



FENCE AND SIGN BYLAW VARIANCE COMMITTEE

Town of Newmarket

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POLICIES AND PROCEDURES REGARDING APPLICATIONS FOR VARIANCE UNDER THE FENCE AND SIGN BY-LAWS OF THE TOWN OF NEWMARKET

1. Applications for Variance to the provisions of the Fence or Sign By-laws shall be by way of a completed Form 1 submitted to the Secretary/Treasurer of the Committee.
2. The proper fee as determined from time to time must accompany each application or the application will not be processed.
3. If the matter is within the discretionary limits of the Chief Building Official or their Deputy (C.B.O.) as set out in the governing by-law, the C.B.O. will make a decision and a written decision will be given to the Applicant by way of a completed Form 3.
4. If the Applicant does not agree with the Decision of the C.B.O., then the Applicant may appeal the C.B.O.'s decision to the Variance Committee by filing a completed Form 4, together with the additional fee required to the Secretary-Treasurer within 20 days of the date the Decision was made.
5. If the matter is not within the discretionary limits of the Chief Building Official, then a Notice of Application and Hearing in Form 5 will be circulated at least 10 days prior to the hearing date, to:
 - a) the Applicant(s) and their agent or representative (if any)
 - b) all owners of property touching the Applicant's property
 - c) Engineering, Capital Projects & Asset Management Services, Building and By-laws and Planning
6. A public hearing will be held no earlier than 10 days after sending the Form 5 Notice and the Variance Committee will hear evidence, consider any Town reports and consider submissions by interested parties.
7. The Variance Committee will then make its decision. In making its decision the Variance Committee shall have regard to the following criteria:

- a) Construction factors such as design, structural integrity and/or ease of maintenance
- b) Costs
- c) Need for security
- d) Need for privacy
- e) Compatibility with adjoining uses
- f) Compatibility with the neighbourhood
- g) Sight lines
- h) Grade differences
- i) Performance standards for the zone of the property

8. A Notice of Decision and Report of Committee pursuant to Section 11(3) of the *Municipal Act* and in Form 5 will be forwarded to all parties requesting notification of the decision within 5 days of the decision being made. The Report will summarize the evidence and arguments presented by the parties, the findings of fact made by the Committee and the recommendations of the Committee with reasons.
9. If no requests for review by Council are received within 20 days of the date of the sending of Form 6 then the Decision of the Committee will be deemed final. If a request for review is received then Council will deal with the matter.
10. The Report of Committee pursuant to Section 11(3) of the *Municipal Act* will be placed before a subsequent Council meeting for consideration and disposition by Council.
11. The provisions of the *Municipal Act*, s. 11(3) will be followed under the terms of this policy.

**APPLICATION FOR VARIANCE
TOWN OF NEWMARKET
SIGN BY-LAW OR FENCE BY-LAW**

File Number: _____

Form 1

1. This Application is for a variance from the provisions of

- a) the Fence By-law _____
- b) the Sign By-law _____

2. Owner's Name: _____

3. Address: _____

4. Short Legal Description of the Subject Property:

5. Municipal Address of Subject Property if different than above:

6. Is a survey of the property available? _____
If yes, please attach a copy to this Application.

7. Assessment Roll Number: _____

8. Phone: Home: _____
Work: _____
Fax: _____
E-Mail: _____

9. Agent's Name: _____

10. Address: _____

11. Phone: Home: _____
Work: _____
Fax: _____
E-Mail: _____

12. Short description of variance requested (Please attach a sketch or sketches to illustrate the variance requested):

13. Reasons for the request for variance:

14. Have you discussed this application with the owner(s) of the property immediately touching your property? _____

15. Do you have the written consent of your neighbour(s) to this variance? __
If yes, please attach the consent(s) to this form.

16. Has there been a Line Fence Application relating to this property? _____

17. Are there any easements located on the subject lands? _____
If yes, please attach a copy of the easement.

I/We declare that the contents of this Application are true to the best of my/our knowledge and belief.

For purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, by signing below, you authorize and consent to the use by or disclosure to any person or public body of any personal information in this application that is collected under the authority of the *Municipal Act* for the purpose of processing your application.

Dated at _____, this _____ day of _____, 20 ____.

The personal information on this form is collected under the *Planning Act*, R.S.O. 1990, c.P.13, as amended. The information is used for the purpose of processing your application. If you have any questions about this collection of personal information, please contact the Clerks Department, Town of Newmarket, at (905) 953-5300 Ext. 2200.

**NOTICE OF APPLICATION
WITHIN THE DISCRETIONARY LIMITS
OF STAFF REGARDING A VARIANCE REQUEST
TOWN OF NEWMARKET
SIGN BY-LAW OR FENCE BY-LAW**

File Number: _____

Form 2

This is to advise you that an Application has been made by _____

for a variance from:

- c) the Town of Newmarket Fence By-law _____
- d) the Town of Newmarket Sign By-law _____

To permit (enter relief requested)

This Application is within the discretionary limits of the Chief Building Official for the Town Of Newmarket.

