SUBJECT: Operational Review of the Committee of Adjustment (PED06407) (City Wide)

RECOMMENDATION:

That the following recommendations contained in Report PED06407 be approved:

(a) That the current two Committee of Adjustment Committee structure (Urban and Rural Section) to administer minor variances and consent applications under Sections 45 and 51 of the Planning Act be consolidated into a single Committee of Adjustment, effective upon the appointment of the new Committee of Adjustment members by the new City Council.

(b) That the consolidated Committee of Adjustment be comprised of 7 citizen members appointed by Council, of which not less than two shall have knowledge and experience in rural planning matters.

(c) That the consolidated Committee of Adjustment shall meet three times a month, with additional meetings as required.
(d) That the City Solicitor be authorized and directed to prepare the necessary amending By-law to implement the recommended changes to the Committee of Adjustment structure and administration for presentation to Council.

---

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

Since July 16, 2001, the City of Hamilton has implemented a two Committee structure comprised of an Urban and Rural Section to deal with all minor variance and consent applications. The current structure has functioned effectively in meeting the needs of the City. However, recent Provincial initiatives such as the Greenbelt Plan 2005 and Places to Grow 2006 have resulted in a decrease in the number of severance applications submitted in the Rural Area, as well as a change in the type of applications submitted to more lot line adjustments and minor variances. As this trend is expected to continue with Council’s recent adoption of the new “Agricultural and Rural Land Use Official Plan Policies”, the Department is recommending that Council re-evaluate the need to continue with the current two Committee structure.

By consolidating the two Committees into a single Committee, staff anticipates that there will be greater efficiencies, and improved customer service including:

- reducing the waiting time for applicants;
- faster turnaround time for all applications;
- providing the general public with a less confusing process;
- allowing for a more timely response from departments and commenting agencies; and,
- reduced staff overtime costs and honorarium/mileage costs for Committee of Adjustment members.

**BACKGROUND:**

In 1974, the Region formed the Land Division Committee to deal with consent applications, while minor variances were administered by the local municipalities. Just prior to amalgamation, an Implementation Committee was formed comprised of staff from the area municipalities to review and recommend an appropriate structure and administrative process for the review of minor variance and severance applications. While this Committee initially recommended a single Committee of Adjustment to deal
with both minor variance and severance applications, Council preferred having two separate Committees, one to deal with the urban applications and a second one to deal with rural applications.

**ANALYSIS/RATIONALE:**

**Current Committee Structure**

There are currently two separate Committees comprised of Council appointed members to decide on minor variances and consent applications.

The Urban Committee is comprised of 7 members and meets two to three times a month while the Rural Committee has 5 members and meets once a month. The number of scheduled meetings can vary depending on the number of applications.

**Proposed Committee Structure**

With the introduction of the Greenbelt Plan 2005 and Places to Grow 2006, there has been a significant change in the type of applications submitted for the Rural Committee’s consideration. This trend is expected to be even more apparent with Council’s recent adoption of the new “Agricultural and Rural Land Use Official Plan Policies”, which implement the Provincial legislation and Provincial Policy Statement. Opportunities for rural lot severances have been greatly limited and restricted under the new policies. However, there has been an increase in the number of applications for lot-line or boundary adjustments and minor variances in the rural areas. The new policies have substantially reduced the number of rural severances, which historically required greater input and expertise from the rural communities. The trend towards more boundary adjustments and minor variances in the rural areas can appropriately be dealt with by a single Committee of Adjustment comprised of 7 Council appointed members who will meet three times a month, with additional meetings scheduled as required.

<table>
<thead>
<tr>
<th></th>
<th>CURRENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban Committee</td>
<td>Rural Committee</td>
</tr>
<tr>
<td>No. of Meetings per month</td>
<td>2-3</td>
<td>1</td>
</tr>
<tr>
<td>Average No. of Applications/Meeting</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>No. of Committee Members</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Average Processing Time (in weeks)</td>
<td>6-8</td>
<td>8-11</td>
</tr>
</tbody>
</table>
Benefits of a Consolidated Committee of Adjustment:

- **Streamlining of Approval Process:**

  Under the current structure, the Rural Committee meets once a month given the number of applications, with an 8-11 week processing time for applications. By comparison, the Urban Committee meets two to three times a month and can process applications in 6-8 weeks. With a consolidated Committee, it is recommended that the Committee meet three times a month, which will reduce the processing time to 6-8 weeks for all applications.

