

Committee of Adjustment

The Planning Act allows a municipal council to appoint a Committee of Adjustment to consider the following:

- Minor variances from zoning by laws
- Changes to legal non-conforming uses
- Interpretations to generalized by laws

The Regional Municipality of Waterloo has also delegated its approval authority to the City of Cambridge Committee of Adjustment with regards to consents, which include the following:

- Severances
- Lot additions
- Access rights-of-way
- Service easements
- Leases over 21 years

The City of Cambridge Committee of Adjustment is made up of five members appointed by Council from the community. All decisions of the committee are available to the public. A minimum of three members must be present at all meetings, and a majority vote is used to make decisions.

Timing

The process usually takes 8-10 weeks:

1. 5 weeks from application submission deadline until the hearing date
2. 10 days after the hearing until the written decision is mailed
3. The 20 day appeal period
4. The decision is final and binding following the appeal period if no appeals are received
5. Appeals are dealt with at the Ontario Land Tribunal

Minor Variances

All development proposals must comply with the City of Cambridge Zoning by law, which sets out detailed requirements for the use of land and buildings, including building size and location on a property. The Committee of Adjustment may consider a variation from the requirements, called a minor variance.

Example: Reduction in the required distance from the rear property line as a result of a proposed deck.

Criteria for Considering Minor Variances

Section 45(1) of the Planning Act establishes four tests that must be applied to every application for a minor variance. Variances are to current by laws in force, not future by laws.

1. Is the variance minor?
2. Is the general intent & purpose of the Zoning by law maintained?
3. Is the general intent and purpose of the Official Plan maintained?
4. Is the variance desirable for the appropriate development of use of land, building or structure?

Consents

Land Severance, Lot Additions, Easements

Where land division by a plan of subdivision is not necessary, the Planning Act allows the consent granting process. This usually involves a land severance (dividing parcels of land into 2 or more new lots or as lot additions to abutting properties), or the establishment of a right-of-way, easement or lease.

The Process

1. Notice

A written notice is mailed out to all property owners who appear on the last assessed tax roll within a specified radius of the subject property depending on the application. The applicant is also required to post a sign on the subject property, which is provided by the City of Cambridge.

2. Circulation

Each application is circulated to internal staff and external agencies for their comments or concerns regarding the proposal. Planning staff take all agencies' comments into consideration before making a recommendation to the Committee of Adjustment.

3. Public Meeting

A public meeting is held to hear all applications. The applicant or a representative must be present to make a brief presentation of their application to the Committee.

Please note the following for presentations at the public meeting:

- 5 minutes per individual speaker
- Representatives for a larger group can ask the Chair for more than 5 minutes speaking time
- Written or digital presentations should be provided before the meeting, to the Recording Secretary.

The Committee will also hear anyone else who has concerns or questions regarding the application. All presenters will be required to state their name, address and if they are representing someone else. The Committee may ask questions of the applicant or other interested parties for clarification.

4. Decisions

Staff recommendations are provided to the Committee and copies of the recommendations are available online for the applicant and interested parties at or before the public meeting. The Committee considers the submissions and staff's recommendations before making the decision. The decision is made at the end of hearing each application. A copy of the decision is mailed to the applicant and all others who provided their name at the public meeting or submitted written comments.

If the decision of the Committee of Adjustment is not appealed, it becomes final and binding following the appeal period.

5. Appeals

There is fee of \$400.00 + a \$200 processing fee for each application. All appeals must be received in writing to the Secretary Treasurer to the Committee of Adjustment within 20 days of the notice of decision for consent and within 20 days from the date of decision for minor variances. The OLT is an independent quasi-judicial administrative tribunal established by the Provincial Government, for hearing and deciding on a variety of contentious municipal matters. On receiving a notice of appeal, the OLT schedules and holds a hearing and makes a decision.

6. Conditions

The Committee of Adjustment is authorized to impose conditions in the decision. **In order for an application to be complete, all conditions imposed by the Committee of Adjustment must be fulfilled to the satisfaction of the specified agency.**

The Committee of Adjustment process begins with the submission of the application form and associated drawing(s). It is recommended that each application be discussed with Planning staff prior to submission. The Committee of Adjustment meets once every five weeks as per the following schedule.

Schedule of Dates

January 1st 2022 to March 10, 2023

| Deadline to Submit | Notice of Meeting | Public Meeting Date | Final Appeal Date for Variances | Final Appeal Date for Consents |
|--------------------|-------------------|--------------------------|---------------------------------|--------------------------------|
| January 5, 2022 | January 13, 2022 | February 2, 2022 | February 22, 2022 | March 3, 2022 |
| February 2, 2022 | February 10, 2022 | March 9, 2022 | March 29, 2022 | April 7, 2022 |
| March 9, 2022 | March 17, 2022 | April 13, 2022 | May 3, 2022 | May 13, 2022 |
| April 13, 2022 | April 21, 2022 | May 18, 2022 | June 7, 2022 | June 16, 2022 |
| May 18, 2022 | May 24, 2022 | June 22, 2022 | July 12, 2022 | July 21, 2022 |
| June 22, 2022 | June 28, 2022 | July 27, 2022 | August 16, 2022 | August 25, 2022 |
| July 27, 2022 | August 2, 2022 | August 31, 2022 | September 20, 2022 | September 29, 2022 |
| August 31, 2022 | September 6, 2022 | October 5, 2022 | October 25, 2022 | November 3, 2022 |
| October 5, 2022 | October 11, 2022 | November 9, 2022 | November 29, 2022 | December 8, 2022 |
| November 9, 2022 | November 15, 2022 | December 14, 2022 | January 3, 2023 | January 12, 2023 |
| February 1, 2023 | January 5, 2023 | February 1, 2023 | February 21, 2023 | March 2, 2023 |
| March 8, 2023 | February 7, 2023 | March 8, 2023 | March 28, 2023 | April 6, 2023 |

Please Note: For consent applications, the conditions must be fulfilled and the deed stamped within one year from the date of the notice of decision. Conditions may be imposed on a minor variance application.

Applications & Fees

Applications may be obtained from the 3rd Floor at 50 Dickson Street in the City of Cambridge or online at www.cambridge.ca

| | |
|--------------------------------------|------------|
| Minor variance application fee | \$1,240.00 |
| Consent application fee | \$1,600.00 |
| Deed stamping fee (for consents) | \$260.00 |
| Revision of consent conditions | \$570.00 |
| Applicant initiated deferral request | \$260.00 |
| Easement after approved severance | \$520.00 |

Region of Waterloo Planning & Development Fees

| | |
|-------------------------------|----------|
| Schedule "A" To By Law 15-019 | |
| Consent Application Fee | \$350.00 |

Fees are subject to change
Please confirm with:

City of Cambridge, Community Development Department

50 Dickson Street, 3rd floor
P.O. Box 669
Cambridge, Ontario N1R 5W8
Telephone: (519) 519-621-0740, Ext. 4289
Fax: (519) 740-9545
Email: planning@cambridge.ca
Website: www.cambridge.ca

Committee Of Adjustment

Information Brochure

