Application For Minor Variance/ Permission To Expand A Legal Non- Conforming Structure/Use

IT IS RECOMMENDED THAT YOU CONSULT WITH THE TOWNSHIP PLANNING DEPARTMENT PRIOR TO SUBMITTING YOUR APPLICATION.

Please ensure you have completed the following prior to submitting your application:

- ❑ Fully complete and sign all sections of the application; Declaration of Owner(s)/Agent must have a Commissioner's stamp and signature
- ❑ Application fees should be made payable to the Township of Seguin. Please reference the current Planning Fees By-Law.
- ❑ Copy of a sketch or site plan (in metric) in accordance with the requirements of the application form. All sketches or site plans must be *drawn to scale, in metric units only*.
- ❑ Copy of any correspondence, approvals or permits from outside agencies/departments.
- ❑ Copy of all studies and reports required to be submitted with your application.
- ❑ Complete Application: your application will not be processed until it is complete. A complete application will be determined in accordance with the requirements of the Planning Act, the Provincial Planning Statement, and the Township of Seguin Official Plan. Please be advised that technical and supporting studies submitted as part of a complete application may be required to be peer reviewed. If a Peer Review is required, the cost will be at the expense of the applicant in accordance with policies of the Seguin Official Plan. The Planning Department will obtain prior authorization to proceed with the peer review from the applicant. To expedite the processing of your application please ensure it is complete upon submission. Incomplete applications will be returned for re-submission. We will not hold incomplete applications in our office.
- ❑ Administrative Surcharge: where an approval under the Planning Act is sought for a development which exists or is under construction and is in contravention of the requirements of the Township, an additional administrative/processing fee in the amount of 75% of the respective application fee, as defined herein, shall be required at the time of submission of the application.
- ❑ Site Inspections: Committee of Adjustment members and/or Township staff will conduct site inspections of your lands. By submitting this application you are authorizing the Township to access your lands for the purposes of conducting the required site inspection. Please be advised that where access is by water or by summer maintained municipal road or by private road, the consideration of the application may be delayed during the winter until such time as safe access can be obtained to the lands. Committee of Adjustment members and/or Township staff may refuse to enter onto a property due to health or safety concerns.

APPLICANTS POSTING INSTRUCTIONS

- In order to facilitate consideration of your Application for Minor Variance / Permission by the Township of Seguin's Committee of Adjustment, we ask that you complete the following upon submission of the application to the Township.

- Mark out, on the ground, the location and area of the proposed building - marking it clearly with stakes and coloured ribbon. The corners of the proposed building, which are closest to the shoreline, should be carefully marked.

- It is the responsibility of the Applicant to mark the property which is the subject of this Application.

TOWNSHIP PROCEDURES:

- A sign will be posted that is clearly visible, approximately 14" x 18" bearing your name, your application number, lot and concession number, and the Plan number, on the main access side of your property, preferably where your driveway accesses onto the Township Road.

If you require additional assistance regarding this application, please contact the Planning Department at:

Township of Seguin
5 Humphrey Dr.
Seguin, ON, P2A 2W8
Bus: 705-732-4300 **Toll Free:** 1-877-473-4846
planning@seguin.ca

List of Appendices

1. Emergency Contact References
2. Septic System Installation & Approval (see Appendix 2) – Planning Act Proposal
3. Endangered Species Act (ESA), 2007 Implications for Landowners

☐ **MINOR VARIANCE** ☐ **PERMISSION TO EXPAND** ☐ **OTHER**

OFFICE USE ONLY Application No.: A-_____ - _____ - _____ File Name: Civic Address:		Date Stamp:
Application Complete: ❑ Yes ❑ No	Fee Received: ❑ Yes ❑ No	

ROLL # 4903_____0000

Did you pre-consult with the Township Planning Department? Yes No
Please submit a copy of your completed "Pre-Consultation Form".

Pre-consultation Date: _____

Attending Planner: _____

1. CONTACT INFORMATION:

All communication will be directed to the Primary Contact only. Copies of correspondence will be sent to all parties and filed according to Township procedure.

