

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 25, 2016

FROM: Building Services Department and Planning Services Department
16-650

DATE: July 5, 2016

SUBJECT: **Committee of Adjustment Enhancements and 2015 Annual Activity Report - Committee of Adjustment Procedure By-law 2016-066**

LOCATION: Town wide

WARD: Town wide

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RECOMMENDATION:

1. That the Committee of Adjustment Annual Activity Report dated July 5, 2016, from Building Services department and Planning Services department be received; and
2. That Committee of Adjustment Procedure By-law 2016-066, being a by-law to establish rules governing the calling, place, proceeding and providing notice of meetings, be passed.

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 administrative enhancements and innovations that proved significant in providing increased notice to the public, review time savings for staff and improved access to information for the public and staff;
- Planning Services assigned a dedicated planner in May 2015 exclusively to coordinate with other planning staff and development engineering staff in order to prepare comments for the Committee resulting in a team approach during the review process;
- Committee of Adjustment Procedure By-law and Terms of Reference changes are recommended to promote customer service and support the Committee's operational needs;
- Online streaming of hearings is recommended as a significant component in accessibility and transparency of Committee meetings; and
- A total of 240 minor variance applications were heard by the committee and 21 consent applications were received in 2015.

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BACKGROUND:

The purpose of this report is two-fold:

- Report on the changes undertaken by staff following an administrative review undertaken over the last year which are intended to provide for a service which is more transparent, efficient and effective in its decision making; and
- Provide an annual report of the Committee of Adjustment activities which, while limited this first year, will become more robust as the administrative systems are being altered to allow for easier collection of key data.

In late 2014, staff commenced a review of the Committee of Adjustment process which focused on improving the internal processing of applications. One of the main objectives focused on providing the public with earlier notice prior to the public hearing. The main area that was looked upon to reach this goal was to better utilize the existing software and technology tools available to take advantage of their full potential. By improving our internal processes and interaction with the public we are able to facilitate the Committee being more efficient in their role.

Further, in the last few years the Committee has faced a number of challenges related to processes, customer service, and administration. With the introduction of Bill 73 and the Official Plan Review, the Committee will experience new challenges as staff continue to examine a number of ongoing pressures related to redevelopment across the town, and in stable neighbourhoods. The enhancements that staff have implemented, together with the introduction of a dedicated planner and establishing a team approach to the review of applications has created a positive shift in the interaction between staff and the Committee and members of the public. Staff will continue to facilitate the Committee in being more effective in their role by ensuring that applicable policies and by-laws are considered when making decisions.

COMMENT/OPTIONS:

This annual report contains a range of topics that highlight the activity and progress of the Committee of Adjustment in 2015. A discussion on these topics is provided as follows:

Annual Activity

In 2015, a total of 240 minor variance applications were heard by the Committee of Adjustment. Approximately 85% of minor variance applications are residential with the remainder being non-residential.

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The tables below reflect some of the statistical data that has been collected. The minor variance data that is shown is with relation to new zoning by-law 2014-014 only.

| Number of Applications Per Ward | |
|---------------------------------|----------|
| Ward 1 | 39 (16%) |
| Ward 2 | 63 (26%) |
| Ward 3 | 89 (37%) |
| Ward 4 | 14 (6%) |
| Ward 5 | 24 (10%) |
| Ward 6 | 11 (5%) |

| Application Type | |
|---------------------------|-----|
| Single Detached Dwellings | 198 |
| Semi-Detached Dwellings | 0 |
| Townhouses | 3 |
| Apartments | 4 |
| Non-Residential | 35 |

| Breakdown of Top Five Residential Requested Variances | |
|---|-----|
| Yards | 117 |
| Residential Floor Area | 81 |
| Lot Coverage | 61 |
| Height | 50 |
| Garage Gross Floor Area | 37 |

| Breakdown of Top Three Non-Residential Requested Variances | |
|--|----|
| Landscaping | 15 |
| Yards | 8 |
| Parking | 7 |

2015 Applications Appealed to the Ontario Municipal Board (OMB)

Of the 240 minor variance applications that were heard by the Committee in 2015, 10 were appealed to the OMB. Two were appealed by applicants and eight by others.

