Committee of Adjustment
Application for Minor Variance

Town of Newmarket
395 Mulock Drive
P.O. Box 328, Station Main
Newmarket, ON L3Y 4X7

Newmarket
www.newmarket.ca
T: 905-953-5300 Ext. 2458

Effective January 1, 2025, the fee for processing a Minor Variance application to the Committee of Adjustment is **$1,689.81** for tier 1 applications (small residential projects ie. deck, porch, etc.) and **$3,368.92** for tier 2 applications (additions, new builds, and non-residential). These fee amounts include HST.

Fees may be paid by cheque, cash, debit or credit card. Cheques are to be made payable to "The Treasurer, Town of Newmarket" and are non-refundable.

Notice to all Applicants

1. Before you prepare and submit your application to be processed by the Committee of Adjustment, it is strongly recommended that you engage with a Planner and/or consult with the Planning and Building Department at the Town of Newmarket to ensure that your proposal is feasible and also to confirm the zoning and the section of the By-law that requires relief.

2. Public notice signs are required to be posted in a prominent location on the subject property for a minimum of ten (10) days before the scheduled Hearing of the Minor Variance application. **Failure to comply will result in the deferral of the hearing of your application.**

3. **Lake Simcoe Region Conservation Authority** (LSRCA) may require an application review fee to be paid if the property is situated within a mapped area that is subject to O. Reg. 179/06. Please contact their office directly to confirm.

4. Pursuant to Subsection 45 of the *Planning Act*, and Ontario Regulation 200/96, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

5. Personal information on this form is collected under the legal authority of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. This information will be used to process an application for a Minor Variance or permission for the Committee of Adjustment. Questions about this collection should be directed to the Secretary Treasurer, Town of Newmarket Committee of Adjustment, at the above noted address.

6. Information on this application and any documentation submitted in support of or in opposition constitutes public information and will become part of the public record.

7. Please note that an Arborist Report in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancemen Policy is required for consent and minor variance applications when there are any trees 20cm dbh (diametre breast height) or greater, were planted as a condition of approval of a development application, or are located on an adjacent property within 4.5m of the subject lands. Based on the submitted Arborist Report, a security deposit may be required for preserved trees and compensation may be required for tree removal. The security deposit would be in the amount of 20% of the appraised value of all trees to be preserved and protected. Securities will be held for a period of 3 years after the occupancy permit has been issued and may be requested after this time if the protected trees remain in good health and have not sustained any damage as a result of site development activities.

Minor Variance Application Checklist

- ☐ Completed Application form, including:
  - ☐ Affidavit or Sworn Declaration
  - ☐ Permission to Enter, and Sign Posting Form
  - ☐ Appointment and Authorization, and Variance Acknowledgment Form
  - ☐ Application Fee (to be confirmed by staff prior to payment)
- ☐ Additional Fees (see cover page of application form and below):
  - ☐ Recirculation Fee due to applicant revisions/request- **$2,235.25** (HST included)
  - ☐ Peer Review Costs – **actual costs plus Planning Administrative Fee of 15%** of consultant's fee
  - ☐ Town of Newmarket Fee for matters appealed to the Ontario Land Tribunal (OLT) - **$200.82**
- ☐ Parcel Abstract(s), to obtain one please visit: https://www.onland.ca/ui/65/property/pin
- ☐ One digital copy of all sketches/plans must be provided **drawn to scale**, **in metric** showing the following:
  - ☐ The boundaries and dimensions of the subject land.
  - ☐ All existing and proposed structures, including their size, setbacks to property lines and lot coverage.
  - ☐ The approximate location of all natural and artificial features on the subject land and on the 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 the lands 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 traveled road, a private road or a right-of-way. The location and nature of any easements affecting the subject land.
  - ☐ Floor Plans and Building Elevations may be required (staff to determine applicability)
- ☐ Tree Report Form
- ☐ Arborist Report in accordance with the requirements set forth in the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.

Note: The Town shall retain the services of a qualified tree professional to undertake a peer review of any Arborist Report submitted, as required and the Town shall be reimbursed by the applicant at the actual cost for the services rendered by the Town's consultant plus 15% of the consultant's fee.

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The undersigned hereby applies to the Committee of Adjustment for the Town of Newmarket under Section 45 of the Planning Act, R.S.O., 1990, c.P.13, as amended.

