



## **Township of Puslinch Committee of Adjustment Terms of Reference**

TERM: 2022-2026  
ADOPTED: December 7, 2022  
REVISED:

### **1. ENABLING LEGISLATION**

The Township's procedural by-law provides that Council may at any time, as is deemed necessary establish a Committee for matters within its jurisdiction.

Section 44 (1) of the *Planning Act* states:

If a municipality 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 Council considers advisable.

### **2. ROLE**

The primary function of the Committee of Adjustment is to consider applications for minor variances from the Township of Puslinch Zoning By-law.

### **3. MANDATE**

The Zoning By-law regulates how land and buildings are used and where buildings and structures can be located. This by-law also specifies lot sizes and dimensions, parking requirements, building heights and other regulations necessary to ensure proper and orderly development.

However, sometimes it is not possible or desirable to meet all of the requirements of the Zoning By-law. In that case, a property owner may apply for approval of a minor variance. A minor variance provides relief from a specific Zoning By-law requirement, excusing a property owner from meeting the exact requirements of the by-law.



For the Committee to approve this type of application, Section 45(1) of the *Planning Act* requires that the members must be satisfied that the application:

- a. Is considered to be a “minor” change from the Zoning requirements;
- b. Is desirable for the appropriate development or use of the land, building or structure;
- c. Maintains the general intent and purpose of the Official Plan; and
- d. Maintains the general intent and purpose of the Zoning By-law.

In addition, the Committee of Adjustment is responsible to provide a forum for the exchange of information and engagement with the community in respect to its mandate.

#### **4. PURPOSE**

The Committee will accomplish its mandate by:

- a. Reviewing the merits of a minor variance application, the documentation and evidence put forward and rendering decisions on the application in accordance with the requirements of the Planning Act in an independent manner.

#### **5. TYPE OF COMMITTEE**

Quasi-Judicial Committee – Statutory Committee

#### **6. MEMBERSHIP AND ROLES AND RESPONSIBILITIES**

##### **a. Composition**

- i. The Committee of Adjustment is composed of the following Members:
- ii. One (1) Council Member as appointed for the term by Council; four (4) members of the public as appointed by Council; and one (1) Township staff member being the Development and Legislative Coordinator (non-voting member).



- iii. A Member's term on the committee shall be concurrent with the Term of Council or until a successor is appointed.

#### **b. Roles and Responsibilities**

- i. The Chair shall be the Councillor appointed to the Committee of Adjustment and shall be appointed at the first meeting of the Committee and shall serve in this capacity for 4 (four) years being the term of Council.
- ii. When the Chair is absent from a meeting, the Acting Chair may exercise all the rights, powers and authorities of the Chair. The Acting Chair will be identified based on a scheduled prepared for the full 4 (four) year term.
- iii. The Chair's main role is to facilitate meetings.

#### **c. Qualifications**

- a. Citizen Appointee with the following qualifications:
  - i. Demonstrated commitment and interest in the municipality;
  - ii. General knowledge of the Planning Act and the committee of adjustment process is considered an asset in addition to the following:
    - 1. Planning
    - 2. Real Estate
    - 3. Agriculture
    - 4. Building/Construction
    - 5. Legal
    - 6. Architecture
  - iii. Flexibility to attend evening meetings is required including Special meetings with notice given in accordance with the Township Procedural By-law;
  - iv. Resident of the Township of Puslinch for the duration of the term;
  - v. At least 18 years of age;
  - vi. Shall apply and be appointed by Council at the commencement of each new term



**7. MEETING SCHEDULE**

The Committee meets monthly on the second Tuesday of each month at 7:00 p.m., or another time mutually agreed upon by the Committee, and as many additional times as the Committee deems necessary.

During a municipal election year, meetings shall be cancelled where possible in the last quarter.

**8. PROCEDURES AND PROTOCOLS**

The Township Committee of Adjustment shall adhere to the Township's Procedural By-law.