



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

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<b>Author's Phone: 519 736-5408 ext. 2134</b>	<b>Date to Council: December 12, 2022</b>
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**To: Mayor and Members of Town Council**

**Subject: Delegation of Authority to Committee of Adjustment**

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#### 1. **RECOMMENDATION:**

It is recommended that:

1. **By-law 2022-113** being a by-law to delegate powers to the Town of Amherstburg Committee of Adjustment to grant variances from Sign By-law 2006-26 and variances from Fence By-law 2022-027, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

#### 2. **BACKGROUND:**

In 2006, Council approved Sign By-law 2006-26 to prohibit and regulate the erection of signs, other advertising devices and the posting of notices within the Town of Amherstburg. In 2022, Council approved Fence By-law 2022-027 which prohibits the height and description of lawful fences. From time to time property owners request variances from the above noted by-laws. A procedure to process these requests has not been formalized.

#### 3. **DISCUSSION:**

Administration has reviewed the options for processing requests for variances from the sign by-law and fence by-law and have determined that delegating the approval powers to the Committee of Adjustment will be most effective and efficient.

Section 23.1 of the Municipal Act, 2001 authorizes the Town of Amherstburg to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c.32, Sched. A, s. 15;

The Committee of Adjustment (COA) consists of five residents who apply and are selected to sit on the Committee by Council. The COA has been delegated Council's authority to make decisions on Planning Act applications for consents and minor variances.

A request for variance from the sign or fence by-laws would follow a similar process as a request for minor variance from the Zoning By-law.

- An application with application fee will be required.
- A notice of public hearing will be sent to all property owners within 60 metres of the subject property at least 10 days prior to the public hearing.
- An administrative report with recommendations will be prepared and form part of a public agenda which is circulated a minimum three days prior to the hearing.
- The public hearing allows members of the public to provide written or oral comments prior to the COA decision being made.
- A notice of decision will be circulated after the public hearing to the property owners within 60 metres of the subject property along with anyone that requested a copy of the decision of the COA.
- A 20 day appeal period will be noted on a decision cover letter.
- The decision of the COA can be appealed to the Ontario Land Tribunal.

This proposed procedure provides for consistency on how variances from municipal by-laws are reviewed and provides opportunity for neighbouring property owners to make comment to the approval authority in a public forum.

#### **4. RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

#### **5. FINANCIAL MATTERS:**

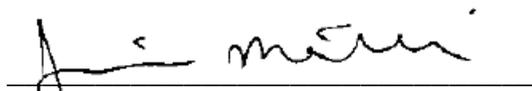
Variance application fees will be required as part of the application process, are determined by the User Fee By-law and are the responsibility of the applicant.

#### **6. CONSULTATIONS:**

Director of Development Services  
Manager, Licensing and Enforcement  
Manager, Planning Services

#### **7. CONCLUSION:**

The Municipal Act, R.S.O. 2001, c 25 Section 23.1 authorizes Council to delegate its powers and duties under this Act to a person or body. It is appropriate to delegate Council's powers and duties to grant variances from the Sign and Fence by-laws to the Committee of Adjustment at this time.



Janine Mastronardi  
**Planner**



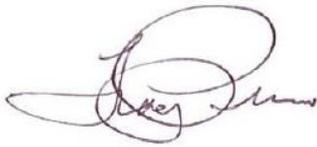
## Report Approval Details

Document Title:	Delegation of Authority.docx
Attachments:	- 2022-113- Delegation of Powers to COA for Sign and Fence Variances.pdf
Final Approval Date:	Dec 7, 2022

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox