

The Corporation of the Township of North Huron

By-law No. 66-2019

A by-law to adopt Terms of Reference for the Township of North Huron Committee of Adjustment

Office Consolidation of By-law

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The Corporation of the Township of North Huron

By-law No. 66-2019

**A by-law to adopt Terms of Reference for the Township of North Huron
Committee of Adjustment**

WHEREAS Section 5(3) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides that municipal power shall be exercised by by-law,

AND WHEREAS Section 5.8(d) of the Council and Committee Procedure By-law states that Council shall adopt a Terms of Reference for every Committee of Council,

AND WHEREAS the Council of the Corporation of the Township of North Huron deems it expedient to adopt a Terms of Reference for the Committee of Adjustment;

NOW THEREFORE the Council of the Corporation of the Township of North Huron ENACTS as follows:

1. That the "Terms of Reference for the Committee of Adjustment" attached hereto as "Schedule A" is hereby adopted and shall form part of this by-law.
2. That By-law No. 53-2019 is hereby repealed.
3. That this by-law shall come into force and takes effect on the day of the final passing thereof.

Read a first and second time this 2nd day of July, 2019.

Read a third time and passed this 2nd day of July, 2019.

Bernie Bailey, Reeve

CORPORATE SEAL

Carson Lamb, Clerk

The Corporation of the Township of North Huron By-law No. 66-2019 – Schedule “A”

Committee of Adjustment Terms of Reference

Mandate, Responsibility & Scope of the Committee

The Committee of Adjustment (“the Committee”) is a statutory tribunal with authority delegated to it by the Council of the Corporation of the Township of North Huron under the provisions of the Ontario Planning Act. The purpose of the Committee is to hold public hearings to make decisions on Minor Variance Applications submitted pursuant to Section 45 of the Planning Act.

While the membership of the Committee is made up of members of the Township of North Huron Council, it operates independently from Council and its decisions may be appealed to the Ontario Land Tribunal (OLT).

Operation of the Committee

The Committee is a quasi-judicial body that must satisfy legal requirements concerning notice, public hearings, calling of witnesses, notices of decisions and recording or proceedings.

The hearings shall be held in public. Closed Session meetings may only be held in accordance with Section 239 of the Municipal Act.

All information pertaining to an Application will be presented at the hearing and all discussion on the specifics of an Application will take place at the hearing. There shall be no discussion amongst Committee members regarding an Application prior to the hearing.

The Committee is governed by procedures set out in the Planning Act, Municipal Act, Statutory Powers Procedure Act, the Provincial Policy Statement, the North Huron Official Plan and Zoning By-law and other North Huron and Province of Ontario legislation.

The Committee hearings are attended by members of the Committee, Township of North Huron staff and County of Huron Planning staff, the Secretary-Treasurer of the Committee and/or their representatives, and any member of the public that wishes to speak regarding an Application or observe the proceedings of the Committee.

Decisions of the Committee

The Township of North Huron Zoning By-law regulates how land and buildings are used and where buildings and structures can be located. The By-law also specifies lot sizes/dimensions, parking requirements, building heights and other regulations necessary to ensure proper and orderly development.

In certain situations, it is not possible or desirable to meet all of the requirements of the Zoning By-law.

In these situations, a property owner may make an Application for Minor Variance. A Minor Variance provides relief from a specific Zoning By-law requirement and, if approved, excuses a property owner from meeting the exact requirements of the By-law.

For the Committee to approve an Application for Minor Variance, the Planning Act requires that the Members must be satisfied that the Application meets all of the following for tests:

- Is considered to a minor change from the Zoning requirements (an evaluation of impact rather than a numerical value);
- Is desirable for the appropriate development or use of the land, building or structure;
- Maintains the general intent and purpose of the Official Plan; and

- Maintains the general intent and purpose of the Zoning By-law.

Reasons for approval or denial of the Application should be included in the Committee decisions, including how public input impacted the decision. The decisions shall include appropriate and enforceable conditions. The Committee shall defer decisions when appropriate, with reasons and a time frame for re-hearing of the Application.

No decision of the Committee (on an Application) is valid unless it is concurred by the majority of the Members that hear the Application. The decision of the Committee shall be in writing and shall set out the reasons. The decision shall state the effect that any public comment (written or verbally at the Hearing) had on their decision. The decision shall be signed by the Members of the Committee that concur with the decision.

The following applies to the Committee of Adjustment:

1. Committee Composition, Appointment Process, Remuneration & Voting:

- The Committee will be composed off all members of the Corporation of the Township of North Huron Council;
- Four members constitute a quorum;
- The Reeve of the Township of North Huron shall be Chair and the Deputy Reeve the Vice Chair, unless the Reeve and/or Deputy Reeve approves the appointing of another member of the Committee to the position;
- Committee members shall be paid in accordance with the Council Remuneration Policy;
- Voting is by simple majority on the Application. A tie vote means the Application is refused.

2. Term of Office of the Committee

- The Committee shall be appointed annually by By-law.

3. Secretary-Treasurer of the Committee

- Staff Support:
 - i. The Municipal Clerk, or designate, is the Secretary-Treasurer for the Committee of Adjustment;
 - ii. The Huron County Planner assigned to the Township of North Huron, will provide a Staff Report/Planning Report to the Committee for every Minor Variance Application brought forward to the Committee;
 - iii. The Secretary-Treasurer (with assistance from the Planning staff) shall perform:
 - All administrative duties related to the referral of all Application for Variance to the Committee, the processing of Applications, before and after decisions;
 - Forwarding of Appeals to the Local Planning Appeal Tribunal;
 - Taking of minutes and keeping of records for the Committee;
 - Other actions required to administer the Committee as directed by the Committee.

4. Meeting Procedures, Meeting Schedule and Meeting Location

- The Committee shall meet, as-needed, to address Applications;
- The Committee shall meet at 5:30pm, prior to a regular meeting of the Council of the Township of North Huron;
- Additional meetings may be held through a Special Meeting, requested by the Secretary-Treasurer, and dependent on the availability of Committee members;
- Committee meeting will be held at the Township of North Huron Council Chambers;
- Committee meetings are open to the public;
- Committee meetings, where possible, will be video recorded and posted on the Township of North Huron website or live streamed;
- Draft minutes of a meeting shall be circulated to the Committee via the next Committee Agenda. Draft minutes shall also be circulated to Council as part of a

Council Agenda package. Council shall receive the draft minutes for information purposes only.

5. Public Hearing Process

The Committee will follow the following Order of Business during the Public Meeting:

- Call to Order & Call for Declaration of Pecuniary Interest of Members
- Minor Variance Application(s) – Presentation of Report by Planning Staff
- Opportunity to Comment on Application by Applicant or Agent
- Opportunity to Comment by those in Attendance
- Opportunity to Comment by Members
- Summary Comments by Planning Staff, including reminder of Appeal Period
- Decision on the Application(s) by Committee and effect of comments received on the Committee's decision
- Adjournment of the Meeting.

Comments and questions shall be addressed through the Chair. The Committee shall ensure that all stakeholders are provided with information and an opportunity for input.

6. North Huron Policies and Procedures

The Committee and its members are governed by all applicable municipal by-laws & policies and provincial legislation and regulation:

- North Huron Zoning By-law
- North Huron Official Plan
- North Huron Code of Conduct
- North Huron Procedure By-law
- North Huron Accountability and Transparency Policy
- Ontario Planning Act
- Ontario Provincial Policy Statement
- Ontario Municipal Act
- Statutory Power Procedure Act
- Ontario Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act