



**SUBJECT:** Committee of Adjustment activity report

**TO:** **Community Planning, Regulation & Mobility Cttee.**

**FROM:** **Community Planning Department**

Report Number: PL-38-22

Wards Affected: All

File Numbers: 155-03-10

Date to Committee: April 5, 2022

Date to Council: April 19, 2022

---

**Recommendation:**

Receive and file community planning department report PL-38-22 providing a Committee of Adjustment activity report.

**PURPOSE:**

**Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

---

**Background and Discussion:**

**Committee of Adjustment**

The Committee of Adjustment is an independent body comprised of five members and two alternates who are all residents of the City of Burlington and appointed by Council under the authority granted by the Province of Ontario. The Committee of Adjustment is authorized to consider and make decisions on applications for Minor Variances to the Zoning By-law, changes to land configuration by way of Consent, Permission to extend or enlarge legal non-conforming uses, buildings or structures, and Validation of Title.

Committee of Adjustment meetings are public meetings under the *Planning Act*, as such property owners who live within a 60 m radius of the subject property are circulated a copy of the public notice and provided instructions on how to participate in the process.

### Activity Report

This report is intended to provide an activity report for Committee of Adjustment applications by summarizing total application volumes, minor variance application types, and overall distribution by ward between 2018 and 2021. Note that Permissions to extend or enlarge legal non-conforming uses, buildings or structures are not currently tracked separately and their application volumes are included in the data for Minor Variances. Through future enhancements to our technology, it is anticipated that this application type will be tracked separately. Also, Validation of Title applications occur so infrequently that they are not tracked in this report.

Table 1 below provides a breakdown of total Committee of Adjustment applications for Minor Variance and Consent received by year.

**Table 1 – Committee of Adjustment Applications by Year**

<b>Application</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Minor Variance	167	136	99	132
Consent	26	13	7	15
<b>Total</b>	<b>193</b>	<b>149</b>	<b>106</b>	<b>147</b>

Between 2018 and 2021, the volume of all Committee of Adjustment applications has decreased. Most notably, a comparison of 2018 and 2020 shows a decrease of applications by approximately 45%. Application volumes in 2021 trended upwards towards pre-pandemic levels and are anticipated to continue in this direction for 2022.

The potential reasons for the decline in the number of applications are likely influenced by the COVID 19 pandemic, supply chain issues, limited contractor availability, the Interim Control By-law affecting the downtown and area around the Burlington GO Station, and a desire to comply with the Zoning By-law to expedite project completion.

Table 2 below provides a breakdown of Minor Variance application types received by year.

**Table 2 – Minor Variance Types by Year**

<b>Minor Variance Type</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Detached Dwellings	59	43	40	41
Small Additions / Accessory Structures	79	69	53	70
ICI / Multi Residential	27	24	6	20
<b>Total</b>	<b>165</b>	<b>136</b>	<b>99</b>	<b>131</b>

Between 2018 and 2021, the majority of minor variance applications were for small additions to existing detached dwellings and for accessory structures such as decks, sheds, and pools. The next highest type of application was for detached dwellings followed by ICI (Industrial, Commercial, Institutional) / Multi-residential. The high volume of minor variances for small additions and accessory structures has been influenced by the pandemic as people invested in their properties to better accommodate their family needs during lockdowns. Another reason is likely attributed to the high cost of housing where people have had to make smaller changes to their existing dwelling instead of selling their home and moving to another that better suits their needs. Staff anticipate this trend to continue for the foreseeable future.

Tables 3 and 4 below provide the distribution of Minor Variance and Consent applications in each ward by year.

**Table 3 – Minor Variance Applications per Ward by Year**

<b>Ward</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
1	42	40	39	43
2	44	34	20	30
3	12	9	7	7
4	41	30	14	26
5	15	13	14	18
6	11	10	5	7

**Table 4 – Consent Applications per Ward by Year**

Ward	2018	2019	2020	2021
1	5	0	3	5
2	5	3	2	3
3	6	2	1	1
4	8	4	1	1
5	2	3	0	4
6	0	1	0	1

Between 2018 and 2021, most Committee of Adjustment applications were in Wards 1, 2, and 4. Wards 1, 2, and 4 having the highest number of applications is appropriate given the relative age of their communities with older homes and high proportion of low-density residential areas. It is appropriate for Wards 3 and 6 to have the lowest amount of Committee of Adjustment applications as these wards contain the entirety of the City’s Rural Planning Area which primarily falls within the Niagara Escarpment Development Control Area where the City’s Zoning By-law does not apply. Ward 5 having the third lowest number of applications can be attributed to it containing newer communities such as the Orchard and Uptown which have been comprehensively planned with larger homes that currently do not need updating and with limited opportunities for new lot creation.

**Strategy/process**

This report is the first of its type for Community Planning. The limited data contained in this report is not easily obtained and requires a lot of manual effort to retrieve and organize. It is noted that total application volumes only tell part of the story.

A more robust future version of this activity report could include things such as but not limited to classification of minor variance (height, setbacks, lot coverage, etc); deferred decisions; applications not approved; appeals to decisions; etc. There are other potential metrics that could also be tracked dealing with the increased complexity of applications; demands on staff capacity; and overall customer experience. Retrieving this type of data is dependent on business process improvements and increased leveraging of technology. This data could also be used to help monitor the effectiveness of the Zoning By-law and Official Plan; inform future City initiated amendments to these documents; and assist in conveying a more complete account of Committee of Adjustment activity.

The long-term objective of staff is to improve our data tracking and reporting to provide Council with activity reports for all major application processes in Community Planning such as Site Plan, Pre-building Permit, Rezoning, and Official Plan Amendment.

Through continued investments in technology, resources, and business process improvements, staff will be able to provide more comprehensive data to Council on the above-mentioned planning application processes.

**Options Considered**

Not Applicable

---

**Financial Matters:**

Not Applicable

**Total Financial Impact**

Not Applicable

**Source of Funding**

Not Applicable

**Other Resource Impacts**

Not Applicable

---

**Climate Implications**

Not Applicable

---

**Engagement Matters:**

Not Applicable

---

**Conclusion:**

Staff consider enhancements to our business processes on an ongoing basis to improve overall service delivery and reporting. A key objective is to provide improved access to information and data that better serves our customers and Council. As part of our corporate culture of continuous improvement, staff will continue to review and

monitor the Committee of Adjustment processes, seek enhancements wherever possible, and report back to Council on an annual basis with activity updates.

---

Respectfully submitted,

Jamie Tellier, MCIP RPP  
Manager of Planning Implementation  
905-335-7600 x7892

Amanda D'Angelo, BA (Hons.)  
Secretary Treasurer – Committee of Adjustment  
905-335-7600 x7930

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.