



COMMITTEE OF ADJUSTMENT APPLICATION FOR MINOR VARIANCE (ZONING)

(Section 45 of the Planning Act)

Development & Housing Approvals – 200 King Street West, 6th Floor

P.O. Box 1118, Kitchener ON N2G 4G7

519-741-2426; planning@kitchener.ca

SUBMISSION NUMBER: A _____ (to be assigned by staff)

1. ADDRESS OF SUBJECT PROPERTY: _____

Have you previously consulted with staff on this application?

If yes, name and date of consultation: _____

Office Use Only:

Date Stamp

2. FOR YOUR INFORMATION:

- It is recommended to consult with staff prior to submitting your form. Applications will not be accepted as complete unless all legislated requirements have been met and will not be processed until all necessary information has been provided.
- If a Site Plan Application (SPA) or a Zoning Occupancy Certificate (ZOC) is required to be submitted to facilitate the proposed development of the subject lands, the Owner/Applicant must obtain 'Conditional Approval' of a Site Plan Application or receive confirmation of a Zoning Occupancy Certificate (ZOC) prior to making this Minor Variance Application. This is to ensure that all the necessary and correct variances are identified in this application form.
- **Cover letters and planning justification reports are welcome, however, they are not considered a part of your application. All minor variance requests must be outlined within your application form. If you are providing a cover letter or justification report, it should be attached as the last document in your application package.**
- Committee of Adjustment is a public process. Applications will be circulated to public agencies for comment. Notice of the meeting will be circulated to property owners within 30 metres of the subject property, advertised in the local newspaper and a City-issued notification sign posted on the property. **City staff will install the notification sign and it is the Applicant's responsibility to ensure the notification sign remains posted for the duration of the application and removed 30 days after the meeting date.** All parties are given the opportunity to provide written comment or attend the meeting, either in support or opposition of the application.
- The owner and/or agent must attend the Committee meeting in support of their application. Information on the meeting date/time will be forwarded to the applicant. A deferral fee will apply to applications requiring re-circulation for failure to attend meeting or requesting postponement.
- **This is YOUR application - make sure that you know the exact details of why you are applying. It is your responsibility to provide a complete and accurate application. Staff are available for consultation, but they are not permitted to complete the form on your behalf.**

3. SUBMISSION REQUIREMENTS – please check the boxes below to confirm that the following have been included with this application:

Complete applications shall be submitted by email to planning.applications@kitchener.ca (maximum 10 MB). **Original, signed & commissioned application form, including plans and cheque** (payable to the City of Kitchener) must be delivered to Kitchener City Hall – Development & Housing Approvals Division, 200 King Street West, 6th Floor, Kitchener ON N2G 4V6, within one week of the digital submission deadline (you may send by mail, courier or drop off in person).

- ☐ Application form (completed and signed by Owner or Authorized Agent)
- ☐ Written authorization of the owner(s) is required if the application is signed by an agent on their behalf.
- ☐ Affidavit – applicant’s signature has been witnessed and form signed by a commissioner, notary or lawyer (if you require commissioning services, please make an appointment with City staff at: <https://www.kitchener.ca/bookappointment#planning> - select “Committee of Adjustment (commissioning, payment...)”)
- ☐ **COPY OF SURVEY OR A DETAILED DRAWING**, including all information as noted in Section 4 below.
- ☐ Is the property located within a Source Water Protection Area? For more information, visit the Region’s website at: <http://www.regionofwaterloo.ca/sourceprotection>
- ☐ If the property is located within a Source Water Protection Area, a copy of the Notice of Source Protection Plan Compliance (Section 59 Notice), obtained from the Regional Municipality of Waterloo, is attached to this application.
- ☐ Application Fee (non-refundable if the application is deemed complete and is scheduled for a meeting):
 - ☐ **4 or less** dwelling units or **465 or less** square metres of non-residential Gross Floor Area (GFA) per lot/unit - **\$1,800.00**
 - ☐ **More than 5** dwelling units or **more than 466** square metres of non-residential Gross Floor Area (GFA) per lot/unit - **\$3,110.00**

4. PLANS – please check the boxes below to confirm that the following have been considered and included with this application:

- ☐ The boundaries and accurate dimensions of the subject lands and all measurements must be shown **in metric and to scale**.
- ☐ The size, location and type of all existing **and** proposed buildings, structures or additions on the subject land, measured from the front, rear and side lot lines.
- ☐ The locations and dimensions of all driveways and parking spaces.
- ☐ The location, width and name of any roads within or abutting the subject land.
- ☐ The location and nature of any easement affecting the subject lands.
- ☐ Identify any natural features on the subject land (trees, streams, etc.).
- ☐ Plans should not exceed 11x17 in size & must be folded to letter size and submitted with this application form. **It is very important to be as accurate as possible, as any deficiencies may delay consideration of your application or require an additional Minor Variance Application.**

