

INFORMATION FOR COMMITTEE OF ADJUSTMENT

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is a quasi-judicial body that hears applications concerning Minor Variances and Land Severances (Consent).

If a Municipality has a Zoning By-law, it may appoint a Committee of Adjustment composed of not less than three persons who are not members or employees of Council. The Planning Act of Ontario grants authority to Committees of Adjustment to make decisions on:

- a) Granting of "Minor Variances" from the requirements of the Zoning By-law
- b) Giving "Consent" to the severance of property (dividing a parcel of land into more than one lot, registering a mortgage over part of a property, registering a lease over part of a lot for more than 21 years)
- c) Approving changes to non-conforming uses (structural alterations or changes of use which are deemed to be similar or of less impact to the neighbourhood than the original use)
- d) Interpreting the permitted use section of a zone where the wording is general

When an application is made to the Committee, all registered owners of land located within 200 feet of the subject land are notified of the application, and the public hearing date and time when the application will be considered by the Committee. All interested persons are invited to attend public hearings of the Committee of Adjustment to express their views and concerns.

The Committee holds hearings and makes decisions on a case-by-case basis. In so doing, however, it is obliged to bring Planning considerations to bear in its judgements. City Council and public may appeal any Committee of Adjustment decision to the Local Planning Appeal Tribunal.

Anyone not satisfied with the Committee's Decision and wishing to appeal must make a written request for a copy of the Notice of Decision, in order to be permitted to appeal the Decision to the Local Planning Appeal Tribunal. Appeals must be filed with the Committee of Adjustment office. For Minor Variance, appeals must be made within 20 days of the date of the Decision. For Consents, appeals must be within 20 days of the giving of the written Notice of Decision.

WHAT IS LAND SEVERANCE?

City of Cornwall must grant consent for land transactions such as: to divide (sever) land into new lots, to add land to an abutting lot, to establish easements or rights-of-way and to lease or register a mortgage over 21 years.

The Planning Act states that it's against the law to divide a piece of land into two or more lots without official approval, called a Consent of Land Division. A Consent is also required if you want to sell, mortgage or lease (for more than 21 years) abutting lands which have the same owner. You also need approval to create rights-of-way, easements and any change to existing boundaries of a property.

The City of Cornwall Official Plan contains specific policies and requirements for land severances.

If you want to divide your land into several parcels, you may have to follow Plan of Subdivision procedures instead of the Consent process.

WHAT IS A MINOR VARIANCE?

A Minor Variance is a change or amendment to a By-law passed under Section 34 of the Planning Act, including Zoning By-laws, Fence By-laws, Site Plan Control By-laws and Signs By-law (By-laws that implement an Official Plan). A Variance application can also include requests for changes or extension to legal non-conforming uses, or other uses not specifically defined in the Zoning By-law.

If you wish to construct a new building, make additions or alterations to an existing building, your proposal must comply with the City of Cornwall's Zoning By-laws. The same can be said for the erection of signs, or fences, in relation to their applicable By-laws. If it doesn't, you may apply for a Minor Variance. However, if the change you wish to make is substantial, you must apply to the City for an amendment to the Zoning By-law (Planning Advisory Committee). Typical requests for Variances include: lot dimensions, building setbacks, parking requirements, sign size or height, fence height, minor changes in legal non-conforming uses, etc.

The Committee must ensure that the intent and purpose of both the Zoning By-law and the Official Plan are maintained, further that the proposal is appropriate for the development and use of the subject land or building. In addition, for Minor Variances it must be shown that the Variance is minor in nature.