




South Huron Committee of Adjustment

Information Session – July 4, 2017

Committee of Adjustment (CoA)

The Committee Adjustment is a **quasi-judicial** body appointed by Council. It derives its jurisdiction from the *Planning Act* of Ontario, section 45.



Committee of Adjustment Mandate


The mandate of the South Huron Committee of Adjustment is:

To consider and make decisions on applications for Minor Variances from the provisions of a zoning by-law.



Guiding Legislation, Policies & Documents

In exercising their authority the CoA is guided by:

- Provincial Planning Act;
 - Provincial Policy Statement;
 - Municipal Official Plan;
 - Municipal Zoning By-Laws
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Guiding Legislation, Policies & Documents


The CoA is also regulated by:

- Municipal Conflict of Interest Act;
- Municipality of South Huron Procedural By-Law;
- Municipality of South Huron Code of Conduct.

Hearings

CoA hearings are open to the public.

An interested party can appear before the Committee to present their views in support of or in opposition to an application.



Preparing For A Hearing

Hearing preparation involves:

- Reviewing materials provided by the Secretary-Treasurer prior to the hearing;
- Site inspection prior to the meeting if deemed necessary.

Site Inspection Guidelines


Members require:

- Location map;
- Permission to enter property;
- Photo I.D.


There must be no discussion:

- Between CoA Member and applicant/agent during site inspection or prior to hearing;
- Amongst CoA Members regarding an application prior to hearing.


Justice During the Hearing

- Conflicts of Interest – declare, leave;
 - Minds not made up prior to hearing;
 - Show fairness;
 - Separate personal views from law;
 - Explain reasons for decision;
 - Ensure justice is done and is seen to be done.
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Chair's Role During Hearing

- Guide Committee through Agenda;
 - Maintain decorum of hearing to ensure a fair hearing;
 - Comments from Members, Applicant and Public directed through Chair;
 - Ensure stakeholders have received information and may comment;
 - Explain decision and reasons.
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Hearing Best Practices

- CoA Members conduct themselves with professional integrity and respect;
 - Maintain “Arm’s Length” relationship between Committee and Council;
 - Ensure all stakeholders are provided information and opportunity for input;
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Decisions – Planning Act, s.45(8)

- Must be made by a majority of Members;
 - Must contain reasons;
 - Must be in writing;
 - May include imposed conditions;
 - Must be signed by Members who concur with decision.
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Decisions – Best Practices


- Reasons for approval or denial are in decision, including how public/agency input impacted the decision;
 - Decisions include appropriate and enforceable conditions;
 - Defer decisions when appropriate with reasons for deferral and clear timeframe for re-hearing of application.
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Decisions – Four Tests

1. Does it maintain general intent of Official Plan?
 2. Does it maintain general intent of Zoning By-Law?
 3. Is relief being sought desirable for the appropriate development or use of the land?
 4. Is the proposal minor in nature?
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1st Test For Requested Variance

Does it maintain general intent of Official Plan?

- OP is overall master planning document;
 - It contains objectives & policies to guide future land use and development;
 - Statutory requirement in Planning Act - decisions of planning tribunals must be consistent with government policy statements.
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2nd Test For Requested Variance

Does it maintain general intent of Zoning By-Law?

- Zoning by-laws set out specific regulations such as front, side or rear yard set-backs, building size, height and use, parking requirements etc.;
 - Is proposed development consistent with set-backs, building size etc.
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3rd Test For Requested Variance

Is relief being sought desirable for the appropriate development or use of the land?

- Is it desirable from a planning and public interest perspective?;
- Does it follow existing pattern of development?

4th Test For Requested Variance

Is the proposal minor in nature?

- Size of impact, not just measurements;
- Impact on neighbouring properties - loss of sunlight, privacy, spacing;
- Access, drainage, trees, traffic, noise issues;

Committee of Adjustment Composition

South Huron CoA is comprised of all Members of Council.

Options for Committee Composition:

- All of Council
 - Council and Public Members
 - All Public Members
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Questions?