



COMMITTEE OF ADJUSTMENT

INFORMATION REGARDING CONSENT APPLICATIONS

a) Procedures for Processing Applications

The Committee of Adjustment for the City of Welland is responsible for making decisions on applications for land severance or consent pursuant to Sections 50 and 53 of The Planning Act, as amended. Such applications are required for a number of reasons. Applications for land severance are most commonly made in order to create a new property by separating a piece of land from an existing landholding. In addition, applications for land severance or consent also are required to change existing property boundaries in any way, create rights-of-way and easements, enter into agreements to lease (for at least 21 years) on a portion of an existing property, for partial discharges of mortgages/charges etc.

The Committee of Adjustment will hold a Public Hearing to consider applications for land severance or consent. Please refer to the current **Schedule of Public Hearings** for the applicable dates.

Following the submission of an application for land severance, details regarding the application are provided to potentially interested agencies and property owners (within sixty (60) metres of the land subject to the consent application) by mail and notification published in the *Welland Tribune* at least fourteen (14) days prior to the Committee's scheduled hearing date. Any person or public body may submit his/her views to the Committee in writing or in person at the hearing held by the Committee. In addition, the applicant and/or his/her agent has an opportunity to make comments at the Hearing.

City Staff as well as the Committee of Adjustment Members will perform a site inspection of the property prior to the Public Hearing.

When the Committee has decided on an application, it is required to send a notice of decision to the applicant and/or his/her agent, and any public body or individuals requesting to be notified in writing. When a notice of decision is given, a twenty (20) day appeal period follows. Appeals are made to the Ontario Municipal Board citing reasons for the appeal. Such appeals can be made in three different ways: 1. Any person or public body may appeal the Committee's decision and any condition within twenty (20) days of the notice of decision; 2. The applicant may appeal if no decision is made within ninety (90) days from the date of receipt of the application by the Committee containing the prescribed information; and, 3. Any person or public body may appeal any changed condition imposed by the Committee within twenty (20) days after the notice of changed conditions has been given. Appeals must be completed on the Ontario Municipal Board Appellant Form (A1). A fee of \$125.00 is required by the Ontario Municipal Board to be submitted with appeal requests.

The Committee may impose conditions on its favourable decision respecting an application for land severance. If this is the case, the conditions must be fulfilled within one (1) year of the date of the notice of Committee's decision, otherwise the consent will be deemed to be refused.

PLEASE NOTE:

All prescribed and required information and fees must be submitted.

A rescheduling fee will apply to applications that are requested by the Applicant to be deferred or adjourned to a subsequent Hearing.

The Applicant or authorized Agent must be present at the Hearing.

b) Submission Requirements

The applicant or authorized agent is required to provide appropriate answers to **all** questions on the application form. **All** Owners must provide their signature in question number 18 and number 19, if applicable. If the Owner is a Corporation, the signing officer's name and title must be provided. In addition, an impress of the Corporation's seal is required or alternatively, the signing officer must indicate under their signature "I have the authority to bind the Corporation". As well, all **prescribed** information and any additional information required by the Committee must be provided prior to the processing of the application by the Secretary-Treasurer. It should be noted that if all the required information is not provided, or if the application is not filled out completely, the application shall not be accepted. The completed application should be submitted together with the following:

1. Fifteen (15) copies of a sketch of the property **prepared, signed, dated and sealed by an Ontario Land Surveyor**, such sketches to include:
 - the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
 - the approximate distance between the subject land and the nearest township lot line or landmark (i.e., bridge, railway crossing etc.);
 - the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
 - the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
 - 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 (i.e., buildings, railways, roads, watercourses, drainage ditches, river/stream banks, wetlands, wooded areas, wells, septic tanks, etc.);
 - the current uses on adjacent lands (i.e. residential, agricultural, commercial);
 - the location, width and name of any roads, unopened road allowances, private roads or rights-of-way which are within or abut the subject land;
 - the location and nature of any easement affecting the subject land.

NOTE: All measurements on the required sketch must be in metric (O. Reg 547/06).

2. In the case of multiple applications, one set of fifteen (15) sketches plus one extra copy for each additional application is required.

(If consideration is being made for more than two (2) Consents from the same property, you must discuss process with Planning Division Staff prior to application.)
3. A registered deed, including a full legal description of the subject land, must be provided as well as the Property Identification Number (P.I.N.) Abstract sheet.
4. A copy of the mortgage document must be provided if the purpose of the consent application is for the partial discharge of a mortgage.
5. The Niagara Peninsula Conservation Authority (NPCA) Plan Review Fee, if required. City Staff will screen the Application and advise if the NPCA fee is applicable. The NPCA fee schedules are attached.
6. The Niagara Region Review Fee, if required. City Staff will screen the Application and advise if this fee is applicable with a cheque made payable to the Region of Niagara.
7. The Consent Application Fee. A cheque should be made payable to the City of Welland for each application submitted.
8. The Applicant is required to complete the attached Environmental Site Screening Questionnaire and submit it with the Application.

