



# Town of Newmarket

## **TERMS OF REFERENCE**

<b>NAME:</b>	Committee of Adjustment
<b>REPORTS TO:</b>	Council
<b>STATUS:</b>	Statutory
<b>ESTABLISHED:</b>	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 was reestablished by By-law 1987-22.

The Committee of Adjustment is required to adhere to the provisions outlined in the *Planning Act*, Town's Procedure By-Law, 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 Local Planning Appeal Tribunal.

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:

- Extraordinary Places and Spaces: Creating the environment for an engaged, accessible, inclusive community

### **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.

### **WORK PLAN**

Not applicable.

### **REMUNERATION**

- Committee Chair - \$110.00 per meeting
- Member - \$100.00 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.