- 3 of the appeals were withdrawn
- 2 appeals are pending a decision from the OMB
- 3 appeals the OMB authorized the variances approved by the Committee
- 1 appeal the OMB dismissed the variances approved by the Committee
- 1 appeal was settled prior to the OMB hearing with removal of variances for a cabana

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The Committee of Adjustment section also received 21 consent applications. These applications are at various stages of the consent process.

Administrative Enhancements

In 2014, staff commenced a review of our Committee of Adjustment processes involved with the intake of an application, circulation to staff, document storage, and public notification. In examining our processes staff found opportunities for efficiencies and enhancements that would improve our overall customer service practices for the general public, the applicant, and staff. Staff have begun implementing these changes which have resulted in strengthened departmental relationships, improved internal review times, increased public notice, and better access to information for both the public and staff. The following are highlights resulting from these changes:

Planning Services Changes

In May 2015, Planning Services assigned a dedicated planner to comment on all minor variance and consent applications. With the introduction of a dedicated planner to the Committee of Adjustment process, comments to the Committee are more consistent and provide better clarity for both the Committee and members of the public in understanding a proposal and applicable planning policies. Planning Services is now represented at each Committee meeting by the planner to address any questions raised by the members or general public in attendance. The new planner contributes to improved customer service practices for both the applicant and the general public, promotes the distribution of the new Committee of Adjustment Citizen's Guide, and encourages the engagement of property owners in matters before the Committee.

As a result of having a dedicated planner, staff is able to contribute additional support to the technological enhancements of the Committee of Adjustment processes. Staff have been working with Strategic Business Support staff to improve statistical data collection methods using our AMANDA database system. It is anticipated that this data will facilitate more efficient analysis of our annual activity to better inform our Official Plan Review process, including providing substantive criteria on the minor variance tests through the changes introduced by Bill 73. It will also allow staff to monitor types of variances and their occurrences throughout the town to facilitate identifying opportunities for Zoning By-law modifications as needed. Staff are currently working on completing a manual historical data collection exercise capturing information from 2009 to 2015, and will be collecting 2016 and future data using AMANDA. Once analyzed, the data will also allow staff to provide more information for the Committee of Adjustment in their decision-making processes and aid in preparations for Ontario Municipal Board hearings.

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Technology and Software Utilization

Better utilization of our existing technologies and software applications was the main focus of the review with the goal to improve the process flow, public notice, review times and access to information.

The first enhancement was to require digital submissions of drawings from applicants. This permitted staff to begin to store drawings electronically which could then be utilized to create agendas with clearer drawings. Digitally stored drawings were also used to reduce the number of required submitted paper sets of drawings by the applicant. This allowed staff to access the drawings electronically through AMANDA. Town staff also benefitted from the digital enhancements as all information for an application are now available through our AMANDA system including drawings, application forms and other documents related to each application.

The next enhancement was utilizing the AMANDA system to create Committee of Adjustment hearing folders. This permitted the circulation of applications to internal staff electronically, reduced Zoning staff review times and also improved commenting review times for internal departments and outside agencies, which has resulted in more informative comments for the Committee.

AMANDA is also used to generate our sign notices posted on the orange Committee of Adjustment signs. More information is now provided on the signs, as well as a new QR Code. The QR Code allows anyone to scan the code using their mobile device which directs them to the Agendas and Minutes page, where they can view the drawings while standing at the subject property.

Staff will continue to work with other internal departments to review and implement efficiencies and customer service improvements by utilizing our existing technological resources. The enhancements to AMANDA will support enhanced web access by applicants and the public.

