

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 19, 2018

---

**FROM:** Planning Services Department and Building Services Department

**DATE:** February 26, 2018

**SUBJECT:** Committee of Adjustment 2016 and 2017 Annual Activity Report

**LOCATION:** Town wide

**WARD:** Town wide

---

Page 1

#### RECOMMENDATION:

That the *Committee of Adjustment 2016 and 2017 Annual Activity Report* dated February 26, 2018 from the Building Services Department and Planning Services Department be received.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- Continuous review of the Committee of Adjustment processes and procedures resulted in further administrative enhancements and innovations that proved significant in providing increased customer service, renewed connectivity between town staff and the community, and a stronger team approach to reviewing applications.
- A total of 211 minor variance applications were heard by the Committee and 17 consent applications were received in 2016.
- A total of 202 minor variance applications were heard by the Committee and 16 consent applications were received in 2017.

#### BACKGROUND:

The purpose of this report is two-fold:

- Report on the changes undertaken by staff which continued from the administrative review that occurred in 2014 to provide enhanced service delivery.
- Provide an annual report for 2016 and 2017 of the Committee of Adjustment activities following the implementation of new data collection exercises.

In late 2014, staff commenced a review of the Committee of Adjustment process which focused on improving the internal processing of applications. In January 2016, enhancements were made to the AMANDA database system to allow for the

collection of various data to improve reporting and make data easily accessible for all staff.

Further, staff involved in the Committee of Adjustment review team has expanded to include Development Engineering and Zoning to contribute in the discussions on Committee of Adjustment applications. This approach is reflected in the comments and advice provided to the Committee and continues to improve the interaction between staff, the Committee and the public.

### **COMMENT/OPTIONS:**

This annual report contains a range of topics that highlight the activity and progress of the Committee of Adjustment in 2016 and 2017. A discussion on these topics is provided as follows:

#### ***Annual Activity***

In 2016, a total of 211 minor variance application were heard by the Committee of Adjustment. Approximately 94% were residential with the remainder being non-residential. In 2017, a total of 202 minor variance applications were heard, and approximately 89% were residential with the remainder being non-residential.

The following tables reflect the statistical data that has been collected.

Number of Applications Per Ward	2016	2017
Ward 1	24 (11%)	29 (14%)
Ward 2	60 (28%)	67 (33%)
Ward 3	78 (37%)	77 (38%)
Ward 4	9 (4%)	10 (5%)
Ward 5	29 (14%)	14 (7%)
Ward 6	11 (5%)	5 (3%)

Application Type Town Wide	2016	2017
Single Detached Dwellings	179	176
Semi-Detached Dwellings	1	0
Townhouse Dwellings	9	2
Apartments	6	2
Non-Residential	16	22

Top Five Residential Variances Requested	2016	2017
Yards	143	113
Residential Floor Area Ratio	73	96
Lot Coverage (all buildings and structures)	63	71
Garage Gross Floor Area	40	25
Height	22	47

While there is a consistent pattern of variance types for residential uses, there is no pattern for variances requested for non-residential uses. With so few non-residential applications received, the variances typically requested varied equally from landscaping, parking quantity, separation distances to sensitive land uses, roof top terraces and outdoor storage.

### ***Data Enhancements***

Staff have implemented a two-phase data enhancement project with Strategic Business Solutions to obtain higher quality data from minor variance applications. Phase 1 included upgrades to the Committee of Adjustment folders in AMANDA to support data entry points that can be reported and analyzed. Phase 1 was implemented in January 2016 and staff are now able to collect data more efficiently.

Today, staff can now report on specific variances requested by Ward or by street name. As an example, in Ward 1, 24 applications were received in 2016. Of the applications received, 13 requested an increase in lot coverage. Staff can analyze the data and report that of the 13 requested variances, applicants generally sought an increase of 3.87% higher than the By-law requirement on average. The following table is an example of the data collected.

Regulation	By-law Requirement	Variance Requested	Staff Position	Committee Decision
Lot Coverage	25%	29.8%	Unsupported	Not Approved
Lot Coverage	25%	28.62%	Unsupported	Approved
Lot Coverage	25%	26.2%	Supported	Approved
Lot Coverage	25%	27.8%	Supported	Approved
Lot Coverage	35%	45.82%	Supported	Approved
Lot Coverage	35%	35.48%	Unsupported	Not Approved
Lot Coverage	35%	37.77%	Supported	Approved
Lot Coverage	35%	37.37%	Supported	Approved
Lot Coverage	35%	39.52%	Supported	Approved
Lot Coverage	35%	42.95%	Supported	Approved
Lot Coverage	111.5m2	127.7m2	Supported	Approved
Lot Coverage	25%	31.5%	Unsupported	Not Approved
Lot Coverage	35%	37.45%	Unsupported	Approved

This enhanced data collection will help staff track and monitor trends in minor variance applications and changes that are occurring throughout the Town.

Phase 2 will include building a dashboard for the data to be accessed by all planning and building staff to support other work functions, such as Ontario Municipal Board hearings. Additionally, Phase 2 will see the launch of a new mapping feature that will identify variances spatially for all minor variance applications as early as the 1980s.

Going forward, staff will continue to work on refining the data collection approach to improve efficiency and accessibility of Committee of Adjustment data.

### ***Ontario Municipal Board Appeals***

With the data enhancements, staff can also report on Ontario Municipal Board (OMB) appeals. The following table reflects the data collected on OMB appeals.

Year	Applications Supported By Staff and Denied by Committee	Applications Not Supported By Staff and Approved by Committee	Appeals Filed by the Town	Appeals Filed by the Applicant or Third-Party	Total Number of Appeals Filed
2016	14	24	10	12	22
2017	3	15	15	6	21

With respect to the Town-initiated appeals in 2016, 4 were withdrawn and 6 reached a settlement. In 2017, 5 applications are still under appeal, 6 were withdrawn, 1 appeal was allowed by the OMB (application was denied), and 3 applications were settled. Staff are more engaged in mediation with applicants to reach mutually desirable solutions, where possible.

Furthermore, staff are more engaged with applicants by providing pre-consultation type services to discuss the merits of applications prior to their submission in order to avoid costly delays and deferrals. It has been staff's experience that these customer service improvements have renewed connectivity between Town staff and the community.

### **Summary**

In 2014 and 2015, staff identified, investigated and implemented a number of process and service improvements for the betterment of the public, Town and Committee members. Staff have continued to build upon these improvements to further enhance our service levels and provide improved access to information and data. To maintain our high level of service, staff will continue to review and monitor the Committee of Adjustment processes, service delivery and seek enhancements wherever possible.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

No public notice is required.

#### **(B) FINANCIAL**

Not applicable.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The involvement of all Town Departments in the Committee of Adjustment service was considered in preparing this report.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- Continuously improve our programs and services
- Provide outstanding service to our residents and businesses
- Be innovative in everything we do

**(E) COMMUNITY SUSTAINABILITY**

The goals and objectives of Livable Oakville are considered in the decision making process of the Committee of Adjustment applications.

Prepared by:

Timothy Lee  
Manager, Zoning and Committee of  
Adjustment  
Building Services

Kate Mihaljevic  
Planner  
Planning Services

Recommended and Submitted by:

John Tutert  
Director  
Building Services

Mark H. Simeoni  
Director  
Planning Services