Dated this day of , 20 .

Secretary/Treasurer
Fence and Sign By-law Variance Committee

**NOTICE OF DECISION
REGARDING A VARIANCE REQUEST
TOWN OF NEWMARKET
SIGN BY-LAW OR FENCE BY-LAW**

File Number: _____

Form 3

The application made by the Owners of _____
is within the discretionary limits of the Chief Building Official for the Town of
Newmarket and the decision of the Chief Building Official for the Town of
Newmarket utilizing the criteria set out in the policies and procedures regarding
applications for variance under the Fence and Sign by-laws of the Town of
Newmarket is as follows:

- a) the variance is **granted** _____
- b) the variance is **granted in part** _____
- c) the variance is **denied** _____

The reasons for the decision are as follows:

Dated at Newmarket, this _____ day of _____, 20 .

Chief Building Official or Deputy
Chief Building Official

NOTE: If you are not satisfied with this Decision of Staff you may appeal the decision to the Town of Newmarket Variance Committee by filing a Form 4 with the Secretary/Treasurer of the Variance Committee and paying the required fee within 20 days of the date of this decision.

**NOTICE OF APPEAL
FROM A STAFF DECISION
REGARDING A VARIANCE REQUEST
TOWN OF NEWMARKET
SIGN BY-LAW OR FENCE BY-LAW**

File Number: _____

Form 4

I/We hereby appeal the Decision of Staff dated the _____ day of _____, 2009.

The reasons for the appeal are as follows:

(Attach additional pages if necessary.)

The appropriate appeal fee payable to the Treasurer, Town of Newmarket is attached.

Dated this _____ day of _____, 20____.

**NOTICE OF APPLICATION AND HEARING
REGARDING A VARIANCE REQUEST
TOWN OF NEWMARKET
SIGN BY-LAW OR FENCE BY-LAW**

File Number: _____

Form 5

This is to advise you that an Application has been made by _____

for a variance from:

- a) the Town of Newmarket Fence By-law _____
- b) the Town of Newmarket Sign By-law _____

To permit (enter relief requested) _____

**The hearing of this Application will be held at the Town of Newmarket
Municipal Offices, 395 Mulock Drive, Newmarket, Ontario on
the _____ day of _____, 20____, at
10:00 a.m. in the Council Chambers.**

If you do not attend the Hearing the Committee will deal with the matter in your absence. If you are not able to attend and wish to send written comments, please do so at least one day before the scheduled hearing date. If you are not able to attend and wish to be advised of the decision of the Committee, please advise the Secretary/Treasurer of the Committee in writing prior to the hearing of the matter.

Dated this _____ day of _____, 20____.

Secretary/Treasurer
Fence and Sign By-law Variance Committee

**NOTICE OF DECISION AND
REPORT OF THE VARIANCE COMMITTEE
REGARDING A VARIANCE REQUEST
TOWN OF NEWMARKET
SIGN BY-LAW OR FENCE BY-LAW**

File Number: _____

Form 6

The Application made by _____
for variance from the Town of Newmarket Sign/Fence By-law regarding the property
municipally known as _____
was heard on _____

After considering the evidence before the Committee, it is the decision of the
Committee to _____ the Application.

A summary of the evidence heard and arguments made by the parties is attached to
this Decision.

The reasons for the recommendation and findings of fact are as follows:

If you are not satisfied with the Decision contained in this Notice, then you may
request a review of the Decision by the Council of the Town of Newmarket by filing
written request for review of the Decision in Form 7 with the Clerk of the Town of
Newmarket (copy to the Secretary/Treasurer, Fence and Sign By-law Variance
Committee) within 20 days of the date of this Notice.

If no request for review is received by _____ then the Decision
will become final.

Dated this _____ day of _____, 20 _____.

Secretary/Treasurer
Fence and Sign By-law Variance Committee

**REQUEST FOR REVIEW OF THE
NOTICE OF DECISION AND
REPORT OF THE VARIANCE COMMITTEE
REGARDING A VARIANCE REQUEST
TOWN OF NEWMARKET
SIGN BY-LAW OR FENCE BY-LAW**

File Number: _____

Form 7

TO: Clerk, Town of Newmarket

The undersigned hereby request the Council of the Town of Newmarket to review the Notice of Decision and Report of the Variance Committee dated _____ .

The reasons for this request for review are as follows:

Dated this _____ day of _____, 20 .

FEE SCHEDULE

VARIANCE APPLICATIONS UNDER THE TOWN OF NEWMARKET SIGN OR FENCE BY-LAWS

As of January 1, 2016

Applications within the jurisdiction of staff	\$ 83.70
Applications to the Variance Committee	\$494.38

(Plus applicable taxes)

Please make payable to: **Treasurer – Town of Newmarket** and are non-refundable.