



Guide to Minor Variance & Legal Non-Conforming Use Permission Applications

February 2026

Zoning By-Law No. 2003-75, as amended, regulates the use of land and buildings, and where buildings and structures can be located. This by-law specifies lot sizes and dimensions, minimum setback requirements, building heights and other provisions needed for orderly development. The Township's Committee of Adjustment has the authority to grant exemptions from these requirements.

Frequently Asked Questions

What is the Committee of Adjustment?

It is a quasi-judicial board that the *Planning Act* authorizes to make decisions on minor variance applications and legal non-conforming use permission applications. The Committee of Adjustment consists of four Councillors and four appointed members of the public.

What is a Minor Variance?

It is an exemption from a zoning by-law requirement. For example, allowing a narrower lot frontage, a smaller setback from a lot line, or a taller building. An approved minor variance stays with the property (not the owner) and is valid until the Township passes a new zoning by-law.

The Committee of Adjustment may authorize a minor variance if in its opinion:

- The variance is minor,
- The variance is desirable for the appropriate use of the lands, building or structure,
- The variance maintains the general intent and purpose of the Official Plan, and
- The variance maintains the general intent and purpose of the Zoning By-law.

They consider things like:

- Nature of the proposal and the requested variance,
- Suitability of the land for the proposed use,
- Ability to service the property (for example, vehicle access, parking, water, and sewage systems), and
- Compatibility with surrounding uses.

What is a Legal Non-conforming Use Permission?

It is an exemption from a zoning by-law requirement for a use or building that an old zoning by-law allowed, but that the current zoning by-law prohibits. For example, to increase the floor area or height of an existing building that is too close to the shoreline. Another example, to change a store into a bakery in a residential zone.

The Committee of Adjustment may allow you to change or enlarge a legal non-conforming use or building if in its opinion the application:

- Is desirable for appropriate development of the property, and
- Will not result in undue adverse impacts on the surrounding properties and neighbourhood.

How much will it cost?

Costs associated with an application depend on the nature of the proposal and the location of the property.

Application fees to the Township and agency review fees (for example, sewage system review and conservation authority review) could total up to \$2500.

There may be other costs to you before you apply. For example, if you need a survey sketch or real property report from an Ontario Land Surveyor to confirm the location of existing buildings or proposed setbacks from property lines. Another example is if you need to have any studies done like an environmental impact assessment or a minimum distance separation calculation from a barn. The Township Planner will let you know at the pre-application meeting if you need any studies.

If the Committee of Adjustment approves your application, there may also be costs associated with fulfilling any conditions. For example, entering into a development agreement with the Township or engaging the services of an ecologist to prepare a shoreline naturalization planting plan.

How long will it take?

The average time to process an application is between two and three months. This time accounts for public notice of the application, site visits by Township staff, agency staff and Committee of Adjustment members, the public meeting, and the appeal period after the Committee makes their decision. The process could take longer if weather conditions make it difficult to accurately assess the site, if the Committee determines it needs more information to help them decide, or if you appeal the decision.

Do I need a professional to prepare and submit my application?

Some applicants find it beneficial to hire someone who understands the planning process and the requirements of the various legislation and policies. Planning consultants can help walk you through the process. Some applicants also find it helpful to have an Ontario Land

Surveyor prepare the required sketch. Surveyors have the tools and skills needed to accurately find property lines and to measure distances to property lines and water lines.

How is a decision made?

The Committee of Adjustment holds public hearings on the second Thursday of each month. At the hearing, the Committee reviews the application, the staff report, and any comments received from agencies including the conservation authority. They also receive any verbal or written comments from members of the public. Then, they discuss the application and decide. The decision will be either to approve the application with or without conditions, to deny the application, or to defer for more information.

I have changed my building plans. What happens now?

Committee of Adjustment decisions are final. You need to work within the parameters of what they approved. If your building plans still do not match what the Committee approved, you will need to submit a new application with fees and go through the process again. There is no guarantee that the Committee would approve the new application.