Primary Contact:_____

a) Registered Owner(s): _____

(List all owners and contact information if multiple exist)

Mailing Address: _____

Home Phone: _____ Business Phone: _____

Email Address: _____

b) Agent: _____

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Email Address: _____

c) Planner: _____

Mailing Address: _____

Phone Number: _____ Business Phone: _____

Email Address: _____

d) Surveyor: _____

Mailing Address: _____

Phone Number: _____ Business Phone: _____

Email Address: _____

e) Solicitor: _____

Mailing Address: _____

Phone Number: _____ Business Phone: _____

Email Address: _____

2. DESCRIPTION OF SUBJECT LANDS

a) Concession(s): _____

b) Lot(s): _____

c) Registered Plan No. : _____ Lot(s)/Block(s): _____

d) Reference Plan No. : _____ Part(s): _____

e) Geographic Township (former municipality): _____

f) Civic Address: _____

g) Dimensions of subject lands:

Frontage (m)	Depth (m)	Area (ha)

h) Official Plan (current designation of subject lands):

_____

i) Zoning (current zoning of subject lands):

_____

j) Are there any easements or right-of-ways affecting the subject lands?

- ❑ Yes
- ❑ No

If yes, indicate and describe the purpose of the easement or right-of-ways:

_____

_____

3. VARIANCE(S) REQUIRED:

By-law Provision	Required	Proposed	Variance / Relief (difference between Required & Proposed)

a) Reasons why the proposed use cannot comply with the provisions of the Zoning By-law:

_____

_____

_____

_____

_____

4. DEVELOPMENT INFORMATION

a) Date the subject land was acquired by the current Owner:

_____

b) Existing uses of the subject land:

_____

_____

_____

c) Length of time that the existing uses have continued:

_____

d) Proposed uses of the subject land:

_____

_____

_____

_____

Attach a separate description if necessary

e) Date the existing building(s) or structure(s) on the subject land were constructed:

Type of building/ structure	Date Constructed
1.	
2	
3.	
4.	

f) Location of all existing and proposed structures on the subject land (metric):

Existing:

Type of building/ structure	Front Yard (m)	Interior Side Yard (m)	Exterior Side yard (m)	Rear yard (m)
1.				
2.				
3.				
4.				

Proposed:

Type of building/ structure	Front Yard (m)	Interior Side Yard (m)	Exterior Side yard (m)	Rear yard (m)
1.				
2.				
3.				
4.				

****Attach separate sheet if more than 4 existing or proposed structures***

g) Dimensions of all existing and proposed structures on subject land.

Existing:

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)
1.						
2.						
3.						
4.						

Proposed:

Building	Ground Floor Area (m^2)	Gross Floor Area (m^2)	# of Stories	Length (m)	Width (m)	Height (m)
1.						
2.						
3.						
4.						

5. ACCESS

a) Access to the subject land is provided by: _____

- ❑ Provincial highway
- ❑ Municipal road (year round)
- ❑ Municipal road (seasonal)
- ❑ Private road / Right-of-Way
- ❑ Other road
- ❑ Water

b) If access to the subject land is by water only, indicate the following:
Provide written confirmation of parking and docking facilities.

Docking facility: _____

Distance from docking to subject land: _____

Distance from docking to nearest public road: _____

Parking facility: _____

Distance from docking to parking: _____

Distance from parking to nearest public road: _____

6. SERVICES

a) Water is provided to the subject land by:

- ❑ Private well
- ❑ Privately owned/operated communal well
- ❑ Lake or other water body
- ❑ Other: _____

b) Sewage disposal is provided to the subject land by:

- ❑ Private sewage system
- ❑ Privately owned/operated communal sewage system
- ❑ Privy
- ❑ Other:_____

c) Storm drainage is provided to the subject land by:

- ❑ Ditches
- ❑ Swales
- ❑ Natural
- ❑ Other: _____

7. OTHER APPLICATIONS

Indicate if the subject land is the subject to any applications currently under the Planning Act:

