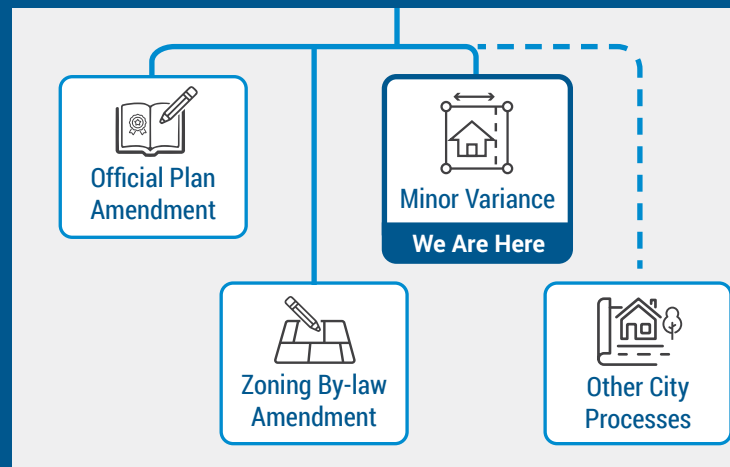




ZONED IN

A Guide to Planning Applications: Understanding Minor Variances

Where in the Planning Process?



What is a Minor Variance?

A formal request to allow small changes to zoning rules so a project can be approved. The request can relate to the land, building or structure or its use.

Why do I need a Minor Variance?

A minor variance supports municipal approvals. If a project does not meet one or more of the rules in a zone, it may need a Minor Variance.

What makes it minor?

Each request is reviewed on a case-by-case basis to ensure it meets the **4 tests** of the Planning Act. Some of the tests are subjective in nature. The Committee of Adjustment makes its decision based on information provided to them for the meeting.

What are the 4 tests?

- 1 Fits the Official Plan**
The change must meet the general intent and purpose of the City's long-term planning vision for the broader area (the Official Plan).
- 2 Respects the Zoning By-law**
The change must meet the general intent and purpose of the Zoning By-law.
- 3 Appropriate for the Neighbourhood**
The change must be desirable for the appropriate development of the site and broader neighbourhood.
- 4 Consider the Impacts**
Does the requested change create an adverse impact in the immediate area? Impacts are not measured based on the number of requested variances or percentage of change.

What is a Zoning By-law?

A Zoning By-law establishes the use of land and the placement of buildings in specific zones. It outlines what you can or cannot do on a property, including building height and setbacks.

What is the Committee of Adjustment?

The Committee of Adjustment makes decisions on Minor Variances at a Public Hearing. It is made up of members of the community appointed by City Council.

Examples of when a Minor Variance application may be required:

- New buildings or additions to existing buildings
- Porch enclosure or new deck
- New sheds or garages
- Number of parking spaces required for new or expanded businesses etc.

Matters not Considered by the Committee of Adjustment:

- The Users of the land or building
- Private disputes between neighbours
- Demolition and construction related activities
- Property standards issues
- Rights to a view
- Grading and drainage issues
- Capacity of municipal services
- Variances to other by-laws (sign, fence, etc.)
- Tenure (i.e. rental or owner-occupied)
- Precedent setting

For more information

For information regarding a specific application, please visit or contact the Committee of Adjustment office between 8:30 a.m. and 4:30 p.m. on weekdays:

71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

Website: hamilton.ca/committeeofadjustment



The information in this brochure is not legal advice. For legal questions about participating in the Committee of Adjustment, please speak with qualified legal counsel.

Key Steps



Pre-application

Pre-application consultation with City Planning & Zoning (recommended)



Complete Application

Complete application received. Hearing date provided. Circulated to commenting groups and neighbouring properties. Sign posted.



Public Hearing & Decision

The Committee considers all comments received before making a decision. The decision is usually made at the Hearing.



Finalizing the Decision

Written Decision issued (may contain conditions). Decision is Final and Binding after 20 days if no appeal. Proceed with satisfying conditions and implementing the decision.