Do I still need a building permit?

Yes. You can start the building permit application process if/when the Committee of Adjustment approves the minor variance or legal non-conforming use permission application.

Application Process

Step 1. Meet with a Township Planner

Book a meeting with a Planner to go over your proposal before applying. The Planner will confirm the type of application needed for the proposal, discuss any issues or concerns, and let you know about any unique requirements (such as studies and agency review fees).

<https://webforms.southfrontenac.net/Planning-Intake-Form>

Step 2. Prepare Application

Gather all information, consult with other agencies if needed, have any necessary studies done, prepare plans/sketches, and fill out the application form. The Planner can help you throughout the process and provide feedback to improve the application. Hire a professional if you need more help to complete the application or to prepare plans and sketches.

<https://www.southfrontenac.net/building-and-development/planning-and-development/planning-applications-and-forms/>

Step 3. Submit Application

Submit the application package to the Township. The package must include a complete application form, the application fee, plans/sketches, and any other information the Planner requested at the pre-application meeting or in follow up discussions. A Commissioner of Oaths will need to witness your signature on the application.

The Township may not accept the application package if any of the required information is missing. If they do accept the application package, they will not process it until you provide all required information.

Step 4. Application Acknowledgement

Staff will send you an e-mail acknowledging the application. The e-mail will include your application number. Use this number whenever you communicate with the Township.

Step 5. Application Review

The Planner will review the application package to make sure that it includes all the required information. The Planner will circulate a complete application to internal departments and external agencies for their review and comments.

Staff and agencies will visit the property. Sometimes unanticipated issues come up as part of their reviews. They will tell you if they need more information to address the issues.

Step 6. Public Notification

The Township will assign the application to a Committee of Adjustment Hearing after the department and external agency reviews. The Township must give the public at least 10 days notice of the hearing.

The Township will mail a hearing notice to everyone who owns land within 60 metres of the property. They will ask you to post a Public Notice Sign at the property. This sign provides information about the application to the public. If you do not post the sign in time, or you remove it before the Committee makes its final decision, there will be delays in processing the application.

Step 7. Committee Meeting Agenda

Township staff will send you an e-mail with a link to the agenda the Friday before the hearing. The agenda will include a staff report on your application. The report makes a recommendation to the Committee considering all relevant information and comments received. Review the staff report before the meeting. Make note of any recommended conditions.

Step 8. Committee of Adjustment Hearing

The Committee of Adjustment will hold a public hearing on the application. The Committee members may visit the property before the meeting.

At the meeting, the Committee will review the purpose of the application, as well as review the staff report, agency comments, and public comments. They will give the applicant and the public an opportunity to speak to the application and to ask questions. The Committee will decide based on the outcome of the hearing.

If the Committee defers the application because they need more information, it is your responsibility to provide this information to the Township. The application will go back to the Committee once you provide the information. If they approve the application, it may be subject to conditions that you will need to fulfill before you can obtain a building permit.

