

## **COMMITTEE OF ADJUSTMENT**

### **Terms of Reference**

The Planning Act, R.S.O. 1990, C. P.13, Section 44 (1)

#### **1. Mandate of the Committee of Adjustment**

The Committee of Adjustment is a statutory tribunal with authority delegated to it by the Municipality of Chatham-Kent Council, under the provisions of the *Ontario Planning Act*, R.S.O. 1990 c. P. 13, to hold public hearings to make decisions on applications submitted to the Municipality of Chatham-Kent for minor variances, alterations to legal non-conforming uses, and consents or severances. The Committee operates independently from Council and its decision may be appealed to the Local Planning Appeal Tribunal.

Specifically, under the current delegation by-law, the Committee of Adjustment has the authority to:

- Grant minor variances from the Zoning By-law, Fencing By-law and Sign By-law.
- Grant the extension or enlargement of a legal non-conforming use.
- Grant consents to sell, convey or transfer an interest in "part" of an owner's land, except for new lot creation on lands designated for employment land uses or commercial land uses in the Official Plan and/or on lands zoned with an industrial or commercial land use classification in the Zoning By-law.
- Grant consents when the terms of an agreement commits the land to a use for a period in excess of 21 years (i.e. lease, easement or mortgage).
- Issue a Certificate of Validation.
- Give approval of a foreclosure or exercise of Power of Sale in Mortgage or Charge.
- Combined consent and minor variance applications.

#### **2. Composition of the Committee of Adjustment**

The Committee of Adjustment is composed of six (6) members, consisting of one (1) representative from each Ward of Chatham-Kent, who demonstrate the following qualifications:

- A commitment to and interest in the community.
- An understanding of the planning framework and planning instruments including the Chatham-Kent Official Plan, Zoning By-law, and the Provincial Policy Statement.
- Organized, available and committed to attending all Committee meetings.
- Objective and have an open mind in order to fully consider the evidence provided.
- Access to a computer and an e-mail address in order to receive and respond to Committee communications and information, including hearing and application notices and agenda packages with large text and graphic files.

Applications for the Committee of Adjustment appointments are requested at the beginning of the term of Council and six (6) members are appointed by resolution of the Council for the term of Council.

### **3. Membership Eligibility and Term of Membership**

In order to represent their Ward on the Committee, the candidate must be at least 18 years of age. Preference will be given to the appointment of persons who are the owner or tenant of land or the spouse of said owner or tenant of land in the Municipality of Chatham-Kent.

### **4. Recognition of Retiring Members**

Retiring members will receive a letter of appreciation on behalf of the Mayor and Council at the end of their term if they are not reappointed, or if they voluntarily retire from their position on the committee.

### **5. Role of Committee of Adjustment Members and Meeting Procedure**

Members are responsible to conduct a site visit to the respective property if necessary prior to the committee meeting date. During the meeting, members listen to the planning evidence being presented, the applicant's presentation and also have the opportunity to ask questions should any outstanding information still remain. Once all the information is presented, each member votes on the proposal.

At the first meeting of each year, the committee should elect a Chairperson and a Vice-Chairperson. Meetings are held on a monthly basis beginning at 9:00 a.m. in the Council Chambers at the Civic Centre.

As per the *Planning Act*, where a Committee of Adjustment is composed of more than three members, three members constitute a quorum.

### **6. Staff Support to the Committee of Adjustment**

The Director of Planning Services acts as the Secretary-Treasurer for the Committee. In addition, there is one Assistant Secretary-Treasurer, which has the authority to sign decisions of the committee, as well as certify deeds resulting from the approval of consents. A Municipal Planner is present to provide planning support and an Administrative Assistant is present to document the Records of the Meeting.

### **7. Reports to Council**

Reports to Council are provided on a monthly basis advising Council of the decisions of the Committee.

### **8. Mileage and Per Diem**

The members of the committee are paid a per diem of \$50.00 per meeting plus mileage for each meeting they attend.