



CHAMPLAIN TOWNSHIP COMMITTEE OF ADJUSTMENT

TERMS OF REFERENCE.

Mandate:

The Committee's authority is granted by Champlain Township's Council under the provisions of the *Planning Act*, R.S. O. 1990, Chapter P.13 and includes the authority to hold public meetings and to make decisions on applications submitted to the Township of Champlain for minor variances from the provisions of the Township's Zoning By-Law. While the Committee is a local board of the Township, it operates independently from Council and its decisions may be appealed to the Ontario Municipal Board.

The Committee considers applications for minor variances where a requirement of a Zoning By-Law cannot be met under Section 45 of the *Planning Act*. Minor Variances are often necessitated by circumstances peculiar to a property which prevent the owner from developing it in a way which conforms to the Zoning By-law. Examples of Minor Variance Applications include requests for relief from the building setback, building height and parking provisions of the Zoning By-law.

The Committee is authorized to grant a minor variance if all of the following criteria, commonly referred to as "four tests" are met:

- the variance is minor;
- the variance is desirable or the appropriate development or use of the land;
- the general intent and purpose of the Zoning By-law is maintained; and
- the general intent and purpose of the Official Plan is maintained.

The Committee will refuse an application if, in its opinion, one or more of the above criteria have not been met. The Committee cannot grant exemptions to the by-law which, in effect, would constitute a change of zoning. In such cases, property owners would have to make an application for a Zoning By-Law Amendment.

The Committee is required to give notice, follow procedures and is subject to appeal routes set out in the *Planning Act*. All meetings of the Committee are open to the public, and rules governing the procedure for Council meetings shall be observed by the Committee in so far as they are applicable.

Membership:

The Committee shall be composed of five (5) appointed non-elected members from the following wards:

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| Ward of Vankleek Hill | 1 member |
| Ward of L'Orignal | 1 member |
| Ward of Longueuil | 1 member |
| Ward of West Hawkesbury | 2 members |

A general understanding of the *Planning Act*, the Official Plan of the Urban Areas of Township of Champlain, the Official Plan of the United Counties of Prescott and Russell and the Zoning By-Law of the Township of Champlain is preferred.

Term:

Appointment shall be concurrent with the term of Council, unless otherwise decided by Council. Members hold office until their successors are appointed. If a member ceases to be a member before expiration of his/her term, Council will appoint another eligible person for the remainder of the term.

The mandate of a member ends when he or she is absent for three consecutive meetings without a valuable excuse. The mandate ends at the end of the third meeting of which the member did not assist. Furthermore, the mandate of a member ends when a member is no longer a resident of the Township. Finally, any member can resign from the Committee by forwarding a written resignation letter to the Secretary-Treasurer of the Committee.

A vacancy in the membership or the absence or inability of a member to act does not impair the powers of the Committee or of the remaining members.

Quorum:

The Committee is composed of five members, hence three members shall constitute a quorum.

Meeting Schedule:

Meetings will be scheduled upon receipt of an application for a minor variance and will usually take place on a Tuesday commencing at 6:00 p.m. at the Township Office at 948 Pleasant Corner Road East.

Committee Chair:

The Committee will appoint one of its members to act as Chair. When the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Acting Chair. The Chair has no authority to make decisions on his or her own, he or she can only run a meeting in a fair and efficient manner so that the will of the majority prevails after the minority has had a fair chance to present its point of view.

Secretary-Treasurer:

The Secretary-Treasurer of the Committee of Adjustment for the Township of Champlain shall be the Clerk of the Township of Champlain. The Secretary-Treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.

Remuneration:

The remuneration of the Members of the Committee of Adjustment for the Township of Champlain shall be at the same rate as the remuneration of Members of Council for attendance at their respective liaison committee meetings.