5. REGISTERED OWNER(S)

Name(s): _____

Phone: _____

Company (if applicable): _____

Extension: _____

Street Address: _____

Email: _____

City/Province: _____

Postal Code: _____

6. AUTHORIZED AGENT (if different from registered owner)

Name(s): _____

Phone: _____

Company (if applicable): _____

Extension: _____

Street Address: _____

Email: _____

City/Province: _____

Postal Code: _____

7. PROPERTY INFORMATION

a) Street Address: _____

Closest Intersection: _____

Legal Description (from Survey or Plan): _____

Lot (s) No: _____ Registered Plan No.: _____

Lot (s) No: _____ Reference Plan No.: _____

Part (s) No: _____

b) Date of acquisition by current owner: _____

Date of construction of all buildings/structures: _____

c) Existing use(s) of subject land: _____

Proposed use(s) of subject land: _____

d) Type of Road Access: Public ☐ Private ☐

e) Municipal services available:

Water: Yes ☐ No ☐ Sanitary Sewer: Yes ☐ No ☐Storm Sewer: Yes ☐ No ☐ Private Well: Yes ☐ No ☐Septic: Yes ☐ No ☐

8. PARTICULARS OF ALL BUILDINGS AND STRUCTURES EXISTING OR PROPOSED ON THE SUBJECT LANDS

	Existing	Proposed
Ground Floor Area (inc. garage)		
Gross Floor Area (all floors)		
Number of Storey(s)		
Number of Dwelling Units		
Building/Dwelling/ADU Width		
Building/Dwelling/ADU Length		
Building/Dwelling/ADU Height		

9. PLANNING INFORMATION

a) Official Plan Land Use Designation: _____

Zone Category: _____

b) Has the owner previously applied for a variance in respect to this property: Yes ☐ No ☐

If yes, describe: _____

Is the subject property the subject of a current Consent (severance) application: Yes ☐ No ☐

c) Does the proposal for the subject property require Site Plan Approval: Yes ☐ No ☐

If yes, submission and/or 'Conditional Approval' of a Site Plan Application is required prior to submission this application. Please provide the Site Plan Application File Number: _____

d) Does the proposal for the subject property require a Zoning Occupancy Certificate (ZOC)? Yes ☐ No ☐

If yes, submission and issuance of a ZOC Application is required prior to submission of this application. Please provide the ZOC Application Number: _____

c) Does the property have any Heritage Status: Yes ☐ No ☐

If yes, please check below:

Inventory ☐ Listed ☐ Part IV (Individual) ☐ Part V (District) ☐ Easement/Agreement ☐

d) Does the property have any significant environmental features: Yes ☐ No ☐

If yes, indicate: Woodlot ☐ Wetland ☐ Valleyland ☐ Other: _____

10. ZONING REVIEW (chart must be completed in its entirety, in metric)

Development Standard	By-law Requirement	Proposed/Provided	Requested Variance
Lot Area (sq.m.)			
Lot Width			
Front Yard Setback			
Left Side Yard Setback			
Right Side Yard Setback			
Rear Yard Setback			
% Lot Coverage or Floor Space Ratio (FSR)			
Height of Building (metres)			
Accessory Building i) % Coverage ii) Height			
Additional Dwelling Unit (ADU) (Detached) i) Area ii) Height iii) Other			
Parking			
Other			
Other			

11. NATURE AND EXTENT OF RELIEF APPLIED FOR (what you want vs. what is allowed)

Note: This section MUST be completed in detail – **do not refer to cover letter for explanation.**
Example: Requesting relief from Section Section 7.3, Table 7-2, of the Zoning By-law to allow an addition to have a rear yard setback of 5.7 metres instead of the minimum required 7.5 metres.

12. IN YOUR OPINION, WHAT ARE THE REASONS YOU ARE NOT ABLE TO COMPLY WITH THE ZONING BY-LAW?

13. AUTHORIZATION

If this application is being made by an agent that is not the owner of the subject lands, written authorization of the owner is required, as below:

I/we, _____, owner(s) of the land that is the subject of this application, hereby authorize _____ to act on my/our behalf in regard to this application.

Signature of Owner: _____ Date: _____

Signature of Owner: _____ Date: _____

14. ACKNOWLEDGEMENT

I understand that receipt of this application by the City of Kitchener – Development and Housing Approvals Division does not guarantee it to be a ‘Complete’ application. Further review of the application will be undertaken and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted. Once the application is deemed to be fully complete, the application fee will be deposited and the application will be processed.

Submission of this application constitutes consent for authorized municipal staff to enter upon the subject property for the purpose of conducting site visits, including photographs, which are necessary for the evaluation of this application.

I further acknowledge that a City-issued notification sign must be posted at the front of the subject property in a location that is visible from the street. Staff will advise when to post the sign and it shall remain in place for 30 days after the Committee decision has been issued.

Signature of Owner or Agent: _____ Date: _____

15. AFFIDAVIT (to be completed *in person* in the presence of a Commissioner of Oaths)

I/we, _____, of the Town/City of _____,
in the County/Regional Municipality of _____, solemnly declare that all of the above
statements contained in this application 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 if made under oath and by virtue
of *The Canada Evidence Act*.

Signature of Owner/Agent

Signature of Owner/Agent

Declared before me at the

Town/City of _____ in the County/Regional Municipality of _____
this _____ day of _____, 20 _____

Signature of Commissioner of Oaths

*Commissioner/Notary – please affix stamp.

*Lawyer – please print name beside signature.