

# **Committee of Adjustment**

***everything you ever wanted to know about the committee  
of adjustment, but were afraid to ask***

# **Committee of Adjustment**

- **authority to adjust a proposal from zoning by-law provisions on an application specific basis**
- **doesn't change or amend the by-law**
- **authority to allow properties to be severed (But won't be talking about this today)**

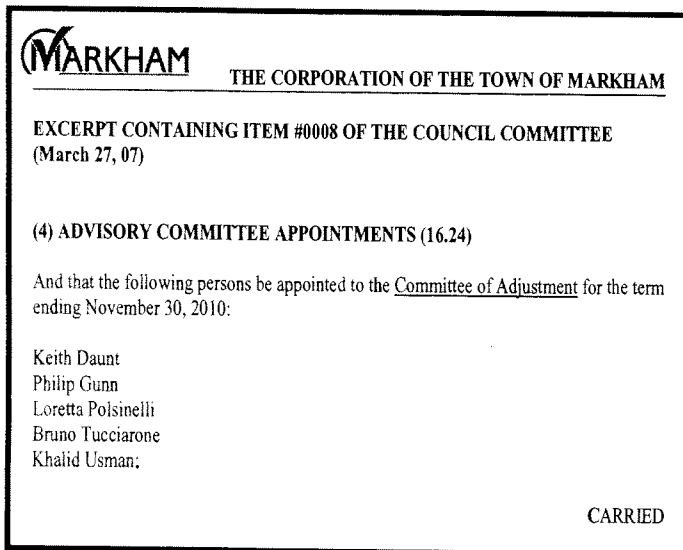
# **Minor Variance Applications & Procedural Steps**

- **makes decisions in accordance with the requirements of the Planning Act**
- **governed by the Minor Variance Application Regulations\* of the Planning Act**
- **Regulations include minimum application submission requirements**

**\* (O. Reg. 200/96, am. by O. Reg. 508/98.)**

# **Committee of Adjustment Appointments and Training**

**Five people appointed by Council for a  
term ending in November 2010**



**Ontario Association of  
Committees of Adjustment  
& Town staff provided  
orientation & training  
sessions in April & July  
2007**

# **Staff Support**

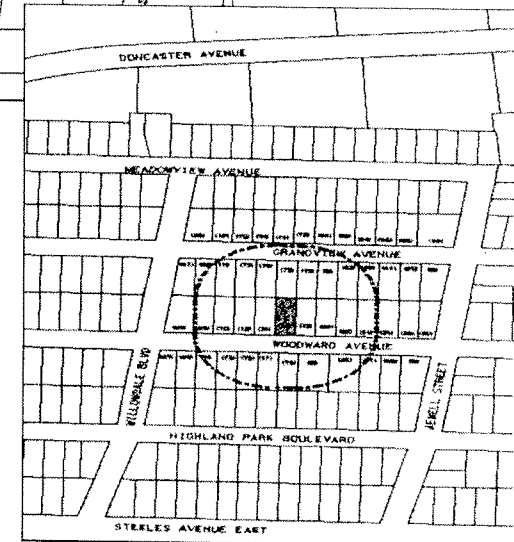
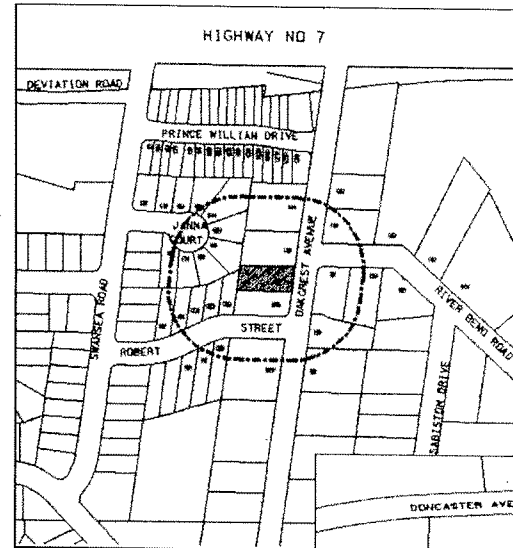
## **The Secretary-Treasurer (Planning and Urban Design Department):**

- **oversees the day-to-day operation of the Committee of Adjustment; and**
- **coordinates comments received from internal departments, external agencies and senior levels of government.**

# Application Notification: Mail & Signs

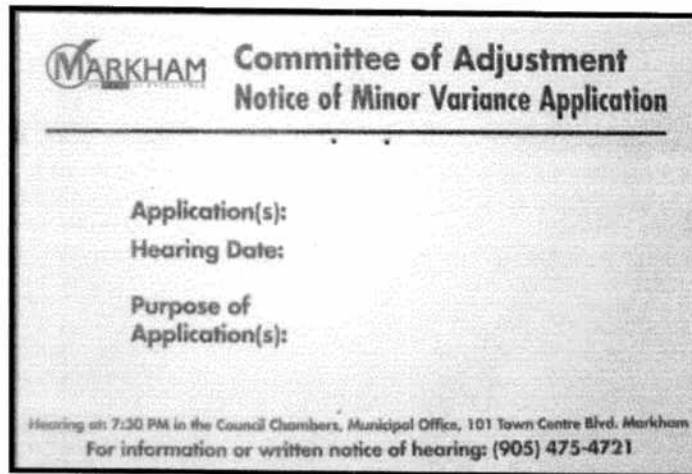
At least 10 days before the hearing:

- all landowners within 60 metres (197 feet) of the property are sent a notice of the hearing; and
- a sign is placed on the property.