Application	File #	Status
Plan of Subdivision/ Condominium (Section 51)		
Consent (Section 53)		
Minor Variance (Section 45)		
Zoning By-law (Section 34)		
Official Plan (Section 22)		
Site Plan (Section 41)		

8. DIRECTIONS: HOW TO GET THERE

Civic Address: _____

Directions from Seguin Township Office (5 Humphrey Dr. Hwy 141) to your site:

_____

_____

_____

_____

_____

_____

9. PLANS REQUIRED

Please attach a copy of the sketch, site plan or survey **drawn to scale, in metric.**

Minimum requirements will be a sketch showing the following:

- ❑ The boundaries and dimensions (frontage, depth and area) of the subject land.

- ❑ The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.

- ❑ The approximate location of all topographical, natural and artificial features on the subject land and on 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.

- ❑ The current uses on land that is 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 road, a private road or a right-of-way.

- ❑ If access to the subject land is by water only, the location of the parking and docking facilities to be used.

- ❑ If the subject land has lake frontage, label the lake name.

- ❑ The location and nature of any easement affecting the subject land.

- ❑ North arrow and scale.

10. AUTHORIZATION BY OWNER

Applicable if an Agent is making this application on your behalf.

If the Applicant is not the Owner of the subject land of this Application, the written authorization of the Owner stating that the Agent is authorized to make the Application on their behalf must be included with this application form or the authorization set out below must be completed.

Please Note: If the Owner is an incorporated company, authorization of the appropriate signing officer(s) is required in accordance with the company's by-laws.

I (we), _____ the undersigned,
Registered Owner(s)
being the Registered Owner(s) of the subject land, hereby authorize
_____ to act as my Agent with respect to the
Agent
preparation and submission of this Application.

_____ _____
Signature of Owner Date

_____ _____
Signature of Owner Date

11. FREEDOM OF INFORMATION AND PRIVACY

Personal information contained in this form, collected and maintained pursuant to Section 45 of The Planning Act, will be used for the purpose of responding to the Application and creating a public record. The Owner's Signature acknowledges that "personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;" per Section 14(1)(c) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Township considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Township photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Director of Planning at the Township of Seguin at (705) 732-4300.

_____ _____

Signature of Owner Date

_____ _____

Signature of Owner Date

_____ _____

Signature of Witness Date

12. DECLARATION OF OWNER/AGENT

Must be signed by the Owner(s)/Agent in the presence of a Commissioner.

I _____ (Owner(s)/Agent) of the

_____ of _____ in the

County/District/Regional Municipality of _____ do solemnly declare that all of the 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.

Declared before me at the _____

in the_____ of _____

this _____day of _____, 20_____.

_____ _____

Signature of Owner Signature of Owner

_____

Signature of Agent (if Applicable)

_____ _____

Signature of Commissioner Commissioners Stamp

13. ADDITIONAL FEES AND ACKNOWLEDGEMENT

If Planning, Engineering and/or legal fees are incurred by the Township pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

In consideration of being permitted to proceed with the application without first securing the required development approval(s), the registered owner(s) and agent hereby release and discharge the Township from any and all claims for liability, costs, expenses, damages, losses associated with or resulting from an inability to meet, or failure to meet, the conditions imposed in any conditional approval of the application in this matter requiring the obtaining of development approval(s).

_____ _____

Signature of Owner(s)/Agent Date

Please submit this application to the Township of Seguin Planning Department at:

Township of Seguin
5 Humphrey Dr., Seguin,
ON, P2A 2W8
Bus: 705-732-4300 **Toll Free:** 1-877-473-4846
planning@seguin.ca

APPENDIX 1

Agency Contact References

Ministry of Transportation
Pre-Consultation Office Contact

Ministry of Transportation
Northern Regional Office:
PO Box 3030
447 McKeown Ave
North Bay ON P1B 8L2
Attn: Planning & Design Section
Corridor Control Office
(705) 497-5456
(705) 497-5223

