



COMMITTEE OF ADJUSTMENT FREQUENTLY ASKED QUESTIONS

What is the Committee of Adjustment?

The Committee of Adjustment is an independent body consisting of five members, appointed by Council, under authority granted by the Province of Ontario, to grant relief from the provisions of the Township's Zoning By-law. The Committee of Adjustment is also empowered to grant consent to divide a lot into additional parcels.

The Committee is authorized by the Planning Act to consider applications for:

- 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 and easements)
- Determining whether a particular use conforms with the provisions of the zoning by-law where the uses of land, buildings or structures permitted in the by-law are defined in general terms

What is a minor variance?

A minor variance is a change or permission from the specific requirements of the Township's zoning by-law. Zoning by-laws are very specific in terms of setbacks, lot coverage and so on, and while they are crafted to anticipate most scenarios, they simply cannot anticipate all. The minor variance process allows a property owner the opportunity to seek permission or relief from a specific provision of the Township's zoning by-law by applying to the Committee of Adjustment.

The Committee must ensure that the variances, if approved, satisfy the following:

- Is considered to be a "minor" change from the zoning requirements
- Is desirable for the appropriate development or use of the land, building or structure
- Maintains the intent and purpose of the Township's Official Plan
- Maintains the intent and purpose of the Township's Zoning By-law

What is consent?

Consent is a term used to describe the approval required to subdivide land without the requirement of a plan of subdivision. The Planning Act requires that consent be granted before a parcel of land can be divided to create an additional lot. This process is referred to as land severance and the type of consent given in this instance is a severance.

In evaluating applications for consent, the Committee must consider:

- Conformity with the lot creation policies of the Township's Official Plan
- The availability of access to and frontage on a municipal road
- The appropriateness of the size and configuration of the proposed lot for the land use
- The adequacy of water and wastewater services
- The location and characteristics of the property
- The conservation and protection of natural resources and farmland

- The impact upon the current and future use of surrounding properties

What does the minor variance process consist of?

The minor variance process consists of several steps:

1. Pre-consultation - prior to making the application, the applicant may wish to confer with a Township Planner or the Secretary Treasurer.
2. Submission - when submitting, ensure that the application is completed in its entirety. Once a completed application is received it is processed by the Secretary Treasurer.
3. Circulation - all property owners within 60 metres of the subject lands as well as various Township departments and any affected agencies are provided a Notice of Public Hearing in advance of the Hearing date, which briefly outlines the nature of the application. The applicant is responsible for posting a sign on the subject lands which will be provided by the Secretary Treasurer at least 10 days prior to the Hearing date.
4. Hearing and Decision - the Committee hears the application and usually makes a decision the same day.
5. Notice of Decision - a Notice of Decision is circulated to the applicant and all persons who made a written request to be notified of the decision - once the decision is made, a 20 day appeal period commences during which time the Committee's decision could be appealed to the Local Planning Appeal Tribunal (LPAT);
(Note: the 20 day appeal period is 20 days, NOT business days).
6. If Appealed - the application is heard before the Local Planning Appeal Tribunal in what amounts to a new hearing.
7. If No Appeal - the Committee's decision is final after the expiration of the 20 day appeal period.

What does the consent process consist of?

The consent process consists of several steps:

1. Pre-consultation - prior to making the application, the applicant must confer with a Township Planner and may wish to confer with the Secretary Treasurer.
2. Submission - when submitting, ensure that the application is completed in its entirety. Once a completed application is received it is processed by the Secretary Treasurer.
3. Circulation - all property owners within 60 metres of the subject lands as well as various Town departments and any affected agencies are provided a Notice of Public Hearing approximately in advance of the Hearing date, which briefly outlines the nature of the application. The applicant is responsible for posting a sign on the subject lands which will be provided by the Secretary Treasurer at least 10 days prior to the Hearing date.
4. Planning Report – The Township's Planning Department prepares a detailed report for the Committee of Adjustment with recommendations and a schedule of conditions that must be fulfilled within one year after consent has been granted.
5. Hearing and Decision - the Committee hears the application and usually makes a decision the same day - generally, consent is granted conditionally (typical conditions may include payment of a municipal administration fee, plan of reference, cash in lieu of 5% parkland, connect to municipal services, etc.).
6. Notice of Decision - a Notice of Decision is circulated to the applicant and all persons who made a written request to be notified of the decision - once the

decision is circulated, a 20 day appeal period commences during which time the Committee's decision could be appealed to the Local Planning Appeal Tribunal (Note: the 20 day appeal period is 20 days, NOT business days).

