

FCA – FAC Workshop

Developing Instructions for Ottawa's Committee of Adjustment

October 22, 2022

What this workshop will cover:

- Context: New City Council will re-establish its Committee of Adjustment – opportunity to provide instructions to the C of A
- Overview of Committee of Adjustment responsibilities
- City's Urban Design Guidelines for Low-rise Infill Housing (2022)
- Break-out Groups: 2 questions
- Group reports
- Next Steps: recommendations to FCA Planning & Zoning Committee, FCA General Meeting
- Presentation to new City Council

Overview of Committee of Adjustment

- Ontario's Planning Act permits municipalities to appoint a Committee of Adjustment to deal with minor variances to the zoning bylaw, consents & severances, permissions re. non-conforming uses, and validations of title & power of sale.
- The election of a new City Council requires that Council to re-establish its Committee of Adjustment and to appoint its members.
- The Planning Act sets out 4 tests that the Committee of Adjustment must consider when reviewing applications.

Test 1: Application must adhere to the City's Official Plan

- Every municipality must have an Official Plan that sets out policies governing the growth of the municipality for the next 10 to 20 years.
- Each Official Plan must be consistent with Provincial Policy Statements issued by the Ministry of Municipal Affairs & Housing (MMAH), and must be approved by the Minister.
- The City's current Official Plan was approved in 2016. A new Official Plan was submitted to the MMAH in December 2021 and is awaiting approval.

Test 2: Application must maintain the intent and purpose of the Zoning Bylaw

- The City's current Zoning Bylaw was approved in 2008 and has been amended since. It sets out the land uses and conditions (performance standards) of development throughout the City, and must be consistent with the City's Official Plan.
- The Committee of Adjustment does not deal with re-zonings: there is a separate process for this under the Planning Act.
- Upon approval of the City's new Official Plan, a zoning bylaw review will be started – this is expected to take 3 years to complete. Until then the current Zoning Bylaw applies.

Test 3: Would the granting of an application result in development that would be desirable for the appropriate development or use of the land?

- The Committee of Adjustment is required to publicize applications for minor variances, etc. and hear from interested parties at a public hearing. The application is circulated to City agencies for comment.
- This is the opportunity for the community to speak to the impacts of the development, the character of the neighbourhood, and other relevant planning issues.
- The applicant must show that the application qualifies as “good planning”.

Test 4: Is the application minor?

- The Zoning Bylaw provides for performance standards on setbacks, heights, etc. for each property class. An application for a variance is to vary these performance standards (ergo the application to C of A).
- There is no hard & fast definition of “minor”.

Other Committee of Adjustment items:

- The Committee of Adjustment has policies governing access to application information (plans & supporting documentation) and comments from other agencies (eg City Planning Department, Infrastructure Services, Conservation Authorities where applicable, etc.).
- The Committee of Adjustment has policies governing posting of applications, ability to comment & participate in C of A hearings (includes signage, mailings to property owners within 60 metres).

Other Committee of Adjustment items (cont.):

- The Committee of Adjustment has policies regarding posting of decisions and ability to appeal such decisions to the Ontario Land Tribunal. The OLT considers appeals at a “de novo” hearing (i.e. as a new hearing).
- Appeals of Committee of Adjustment decisions can only be made by parties who have participated in the C of A hearing process (either in person or by written comment).

Other Committee of Adjustment items (cont.):

- Ottawa's Committee of Adjustment is composed of 15 individuals appointed by City Council, supported by a secretariat (budget \$1.6 million).
- Ottawa's Committee of Adjustment is divided into 3 panels based on geography. A panel can render a decision on an application, adjourn a proceeding, or reserve its decision.

Resources:

- The City of Ottawa website:
<https://ottawa.ca/en/planning-development-and-construction/committee-adjustment>
- Committee of Adjustment Guide:
<https://glebeca.ca/wp-content/uploads/2021/03/Guide-for-Objecting-to-a-Minor-Variance.pdf>

QUESTIONS?