

Committee of Adjustment Process

The Committee of Adjustment is a committee appointed by Council to deal with Planning Applications for consent (division of land) and applications for minor variance (minor changes to the Town's Zoning Bylaw).

Once it is determined that you need go through the Committee of the Adjustment Process, the following steps will be taken. See the chart below to learn more about the process from start to finish.

<p>1 Pre-consult with Staff</p>	<p>The applicant meets/consult with staff to discuss the idea and determine if a Minor Variance is needed, or if there are other design solutions.</p>
<p>2 Submit a Complete Application</p>	<p>The applicant submits an application with all required plans and documents through the Newmarket Development Portal (Accela) and pays the application fee.</p> <p>Important! The Application Fee is dependent on the application type. Please review the most to date fees and charges bylaw for more information. For submission deadlines please visit newmarket.ca/committeeofadjustment</p>
<p>3 Notice</p>	<p>A notice sign is prepared by the Town and is provided to the applicant. The notice sign must be posted in advance on the property to provide notice to the public.</p> <p>The Town will also send a notice to all registered property owners within 60m of the subject property to notify them of the application and public meeting date – should they wish to provide their comments or make a deputation.</p>
<p>4 Public Meeting and Decision</p>	<p>The Committee of Adjustment will hold a public meeting to hear the application, discuss the staff report, and discuss any comments or questions received from the public.</p> <p>The Committee of Adjustment will make their Decision at the same meeting. Meetings take place on the last Wednesday of each month from 9:30 to 11:30 a.m.</p> <p>For the most up to date schedule and how to access to meeting visit newmarket.ca/committeeofadjustment</p>
<p>5 Notice of Decision</p>	<p>The Decision will be sent to the applicant and members of the public who have requested to be notified.</p>
<p>6 Appeal Period</p>	<p>This is the period of time when any specified persons or public bodies as per the Planning Act may appeal the Decision to the Ontario Land Tribunal (OLT).</p> <ul style="list-style-type: none"> • Minor Variance Applications: Appeals must be made within 20 days of the Decision at the public hearing meeting. • Consent Applications: Appeals must be made within 20 days of the decision mailing date as noted on the decision letter. <p>All appeals can be made by submitting a notice of appeal with to the Town Clerk by email at clerks@newmarket.ca</p>
<p>7 Clear conditions of approval</p>	<p>The applicant works with the Secretary-Treasurer, various staff departments, and/or agencies to clear any conditions of approval.</p> <ul style="list-style-type: none"> • Minor Variance Applications: There is no set timeframe for these applications to be cleared or fulfilled, unless imposed by the Committee of Adjustment. • Consent Applications: Applicants have two years from the approval date to clear/fulfill the conditions of approval.
<p>8 Issuing a consent certification</p>	<p>Secretary-Treasurer issues a consent certification for consents/severances application.</p>

*Final approval timelines can vary depending on the complexity of the application and the applicant's ability to provide all necessary information in a timely manner.

Definitions

Zoning Bylaw

Newmarket's Zoning Bylaw provides regulation to determine what can be developed /constructed in specific areas in Town through a standardized process. This can include land use, size, height, location and use of buildings and structure, parking loading spaces and more.

The Zoning Bylaw implements the objectives and policies of the Town's Official Plan, which acts a blueprint on how land in the municipality should be used.

Minor Variance

A minor variance is a minor relief from the Zoning By-law. If you want to make changes to your property and your proposed changes don't exactly meet the zoning by-law, but follows the general purpose of the zoning standards, you can apply for a minor variance.

The Committee of Adjustment determines that an application can be approved if the majority of the members agree that it meets the following four tests:

1. The variance is minor in nature;
2. It is desirable for the appropriate development or use of the property;
3. The general intent and purpose of the zoning by-law is maintained; and
4. The general intent and purpose of the official plan is maintained.

The Committee does not change the zoning of a property, it only adjusts regulations on a case by case basis by reviewing the site specific circumstances.

To apply for a Minor Variance, visit newmarket.ca/committeeofadjustment

Please remember to include a **Tree Report Form**. An arborist report may be required. Review the Town's Tree policy for more information.

Consent (Land Severances)

A land severance is the separation of a piece of land to form two new properties. Consent to sever is required if a portion of land is being sold or to form part of an agreement that lasts more than 21 years. In addition to the division of land, the registration of rights-of-way, easements and any changes to existing property boundaries requires consent approval. Legislative provisions for consent applications are outlined in Section 53 of the Ontario Planning Act.

To apply for Consent (land Severances), visit newmarket.ca/committeeofadjustment