



COMMITTEE OF ADJUSTMENT

Terms of Reference

Mandate

The Committee of Adjustment is a quasi-judicial body with authority delegated to it by the Township of Black River-Matheson, under the provisions of the Ontario Planning Act, to hold public hearings and to make decisions on applications for:

1. Minor variances and alterations in legal non-conforming use
2. Consents: severances, boundary adjustments, easements, leases, (partial discharge) mortgage or charge
3. Fence variances
4. Sign variances
5. Appeals of property standard orders

The Committee of Adjustment will not be responsible for the following:

1. Undertaking or directing the daily operations of the township.
2. Administrative matters including directions to staff.
3. Reviewing staff structure, staff compensation, or other staffing related matters.
4. Preparing, approving or delivering the annual budget and capital projects.
5. Performing project and program implementation, unless assigned by Council.
6. Reviewing any matter that may be subject to the township's closed meeting provisions.
7. Acting as a forum to debate decided matters of Council, or a forum to organize political advocacy for Council to reconsider decided matters.

Committee Structure

1. The Committee shall be composed of six (6) members, selected by Council as follows:
 - a) Two (2) Members of Council
 - b) Four (4) Eligible Members of the Public as appointed by Council
2. Eligible members of the public are those who are entitled to be an elector in the township under section 17 of the Municipal Elections Act. For clarity, members do not necessarily have to be Canadian Citizens, but must reside in Black River-Matheson or be a property owner (personal or business).
3. Employees of the Township of Black River-Matheson are not eligible to serve on township committees. Immediate family members of employees are eligible.

General Rules of Operation

1. The Committee of Adjustment, upon the application of the owner of any land, building or structure affected by any Zoning By-Law, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee the general intent and purpose of the by-law and the official plan, if any, are maintained.
2. In addition to the above, the Committee, upon any such application:
 - a) Where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law, may permit,



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- i. the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under (ii) below continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or
 - ii. the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee, or
- b) Where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.
3. The Committee is subject to the rules established in Council's Code of Conduct and Council's Procedural By-Law. All meetings of the Committee are open to the public, and rules governing the procedure for Council meetings shall be observed by the Committee insofar as they are applicable.
 4. The Committee will meet on an as required basis, determined upon the volume of planning applications received.
 5. The Committee may establish a particular day or time for a meeting but such days or time shall not interfere with the meetings of Council or the Planning Advisory Committee.
 6. All appointed members will be voting members, and a quorum of the Committee shall be the majority of those appointed by Council as members of the Committee.
 7. If the Committee refuses or neglects to give due consideration to any matter assigned to it or before it, the Committee may, by Council resolution, be discharged of its responsibilities.

Role of Council Representatives

1. The Council Representatives are participating voting members of the Committee

Election and Role of Committee Chair

1. A committee Chair and Vice-Chair will be elected for the term of the committee from the committee members to preside over meetings and committee business.
2. The Chair's role is to:
 - a) In accordance with the township's Procedural By-Law, preside at all meetings, and control proceedings and discussion to ensure smooth transition of the business as listed on the agenda.
 - b) Vote on all matters requiring a formal motion.
 - c) Report on the activities of the Committee of Adjustment to Council as required.

Role of Committee Members

The Committee Members shall:

1. Report to the Chair any issues that they feel should be addressed by the Committee.
2. Attend and participate in Committee meetings.



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3. Contribute time, knowledge, skill and expertise during meetings in order to fulfill the Committee's mandate and report their concerns and issues to the Committee.
4. Abide by the procedural decisions made by the Chair.
5. Disclose any pecuniary interests per the requirements of the *Municipal Conflict of Interest Act*.
6. Actively participate in carrying out the responsibilities of the Committee of Adjustment.
7. Be considered to be voting members of the Committee.

Role Of Staff

1. Corresponding with members of the Committee.
2. Is without voting privileges.
3. Act as the Committee Secretary, including meeting package preparation.
4. Research reports and prepare meeting packages in co-operation with the Chair.
5. Give notice of meetings and prepare all associated correspondence.
6. Preserve all records and correspondence in accordance with the township Records Retention By-law and other legislative requirements,
7. Act as a resource personnel for township policies and procedures.

Reporting Requirements

Committee minutes are to be provided to the Clerk for insertion on the Council agenda. Recommendations for Council's consideration are to be presented to Council in a report format under signature of the CAO.

Financial Planning

1. All members shall serve without compensation.
2. Reimbursement for travel and other expenses incurred in the performance of Committee duties will be paid in accordance with the township's policies.
3. Any financial requirement of the Committee shall be approved by Council prior to any expenditure.

Term

The term of the Committee shall run concurrent with the term of Council.