Huntsville Area Office:
207 Main Street West
Huntsville, Ontario P1H 1Z9
(705) 789-2392

Township of Seguin -
Septic System Installation & Approval (see Appendix 2)

Ministry of Environment, Conservation, and Parks
North Bay Area Office
Unit 16 & 17, 191 Booth Rd
North Bay, ON P1A 4K3 (705)
497-6865

Ministry of Natural Resources and Forestry
Parry Sound Office 7
Bay St
Parry Sound, ON P2A 1S4 (705)
746-4201

Planning / Severance Proposal

This application will allow Seguin Township to review your planning / severance proposal and comment whether it will be in accordance with Part 8 of the Ontario Building Code (OBC). An inspector will determine if the proposed properties to be severed (or other planning related / lot line alterations) will be in accordance with Part 8 of the Ontario Building Code (OBC) based on the OBC's minimum requirements for a 3-bedroom dwelling with less than or equal to 20 fixture units, less than 200m^2 floor area, sewage system sizing calculations based on a fully raised system with a native soil T-time of 50. The retained lands are also assessed to ensure that the minimum setbacks as required under the OBC are maintained from proposed lot lines.

The applicant must pay the required application fee, confirm that the application is complete, with all information requested and forms completed to a level of detail that does not leave any uncertainty.

The applicant MUST flag lot lines (existing and proposed) to ensure staff can properly complete an inspection. Lots that have not been properly marked will not be evaluated; consequently a site re-inspection fee will be required.

Site plan required to accompany application must include the following:

1. Applicants name, property address (civic);
2. The boundaries and dimensions of the subject land; the part(s) that is to be severed and the part that is to be retained;
3. Lot sizes (area), property dimensions, roads, existing/proposed rights-of-way or easements, municipal/utility corridors, and all owned or un-owned lakeshore road allowances;
4. The existing uses on adjacent lands, including the location of: wells, structures, and sewage systems;
5. The location and size of all existing on-site sewage system components (tanks, pump chambers, alarms, distribution bed if applicable);
6. The distances of on-site sewage system components to: structures; property lines, easements, rights-of-way, driveways, structures, wells, lakes, streams, wetlands (if applicable);
7. Show the direction of water flow (surface);
8. Show the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, septic tanks, steep slopes, and narrow waterbodies; and
9. Indicate the direction of North on the site plan.

APPENDIX 3

Ministry of Natural Resources
Ministère des Richesses naturelles

Parry Sound District Office
Southern Region
7 Bay Street
Parry Sound, Ontario P2A 1S4

Telephone: (705) 746-4201
Facsimile: (705) 746-8828

Ontario

February 28, 2011

ENDANGERED SPECIES ACT (ESA), 2007
IMPLICATIONS FOR LANDOWNERS

WHAT IS THE ESA, 2007?

Ontario is home to more than 30,000 plant and animal species. Most have stable populations, but some have declined or disappeared. Currently, more than 180 species are considered "at risk" because of a variety of threats including habitat loss, pollution, competition from invasive species, climate change and over harvesting.

Ontario's new *Endangered Species Act (ESA), 2007* provides a strong legislative framework for the protection and recovery of Ontario's native endangered and threatened species and their habitats, while balancing the social and economic well-being of citizens and communities.

One component of the *ESA, 2007* is the establishment of the Species at Risk in Ontario (SARO) List. This list identifies species that have been classified as being at risk by the Committee on the Status of Species at Risk in Ontario (COSSARO).

There are two key protection provisions in the *ESA, 2007*:

- Section 9 prohibits killing, harming, harassing, possessing, collecting, buying and selling etc species listed as extirpated, endangered or threatened on the SARO List.
- Section 10 prohibits the damage or destruction of the protected habitat of species listed as extirpated, endangered or threatened on the SARO List.

DOES THIS AFFECT ME?