# Larger Signs Used Since Q4 - 07

## Old Sign

A rectangular sign template with a black border. At the top left is the Markham logo. To its right is the text "Committee of Adjustment" and "Notice of Minor Variance Application" separated by a horizontal line. Below this, there are three lines of text: "Application(s):", "Hearing Date:", and "Purpose of Application(s):". At the bottom, in smaller text, it says "Hearing at: 7:30 PM in the Council Chambers, Municipal Office, 101 Town Centre Blvd. Markham" and "For information or written notice of hearing: (905) 475-4721".

**MARKHAM** Committee of Adjustment  
Notice of Minor Variance Application

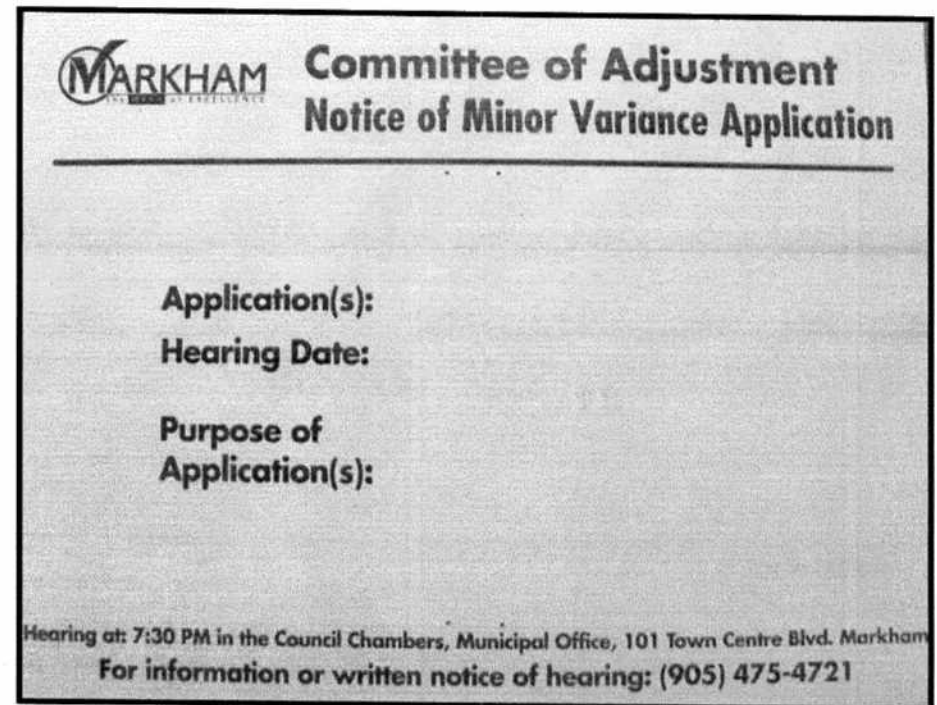
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Application(s):  
Hearing Date:  
Purpose of  
Application(s):

Hearing at: 7:30 PM in the Council Chambers, Municipal Office, 101 Town Centre Blvd. Markham  
For information or written notice of hearing: (905) 475-4721

**40 cm x 60 cm  
(16" x 24")**

## New Sign

A rectangular sign template with a black border, larger than the old one. It has the same layout as the old sign, with the Markham logo, title, application details, and hearing information at the bottom.

**MARKHAM** Committee of Adjustment  
Notice of Minor Variance Application

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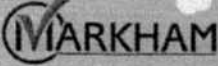
Application(s):  
Hearing Date:  
Purpose of  
Application(s):

Hearing at: 7:30 PM in the Council Chambers, Municipal Office, 101 Town Centre Blvd. Markham  
For information or written notice of hearing: (905) 475-4721

**60 cm x 81 cm  
(24" x 32")**

**The new signs are twice as big as the old signs**

# Application Circulation for Comments

 **MARKHAM**

**INTER OFFICE MEMO**

TO: Ron Blake, Manager, West District  
Eric Leung, Project Engineer  
Liz Wimmer, Design Group  
Greg Nelson, Plans Examiner  
Paul Sit, Fire Prevention Officer  
Valerie Burke, Councillor, Ward 1

FROM: Kitty Bavington, Secretary-Treasurer, Committee of Adjustment

DATE: March 25, 2008

RE: A/30/08  
York Region District School Board  
PLAN 7686 BLK R PLAN 7695 BLK O  
120 Royal Orchard Blvd, Markham

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Attached for your review is a copy of the above-noted variance application, which is scheduled to be heard by Committee of Adjustment on April 23, 2008.

The owner is requesting relief from the requirements of By-law 2150, as amended, to permit a maximum building height of 8.1m; whereas the By-law permits a maximum building height of 7.62m. The variance relates to the re-construction of a school.

