

Lambton Shores Committee of Adjustment (COA)

Terms of Reference

Mandate:

The Committee's authority is granted by the Municipality of Lambton Shores' Council, under the provisions of the *Planning Act*, and includes the authority to hold public hearings and to make decisions on applications submitted to the Municipality of Lambton Shores for minor variances, alterations in legal non-conforming uses and consents (severances). While the Committee is a local board of the Municipality, it operates independently from Council and its decisions may be appealed to the Ontario Municipal Board.

The Committee of Adjustment may consider and make decisions on applications:

- for "consent" to sever a property, or for a mortgage or charge on the land or to grant an interest in land for 21 years or more, (ie easement or right-of-way)
- for minor variances from the provisions of the Municipal Zoning By-law;
- for permission that deals with the enlargement or extension of an existing legal non-conforming building or structure, or a change in its non-conforming use;
- for an exemption to the provisions of the fence by-law.

The Committee is required to review applications in accordance with the municipal by-laws and policies, and approve applications that generally comply with the municipal rules and are relatively minor in nature, such as a small variance in side yard setbacks, or in the size of an accessory building. Anything that is not considered "minor" or is a significant departure from municipal policies is referred back to Council for a decision.

General Rules of Operation:

The Lambton Shores' Committee of Adjustment is subject to the control and direction of Council. All meetings of the Committee are open to the public, and rules governing the procedure for Council meetings shall be observed by the committee insofar as they are applicable.

The Committee of Adjustment is guided by planning policies and controls established by the Municipality of Lambton Shores Council through the Official Plan, Zoning By-law and other by-laws or policies for respecting development, as well as the Provincial Planning Act, and associated policy statements and implementation guidelines.

Goals:

The goals of the Committee of Adjustment are to:

- provide for and conduct a fair hearing by allowing anyone wishing to speak to an application an opportunity to do so;
- giving due diligence to the consideration of each application;
- discuss each application openly and make decisions in public at the hearing;

- make rational decisions with appropriate, well thought-out conditions, clearly stating the reasons for their decisions.

Composition:

Elected Officials:

1 Elected Official as appointed by Council.

Public Stakeholders:

Council shall appoint 6 public stakeholders to the Committee. Committee members will be required to review all applications in advance of the meeting, make a site visit for each application, attend the Committee of Adjustment meeting and consider applicant, municipal, agency and public comments, then render a decision on each application.

Committee 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.

The responsibilities and expectations of the chair are as follows:

- All of the responsibilities and expectations of committee members apply to the Chair, including voting on each application.
- Maintain decorum and ensure fairness and accountability, and adherence to the Municipal Procedural By-law requirements.
- Facilitate the meeting by identifying the order of proceedings and speakers.
- Generally, refrain from the discussion until all committee members have had an opportunity to speak on a matter.
- Ensure active participation by all committee members.
- Be open-minded and encourage a variety of opinions to be heard.
- Respect the individual worth and dignity of other committee members, and maintain a high degree of professionalism.
- Assist staff liaison when possible or when requested.
- Make presentations to Council on behalf of the committee.

Committee Resources:

A secretary will be appointed to prepare notices, agendas and decisions, attend all meetings to record the proceedings, and also, to assist Committee members with procedural questions.

Remuneration:

In order to provide compensation for the expense of visiting each site, and to attend the meetings, members will receive \$ 100.00 per meeting

Frequency of Meetings:

Meetings will be held on the fourth Wednesday of each month, and/or as needed, beginning at 7:00 p.m. at the Thedford Village Complex, 109 Pearl Street, Thedford.

Term:

In order to ensure continuity of knowledge on a committee, “staggered terms” are established for members.

Members could apply for a 1, 2, or 3 year term.

Note: Nothing would preclude an existing committee member from reapplying when his/her term expired.