7. If Appealed - the application is heard before the Local Planning Appeal Tribunal in what amounts to a new hearing.
8. If No Appeal - the Committee's decision is final after the expiration of the 20 day appeal period and the applicant has one year to complete any conditions established by the Committee after which time a Certificate of Official is issued (if conditions are not satisfied within required timelines, the application is deemed to be null).

How long does the process take?

For both minor variance and consent applications, from the time the application is submitted until a decision is made and the appeal period expires takes about two months. If conditions are attached to a decision (which is usually the case with a consent) the process could take considerably longer. If a decision is appealed to the Local Planning Appeal Tribunal, the decision is not final until it has been dealt with by the Board.

How much does an application cost?

The fee for minor variance, consent and combined applications can be found in the Planning Department's application fee table. Depending on where the subject property is located, the application may also be subject to Conservation Authority Review Fees. Contact the Planning Department for the most up-to-date fees.

Where can I get an application form?

The Office is currently closed due to the current COVID-19 pandemic situation and application forms are only available online at www.king.ca. The application form outlines the requirements for submitting an application for minor variance or consent. The requirements include a site plan or survey which will indicate the location of the property, the setbacks of all buildings or structures on the property and sufficient information to clearly identify the variance required or consent being applied for. The number and size of the site plans is outlined on the application form.

Will the Committee of Adjustment members visit my property?

The Committee of Adjustment members will visit the property anywhere from six days before the Hearing, to the day of the Hearing. Property owners are not required to be home or present on the site when the members visit the property. The members do require unobstructed access to the site (i.e. make sure gates are unlocked, walkways are clear, etc.).

Does the Planning Department prepare comments or a report for the Committee for each application?

The Planning Department provides Committee with a report for all Minor Variance and Consent applications.

Where are the Hearings held?

Due to the current COVID-19 pandemic situation, all Committee of Adjustment meetings are to be held electronically and virtually via the WebEX Video Conferencing software (www.webex.com) until further notice.

If I submit an application, do I need to be in attendance at the Committee of Adjustment hearing?

If you are unable to attend the Hearing, you are able to appoint an individual to represent you. If you are unable to appoint a representative, the hearing of the application will be deferred.

If my application is refused do I get my money back?

There is no refund if your application is refused.

When does the Committee of Adjustment meet?

Due to the current COVID-19 pandemic situation, all Committee of Adjustment meetings are to be held electronically and virtually via the WebEX Video Conferencing software (www.webex.com) until further notice. The Committee of Adjustment meets one Wednesday per month at 5:00pm electronically. To participate, you have two options for public participation at a Committee of Adjustment meeting:

1. Anyone wishing to submit comments, which will form part of the public record, may submit written comments to the Secretary Treasurer at cofa@king.ca by 12:00 p.m. (noon) on Friday before the week of the meeting in order that they can be circulated to the Committee of Adjustment prior to the start of the meeting.
2. Anyone wishing to speak to the Committee of Adjustment virtually (audio-telephone in) must register by contacting the Secretary Treasurer at 905-833-4067 or email cofa@king.ca no later than the Friday before the week of the meeting at 12p.m. (noon). When your registration is received, a confirmation message and instructions for participating in the virtual public meeting will be provided.

How long are the Committee of Adjustment Meetings?

The meetings vary in length, it depends how many applications are on the Agenda at the particular meeting.

How many applications are heard at the Committee of Adjustment Meetings?

Typically up to eight applications can be heard at each meeting. This includes both variance and consent applications.

Where can I find Committee of Adjustment Agendas?

Committee of Adjustment Agendas are posted on www.king.ca the Friday prior to the week of the Hearing date.

What can I do if I am dissatisfied with a Committee of Adjustment decision?

Whether you are an applicant dissatisfied with a negative ruling or an interested party dissatisfied with a positive ruling, you have the option to appeal the decision to the Local Planning Appeal Tribunal within 20 days of the ruling.