Any comments you may wish to submit are required *no later than April 14, 2008 with the exception of zoning comments, which are required no later than April 7, 2008. Comments and/or conditions received after this date will not be considered by the Committee.*

For your convenience, you may comment by completing the back portion of this memo and returning it along with any attachments. *Please return the original BLUE copy.*

Should you have any questions or require further information, please contact me at extension 4721.

  
Kitty Bavington, CPT  
Secretary-Treasurer  
Committee of Adjustment

File Path: Amanda\file 08 111570\Documents\Planning Comments Memo

## Applications also circulated to:

- town staff;
- external agencies;
- senior levels of government; and
- local Councillor

# **Committee of Adjustment must Determine if Four (4) Planning Act Tests have been Satisfied**

**The variance must:**

- 1. be MINOR from the provisions of the By-law**
- 2. be DESIRABLE in the opinion of the committee of adjustment for the appropriate development or use of the land, building or structure**

# **Committee of Adjustment must Determine if Four (4) Planning Act Tests have been Satisfied (con't)**

**The variance must:**

- 3. maintain the GENERAL INTENT & PUPOSE of the Zoning By-law**
- 4. maintain the GENERAL INTENT & PURPOSE of the Official Plan**

**If any one of the four tests is not satisfied, the application must be dismissed**

# **Approval Subject to Conditions**

- **Approval granted by the Committee of Adjustment may be subject to conditions, which must be reasonably related to the variance**
- **Variance comes into effect if there are no appeals**
- **Conditions must be met prior to the issuance of a building permit**

# **Notice of the Decision**

**Notice is sent to the applicant and anyone who appeared at the hearing and requested notification**

**The notice includes information about the last day for appealing the decision to the Ontario Municipal Board (OMB)**

# **Ontario Municipal Board Appeals**

**The applicant or any other interested party may, within 20 days of the decision, appeal to the OMB**

**"Interested Party" can include Council**

# **Ontario Municipal Board Appeals**

**In June 2007 Council adopted Criteria about when staff should attend an OMB hearing**

**Criteria apply to:**

- all applications (approved or refused);  
and**
- if the Town itself should appeal a decision  
of the Committee of Adjustment**

# **Ontario Municipal Board Appeals**

**Council resolved to have regard for the following criteria, when deciding if staff should attend an OMB hearing:**

- issues should have area or Town-wide implications**
- where the decision sets an undesirable interpretation of the Official Plan or Zoning By-law**
- where recommended conditions aren't imposed**

# **Ontario Municipal Board Appeals**

**Staff should generally not attend the hearing when:**

- **there are no area or Town-wide issues**
- **where the appeal relates to a dispute between neighbours, with no broader public interest or implications**

# **Draft Procedural By-law for the Committee of Adjustment**

**Staff proposing procedural By-law to establish Rules of Procedure & Practice for the operation of the Committee of Adjustment**

**These rules are in addition to requirements set out in the Planning Act and in the Statutory Powers Procedures Act (SPPA)**

## **Draft Procedural By-law (con't)**

**The Rules of Procedure & Practice By-law outlines:**

- **the Purpose of the Committee of Adjustment; and**
- **their duty as a quasi-judicial body to comply with the rules of natural justice & the SPPA.**

# **Draft Procedural By-law (con't)**

## **Meetings**

- **meetings are scheduled by the Secretary-Treasurer**
- **notice in accordance with the provisions in the Planning Act**
- **Committee elects its own Chair and Vice-Chair**
- **Secretary-Treasure records the minutes – which are approved at the next meeting**

# **Draft Procedural By-law (con't)**

## **Meetings**

- **all meetings shall be open to the public;**
- **all discussions relating to an application shall take place in a public forum; and**
- **Chair or Vice Chair is responsible for maintaining order and decorum.**

# **Draft Procedural By-law (con't)**

## **Rules of Procedure and Practice**

- **written submissions to be submitted by noon on the day of the meeting**
- **Council members are to be treated in same manner as members of the public – they can submit comments in advance or by attending the hearing**

# **Draft Procedural By-law (con't)**

## **Rules of Procedure and Practice**

**Members Seized if a hearing is deferred.**

### **Committee member attendance:**

- **misses three (3) consecutive meetings, or absent for thirty percent (30%) of meetings in a calendar year – member is deemed to have resigned, and may be replaced**

# **Draft Procedural By-law (con't)**

## **Committee Member Site Visits**

**May conduct site visits (individually or together).**

- **not to discuss application during the visit with other Committee members, the owner, an applicant, agent, neighbour etc.**
- **all discussions must be held during the hearing, and in the presence of the applicant.**

# **Draft Procedural By-law (con't)**

## **Other Provisions of the proposed Procedural By-law**

### **Meeting and Hearing Procedures**

### **Motions**

### **Voting**

### **Disclosure of Bias and Interest**

### **Duties of the Secretary-Treasurer**

# **Committee of Adjustment**

## **Resolution**

**That the staff presentation be received;**

**And that staff report back to Development  
Services Committee with recommendations  
about a Committee of Adjustment  
Procedural By-law**