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## Minor Variance Submission Requirements

As of March 2020, all Minor Variance applications must be submitted through ePLAN. Please visit [www.markham.ca/ePLAN](http://www.markham.ca/ePLAN) for more information.

Please be advised that the application **will not be circulated for review** if the following items are not included:

- [ePLAN Supporting Information Form](#) (all sections must be complete)
- Application Fee (refer to [Fee By-law 211-83](#), as amended)
- Proof of Ownership (Tax Bill or Deed of Land)
- Survey Plan
- Site Plan or a sketch showing the full extent of the property including all trees on site and the proposed development (see page 2 for additional details).
- Elevation Plans and Floor Plans of all floors (if applicable)
- Zoning Changemarks Report (optional)
  - Zoning comments received from a Zoning Preliminary Review (ZPR), Housing Permit (HP), Non-Housing Permit (NH), or a Site Plan Control Application (SPC)

### Types of Application

#### 1) **Section 45(1) Minor Variance**

A minor variance is a small variation from the requirements of the Zoning By-law. A minor variance approval is a permission that allows the property owner to obtain a building permit even though the property does not comply precisely with the Zoning By-law. Under Section 45(1) of the *Planning Act*, there are four tests a minor variance must meet:

- Is the application minor?
- Is the application desirable for the appropriate development of the lands in question?
- Does the application conform to the general intent of the Zoning By-law?
- Does the application conform to the general intent of the Official Plan?

#### 2) **Section 45(2)(a) - Permission**

An application may be filed with the Committee of Adjustment for permission which entails either of the following:

- The enlargement or extension of a legal non-conforming building or structure; or,
- The conversion of the use of land, building or structure from a legal non-conforming use to a similar legal non-conforming use or to a use which is more compatible with the uses permitted under the relevant Zoning By-law.

#### 3) **Section 45(2)(b) – Interpretation of General Terms**

An application may be made to the Committee of Adjustment for clarification of the uses permitted by Zoning By-law. Where such uses are defined in general terms the Committee is empowered to permit the use of land, building or structure for any purpose that the Committee considers as being in conformity with the uses permitted by the By-law.



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## Application for Minor Variance or For Permission

for applying under Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

It is the responsibility of the owner or authorized agent to provide complete and accurate information at all times. The Supporting Information Form will not be accepted until such time as all questions have been answered and all requirements have been met in the manner requested. Please read the following carefully:

Any rezoning and/or site plan approvals are to be obtained prior to the variances being dealt with. The owner or applicant shall not cause any trees on the property to be removed without the prior approval of the Commissioner of Development Services.

**APPLICATION:** A [Supporting Information Form](#) is to be submitted. The wording of the application is contained in Ontario Regulation 200/96, of the *Planning Act*, R.S.O., 1990 (as revised). **Please answer all questions in full detail.**

**FEE:** See [Fee By-law 211-83](#), as amended. Make cheques payable to City of Markham.

**OWNERSHIP:** Proof of ownership is to accompany each application (copy of first page of registered transfer, deed of land or current tax bill).

**Zoning Information** Zoning designation and section information can be received by completing a [Zoning Search](#) at:  
Or by completing a [Zoning Preliminary Review](#):

- PLANS:** All drawings submitted must show the following:
- i. The boundaries and dimensions of the subject land.
  - ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
  - iii. The approximate location of all natural and artificial features on the subject land and on 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.
  - iv. The current uses on land that is adjacent to the subject land.
  - v. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
  - vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
  - vii. The location and nature of any easement affecting the subject land.



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**POSTING OF SIGNS:** The *Planning Act* requires that a “NOTICE OF HEARING” sign be posted on the property prior to the public hearing. Digital photographs confirming that this has been done is also required. Failure to do one or both will result in a delay to your application. Please see below for instructions.

**APPEALS:** When filing an appeal to the Ontario Land Tribunal (OLT), please note there will be a charge of \$400.00 (a cheque made payable to the Minister of Finance) and there will be an additional City of Markham administration fee of \$281.00 + HST (a separate cheque made payable to City of Markham) made at the time of the appeal submission to the Committee of Adjustment.

## **Requirements for the Posting of Signs**

The *Planning Act* requires that a “Notice of Hearing” sign be erected on the subject property prior to the public hearing. The owner or authorized agent will be required to provide digital photographs confirming that the sign has been posted no later than 14 days prior to the date of hearing. Signs and stakes will be supplied by the Municipality.

**Failure to place the sign on the subject property within the required time limits will result in removal of the application from the agenda.**

**TIMING**                                 **The variance application sign shall be erected no later than 14 days prior to the hearing date.**

The applicant or agent will be advised of the date of the public hearing and the last day on which the sign must be placed on the subject property.

**LOCATION**                                 Unless otherwise directed by the Secretary-Treasurer, the sign shall be posted in a location that is clearly visible and legible from a public highway, or other place to which the public has access.

Signs shall not be obscured from view by vegetation or other obstructions. Signs shall not be erected on any municipal property or on the right-of-way of any public highway. Signs shall not be located closer than within 1.0 m (3.28 feet) of any driveway.

**PHOTOGRAPHS**                         Digital photographs must be taken and submitted to the City on the date of posting. Photographs are to be sent to: [COA@markham.ca](mailto:COA@markham.ca).