Step 9. Decision and Appeal Period

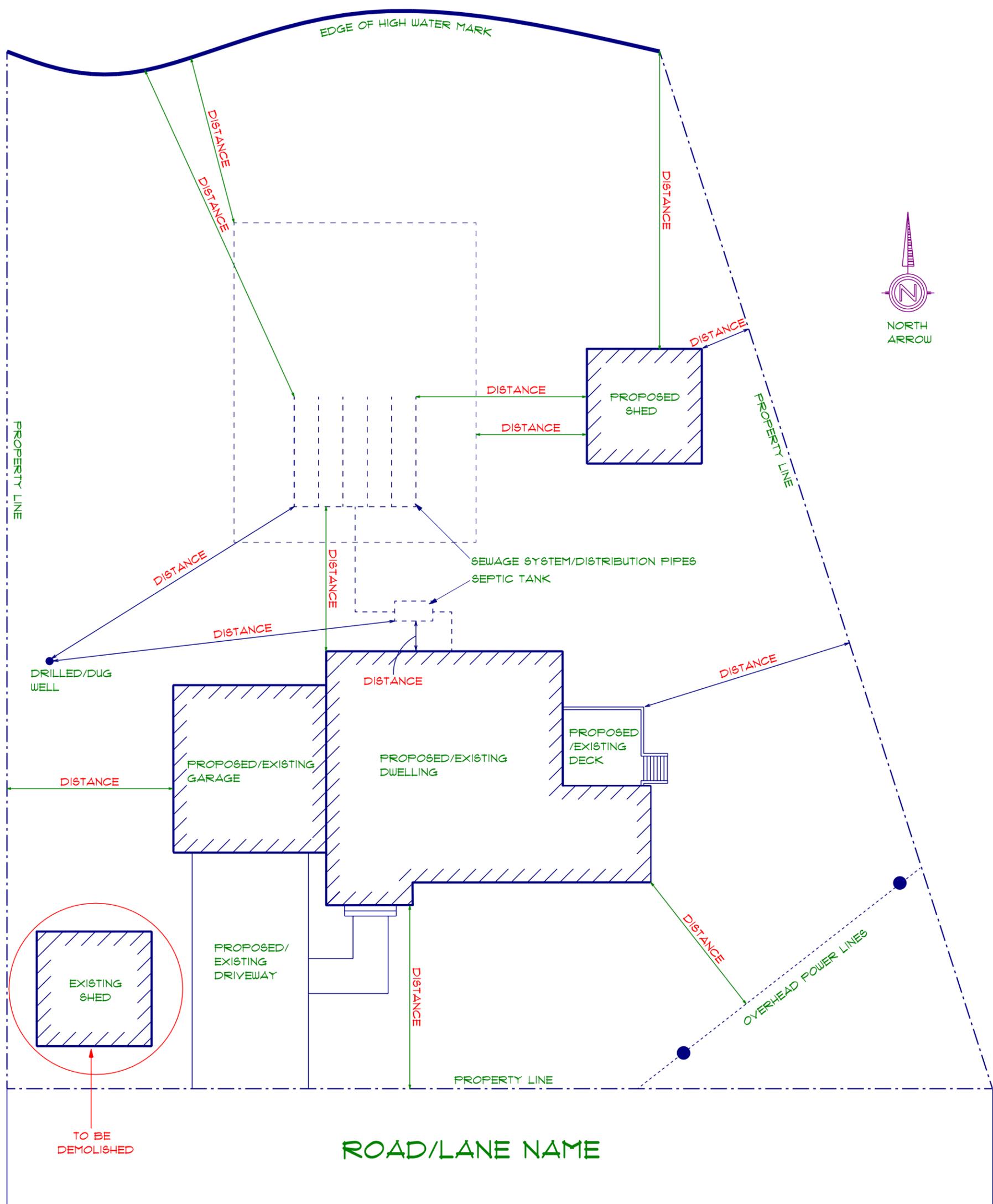
Staff will email and/or mail a copy of the Committee's decision to the owner, the applicant/agent, and to any departments, agencies and members of the public who requested one. There is a 20-day appeal period for the decision. The Committee's decision is final and binding if there are no appeals. The owner and applicant are usually the only people who can appeal. Visit the Ontario Land Tribunal website (<https://olt.gov.on.ca/>) for more information on appeals.

Step 10. Fulfill Conditions

If the Committee approved the application subject to conditions, you need to fulfill all the conditions before you can apply for a building permit. If a development agreement was a condition, staff will provide it to you for review and signature.

INCLUDE DIMENSIONS/AREA OF ALL EXISTING STRUCTURES

WATERBODY
EX. DOG LAKE



SAMPLE PLOT PLAN

PROPOSED NEW DWELLING/SHED

SCALE - 1/8"=1'-0"

1234 SOUTH FRONTENAC ROAD