

THE COMMITTEE OF ADJUSTMENT:

The Town of Fort Erie has established a Committee of Adjustment to regulate Minor Variance and Consent applications. The Committee is made up of seven members, appointed by Town Council to serve a four year term.

The function of the Committee of Adjustment is to review the application, staff and agency comments on applicable planning policies and regulations, information provided by the applicant, as well as the input of any neighbours. As part of their review of this information, the Committee must satisfy themselves that the application constitutes good planning for the municipality.

WHEN IS A SEVERANCE (CONSENT) REQUIRED?

A land severance is the authorized separation of a piece of land to form a new lot or a parcel of land, this is commonly known as a **consent**. The Planning Act requires that a land severance, or consent, be obtained whenever you wish to sell, mortgage, charge or enter into any agreement (at least 1 years) a part of your lands. In addition to the division of land, establishing rights-of-way, easements and any changes to your existing property boundaries also require a severance. In the Town of Fort Erie, you must obtain the permission to sever land from the Town's Committee of Adjustment.

SEVERANCE (CONSENT) PROCESS:

1. Pre-consultation application and process.
2. Receipt of Formal Application and Fee's
3. Notice of Public Hearing – sent to staff/agencies and residents within 60 metres
4. Applicant Posts of Minor Variance Sign on subject property for a minimum of 14 days
5. Committee of Adjustment Report provided to applicant with received comments
6. Public Hearing – applicant/agent must be in attendance
7. Verbal Decision – Approval, Refusal or Deferral
8. Written Notice with Decision provided to applicant and anyone who provides a written request, within 15 days of the hearing, outlining any conditions of approval
9. 20 day appeal period
 - a. If no appeals received – applicant can commence with fulfilling imposed conditions
 - b. If appeal(s) received – sent to Ontario Municipal Board with \$300 fee for review and an OMB Hearing is scheduled which may take 6 or more months.
10. Conditions of severance must be satisfied within one (1) year of the decision

WHAT IS PRE-CONSULTATION?

Pre-consultation is an informal process to allow applicants to review their development proposal with Town Staff and other key agencies as applicable when the proposal is preliminary. This provides for early identification of issues, constraints and opportunities.

The Pre-consultation Process will provide the applicant with information on what applications, studies and documentation or processing fees are required

HOW IS THE LAND SEVERANCE APPLICATION EVALUATED?

In considering each application for land severance, the Committee of Adjustment evaluates the merits of each proposal against criteria such as:

- Conformity with Provincial and Regional policies;
- Compliance with the Town's Official Plan and Zoning By-law;
- Suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created, vehicular access, water supply and sewage disposal

WHAT ABOUT CONDITIONS OF APPROVAL?

A severance approval may have certain conditions attached to it including requirements for road widening, parkland dedication, or a rezoning (or minor variance) to allow a new land use. In addition, the property owner may be required to enter into an agreement with the Town to provide future services or facilities.

If all conditions are not satisfied within the one year time period, the application is deemed to be refused and the approval will lapse.

When the applicant has satisfied or fulfilled all the conditions, the Secretary of the Committee of Adjustment issues a certificate for the new lot and the severance goes into effect.

If you require a building permit it may be submitted after the decision of the Committee of Adjustment to allow building staff to start the review process. Please be advised however, that a building permit will not be issued until the final consent certificate has been issued.

WHEN ARE HEARINGS SCHEDULED?

Committee of Adjustment Meetings are generally held on the 3rd Thursday of each month except for April, May, September and October where meetings are held on the 2nd and 4th Thursday of the Month.

Meetings may be cancelled or re-scheduled at the discretion of the Secretary-Treasurer as required. Please refer to the hearing schedule available at Town Hall or online at <http://www.forterie.ca/pages/CurrentConsentApplications>. This schedule provides application submission deadlines and hearing dates

For more information please contact:

Cara Raich, Secretary-Treasurer to the Committee of Adjustment

Telephone: (905) 871-1600 ext. 2508 Fax: (905) 871-6411

Email: craich@forterie.ca

HOW DO I APPLY FOR A SEVERANCE?

Once the Pre-Consultation application process has been completed the Consent application may be submitted with the following:

- 1) **Consent Application form** One original application form for each parcel of land.
- 2) **Sketch (8.5" x 14") and Key Map**
3 copies of a preliminary survey **showing measurements in metric**, which has been prepared, dated, signed and sealed by an Ontario Land Surveyor, showing all information as outlined in the application.
- 3) **Property owner site access permission form and owner/agent authorization**
- 4) **Application Fees:** made payable to the respective agency.

Town of Fort Erie: (includes \$10.00 surcharge for Lot Grading Poster)	
Per Lot (Residential)	\$1375
Per Easement (Residential)	\$177
Pre-Consultation Fee (deducted from consent application fee)	(\$228)
Per Lot (Commercial/Industrial/Institutional)	\$1788
Per Easement (Residential)	\$242
Pre-Consultation Fee (deducted from consent application fee)	(\$287)
Boundary Adjustment (Residential)	\$1022
Boundary Adjustment (Commercial/Industrial/Institutional)	\$1167
Pre-Consultation Fee (deducted from consent application fee)	(\$172)
Niagara Peninsula Conservation Authority (NPCA):	
Properties near a waterbody/water course or lands designated "hazard" <i>Please consult with planning staff to see if your application is subject to this fee and if a pre-consultation with the NPCA is necessary.</i>	\$570
Niagara Region:	
Within Urban Boundary:	\$630
Rural/Outside Urban Boundary:	\$885
Private Sewage System Review (Should either municipal sewer or water services be unavailable, and the application pertains to property requiring Private Sewage Systems. An inspection by the Region's Public Works may be required)	\$400
Other Fees:	
Adjournment Fee: should the applicant fail to appear at the hearing or request an adjournment (50% of application fee)	50%
Special Hearing	\$613
Request Change in Condition of Consent	\$354
Final Certification– review and certification of deeds	\$177



2021

CONSENT PROCEDURES (Severance, Boundary Adjustment, Easement)

**Town of Fort Erie
Committee of Adjustment**

**Municipal Centre
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6**

**Telephone: (905) 871-1600
Fax: (905) 871-6411**

Please visit our website for further details:

www.forterie.ca/pages/DevelopmentApprovals