

What is a minor variance?

A minor variance is a minor deviation or relief from the provisions of the zoning by-law, interim control by-law, and certain other by-laws if authorized by council. A variance can apply to land, a building or structure, or the use thereof. Consideration can also be made for changes to legal non-conforming uses.

What four tests must be satisfied?

The Committee of Adjustment must consider the following matters known as the four tests:

1. Is the variance minor?
2. Is the variance desirable for the appropriate development of the lands in question?
3. Is the general intent and purpose of the by-law maintained?
4. Is the general intent and purpose of the Official Plan maintained?

What is the Committee of Adjustment?

The Committee of Adjustment considers applications under Sections 45, 53, and 57 of the *Planning Act* R.S.O. 1990 c.P13, as amended. The Committee of Adjustment is a quasi-judicial independent decision-making body appointed by Welland City Council in accordance with the *Planning Act*. It may be comprised of five members of the public. The committee appoints a chair who presides at hearings. An appointed secretary-treasurer is responsible for application processing and record keeping.



For more information, contact:

City of Welland Planning Division

Monday to Friday
8:30 a.m. to 4:30 p.m.
(closed on Statutory holidays)

📍 Civic Square
60 East Main St.
Welland, ON L3B 3X4

📞 905-735-1700 x2251

🌐 welland.ca

Information is for preliminary purposes only.

Minor Variance



welland.ca

Application and public hearing process

1. Pre-consultation

Applicant consults with City Planning Division staff to discuss the proposal, zoning by-law requirements, any required minor variances, technical items, and any other City or agency requirements. The pre-consultation form can be found at welland.ca/Planning/preconsultationRequest.asp

2. Application submission

Applicant completes and submits all required items including the application, a sketch of the property, fees, and other required documents, to the Secretary-Treasurer, Committee of Adjustment.

3. Notice of public hearing

A complete application is scheduled for a public hearing per the schedule. A notice sign will be posted on the subject property by the applicant. Notice will be published in Welland Tribune newspaper, and posted on the City's website. Notice will also be circulated to City divisions, agencies and utilities, and mailed to all owners of land located within 60m of the subject property.

4. Inspection and comments

City staff and committee members may enter upon the subject property for an inspection prior to the public hearing date. The public, agencies, utilities, and City divisions are invited to provide written comments in favour of, or in opposition to the application. The planning division, other City divisions, and agencies may recommend conditions of approval.

5. Public hearing and agenda

Applicant must attend the public hearing to explain the application, why they cannot comply with the zoning by-law and address the four minor variance tests (or the permission items). The public is entitled to participate in the hearing and provide verbal comments to the committee. The committee will consider the application, and all written and oral presentations made to it before rendering its decision at the hearing. The committee may approve, approve with conditions, deny, or defer its decision on the application.

6. Notice of decision

The notice of decision for the application is provided to the applicant and to any person who makes a written request with the secretary-treasurer. The committee's decision is subject to a twenty-day appeal period. If no appeal is received, the decision of the committee is final and binding. A letter is provided to notify the applicant. After the appeal period ends with no appeal, the applicant may proceed with other required development approvals such as obtaining a building permit from the city.

If an appeal is received by the secretary-treasurer, it will be forwarded to the Ontario Land Tribunal (OLT) for processing. The OLT may dismiss the appeal and may make any decision that the committee could have made on the application. The applicant will be notified if an appeal is received.

