prepared? Consultation with CN?
Controlled access highways or freeways, including designated future routes				Evaluate impacts within 100 metres
Electric transformer station				Determine possible impacts within 200 metres
High voltage electric transmission line				Consult Brantford Power
Transportation and infrastructure corridors				Will the corridor be protected? Noise study prepared?
Mineral aggregate resource areas				Will development hinder access to the resource or the establishment of new resource operations? Noise & dust study completed?
Existing Pits and Quarries				Will development hinder continued operation or extraction? Noise and dust study completed?
Mineral and petroleum resource areas				Will development hinder access to the resource or the establishment of new resource operations?
Significant wetlands or potentially significant wetlands				Development is not permitted within Provincially Significant Wetlands. Provide Environmental Impact Study
Significant portions of habitat of endangered species & threatened species				Provide Environmental Impact Study
Significant fish habitat, woodlands, valley lands, areas of natural and scientific interest, wildlife habitat				Provide Environmental Impact Study. Tree Inventory? Tree Preservation Plan?
Significant groundwater recharge areas, headwaters and aquifers				Demonstrate that these features will be protected
Significant landscapes, vistas, significant cultural heritage landscapes				Development should conserve significant landscapes, vistas, significant built heritage resources and cultural heritage landscapes
Significant archaeological resources				Assess development proposed in areas of medium and high potential for significant archaeological resources. These resources are to be studied and preserved, or, where appropriate, removed, catalogued and analyzed prior to development.
Abandoned landfill sites				Which category? Investigation/remedial measures
Erosion hazards				Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams
Floodplains, Floodway Policy Area Special Policy Area (SPA1), (SPA2)				Must meet the Official Plan policies
Hazardous sites <sup>4</sup>				Demonstrate that hazards can be addressed (slope study, flood line study)
Contaminated sites				Inventory of previous uses in areas of possible soil contamination, record of site condition, affidavit
Agricultural Operations				Development to comply with the minimum distance separation formulae and Official Plan policies

<sup>1</sup> Class 1 industry: Small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

<sup>2</sup> Class 2 industry: Medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

<sup>3</sup> Class 3 industry: Indicate if within 1000 metres. Processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

<sup>4</sup> Hazardous sites: Property or lands that could be unsafe for development or alteration due to naturally occurring hazard. These hazards may include unstable soils, unstable bedrock, or steep slopes.

## PART VI – SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT

All Information must also be submitted electronically in a pdf format via USB, DVD/CD.

**Application Fee** The Fee Schedule is available on the City of Brantford's Planning Fees webpage. <https://www.brantford.ca/en/business-and-development/resources/Documents/PlanningDevelopment/Planning-Fees/Development-Application-Fees-2020-01-01.pdf> The required fee made payable to the City of Brantford. by cash or cheque only). Fees are subject to change.

1.  **Five (5) copies** of all required studies, plans or reports identified through the Pre-consultation process, in both paper and electronic, preferably PDF layers and CAD format.
2.  **Two (2) copies** of the completed, signed application form and fee (cash or cheque only).
3.  **Two (2) copies** of the cover letter briefly outlining the purpose of the application.
4.  **Two (2) copies** of a plan, survey or a boundary description drawn to scale by an Ontario Lands Surveyor (O.L.S.) that accurately and sufficiently identifies all dimensions and any existing structures on the subject property, including:
  - the boundaries and principal dimensions of the property;
  - an illustration and dimensions of the lands to be severed and retained or the proposed easement/right of way (if applicable);
  - the location of any existing easements, deed restrictions, encroachments, or public regulations (other than those of the Zoning Bylaw or Official Plan) which may limit the use of the land; and
  - for each existing building or structure: the type of building or structure: the setback from the front lot line, rear lot line and side lot lines; the height in metres of the building or structure; and if required, the dimensions and/or floor areas of the building or structure.
6. **Two (2) copies** of a plan metric units illustrating the proposed development, if required, showing:
  - for each proposed building or structure: the type of building or structure; the setback from the front lot line, rear lot line and side lot lines; the height in metres of the building or structure; and the dimensions or floor area of the building or structure;
  - the approximate location of all natural and artificial features on the subject lands and on land that is adjacent to the subject lands 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.
  - the current uses on the land that is adjacent to the subject land.
  - 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.
  - lot coverage and gross floor areas in square metres for all buildings and structures;
  - location and dimensions of off-street parking areas and parking structures, the number of parking spaces to be provided, and ingress and egress to public streets;
  - any pylon signs, fascia signs, light standards, etc., and their location; and
  - garbage collection and other outdoor storage areas.

## PART VII – NOTIFICATION SIGN REQUIREMENTS

For the purpose of public notification and to assist staff with locating your lands, you must post a sign to indicate the intent and purpose of your development application.

It is your responsibility to:

1. Post a minimum of one sign per frontage in a visible location on the subject lands, as near to the street as feasible and facing the street. The sign must be erected so that it can be read by someone walking or driving by the subject lands.
2. Ensure one sign is posted at the front of the subject lands no more than 2.0 metres above grade.
3. Notify the Planner when the sign is in place in order to avoid processing delays and provide a photograph to the Planner of the sign confirming that it has been erected.
4. Maintain the sign until the appeal period has expired whereupon you will remove the sign.

Planning staff will provide the sign(s) and instructions regarding their location.

