

Information on the Committee of Adjustment

What is the Committee of Adjustment?

A Committee of Adjustment is a Committee appointed by Brockville City Council in accordance with the Planning Act. In the City of Brockville, three members of the public are appointed, two of whom would constitute a quorum at a meeting. The members of the committee elect one member as Chair and another as Acting Chair; and appoint a Secretary-Treasurer. Employees of the City Planning Department assist the members where expedient and act as liaison between the Committee and the public.

What is the mandate of the Committee of Adjustment?

The Committee of Adjustment has been given powers under the Planning Act and by City Council to deal with minor variances to certain City By-laws, mainly the City's Zoning By-law, and to deal with land severances where a minor variance is required.

How does the Committee of Adjustment reach decisions?

The Committee, when reviewing a Minor Variance Application, must consider the following matters:

1. Is the variance minor?
2. Is the variance desirable for the appropriate development of the lands in question?
3. Is the general intent and purpose of the Zoning By-law maintained?
4. Is the general intent and purpose of the Official Plan maintained?

In order for decisions of the Committee of Adjustment to be valid, all these matters must be considered and included in the Committee's decision.

What is a Minor Variance?

The question of what is a minor variance is not a question that has been definitely answered. However, the Municipal board has said "there is no inflexible rule as to what is or is not minor. It is a relative term and must be interpreted with respect to the particular circumstances involved." In addition, the Divisional Court has stated "No hard and fast criteria can be laid down, the question whether a variance is minor must, in each case, be determined in light of the particular facts and circumstances of the case. It is for the Committee and, in the event of an appeal, the Ontario Municipal Board, to determine the extent to which a by-law provision may be relaxed and a variance still classed as 'minor'." It is, therefore, up to the Committee of Adjustment when considering applications for minor variance, to take all of the particular circumstances of the application into account and to determine whether or not the variance requested is, in the opinion of the Committee, minor.

Should you require assistance with respect to the completion of an Application for Minor Variance, please contact Andrew McGinnis, Planner II, at (613) 342-8772, ext. 4421; or Dayna Golledge, Secretary/Treasurer - Committee of Adjustment, at (613) 342-8772, ext. 4463.

How is the public involved?

The Committee is required by the Planning Act, and Regulations thereto, to provide notice of applications to individuals within a certain distance of the property to which the application applies (normally 60 metres [200 feet]).

If a proposed minor variance comes to your attention and you have concerns about the effect of the minor variance, you should:

- contact the Planning Department to find out as much as possible about the application;
- make your views known by writing to the Secretary-Treasurer of the Committee of Adjustment;
- attend the public meeting at which the minor variance will be considered to express your views; and
- make a written request for a copy of the Committee's decision on the application.

Where and when does the Committee of Adjustment meet?

Generally, the Committee of Adjustment meets every fourth (4th) Wednesday of the month at 3:00 p.m. in Council Chambers at City Hall, One King Street West, Brockville. From time to time the schedule is required to be adjusted. To confirm the date of an up-coming meeting, please contact the Planning Department at 613-342-8772; or email: planning@brockville.com.

What rights of appeal do I have?

If you are not satisfied with the Decision of the Committee of Adjustment with respect to an application or conditions thereto, you may appeal the Decision of the Committee of Adjustment to the Local Planning Appeal Tribunal by filing a written Notice of Appeal with the Secretary-Treasurer of the Committee of Adjustment. The appeal must include written reasons supporting your objections, and payment of the Local Planning Appeal Tribunal fee of \$300.00.

An appeal to the [Local Planning Appeal Tribunal](#) (LPAT) is a serious matter requiring considerable time, effort, and in some cases, expense on the part of everyone involved.

When can a decision of the Committee of Adjustment be expected on an application?

Generally, if the Committee has all the information necessary at the meeting at which the application is heard, an oral decision will be rendered at the meeting. If within twenty (20) days following the date of decision, no notice of appeal is lodged, the decision becomes final and binding.

To obtain additional information with respect to the Committee of Adjustment, please contact Dayna Golledge, Secretary/Treasurer of the Committee of Adjustment, (613) 342-8772, ext. 4463; or Email: planning@brockville.com.