



Town of Newmarket

TERMS OF REFERENCE

NAME: Committee of Adjustment

REPORTS TO: Council

STATUS: Statutory

ESTABLISHED: January 11, 1971

ENABLING LEGISLATION/AUTHORIZING BY-LAW

The Committee of Adjustment is authorized under the *Planning Act R.S.O, c. P.13, s.44 (1)* and By-law Number 1971-2.

The Committee of Adjustment is required to adhere to the provisions outlined in the *Planning Act*, Town's Procedural By-Law 2013-46, as amended from time to time, Committee Public Appointment Policy, and Committee Administration Policy.

MANDATE

The Newmarket Committee of Adjustment is a quasi-judicial body that considers applications from property owners. Council does not ratify the decisions of the Committee. If any individual (or the Town Council) wishes to appeal a decision of the Committee, it must do so to the Ontario Municipal Board.

The Committee will be responsible for considering applications for the following:

- Minor Variances from the provisions of the Zoning By-law.
- Extensions, enlargements or variations of existing legal non-conforming uses under the Zoning By-law.
- Land Division (severing a new lot from an existing lot, adding land to an existing lot, easements, mortgages or leases in excess of 21 years).
- Determine whether a particular use conforms with the provisions of the Zoning By-law where the uses of land, building or structures permitted in the by-law are defined in general terms.

Deliverables

The Committee will accomplish its mandate by:

- Reviewing the merits of the application, the documentation and evidence put forward and rendering decisions on the applications, in accordance with the requirements of the Planning Act.
- Hearing presentations from property owner(s), applicants, or authorized agents(s)

- Making a decision based on the presentation by the property owner(s), authorized agent(s), and the staff report to the Committee of Adjustment.
- Approving, refusing, tabling, deferring or modifying the recommendations of the staff report to the Committee of Adjustment.

Strategic Plan Linkages

This mandate meets the following Corporate Strategic Goal:

- *Well-equipped and managed.* By ensuring an ideal mix of residential, commercial, industrial and institutional land use.

This mandate meets the following Council Strategic Priority:

- *Efficiency/ Financial Management.* Ensuring effective and efficient services.

COMMITTEE COMPOSITION AND STAFF RESOURCES

The Committee of Adjustment will be composed of:

- Five (5) residents
- One (1) resident alternate

The Committee of Adjustment will be supported by:

- Planning Staff

Qualifications

Consideration shall be given to inclusion of the following qualifications during the appointment process:

- Residents/property owners;
- Commitment and interest in the community;
- Persons with knowledge of planning and planning legislation;
- Persons with knowledge of building and building legislation;
- Knowledge and interest in the subject area;
- Skills functioning as members of a team;
- Problem solving skills, interpersonal communication skills;
- Facilitation skills.

FREQUENCY OF MEETINGS

Once (1) per month as required, during the day.

BUDGET CONSIDERATION

The fiscal year of the Committee shall be from January 1 to December 31. The Committee will work with the assigned staff resource to submit a budget request that reflects their upcoming year's operating and capital needs, in keeping with corporate budget directions and timelines.

WORK PLAN

A report or presentation summarizing the Committee's accomplishments shall be provided to Council in the fourth quarter annually.

REMUNERATION

- Committee Chair - \$90.00 per meeting
- Member - \$75.00 per meeting

TERM OF OFFICE

A Member's term on the Committee shall be concurrent with the Term of Council, unless otherwise indicated in the Committee's Mandate, or until a successor is appointed.

COMMITTEE REVIEW/SUNSET DATE

Every four years to coincide with the Term of Council or when a change to legislation impacts the obligations and responsibilities of the Committee.