- **More balanced agenda:**

  Under the current structure, the majority of applications received are dealt with by the Urban Committee, while there are considerably fewer agenda items for the Rural Committee to deal with.

- **External commenting agencies:**

  Under the current structure, external agencies provide comments for both agendas. However, due to the disproportionate number of applications between the Urban and Rural agendas, commenting agencies and departments take longer to respond to the urban applications.

  Under the proposed structure, with more separated and balanced agendas in terms of number of applications, agencies will be able to respond to applications in a more timely manner in order to meet the Committee’s timelines.

- **Efficiencies to ensure better customer service:**

  Under the current structure, individuals seeking relief from the By-law provisions or a consent/severance in the rural area are subject to a much longer processing time than the urban area applicants.

  Under the proposed structure, a faster turnaround time is afforded to all applications; thereby reducing wait times for applicants. With a single agenda, review and preparation of applications by staff will be more efficient and staff availability for facilitation of citizen and Council inquiries increased.

  Furthermore, a single Committee structure will provide the general public with a less confusing process. Presently, many individuals are unaware of the differences between the two Committees and their respective delegated powers and functions.

  It will also allow for easier reference and communication to the public by staff in regard to the next available meeting dates when queried, reducing time at the counter, increasing productivity, reduced staff overtime, correct assignment of
applications to the respective Committee and eliminating potential delays to the applicant.

Disadvantages of a Consolidated Committee of Adjustment:

• *Loss of Rural Section of the Committee of Adjustment:*

Under the current structure, the Rural Committee is comprised entirely of Rural Area citizens with a thorough knowledge of rural issues. Under the proposed structure, the City would lose a Committee which deals exclusively with Rural applications. The Department is of the opinion, however, that a new consolidated Committee would continue to appropriately deal with Rural issues as it will be comprised of representatives from both the Urban and Rural Areas.

**ALTERNATIVES FOR CONSIDERATION:**

One alternative to the proposed amalgamation of the Committees would be to maintain the existing structure of two separate Committees. However, this is not being recommended for the following reasons:

• There are substantial delays in processing applications in the Rural Area given that the limited number of agenda items only justifies the Committee meeting once a month compared to the Urban Committee which meets two to three times a month.

• The types of applications received in the Rural Area have shifted from severances to minor boundary adjustments and minor variances as a result of new Provincial legislation. With the new Rural Official Plan policies, which implement the Provincial legislation and new Provincial Policy Statement, this trend is expected to continue and most likely escalate. In general, these initiatives have reduced the number of rural severances which historically required greater input and expertise from the rural communities; and,

• The disproportionate number of items between the Rural Committee and Urban Committee adds to the processing time and is counter to the City’s efforts to streamline the approvals process.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: There are no significant financial implications resulting from this recommendation, however, there may be some nominal savings administratively (e.g. staff overtime costs, Courier expenses, photocopying, honorariums/mileage for members)

Staffing: There are no staffing implications resulting from this recommendation.
Legal: The Planning Act, under Sections 44(1), allows the Council to constitute and appoint a Committee of Adjustment.

The Planning Act, under Sections 54(5) and (7), allows the Council to delegate the power to grant Consents to an officer of the City and the Committee of Adjustment.

<table>
<thead>
<tr>
<th>POLICIES AFFECTING PROPOSAL:</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RELEVANT CONSULTATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Clerks</td>
</tr>
<tr>
<td>• Legal Services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITY STRATEGIC COMMITMENT:</th>
</tr>
</thead>
</table>

By evaluating the "Triple Bottom Line", (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

:CC