

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 26-2019

BEING A BY-LAW TO ESTABLISH A COMMITTEE OF ADJUSTMENT

WHEREAS Section 5(3) of the *Municipal Act, 2001*, states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 34 of the *Planning Act, R.S.O. 1990*, as amended, provides that zoning by-laws may be passed by the councils of local municipalities and the Council of the Corporation of the Village of Merrickville-Wolford did pass such a by-law;

AND WHEREAS Section 44 of the *Planning Act, R.S.O. 1990*, as amended, provides that the council of a municipality that has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may, by by-law, constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. A Committee of Adjustment is hereby established as per the Terms of Reference as attached and which forms part of this by-law as Schedule "A".
2. Any by-laws that do not conform with this by-law are hereby repealed.
3. This by-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and passed on the 23rd day of April, 2019.


J. Douglas Struthers, Mayor


Doug Robertson, CAO/Clerk



MERRICKVILLE-WOLFORD
Jewel of the Rideau

**Terms of Reference
Committee of Adjustment
Schedule "A" to By-law 26-2019**

Definition:

"Committee of Adjustment" shall have the same meaning as a Committee established under Section 44 of the Planning Act R.S.O. 1990 c. P.13, as amended.

Mission:

The mission of the Village of Merrickville-Wolford Committee of Adjustment is to consider the authorization of a minor variance from a provision in any bylaw that implements an official plan or to grant a permission with respect to the use of a structure or property in accordance to the requirements of the Planning Act R.S.O. 1990 c. P.13

Objectives/Powers of Committee:

One objective of the Committee is to authorize a minor variance where in the opinion of the Committee the variance meets the four tests set out as follows:

1. It is desirable for the appropriate development or use of the land, building or structure
2. It meets the general intent and purpose of the bylaw
3. It meets the general intent and purpose of the official plan
4. The variance is minor

A second objective of the Committee is to authorize a permission for a use that is prohibited by the implementing bylaw for the enlargement or extension of a legal non-complying building or structure, or to clarify the use of a building, structure or property with respect to the implementing bylaw in accordance to Section 45(2) of the Act.

Composition:

Council may appoint, by resolution or by bylaw, not fewer than three (3) persons from the municipality to the Committee of Adjustment for a term of office concurrent with the term of Council:

- a. The selection of the members shall be through a public application process.
- b. The members will be regarded as private citizens and do not represent their employers or any advocacy group in their capacity as a member;
- c. At least one (1) Council Liaison shall be appointed annually by Council
- d. The Head of Council is a member (Mayor – ex officio).
- e. When a member ceases to be able to carry out his or her duties before the expiration of his or her term, the Council shall forthwith fill any vacancy for the unexpired portion of the term
- f. The Village's Chief Building Official may be the secretary-treasurer to the Committee

Quorum:

Where the Committee is composed of three members, two members shall constitute a quorum and where the Committee is composed of more than three members, three members shall constitute a quorum. No meeting shall proceed without a quorum.

Chair and Acting Chair:

As a first order of business, the members of the Committee shall elect one of themselves as chair and in the absence of the chair, the Committee may elect an acting chair.

The committee shall appoint a secretary-treasurer, who may be a member of the Committee or the Village's Chief Building Official.

Motions:

Decisions made during Committee of Adjustment meetings will follow the process of making a motion, having it seconded and then having it voted on and passed by the majority of the Committee.

Meetings:

Meetings of the Committee shall be governed by the Village's Procedural By-law 30-17, as amended, any applicable legislation, and Robert's Rules of Order.

The Committee shall meet at the call of the secretary-treasurer or when an application for minor variance or permission has been received.

All meetings are open to the public and subject to the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M 56, as amended.

Role of Members:

The roles of the members of the Committee of Adjustment include, but are not limited to:

- Attending meetings as scheduled and additional meetings as necessary;
- Participating actively in discussions and planning and sharing the workload of the Committee;
- Hearing an application for minor variance and determining if an application meets the four tests as set out under the Objectives/Powers of the Committee
- Hearing an application for permission and determining if an enlargement or extension of a legal non-complying building or structure may be granted or clarifying the use of a building, structure or property.
- Providing expertise in their professional area of responsibility;
- Providing timely regrets to the chair if unable to attend a meeting;
- Declaring any conflict of interest in accordance with the Municipal Conflict of Interest Act R.S.O. 1990, c.M50, as amended, and excluding themselves from any discussion and/or voting where such a conflict exists or may exist.

Technical Advice:

The Committee may request advice from the secretary-treasurer and/or any such person as the Committee deems necessary.

Conflicts of Interest:

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act R.S.O. c.M50 and shall disclose the pecuniary interest to the chair in the public agenda and excuse himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

Budget:

All monies required for any reason pertaining to the Committee carrying out its duties must be approved by Council. All requests must be submitted by September 15th of the preceding year.

All approved budget items shall be administered by the Village, through the direction of Council.