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Frequently Asked Questions: Minor Variances

1. What is the Committee of Adjustment?

The Committee of Adjustment is a group of 5 members appointed by Cambridge City Council to make decisions regarding minor variance and severance applications in the City of Cambridge.

2. What is a Minor Variance?

Municipalities establish standards through zoning by-laws to achieve orderly and safe development in their communities. These standards are set out in zoning by-laws. A zoning by-law governs the types of uses permitted on a property and sets out development requirements (example: Required parking and landscaping setbacks of buildings from lot lines). The minor variance process is a method to obtain approval for different zoning standards through the Committee of Adjustment when hardship or circumstances do not allow you to meet the standards in the by-law.

A minor variance includes the following:

- Minor changes from the Zoning By-law
- Extensions or changes to legal non-conforming uses
- Interpretation of generalized zoning by-laws

3. When may I need a Minor Variance application?

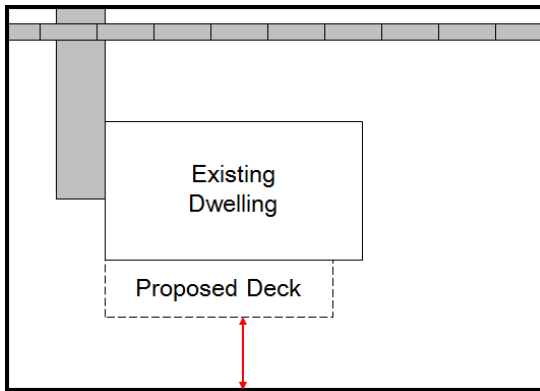
When a building permit application is made for new construction of any type, your proposal will be reviewed against the minimum development requirements set out in the Zoning By-law. If one or more requirements cannot be met, you are provided the option of seeking minor variance approval.

Alternatively, if it is discovered that a previously constructed building does not comply with one or more requirements of the by-law, it may be possible to obtain minor variance approval to 'legalize' the property.

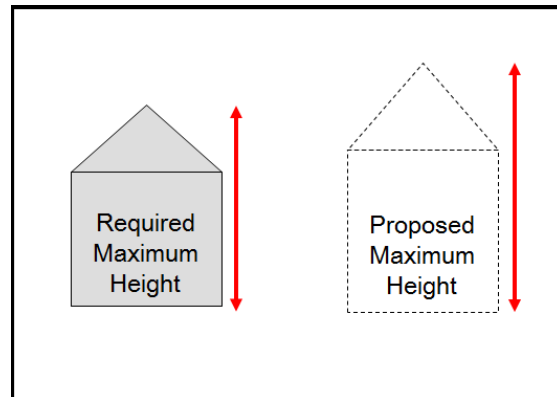
You are encouraged to consult with staff in the Planning Services Division in the Community Development Department prior to making an application.

Examples

Reduced rear yard setback to a proposed new deck



Increased height of a new detached garage



4. How is the application evaluated?

Minor Variances are evaluated based on four (4) tests set out in **Section 45(1)** of the Planning Act:

- Is the variance minor? (This is not a mathematical exercise)
- Is the general intent and purpose of the Zoning By-law maintained?
- Is the general intent and purpose of the Official Plan maintained?
- Is the variance desirable for the appropriate use of land, building, or structure?

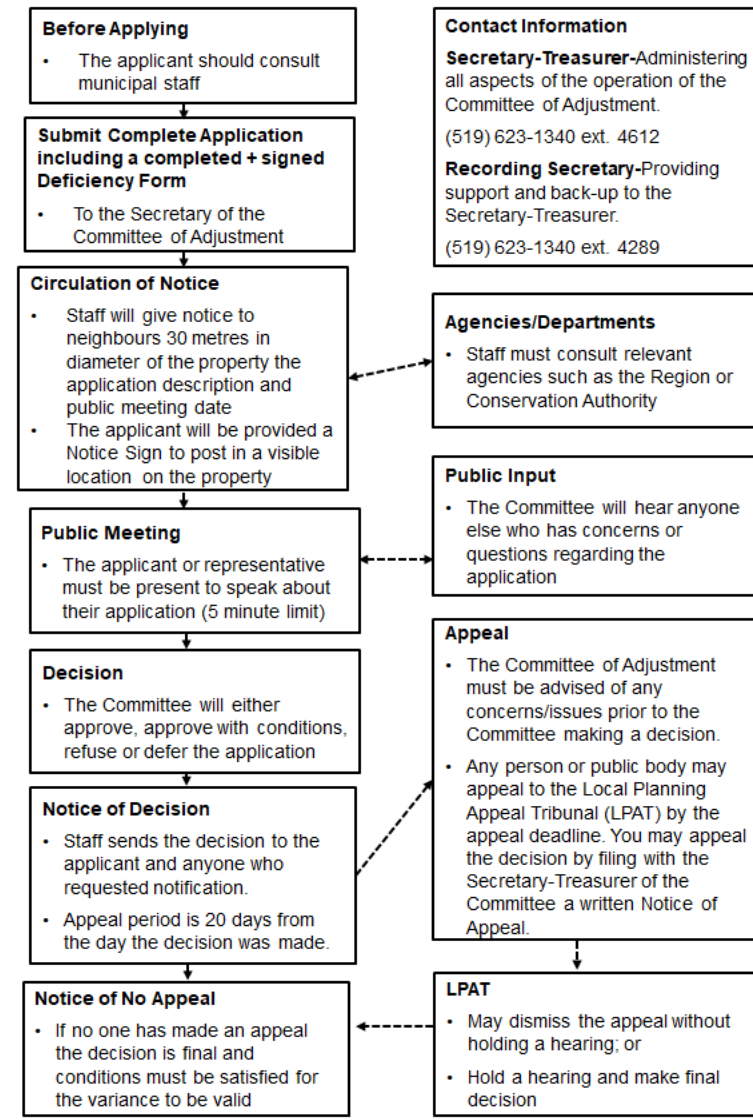
Legal Non-Conforming Uses:

Legal non-conforming uses are properties that are not permitted in the current Zoning By-Law but lawfully existed under the previous zoning by-law that was in place.. -. Extensions or changes to legal non-conforming under **Section 45(2)** of the Planning Act are evaluated based on both desirability for the development of the property in question and the impact on the surrounding area. They do not have to meet the 'four tests' explained above.

