

# City of Kitchener

## Committee of Adjustment

Prepared by: Legislated Services



## WHAT IS A 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 Kitchener Committee of Adjustment with regard to consents, which include the following:

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

The City of Kitchener Committee of Adjustment consists of five members appointed by Council from the community. All decisions of the Committee are available to the public.

## MINOR VARIANCES

All development proposals must comply with the City of Kitchener Zoning By-law, which sets out detailed requirements dealing with the use of land and buildings, including building setbacks. Where a project design or lot size/shape makes it impossible to comply with all zoning requirements the Committee of Adjustment may consider a variation from the rules, called a minor variance. Example: reduction in the required setback from the rear property line for a proposed deck.

## CONSENTS

Where land division by a plan of subdivision is unnecessary, or where a lot line is being adjusted, 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.

# APPLICATIONS & FEES

*Fees are subject to change without notice.*

Applications may be obtained from the City of Kitchener, Planning Division, 6th Floor at 200 King Street West or on-line at <http://www.kitchener.ca>; search for the Committee of Adjustment. The fee for a minor variance sign or fence application is \$1,189.00. The fee for a minor variance zoning application is \$1,250.00. The consent application fee is \$1,479.00, with an additional fee of \$255.00 to receive the consent Certificate of Official. *\*2019 still under review*

## TIMING

The entire process usually takes 10-12 weeks.

- 4 weeks from application submission deadline until the hearing date.
- 10 days after the hearing until the written decision is mailed.
- The 20 day appeal period.
- The decision is final and binding following the appeal period provided no appeals are received.
- Appeals are dealt with by the Local Planning Appeal Tribunal (LPAT).

## THE PROCESS

The Committee of Adjustment process begins with the submission of the application form and associated plans and fee. It is recommended that each application be discussed with Planning staff prior to submission.

The Committee of Adjustment meets once a month as per the following **2019 schedule**:

APPLICATION DEADLINE	MEETING DATE
Monday December 10, 2019	Tuesday January 15, 2019
Monday January 14, 2019	Tuesday February 19, 2019
Monday February 11, 2019	Tuesday March 19, 2019
Monday March 11, 2019	Tuesday April 16, 2019
Monday April 15, 2019	Tuesday May 21, 2019
Monday May 13, 2019	Tuesday June 18, 2019
Monday June 10, 2019	Tuesday July 18, 2019
Monday July 15, 2019	Tuesday August 20, 2019
Monday August 12, 2019	Tuesday September 17, 2019
Monday September 9, 2019	Tuesday October 15, 2019
Tuesday October 15, 2019	Tuesday November 19, 2019
Monday November 4, 2019	Tuesday December 10, 2019

## **NOTICE**

A Notice of Hearing is published in The Record at least 14 days prior to the Committee of Adjustment meeting. Also, as a courtesy to immediate neighbours a Notice is mailed to property owners within 30m of each subject property.

### **1. CIRCULATION**

Each application is circulated to internal staff and external agencies so they may provide the Committee with their written comments or concerns regarding the proposal. These written reports are available to anyone having an interest in an application and may be obtained at the Office of the City Clerk after 12:00 noon the Friday prior to the Committee meeting or viewed on-line at <http://www.kitchener.ca> Calendar of Events tab (meeting date).

### **2. PUBLIC MEETING**

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

### **3. DECISIONS**

The Committee considers all submissions and staff's recommendations before making the decision. The decision is made at the public meeting. 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 prescribed appeal period.

### **4. APPEALS**

If there is an objection to the Committee of Adjustment decision, it can be appealed to the Local Planning Appeal Tribunal (LPAT). Anyone having interest in the application can appeal the Committee's decision. All appeals must be in writing on the prescribed LPAT form (Appellant Form A1) and must be filed with the Secretary Treasurer to the Committee of Adjustment within the prescribed appeal period. The Appellant Form and applicable fees can be downloaded from the LPAT website at <http://elto.gov.on.ca/>. The LPAT 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 LPAT schedules and holds a hearing and makes a decision.

All appeals for consents must be filed within 20 calendar days after the Notice of Decision is mailed. All appeals for minor variances must be filed within 20 calendar days from the day the Committee made the decision at the public meeting.

### **5. 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.

PLEASE NOTE: For consent applications, the conditions must be fulfilled within one year from the date the notice of decision is mailed.

**For Additional Information Contact:**  
City of Kitchener Planning Division  
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Kitchener, Ontario, N2G 4G7  
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[planning@kitchener.ca](mailto:planning@kitchener.ca)