A. Recommendations

THAT Council receive Staff Report PDS.20.30, entitled “Committee of Adjustment – Year End Report (2019)”;

AND THAT Council direct Planning Services Staff to review the potential to introduce “incidental minor variance” applications to address less significant minor variance requests, with a separate Staff Report outlining the types of requests that could be considered “incidental” being presented to Council and the Committee of the Whole before implementation;

AND THAT Council direct Planning Services Staff and Finance Staff to review the Committee of Adjustment remuneration policy and budget as a part of the 2021 Municipal Budget for the consideration by Council.

B. Overview

This report provides Council with a summary of the 2019 Committee of Adjustment statistics pertaining to the number of applications received, costs throughout the year and revenue received. This report also provides recommendations for changes/updates to the Committee of Adjustment structure in order to evolve and adapt to emerging trends in the operation of the Committee.

C. Background

In 2018 Council delegated consent authority under Section 53 of the Ontario Planning Act to the Committee of Adjustment (‘the Committee’). In doing so, Council also delegated authority for variances to the Municipal Sign By-law to the Committee. As such, 2019 was the first complete calendar year wherein the Committee had authority to make decisions on:

- Applications for minor variances and legal non-conforming uses under Section 45(1) and Section 45(2) of the Planning Act, respectively;
- Applications for Consent under Section 53 of the Planning Act;
Committee of the Whole

PDS.20.30

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- Variances to the Municipal Sign By-law 2016-71, as amended; and
- Variances to the Municipal Fence By-law 2003-14, as amended.

Currently the Committee is comprised of three (3) members appointed by Council. Council originally appointed Mr. David Morgan, Mr. Bill Remus, and Mr. Robert B. Waind as Members of the Committee for the 2018-2022 Council term by Resolution dated January 7, 2019. It is noted that Member Morgan resigned in October 2019. Council subsequently appointed Mr. Peter Franklyn to the Committee of Adjustment by Resolution dated November 13, 2019.

Administrative support for the Committee is currently provided by Town Planner Travis Sandberg, whom is responsible for performing Acting Secretary/Treasurer duties on an interim basis since the retirement of former Secretary-Treasurer Lori Carscadden in May 2019. Mr. Sandberg has remained the Acting Secretary/Treasurer while Planning Services Administrative staff have transitioned into the department. It is anticipated that Planning Services Administrative staff will begin assuming the duties of Secretary/Treasurer in the Fall of 2020. The Town’s Planning Services Division staff review the planning applications and prepare and submit Staff Recommendation Reports for the Committee’s consideration. Planning Staff’s time in reviewing and making recommendations for Committee of Adjustment applications is not included in the Committee of Adjustment budget, as confirmed by the Town’s Finance Department. Table 1 provides an overview of the number, type, and status of applications received by the Committee of Adjustment in 2019.

Table 1: Overview of the Number, Type, and Status, of 2019 Committee of Adjustment Applications

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Total</th>
<th>Granted</th>
<th>Denied</th>
<th>Deferred</th>
<th>Withdrawn</th>
<th>Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Variance</td>
<td>27</td>
<td>25</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1(^1)</td>
</tr>
<tr>
<td>Consent (Total)</td>
<td>20</td>
<td>18</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>i) New Lot Creation</td>
<td>8</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>ii) Lot Addition</td>
<td>10</td>
<td>9</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>iii) Easement</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sign Variance</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fence Variance</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

\(^1\) Appeal was Amended and Approved by the LPAT (See LPAT Decision PL190155)
D. Analysis

2019 Ontario Association of Committee of Adjustments (OACA) Annual Conference and Seminar

Members of the Committee of Adjustment had the opportunity to attend the annual 2019 OACA Conference in Toronto from June 3rd to 5th inclusive, wherein all three Committee Members attended as well as the Town Planner and Acting Secretary/Treasurer, Travis Sandberg. Member expenses for the annual Conference, including registration, accommodation, travel, and limited meal allowances, are reimbursed by the Town and included in the annual operating budget. It is noted that staff attendance at the OACA conference is not included in the Committee of Adjustment budget and is expensed to the Planning and Development Services Department budget.

Members of the Committee of Adjustment also had the opportunity to attend the annual 2019 OACA Seminar, which was held October 3rd and 4th in Cornwall, ON. One Committee member attended. No members of Town staff attended. Member expenses for the annual Seminar, including registration, accommodation, travel, and a meal, are reimbursed by the Town and included in the annual operating budget.

The 2020 OACA Conference was scheduled to be held in Niagara Falls, ON from May 10th to 13th inclusive. The seminar was postponed due to the Provincial State of Emergency as a result of the COVID-19 pandemic.

Impact of Addition of Consent and Sign Variance Authority

With the delegation of consent authority by Council, the Committee of Adjustment experienced an increase in total application submission in 2019. Specifically, the total number of applications reviewed by the Committee increased from a total of 28 in 2018 to a total of 48 in 2019. Due to the increase in time required to effectively review submissions and attend public meetings, the Committee of Adjustment has requested that the current member remuneration policy be reviewed to determine if an increase is warranted. It is recommended that the current per diem remuneration for Committee Members be reviewed by Council in further detail through development of the 2021 budget with the assistance of municipal Finance staff in order to determine budgetary impacts of a potential increase in per meeting remuneration.