Information Available to Public and Staff

Following the implementation of our technological and software utilization improvements, staff identified ways to deliver improved services to the public. One example of this improvement is having the Committee of Adjustment agenda available in a centralized location consistent with the Town's other meetings and agenda information. With moving the agenda to the agendas and minutes page of the Town's website has improved the access to information for the public. This also promotes the opportunity for information to be accessible without a Freedom of Information request. Additionally, staff prepared a newly written FAQ and a new Committee of Adjustment Guide to better inform members of the public and the applicants about the Committee of Adjustment and processes. Ongoing work with

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Strategic Business Support staff enabled the launch of the Committee of Adjustment mapping tool which allow members of the public to view active minor variance applications on a map-based web application. Finally, inclusion of member names and the dedicated planner contact information on our website provides the public with a more informative, transparent and accountable process.

Public Notice

The *Planning Act* requires notice be mailed out to property owners within 60m of the subject property a minimum of 10 calendar days prior to the meeting. Prior to our recent enhancements, public notice was being mailed out 10-12 days prior to the public hearing. In working with area resident groups, staff were informed that the minimum notice did not provide sufficient time to allow area property owners to not only review the materials for an application but also organize and participate in the meeting process. It was noted that challenges with Canada Post mail delivery would often result in only providing a property owner one weekend between when the notice was received and when the hearing was held. As such, staff focused on ways to improve the notice time while still allowing for the application to be heard within the 30 days of receiving the application, as required by the *Planning Act*. By enhancing the intake and circulation processes, staff are now able to increase notification times to the public. Notices are now sent out 14 days prior to the hearing and this also allows two weekends for residents to review an application and prepare prior to the hearing.

Committee of Adjustment Procedure By-law and Terms of Reference

In consideration of the new Council Procedures By-law and ongoing discussions with resident groups and internal review, changes are being proposed to the Committee of Adjustment Procedure By-law. The proposed Committee of Adjustment procedure by-law, which the Committee of Adjustment endorsed on July 12, 2016, can be found under the by-law section of the agenda. The changes are as follows:

- A new Section 6.1 to outline provisions for recording of meetings. The online recording of meetings facilitates a transparent and accessible process consistent with the Council procedures by-law.
- Section 6.10 where the time that an applicant is provided to make a presentation has been reduced from ten to five minutes. This allows the applicant and members of the public to have equal speaking time related to an application. The applicant continues to have the right of reply, limited to 5 minutes as would be required under Section 6.14.
- Section 7.7 that will be in line with proposed changes to the procedure for Citizen Appointments to Advisory Boards and Committees regarding the rescinding of an appointment of a Member. This will support the Committee's operational needs to manage absences without having to address Council.

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The Committee of Adjustment Terms of Reference are also being updated and will be brought forward by the Clerks Department with various other Terms of References later this year. These improvements are intended to promote customer service, support the Committee's operational needs and ensure consistency between the terms of reference and procedures by-law

Online Streaming of Hearings

In keeping with Council's priorities of being transparent and accessible, the Committee of Adjustment hearings will be streamed live on YouTube later this year. This will promote greater transparency of Committee of Adjustment meetings by making the meeting accessible to those who cannot attend. An interested party will still need to submit comments in writing to the Secretary-Treasurer in advance of the meeting to secure a right of appeal, but they will be able to view the meeting live to see what happens if they are unable to attend. In addition to the online streaming, minutes of the meeting will continue to remain available on the Agenda and Minutes page of the Town's website.

Summary

In 2015, staff identified, investigated, and implemented a number of process and service improvements for the betterment of the Town, members of the public, and the Committee members. The enhancements that have been made have allowed for improved service levels and better access to information for both the public and staff. As noted, we are currently working on improved data collection processes and are investigating technology and software opportunities in the scanning and document retention areas. To maintain our high level of service, staff will continue to review and monitor our Committee of Adjustment processes and the delivery of services 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.

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(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 Liveable Oakville are considered in the decision making process of the Committee of Adjustment applications.

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