5. What types of decisions can the Committee of Adjustment make?

Approval	The Committee may approve the minor variance as proposed by the applicant.
Approval with conditions	The Committee may grant approval with specific conditions that must be satisfied in order for the variance to be valid. There may be timelines associated with conditions.
Refusal	The Committee may refuse the variance as proposed by the applicant if it does not meet one or all of the four tests.
Deferral	The Committee may defer the application to a later date to allow the applicant to provide additional required information.

6. What is the process for a minor variance application?



Please see the [Committee of Adjustment Information Brochure](#) for more detail on the process.

7. How long will it take?

The process generally takes 8-10 weeks depending on the complexity of the application. The following timeline is an estimate and may be subject to change if any significant issues are raised during circulation and review of the application:

- 5 weeks from application submission deadline until the hearing date
- 10 days after the hearing until the written decision is issued
- 20 day appeal period from when the decision is made
- The decision is final and binding following the appeal period if no appeals are received

8. What is my role at the public meeting?

The applicant or representative is expected to be present at the public meeting. The applicant will be made aware if staff is recommending refusal of the application in advance of finalizing the staff recommendation report. At the meeting, staff will provide a PowerPoint presentation overviewing each application and staff's recommendation.

The applicant or representative will then have the opportunity to make a brief presentation (not a requirement). A copy of any digital presentation should be provided to the Recording Secretary before the meeting. The applicant or representative may be asked questions by the Committee regarding the application. Please note there is a 5 minute speaking limit. The Committee will also hear anyone else present who has questions or concerns regarding the application.

Citizen's Role

The Committee will also hear anyone else present who has questions or concerns regarding an application. This gives citizens the opportunity to get involved in the decision making process and to share any potential comments/concerns at the meeting. Interested parties will have the opportunity to speak after the applicant's presentation. Each speaker will have the opportunity to address the Committee with their comments or concerns. Speakers will be given five (5) minutes to speak and large groups will be given fifteen (15) minutes to speak. The Committee of Adjustment will consider these comments or concerns before making a decision on a particular application.

If there is a concern about a minor variance application that may affect you, you should:

- Find out as much as you can about the application
- Discuss your concerns with the minor variance-granting authority
- Submit in writing your comments or concerns to the Recording Secretary prior to the meeting. These comments will be shared to the Committee before any decisions are made.

9. What conditions may be imposed?

The City and other public bodies may require additional plans and studies as a condition of approval. These requirements may include but are not limited to the following:

- Site plan application
- Demolition permit
- Lot grading and drainage plans

- Archaeological and/or cultural heritage resources*
- Relocation of hydro/services
- Development agreements
- Agency review fees

Some conditions may include time limits for completion.

* If a property has cultural heritage significance and a heritage impact assessment is required for the proposal, the City’s Municipal Heritage Advisory Committee will need to review the heritage impact assessment and make a recommendation to the Committee of Adjustment. This will be required prior to the Committee of Adjustment making a decision about the application.

10. How much will it cost?

The cost for a minor variance application can be found on the [Planning Application Fee Summary](#). One application fee is required per property. In addition to the application fee(s), there may be associated costs incurred through the process of fulfilling conditions and/or obtaining a building permit.

Typical Costs as of 2021 (Fees are subject to change):

Common Costs	Cost Estimate
Review fees – Grand River Conservation Authority	\$260.00 (minor) - \$1,030 (major)
Grand River Conservation Authority Permit Fee	\$400.00 (minor) - \$8,695 (major)
Building Permit Fee	See Simplified Building Permit Fee Schedule
Planning Application Fees	See Planning Application Fee Summary
Development Charges	See Development Charges Info Brochure
Agreements (legal fees)	\$450.00
Installation/relocation of Hydro	Contact Energy+ Inc. at (519) 621-3530
Installation/relocation for Water and Sanitary Servicing (Residential)	\$15,000.00 - 20,000.00/per lot (Formal estimates prepared by the City based on site conditions and may vary)

Note: Not all of these costs may be applicable. Fees are subject to change.

11. What can I do if my application is turned down?

Any person or public body may appeal the decision. Each appellant must fill out the A1 Appeal form which can be downloaded from the [Environmental & Land Division Tribunals Ontario website](#) in addition to the Appeal Guide. The completed form must be submitted to the City within the time frame noted on the decision and include a **\$300 fee** (per appeal) made out to the Minister of Finance. The City will forward the appeal to the Local Planning Appeal Tribunal.

If no appeals are received, the applicant will be notified and instructed to remove the Notice Sign from the subject property.

12. What are the next steps after receiving approval?

Clear any conditions imposed by the Committee by consulting the respective departments and/or agencies for more information. These conditions must be fulfilled for the minor variance to be valid. When the applicant has fulfilled all the conditions, notify the Secretary of the Committee of Adjustment. Proceed to apply for your building permit (if required).

For additional resources, please refer to the [Ministry of Municipal Affairs and Housing website](#) for Citizens Guide to Minor Variances.