

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 13, 2019

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

**DATE:** April 22, 2019

**SUBJECT:** Committee of Adjustment 2018 Annual Activity Report

**LOCATION:** Town wide

**WARD:** Town wide

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#### **RECOMMENDATION:**

That the Committee of Adjustment 2018 Annual Activity Report dated April 22, 2019 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:

- A total of 161 minor variance applications were heard by the Committee of Adjustment and 12 consent applications were received in 2018
- The Town filed two appeals to the Local Planning Appeal Tribunal in 2018

#### **BACKGROUND:**

The purpose of this report is to provide an annual activity report for 2018 Committee of Adjustment applications.

#### **COMMENTS:**

This report contains a range of topics that highlight the activity and progress of the Committee of Adjustment in 2018.

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

Over the past three years, the volume of Committee of Adjustment applications has decreased. Most notably, a comparison of 2017 and 2018 shows a decrease of applications by approximately 21%. The table below provides information on the application volume by type.

<b>Application Volumes</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Minor Variance (heard by Committee)	211	202	161
Consent (received)	17	16	12
Total	228	218	173

The potential reasons for the decline in the number of applications could be the downturn in the economy and the proactive role that staff are performing prior to applicants making an application submission.

### ***Other Statistical Data***

Since the data enhancement project was implemented in 2016, staff are able to obtain higher quality data from minor variance applications. The following tables reflect the statistical data that has been collected.

<b>Number of Minor Variance Applications per Ward</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Ward 1	24 (11%)	29 (14%)	23 (14%)
Ward 2	60 (28%)	67 (33%)	49 (30%)
Ward 3	78 (37%)	77 (38%)	61 (38%)
Ward 4	9 (4%)	10 (5%)	11 (7%)
Ward 5	29 (14%)	14 (7%)	12 (8%)
Ward 6	11 (5%)	5 (3%)	5 (3%)
Ward 7	n/a	n/a	0 (0%)

<b>Application Type</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Single Detached Dwellings	179	176	133
Semi-Detached Dwellings	1	0	0
Townhouse Dwellings	9	2	3
Apartments	6	2	4
Non-Residential	16	22	21

<b>Top Five Residential Variances Requested</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Yards / Setbacks	143	113	53
Residential Floor Area Ratio	73	96	56
Lot Coverage	63	71	41
Garage Gross Floor Area	40	25	31
Height	22	47	20

For the past three years, approximately 85% of the minor variance applications have been for residential applications. While there is a consistent pattern of residential applications vs. non-residential applications, the top five residential variances requested have generally decreased in 2018 in relation to previous years. This could be a result of the continued interaction between applicants and staff, including the pre-consultation service to discuss the merits of an application prior to submission.

### ***Committee Decisions***

The Committee of Adjustment is a statutory and independent decision-making group. Although the Committee members and staff apply the same criteria established under the *Planning Act* when evaluating applications, members and staff may not always share the same view or opinion on applications. In some cases, additional information may be presented at the hearing by applicants, or the public, which staff would not have had a chance to consider.

The table below illustrates the number of applications where the Committee and staff had a difference of opinion. The percentage of applications where the Committee and staff had a difference of opinion has decreased from 18% in 2016 to 3% in 2018.

<b>Year</b>	<b>Number of Minor Variance Applications</b>	<b>Applications supported by staff and refused by Committee</b>	<b>Applications not supported by staff and approved by Committee</b>
2016	211	14	24
2017	202	3	15
2018	161	2	3

### ***Local Planning Appeal Tribunal (LPAT) Appeals***

The number of applications appealed to the LPAT has decreased from previous years, as shown in the following table.

<b>Year</b>	<b>Appeals filed by Town</b>	<b>Appeals filed by applicant or third-party</b>	<b>Number of applications appealed</b>
2016	10	12	22
2017	15	6	21
2018	2	6	6

During an appeal process, there are often settlement discussions which involve extensive negotiations between the applicant and staff that often result in a settlement. As applicants are now understanding the time, effort and cost involved with town initiated appeals, it appears applicants are considering more reasonable variance requests, or choose to build in accordance with the zoning by-law, thereby contributing to the decrease in the number of appeals and the overall number of applications submitted.

With respect to the two town initiated appeals in 2018, both appeals were allowed by the LPAT and the requested variances were not authorized (application was denied).

### **Summary**

Since 2016, staff have implemented a number of process and service improvements for the betterment of the public, Town and committee members. Staff are continuing to enhance customer service and provide improved access to information and data. To maintain our high level of customer 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**

Not applicable.

**(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.

**PLANNING AND DEVELOPMENT COUNCIL MEETING**

From: Building Services Department and Planning Services Department  
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Subject: **Committee of Adjustment 2018 Annual Activity Report**

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