NOTE: All dimensions on the Application must be in metric (O. Reg. 547/06).

c) **Regional Municipality of Niagara Review Fees**

All consent applications are screened to determine if circulation is required to The Regional Municipality of Niagara. Applications situated outside of the Urban Area and/or along a Regional Road will be circulated to the Region. Applications that involve a Regional or Provincial Interest will also be circulated to the Region for their review and comment.

The current Regional Review Fee is applicable to only those applications that require circulation to The Regional Municipality of Niagara.

d) **Prior to Final Certification**

An electronic version of the reference plan (if any) in AutoCAD .DWG format in Version 14 or higher, with the following spatial characteristics:

Map Projection: *Universal Transverse Mercator*
Horizontal Datum: *NAD83 Zone 17 North*
Horizontal Units: *Metres*

The graphics in the drawing must be geographically positioned to 3rd order accuracy. The City's horizontal control network (UTM NAD83) may be used as a control reference and can be accessed on the City of Welland Internet Map Server at the following web address:

<http://gis.welland.ca/wims/login.asp>

Please email the electronic information to christine.rossetto@welland.ca, michael.horsley@welland.ca and christopher.mazzuca@welland.ca and indicate the Consent File Number, name of Applicant and the Reference Plan Number.

d) **List of Contacts**

All applicants are strongly urged to discuss the preliminary proposal with Municipal Staff as well as consult with, if applicable, the Regional Municipality of Niagara, affected Provincial Ministries, agencies, boards, authorities and/or commissions prior to any formal submission. Below please find a list of some of these public bodies and the contact person.

CITY OF WELLAND 60 EAST MAIN STREET WELLAND, ONTARIO L3B 3X4 (905) 735-1700	INTEGRATED SERVICES	ROSE DI FELICE	EXT. 2241
	INFRASTRUCTURE SERVICES	ENGINEERING SERVICES MARVIN INGEBRIGTSEN	EXT. 2209
		TRAFFIC DIVISION DAVID FERGUSON	EXT. 2202
CITY OF WELLAND 99 FEDERAL ROAD WELLAND, ONTARIO L3B 3P2 (905) 735-1700	PUBLIC WORKS	JERRY BOC	EXT. 3003
WELLAND FIRE DEPARTMENT 636 KING STREET WELLAND, ONTARIO L3B 3L1 (905) 735-9922	FIRE AND EMERGENCY SERVICES	DENYS PREVOST	
REGIONAL MUNICIPALITY OF NIAGARA P. O. BOX 1042 2201 ST. DAVID'S ROAD, CAMPBELL WEST THOROLD, ONTARIO L2V 4T7 (800) 263-7215 (905) 685-4225	DEVELOPMENT SERVICES DIVISION MINISTRY OF NATURAL RESOURCES MINISTRY OF AGRICULTURE & FOOD MINISTRY OF ENVIRONMENT AND ENERGY	LINDSAY EARL (PLANNING) CARMEN VETRONE (ENGINEERING, PLANNING AND DEVELOPMENT)	EXT. 3387
MINISTRY OF NATURAL RESOURCES NIAGARA AREA OFFICE 4890 VICTORIA AVENUE NORTH P. O. BOX 5000 VINELAND STATION, ONTARIO L0R 2E0 (905) 562-4147			
MINISTRY OF TRANSPORTATION CORRIDOR MANAGEMENT OFFICE 7TH FLOOR, BUILDING D 1201 WILSON AVENUE DOWNSVIEW, ONTARIO M3M 1J8 (416) 235-5383		ADRIAN FIRMANI	
NIAGARA PENINSULA CONSERVATION AUTHORITY 250 THOROLD ROAD, 3RD FLOOR WELLAND, ONTARIO L3C 3W3 (905) 788-3135		SUZANNE MCINNES	
MINISTRY OF THE ENVIRONMENT WEST-CENTRAL REGION TECHNICAL SUPPORT SECTION AIR, PESTICIDES & ENVIRONMENTAL PLANNING 12 TH FLOOR, 119 KING STREET WEST HAMILTON, ONTARIO L8P 4Y7 (905) 521-7864		BARBARA SLATTERY	

N.B. This list is not comprehensive.