For Council’s general information, the Town currently provides the following remuneration for Committee of Adjustment Members for attendance at regularly schedule Public Hearings:

- $75.00 per meeting attended, as well as reimbursement for requisite site visits in accordance with the Town’s travel reimbursement policy.

The increase in applications to the Committee of Adjustment as a result of delegated consent authority has also increased the amount of administrative support required by the Secretary-Treasurer. Currently the role of Secretary-Treasurer is being filled on an interim basis by Town Planner, Travis Sandberg, in addition to regular duties and responsibilities assigned as Planner I. Due to the increase in administrative support required for the Committee, Planning Services
Administrative staff will be taking over as the permanent Secretary-Treasurer later in 2020 to ensure an appropriate allocation of planning staff resources and budget expenses.

2019 Trends in Minor Variance Applications

It is noted that twenty-seven (27) applications for Minor Variance were submitted to the Committee of Adjustment in 2019. **Table 3** provides an overview of the number and general nature of minor variance applications received by the Town in the past three (3) years.

**Table 3: Overview of Minor Variance Applications 2017-2019**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Applications</th>
<th>General Trends in Nature of Relief Requested</th>
</tr>
</thead>
</table>
| 2017 | 18                     | • Accessory Structure Provisions including front and side yard provisions and height;  
|      |                        | • General Residential zone yard provisions to permit additions to existing structures. |
| 2018 | 28                     | • Accessory Structure Provisions including front and side yard provisions and height. It is noted that a number of these variances include those that apply to detached structures being converted for accessory dwelling unit uses;  
|      |                        | • General Residential zone yard provisions including front and side yard provisions to permit additions to existing structures;  
|      |                        | • General Residential zone provisions to permit increased lot coverage. |
| 2019 | 27                     | • Technical variances as a result of delayed implementation of Zoning By-law 2018-65 due to various site-specific appeals;  
|      |                        | • General Residential zone yard provisions to permit additions to dwellings with existing setback deficiencies;  
|      |                        | • Accessory Structure Provisions including front and side yard and maximum height provisions. It is noted that relief from accessory structure provisions generally decreased after implementation of Zoning By-law 2018-65. |

Following Council’s approval of Comprehensive Zoning By-law 2018-65 in November of 2018, the Town received various site-specific appeals which delayed the implementation of the new zoning provisions. As such, all new proposed development, including building permit applications, were required to comply with the more restrictive zoning provisions applied to the lands by the applicable in force By-law and/or Zoning By-law 2018-65. This resulted in the generation of a number of technical variance applications that required relief from the
provisions of the former Zoning By-laws that would have otherwise been permitted under the provisions of Zoning By-law 2018-65. It should be noted that all appeals to Zoning By-law 2018-65 have been dealt with except for one remaining site-specific appeal.

In previous years, many requests for relief from Zoning By-law 83-40 and Zoning By-law 10-77 pertained to the respective accessory structure provisions. Specifically, many applications requested relief from the provisions of the By-law(s) in order to permit detached accessory structures, such as garages, to be located in the side yard. The detached accessory structure provisions of Zoning By-law 2018-65 now permit structures in the side yard, which has contributed to a general reduction in variance requests of this nature. Zoning By-law 2018-65 also introduced increased maximum height provisions for private detached garages, which has further contributed to a general reduction of variance requests of this nature.

Staff note that a number of variance inquiries continue to be received with respect to the conversion of Detached Accessory Structures for Accessory Dwelling Unit purposes. Common compliance issues in these types of requests relate to required yard provisions, i.e. setbacks, and in some cases height and dwelling unit size. While it is recognized that in some cases this type of use may have potential to pose undue impacts on neighbouring properties, Staff also recognize the priority for attainable housing in the municipality, as well as the Provincial directive to encourage and provide a mix and range of housing opportunities under the Ontario Planning Act.

As such, there may be merit in investigating the potential to introduce an ‘incidental minor variance’ application, wherein less significant types of minor variance applications such as this can be considered at a reduced application fee as they require less intensive review by Staff. In doing so, the barriers to converting existing detached accessory structures for accessory apartment uses can be somewhat reduced. Further investigation is required to determine what other types of variances might be potential ‘incidental’ candidates, and to determine an appropriate application fee for an ‘incidental’ minor variance application. The introduction of any resulting application types would be included in the 2021-2022 budget deliberations.

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #1 Promote the Town as a Healthy Community

F. Environmental Impacts

N/A

G. Financial Impact

All received application fees and budgetary impacts will continue to be tracked by the Town’s Finance Department through accounting processes. Potential changes to the Committee
Member remuneration policy and resulting budgetary impacts will be reviewed through the 2021-2022 budget review exercise.

H. In consultation with

Trevor Houghton, Manager of Community Planning

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Travis Sandberg at planning@thebluemountains.ca.

J. Attached

Nil.

Respectfully submitted,

___________________________
Travis Sandberg
Acting Secretary/Treasurer – Committee of Adjustment

Nathan Westendorp, MCIP, RPP
Director of Planning and Development Services