The *ESA, 2007* came into force in June 2008 and is binding on everyone including individuals, businesses, municipal governments and the provincial government. This information sheet is designed to assist you in understanding the various responsibilities under the *ESA* when planning or conducting activities that may affect endangered or threatened species and their habitat.

DEFINITIONS

Species are classified based on five status definitions that include:

Extinct – A native species that no longer lives anywhere in the world.

Extirpated – A native species that no longer exists in the wild in Ontario but still exists elsewhere.

Endangered – A native species facing extinction or extirpation.

Threatened – A native species at risk of becoming endangered in Ontario.

Special Concern[1] – A native species that is sensitive to human activities or natural events which may cause it to become endangered or threatened.

[1] Special Concern species are listed on the SARO list but are not protected under the *ESA 2007*. However, new Planning Act decisions should ensure that the significant habitat of special concern species is protected as "significant wildlife habitat" (as per the Provincial Policy Statement).

ROLES AND RESPONSIBILITIES

Landowners and Development Proponents:

Landowners and development proponents are responsible for ensuring that they follow *all* relevant laws in Ontario including the *ESA*. They may need to take specific action to ensure that land uses or activities would not contravene the *ESA*.

Proponents considering new development or land use activities should consult with the municipality and MNR as appropriate, to determine the potential for endangered or threatened species in an area. Proponents should consider conducting an appropriate level of ecological site assessment[2] where there is potential that an endangered or threatened species or its habitat is present on a site. The purpose of such site assessment is to obtain information on endangered and threatened species and their habitat that may exist on or adjacent to a site, and the nature of these values.

Since the *Building Code Act* does not enable a municipality to withhold issuance of a building permit where the *ESA* could be contravened, the onus is on the proponent to ensure that a development or activity under the authority of a building permit is in compliance with the *ESA*.

Municipalities:

As with other landowners and development proponents, municipalities are responsible for ensuring that their activities don't contravene the ESA.

Municipalities must also continue to ensure that their *Planning Act (PA)* decisions are consistent with the habitat protection direction set out in the Provincial Policy Statement (PPS) and ensure they have adequate information about the potential for listed species and their habitats before making a *PA* decision.

MNR recommends that municipalities check existing available information sources to determine the potential endangered and threatened species whose range encompasses a subject property, and then review available information on the habitat requirements of these species. Where there is a potential that an endangered or threatened species or its habitat is present on or adjacent to a site, MNR recommends that municipalities generally require proponents to undertake an appropriate level of ecological site assessment as described in MNR's *Natural Heritage Reference Manual* (2010).

Municipalities may also assist by raising awareness with landowners and proponents about the *ESA*, and endangered and threatened species, and could play a valuable role in knowledge transfer, communication and stewardship.

Ministry of Natural Resources (MNR):

MNR is available to advise municipalities, landowners or development proponents on how to avoid being in contravention with the *ESA* and when authorizations may be required for activities, where there is a potential impact on an endangered or threatened species or its protected habitat.

To assist municipalities and planning boards, MNR's Parry Sound District provided information in 2009 that identified the species at risk that are either known to occur, or presumed to occur, in each geographic township and municipality. The information provided included descriptions of the key habitats and the timing of key life history events for each species. MNR will provide updates as new information becomes available.

MNR's role under the PA and One Window Planning Service (OWPS) **was not changed by the *ESA, 2007*** such that MNR does not have a role in reviewing site-specific development applications that are under municipal approval authority unless the municipality makes a request through MMAH. MNR will continue to provide technical advice and approve what is significant habitat for endangered and threatened species for purposes of the PA and the PPS.

For more information on the *ESA, 2007* or to view the Species at Risk in Ontario List, please visit the species at risk website at: **www.ontario.ca/speciesatrisk** or contact:

Phung Tran, Landscape Planning Biologist
Telephone: 705-646-5557 E-mail: phung.tran@ontario.ca

[2] Additional information regarding ecological site assessment may be obtained from MNR's *Natural Heritage Reference Manual, 2nd Edition, 2010* at http://www.mnr.gov.on.ca/en/Business/LUEPS/Publication/249081.html