

# Minor Variance Process Guide

## What is a Minor Variance?

A Minor Variance Application allows the property owner to obtain relief from the Township's Zoning By-law to permit a building or structure which does not comply with the provisions of the Zoning By-law and meets the four tests for a Minor Variance in accordance with the Planning Act.

Examples:

- Building height exceeds maximum height requirement
- Proposed house addition does not meet the side yard setback requirements

**Note:** Minor in nature does not always refer to the percentage of variance by which a proposal differs from the Zoning By-law. Case law says that a variance is considered minor in nature when it does not have an adverse impact to the surrounding area.

## Types of Minor Variance Applications

There are two types of minor variance applications.

### Minor Variance Type 1

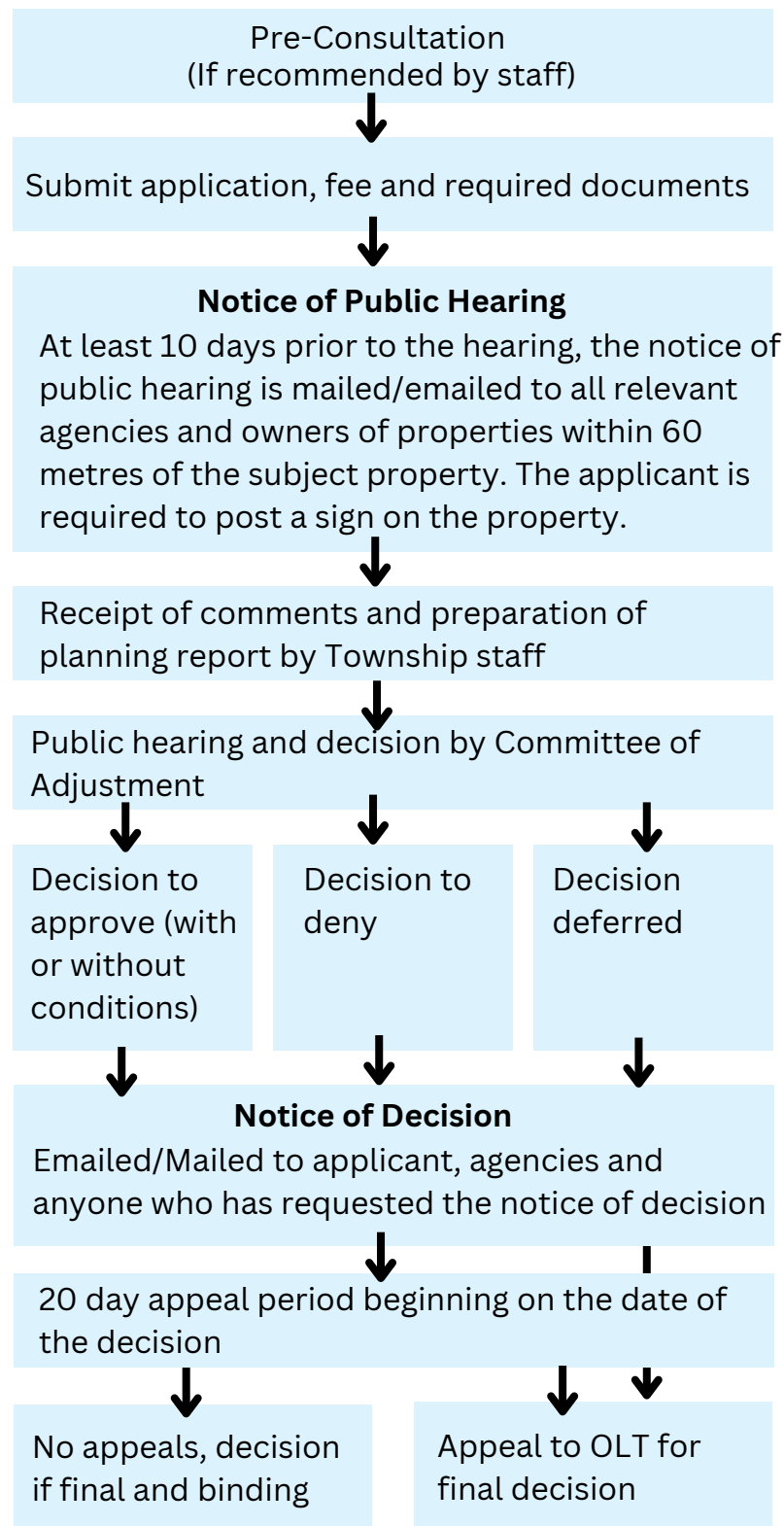
- Lot line setbacks for single family dwellings and accessory structures
- Height variances for single family dwellings and accessory structures
- Maximum size of accessory structures
- Maximum size of accessory unit variances

### Minor Variance Type 2

- All other variances not listed under Type 1

This guide is intended to provide preliminary information only.  
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## Minor Variance Process



## 1. Preconsultation

It is strongly recommended that all applicants consult with the Planning Department prior to preparing and submitting a minor variance application. In certain circumstances staff may recommend that an applicant submit a Preliminary Planning Consultation application which will provide the applicant an opportunity to receive formal comments from Planning Staff regarding the type of *Planning Act* Application required.

