

Committee of Adjustment

The Committee is made up of 9 volunteer citizen members (appointed by City Council) who review applications for minor variances to the Zoning By-laws and consents (land severances) for properties in the City of Hamilton.

What is a Minor Variance?

All development proposals must comply with the City's Zoning By-law. Whenever changes are made to a particular site and any of the Zoning Regulations are not complied with, you will need a minor variance or amendment to the by-law to legalize the situation. The variance can relate to the land, building or structure or its use.

Role of the Committee

The Committee meets bi-weekly at City Hall to review applications. This meeting is open to the public and usually held in rooms 192 and 193, however, during the pandemic meetings have been moved online. Prior to the meeting, the committee will have received the paper applications as well as any letters/emails from concerned parties. During the meeting, the committee reviews each application to make a decision at which time, the Committee Chair will ask if anyone is interested in speaking. This is when the interested parties can raise their hands and will be provided guidance on when to speak. During the pandemic, anyone interested in speaking at the meeting must pre-register.

Once everyone has an opportunity to speak and the committee has discussed the application, the committee will vote to approve or deny it. In some circumstances, the application will have conditional approvals, be returned to the applicant for more information or withdrawn.

The decision to approve or deny an application is based on 4 main criteria, they are:

- The variance is minor
- It is desirable for the appropriate development or use of the land, building or structure
- The general intent and purpose of the by-law(s) is maintained
- The Official Plan is maintained

The Committee of Adjustment Process.

The Applicant submits the application to the Committee of Adjustment. The City strongly recommends applicants talk to a City Planner to determine feasibility prior to submitting an application but it is not required. Once the application is processed by staff, the land owner must post a sign on the property and the Committee of Adjustment Secretary will post the applications online (as part of the meeting agenda) and mail out notices to land owners within 60m (200'), 14 days prior to the public hearing.

Upcoming meeting agendas can be found [here](#).

The public meeting is held and a decision is determined. There are then 20 days from the date of oral decision for Minor Variances or written decision for Consents that any interested party can appeal the decision to the Ontario Land Tribunal.

Decisions can be found [here](#); click on the 'Calendar' button and then scroll to the meeting date. Click on the link and it will open to 4 pdf documents. Click on decisions. Agenda, Participation and Comments are also available for viewing.

If you have received a Minor Variance Application

Review each variance and consider if you would like to participate in the process. If you determine that you are going to participate (either by showing support for the application or raising concerns), you will then need to determine if you will write a letter/email and/or present your opinion/concern during the meeting. Please note, any letters/emails are made public at the meeting.

If you have any questions about the Official Plan or Zoning by-laws, contact your Ward Councillor who can connect you with City Staff. The Ward Councillor will also have City of Hamilton staff reports available before the meeting.

Letter/Email Tips

The Committee receives tens to hundreds of letters for each meeting. To be impactful, use bullet points and pictures where possible.

Include your name, address and where you are in relation to the application (ie. I am the property owner across the street from the application land).

Be specific as possible. If you are only concerned with 1 or 2 variance(s) and there are several listed, stick to the 1 or 2 you want to highlight or let the committee know you support the other variances. List the minor variance (s) on the application and then describe how it will positively or negatively impact your property or the character of the neighbourhood.

Consider the 4 main criteria listed above and describe how the application in your opinion does or does not meet the criteria.

Note: if you are concerned about a development's impact on street parking and there is no parking variance on the notice you received. The Committee cannot make any judgement about this. They can only make decisions about the variances on the application.

Presentation Tips

The committee will review the application and then hear from the applicant. They will then hear from any other interested parties. You will only be given 1 chance to speak. The applicant will be given a chance to respond after your presentation.

When it's your turn to speak. Identify your name, address, how you relate to the application and why you are speaking (ie. "I am here today to show support for this application" or "I have some concerns about this application"). Optional: let them know how long you have lived/owned property on the street.

Be specific. Plan the key points you want to highlight ahead of time as it relates to the minor variances.

Bring pictures supporting what you are talking about.