File Number (for office use only)	

1.0 Applicant Information	☐ Primary Contact for Application		
Property Owner(s):			
Address:	City:	Postal Code:	Province:
Phone:	Alt. Phone:		
Email:	Fax:		

2.0 Agent Information	☐ Primary Contact for Application		
Name of Authorized Agent:			
Address:	City:	Postal Code:	Province:
Phone:	Alt. Phone:		
Email:	Fax:		

3.0 Legal Description of the Subject Lands	(Refer to the current "Parcel Abstract(s)" regarding the subject property)
Concession/Registered Plan No.:	Lot Number(s):
Reference Plan No.:	Part Number(s):
Municipal Address:	
Roll Number:	
Are there any easements or restrictive covenants affecting the subject lands? ☐ Yes ☐ No If "yes", please describe: _____	

4.0 Land Use, Official Plan and Zoning
Official Plan Designation:
Zoning:
Existing Use of the Subject Land:
Proposed Use of the Subject Land:

5.0 Relief Requested from the Zoning By-law (Please identify the relief you are requesting from the relevant Zoning By-law Sections and Zone Standards)

6.0 Why is it not possible to comply with the provisions of the Zoning By-law?

7.0 Dimensions of the Entire Subject Property
Lot Frontage (metres):
Lot Depth (metres):
Lot Area (m2):

8.0 Access to the subject lands (check appropriate box)		
☐ Municipal	☐ Regional	☐ Provincial
☐ Private Road	☐ Right-of-Way	☐ Other _____
Roads abutting the subject lands: _____		
Width of roads abutting the subject lands: _____		

9.0 Particulars of all existing building(s) and structure(s) on the subject land. Please specify:				
	Existing Structure 1		**Existing Structure 2**	
a) Type of building(s) or structure(s)				
b) Gross floor area or dimensions of the building(s) or structure(s)				
c) The front, rear and side yard setbacks	**Front:**	**Rear:**	**Front:**	**Rear:**
	Side:	**(Ext.) Side:**	**Side**	**(Ext.) Side:**
d) Height of the building or structure				
e) Location of parking				

10.0 Particulars of all proposed building(s) and structure(s) on the subject land. Please specify:				
	Proposed Structure 1		**Proposed Structure 2**	
a) Type of building(s) or structure(s)				
b) Gross floor area or dimensions of the building(s) or structure(s)				
c) The front, rear and side yard setbacks	**Front:**	**Rear:**	**Front:**	**Rear:**
	Side:	**(Ext.) Side:**	**Side**	**(Ext.) Side:**
d) Height of the building or structure				
e) Location of parking				

11.0 Property Information
The date the subject land was acquired by the current owner:
The date the existing buildings and structures were constructed on the subject land:
The length of time the existing uses of the subject land have continued:

12.0 Municipal Services provided to the subject lands: (check the appropriate boxes)	
☐ Water	If not available, by what means is it provided:
☐ Sanitary Sewers	If not available, by what means is it provided:
☐ Storm Sewers	If not available, by what means is it provided:

13.0 Other Planning Applications If known, is or was the property subject of any of the following development type applications:			
Official Plan Amendment	Yes ☐	No ☐	File No.
Zoning By-law Amendment	Yes ☐	No ☐	File No.
Plan of Subdivision	Yes ☐	No ☐	File No.
Site Plan Approval	Yes ☐	No ☐	File No.
Certificate of Occupancy	Yes ☐	No ☐	File No.
Building Permit	Yes ☐	No ☐	File No.
Consent (Committee of Adjustment)	Yes ☐	No ☐	File No.
Minor Variance (Committee of Adjustment)	Yes ☐	No ☐	File No.

14.0 Heritage Designation		
Is the property on the Municipal Register of Properties Designated under the Heritage Act?	Yes ☐	No ☐
Is the property on the Municipal Register of Non-Designated Heritage Properties?	Yes ☐	No ☐

_____

Signature of Applicant or Authorized Agent

Dated at the _____ of _____ this

_____ day of _____, 2025.

Affidavit or Sworn Declaration

I, _____ of the _____
(Print Name of Owner or Authorized Agent) (e.g. Town of Newmarket)

_____ in the _____
(e.g. Regional Municipality of York)

Solemnly declare that all above statements and the statements contained in all of the exhibits transmitted herewith 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 it made under oath and by virtue of the Canada Evidence Act.

For the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application and correspondence purposes. Questions about this collection should be directed to the Committee of Adjustment Secretary-Treasurer, Town of Newmarket, 395 Mulock Drive, Newmarket, Ontario L3Y 4X7, telephone 905-953-5300 ext. 2458.

Note: The Signature of applicant or authorized agent must be witnessed by a Commissioner, etc. A Commissioner is available in the Town office, if needed.

Declared before me

at the _____

of _____

in the _____

of _____

this _____

day of _____, 2025.

_____
A Commissioner, etc.

_____
Signature of applicant or authorized agent

☐ I have authority to bind the Corporation

Permission to Enter

Date: 1 _____

Secretary-Treasurer
Committee of Adjustment
Town of Newmarket
395 Mulock Drive
Newmarket ON L3Y 4X7

Dear Secretary-Treasurer:

Re: Application to Committee of Adjustment

Location of Property: _____
(Municipal address)

I hereby authorize the Committee of Adjustment members and Town of Newmarket staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

_____
Signature of owner or authorized agent

_____
Please print name

Appointment and Authorization

I / We, _____,
(Name of Owner(s))

the undersigned, being the registered property owner(s) of _____

_____, hereby authorize
(Legal description or municipal address)

_____ as my/our agent for the
(Authorized agent's name)

purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this _____ day of _____, 2025.

_____
(Signature of the owner or signing officer)

☐ I have authority to bind the Corporation

_____
(Please print the full name and position of the person signing)

_____
(Name of the Corporation, if applicable)

_____
(Signature of the owner or signing officer)

□ I have authority to bind the Corporation

_____
(Please print the full name and position of the person signing)

_____
(Name of the Corporation, if applicable)

Committee of Adjustment
Town of Newmarket
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umahmood@newmarket.ca
T: 905.895.5193 Ext. 2458

Sign Posting form

Notice to Owner/Agent

Minor Variance Applications

This will confirm the requirement of the Committee of Adjustment for signs to be posted by all applicants or authorized agents on each property under application.

The Secretary Treasurer will provide a sign indicating the nature of the application, the hearing date and file number. One copy of the **sign should be placed in a clear and visible location facing the main street or highway closest to the subject lands – a second copy of the sign should be placed on a stake located in close proximity to the sidewalk or curb along the street frontage, or in a window facing the street.**

As required by the *Planning Act*, each sign must be posted a **minimum of 10 days prior** to the scheduled hearing, and remain in place until the hearing has concluded. The applicant or authorized agent is responsible for repair or maintenance of the signs to ensure they remain legible.

Along with a copy of the sign, the Secretary Treasurer will provide you and Affidavit form that must be completed indicating that the signs have been posted. The Affidavit is to be signed in the presence of a Commissioner.

Please fill in the form below indicating your agreement to post the signs as required. This form will be included as part of the application in order that it may be placed in the file as evidence that you have met the requirements of the *Planning Act*. If you have any questions or concerns please feel free to contact the Secretary Treasurer at **umahmood@newmarket.ca.**

I, the undersigned, understand that two copies of the sign must be posted at least 10 days prior to the scheduled hearing of my application and be replaced, if necessary, until the conclusion of the hearing. I further understand that failure to post the sign as required may result in a deferral of my application.

Name of Property Owner (Please Print)	Signature of Property Owner
Name of Property Owner (Please Print)	Signature of Property Owner
Name of Authorized Agent (Please Print)	Signature of Authorized Agent
Date Notice Posted	

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Variance

Acknowledgment Form

Please indicate how you obtained your Zoning Review:

- ☐ Building Permit
- ☐ Site Plan Approval
- ☐ Preliminary Zoning Review
- ☐ Self Assessment
- ☐ Other _____

Are the drawings submitted for the above Zoning Review identical to the drawings submitted with this application (check one):

- ☐ Yes
- ☐ No
- ☐ No Zoning Review Completed

If the drawings submitted with this application differ from those submitted for a Zoning Review, the variances identified may no longer be correct and staff may recommend deferral of the application or if approved by the Committee may not include all required variances.

This form is an acknowledgment that it is my responsibility to ensure all required variances have been identified in section 5.0 of this form, and that any errors may result in delays in processing, deferral fees, the inability to obtain other approvals, and/or a requirement for a second application (including the full application fee and any other associated fees).

Dated this _____ day of _____ 2025.

- ☐ I have authority to bind the Corporation, if applicable.

_____ _____
Name of Applicant/Authorized Agent Signature of Applicant/Authorized Agent

Newmarket

Tree Report Form

Based on the subject property, please complete either Part 1 or Part 2 of the Tree Report Form and include this with your Planning Act application when submitted.

Part 1:

There are no trees over 20 cm DBH on the subject property or within 4.5 m from the subject property line(s). There are also no trees of any size on public lands within 4.5 m of the subject property line(s).

Signature of Applicant/Qualified Tree Professional	Date
Print Name	Address (Street/City/Postal Code)
Telephone Number	Email

Part 2:

There are trees over 20 cm DBH on the subject property or within 4.5 m from the subject property line(s) or there are trees of any size on public lands within 4.5 m of the subject property line(s).

An Arborist Report, prepared in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy will be provided upon submission of my Planning Act application.

Signature of Applicant/Qualified Tree Professional	Date
Print Name	Address (Street/City/Postal Code)
Telephone Number	Email

Note: The Town shall retain the services of a qualified tree professional to undertake a peer review of any Arborist Report submitted, as required and the Town shall be reimbursed by the applicant at the actual cost for the services rendered by the Town's consultant plus 15% of the consultant's fee.