Failure to erect the sign properly and maintain the sign may result in delays of the processing of your application.



## PART VIII – ACKNOWLEDGEMENT

### 1. PERMISSION TO ENTER SUBJECT LANDS

Permission is hereby granted to City of Brantford staff and members of the Committee of Adjustment to enter the premises subject to this development application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Owner/Applicant/Agent

### 2. FREEDOM OF INFORMATION

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of Brantford to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, \_\_\_\_\_, the Owner, hereby agree and acknowledge  
(Print name of Owner)

That the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, I hereby consent to the City of Brantford making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Owner/Applicant/Agent

### 3. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Brantford is not responsible for identification and remediation of contamination on the property, which is the subject of this Application – by reason of its approval to this Application.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Owner/Applicant/Agent

### 4. AFFIDAVIT OR SWORN DECLARATION

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

in the \_\_\_\_\_ make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me

at the \_\_\_\_\_

in the \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Signature of Owner/Applicant/Agent

\_\_\_\_\_

Signature of a Commissioner, etc.

**5. AUTHORIZATION**

If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

**Authorization of Owner for Agent  
to Make the Application**

I, \_\_\_\_\_, am the owner of the land that is the subject of this application and I authorize \_\_\_\_\_ to act as my agent in this matter and to make this application on my behalf and to provide any of my personal information that will be included in this application or collected during the processing of this application.

\_\_\_\_\_  
Date

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

## Zoning Checklist

(Planning staff can assist)

1. Property Address: \_\_\_\_\_
2. Zone: \_\_\_\_\_
3. What is the proposed/existing use: \_\_\_\_\_
4. Does the proposed/existing use comply with the list of “Permitted Uses” as noted in the zone above?  
 Yes  No

### REQUIRED DEVELOPMENT REGULATIONS

(please note that not all categories will apply to the zone that you are analyzing)

	Required (m/ft)	Proposed (m/ft)	Deficiency (m/ft)
Lot Area			
Lot Width			
Lot Coverage			
Building Height			
Front Yard			
Rear Yard			
Side Yard - Interior			
Side Yard - Exterior			
Gross Floor Area			
Landscaped Open Space			
Amenity Space			
Buffering (Section 6.10)			
Planting Strip (Section 6.11)			
Open Storage (Section 6.12)			
Parking			
Number of spaces			
Stall size			
Aisle width			
Loading Spaces (Section 6.23)			
Other			

## ENDANGERED SPECIES ACT REQUIREMENTS

**What is the Endangered Species Act?** The Endangered Species Act, Bill 108 (ESA) is a new Act that replaces the old ESA. The new ESA protects three times as many species as the old Act; uses science-based decision-making for status assessment of species at risk, protects both species and habitat; recognizes the importance of private land stewardship activities; recognizes Aboriginal interests and includes “flexibility tools” – permits, agreements, for a range of activities otherwise prohibited under the act. These tools enable activities that would not otherwise be permitted, as long as the intent is stewardship, protection, or rehabilitation of the species.

**There are a range of municipal activities which potentially affect the Endangered Species Act and Species at Risk (SAR) and their habitats. These are:**

- Planning and development application review;
- Infrastructure projects such as roads and buildings;
- Maintenance activities such as rights of way and drains.

The Endangered Species Act and the Provincial Policy Statement (PPS) each provide for the protection of Species at Risk and their habitats, but there are some key differences. The intent is for the definition of significant habitat (PPS 2005) and general habitat (ESA 2007) to protect the same habitat. The Ministry of Natural Resources (MNR) has authority to update significant habitat under the PPS as new information becomes available. The Ministry of Natural Resources will work closely with the planning authority and the Ministry of Municipal Affairs and Housing (MMAH) to help achieve coordination of Endangered Species Act 2007 and Planning Act (PA) processes. The Ministry of Natural Resources will advise municipalities and proponents on matters related to the Endangered Species Act.

**There are four ways in which endangered species can be classified:**

- Special Concern
- Threatened
- Endangered
- Extirpated

Once species are classified “at risk”, they are added to the Species at Risk in Ontario (SARO) List.

**What does this mean to you, the applicant?**

It is important that you be aware of the foregoing information and educate yourself on the Endangered Species Act and how it may affect your development application. As the applicant, it will be at your discretion to undertake an informal assessment of your property to get a better understanding of the type of species that inhabit your property and if any of these species are classified as species at risk, as noted above. This will then help you to determine if there is a need for a formal assessment to accompany your development application. For further clarification you can speak to one of the Planners in the Planning Department or contact the MNR District Office Species at Risk Biologist or District Planner or visit the MNR SAR website:

<https://www.ontario.ca/page/species-risk> .

The Ministry of Natural Resources recommends that municipalities advise proponents to undertake a preliminary ecological site assessment for Species at Risk and their habitat. Proponents seeking approvals under the Planning Act are responsible for ensuring they follow all relevant laws in Ontario, including the Endangered Species Act. Proponents should continue to follow early consultation and application procedures in place for the One Window Planning Service and Municipal Plan Review. Proponents should consult with the municipality/Conservation Authority and MNR as appropriate, to determine what Endangered and Threatened species information is available. The Species at Risk (SARO) list is the primary source of information about the status of species at risk in Ontario. MNR's Natural Heritage Information Centre is the central provincial database for species at risk occurrence information.