## 2. Preparing an Application

When preparing an application please provide detailed responses to all application questions in the application especially the questions regarding the nature and extent of relief requested, and why it is not possible to comply with the Township's Zoning By-law. Further, all applications must be accompanied by a sketch or a copy of a survey showing the property and all existing and proposed buildings. Planning staff will advise if additional information is required when reviewing the application for completeness.

## 3. Application and Fee

Submit the application, sketch, fee and any required supporting materials through our online platform [CloudPermit](#) which can be accessed through the Township's website at [Puslinch.ca/Development](#). The application fees are listed in the User Fees and Charges By-law at [Puslinch.ca/By-laws](#). Applications must be accompanied by a sworn affidavit. If you plan to have this document commissioned at the Township please arrange an appoint with one of the Commissioner of Oaths please email [Planning@puslinch.ca](mailto:Planning@puslinch.ca) or call 519-763-1226 ext. 5.

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## 4. Notice of Public Hearing

A Notice of Public Hearing will be sent out a minimum ten (10) days prior to a decision being made by the Committee of Adjustment. The Notice of Public Hearing will be circulated to neighbouring property owners, as well as municipal departments, and public agencies. Any person or public body may provide comments on the proposed minor variance application.

Town staff will prepare a notice sign that the applicant is responsible for posting on the subject land. The sign must be placed on the effected lands and must be visible at all times by members of the public. It is mandatory that this notice be posted. If the notice sign is not posted, review and processing of the application will be delayed.

The Notice of Public Hearing the the complete application and supporting documents will be posted to the Township's Active Planning and Development Application webpage at [Puslinch.ca/ActiveApplications](#).

## 5. Public Hearing and Decision

The Public Hearing will be held in accordance with the Township's Committee of Adjustment meeting schedule. To view the application deadline submissions and meeting schedule visit [Puslinch.ca/Development](#). The Committee of Adjustment will hear all comments which have been forwarded to the attention of the Secretary-Treasurer at the Public Hearing. Anyone attending the Public Hearing in person will be given the opportunity to address the Committee. Applicants are required to attend this meeting in order to address any questions or concerns that may be asked by members of the public or of the Committee. A decision on the file will be made at the Public Hearing.

## 6. The Decision of the Committee of Adjustment

The Committee will use the following criteria to evaluate the application and reach its decision, considering the site-specific aspects of the application:

1. Is the variance minor in nature?
2. Is it desirable for the appropriate development or use of the land, building or structure?
3. Does the request maintain the general intent and purpose of the Official Plan?
4. Does the request maintain the general intent and purpose of the Zoning By-law?

If the application is approved, the Committee may impose conditions as part of its decision.

## 7. Notice of Decision

The Committee of Adjustment will consider all comments received from commenting agencies, members of the public, and the recommendations contained in a Township planning recommendation report. The Committee may decide to grant the request, deny the request, or defer the application to a later date. A “Notice of Decision” will be forwarded to the applicant and all required parties within ten (10) days following the decision.

After completion of the 20-day appeal period, the applicant will be provided a notice stating that either no appeals were received or that the application has been appealed to the Ontario Land Tribunal.

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## Appeals

Members of the public do not have the right to appeal the decision; only the applicant, the Minister of Municipal Affairs and Housing, a specified person under the *Planning Act* or public body that has an interest in the matter, may appeal the decision.

Any appeals of the decision of the Committee of Adjustment must be filed with the Secretary-Treasurer of the Committee setting out the reasons for the appeal via either the Ontario Land Tribunal e-file service (first time users will need to register for a My Ontario Account) or by mail. A payment of the appeal fee to the Minister of Finance is required. A copy of the appeal form is available from the Ontario Land Tribunal website:

<https://olt.gov.on.ca/appeals-process/>

## Applications

Forms are available online via CloudPermit at [Puslinch.ca/Development](https://puslinch.ca/Development).

## Fees

The fees are included in the Township User Fees and Charges By-law which is updated annually on January 1st and is available at [Puslinch.ca/by-laws](https://puslinch.ca/by-laws).

## Contact Township Staff

Email: [Planning@puslinch.ca](mailto:Planning@puslinch.ca)

Phone: 519-763-1226 Ext. 4

Mail: C/O Planning

Township of Puslinch

7404 Wellington Road 34,

Puslinch, ON N02 J00

The application will be assigned a file number when it is received; please refer to this file number for all correspondence with the Township.