

Analysis of Development Permit Variances - 2019 Annual Report

Recommendation

That Administration cease the annual reporting on development permit variances analysis.

Previous Council/Committee Action

At the June 10, 2013, Executive Committee meeting, the following motion was passed:

That Administration prepare an annual report on planning approvals that will include an analysis of development permit variances.

Executive Summary

This report provides information on planning approvals, refusals and development permit variances issued in 2019. Variances are limited exceptions to a specific rule defined in the Zoning Bylaw that is requested during a development permit application. Variances are an important part of the development permit process as they can help accommodate site specific constraints or other hardships, provided that the changes do not have significant impacts to surrounding properties. A high rate of variances can indicate that development trends may have outpaced the ability for zoning rules to adapt to emerging needs, priorities and market conditions. Administration tracks development permit variance trends to identify potential opportunities to amend the Zoning Bylaw and subsequently streamline the development permit process.

In 2019, there was a 16 percent decrease in total permit volumes compared to 2018. A detailed review of nine permit categories showed an overall slight increase in variances, from eight percent of permits in 2018, to nine percent in 2019. Identified trends in variances will be used to inform ongoing initiatives related to the Zoning Bylaw Renewal Initiative.

Report

Development permits are required for a range of development types in Edmonton. Proposed developments are assessed against the regulations of Zoning Bylaw 12800 as part of the development permit process. If the proposed development adheres to the Zoning Bylaw, the assigned Development Officer must issue a development permit. In instances where the proposed development does not meet all Zoning Bylaw

regulations, the Development Officer may consider refusing the proposal or granting a variance. Variances allow certain regulations to be relaxed to accommodate site specific constraints or other hardships, provided they do not significantly impact surrounding properties. In instances where a variance is granted, the permit is classified as a discretionary development.

Notice of the Development Officer's decision is provided to all property owners within 60 metres of the discretionary development, along with local Community Leagues and Business Improvement Areas. These parties have the opportunity to appeal the variance to the Subdivision and Development Appeal Board, which may choose to uphold or overturn the Development Officer's decision. Applicants whose permits are refused may also choose to appeal to the Subdivision and Development Appeal Board, which then sends notice to the same parties noted above. This process is the same for any development permits that contemplate discretionary uses.

From January 1, 2019, to December 31, 2019, Development Services issued 16,684 development permits. This is a 16 percent (3,240 permit) decrease from 2018. The following nine categories of development permits were selected for a detailed analysis of variances, representing 7,048 permits in total:

- Single Detached Housing
- Garden Suites
- Semi-detached Housing
- Multi-family Residential Projects
- House Additions
- Accessory Buildings
- Uncovered Decks
- Residential Sales Centres
- Major Commercial and Industrial Projects

These nine categories have the most significant impact on the built form as they represent new buildings, and associated minor structures like sheds or decks.

Analysis of Variances

Of the 7,048 permits issued for these nine development permit types, 630 (9 percent) were issued at least one variance. Individual development permits were examined to identify which Zoning Bylaw regulations the permit did not meet, for example setbacks or landscaping requirements. The permits were also sorted by those issued in the Mature Neighbourhood Overlay and those in established and new neighbourhoods to highlight situational factors which may influence a variance. The details of this analysis can be found in Attachment 1 - Development Permit and Variance Analysis.

An analysis of refused permits is included in this report. According to the analysis, less than one percent of applications were refused. This points to both a high level of initial compliance with zoning regulations, and the efforts of Development Officers to work collaboratively with applicants to achieve compliance with regulations through the development approvals process. More detail is available in Attachment 1 - Development Permit and Variance Analysis.

Historical Comparison of Variance Rates and Issued Permits

Administration completed a historical comparison of variance rates within the nine development permit types between 2018 and 2019. The total number of approved permits was consistent, but there was a slight increase in the percentage of total approved permits with variances year over year. Overall number of permits issued with variances within the Mature Neighbourhood Overlay increased from 18 percent to 21 percent year over year. Overall number of permits issued with variances outside of the Mature Neighbourhood Overlay increased from 5 to 6 percent year-over-year.

The annual reporting of variances tracks the effectiveness of previous Zoning Bylaw amendments in reducing variances, and identifies areas where updates may be required. Observations in development permit variance data collected through these annual reports will be used to inform new development regulations as part of the Zoning Bylaw Renewal Initiative. Further details of permitting volumes and variances issued can be found in Attachment 2 - Historical Comparison of Issued Permits, 2015-2019.

Analysis of Subdivision and Development Appeal Board Decisions

Within the nine permit types analyzed, as well as other common commercial permit types, a total of 123 development permit decisions were appealed to the Subdivision and Development Appeal Board. Of the 33 development permit approval appeals, the Board upheld 24 (73 percent) and overturned 1 (3 percent) approval issued by the Development Authority. Eight (24 percent) of the approval appeal submissions were outside of the Board's jurisdiction. Of the 90 appeals related to development permit refusals, the Board upheld 13 (14 percent) and overturned 67 (74 percent) refusals issued by the Development Authority. Ten (2 percent) of the refusal appeal submissions were outside of the Board's jurisdiction. Further details are provided in Attachment 3 - Subdivision and Development Appeal Board Appeals Summary, 2019.

Next Steps

Administration recommends ceasing the annual reporting on development permit variances analysis. Administration is focused on the comprehensive overhaul of the City's current Zoning Bylaw which is expected to be completed in 2022. Review of frequently issued variances to Zoning Bylaw 12800 will help inform the new Zoning Bylaw. Current data about issued development permits is provided on the City's public Open Data website and can be viewed, and visualized, by permit and class type.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmonton is attractive and compact			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Greater certainty in the development permit application process	Number of variances as a proportion of development permits issued within the nine permit categories analyzed	Total number of development permits issued within the nine permit categories analyzed in 2019: 7,048 and 2018: 7,942 Total number of variances issued within the nine permit categories analyzed in 2019: 630 (9%) and 2018: 651 (8%)	Decrease in proportion of variances

Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score (with current mitigations)	Current Mitigations	Potential Future Mitigations
Employees	Staffing resources will be diverted from the Zoning Bylaw Renewal	5- Almost Certain	2 - Moderate	10 - Medium	Prioritization of work plan	Reduction of lower priority tasks

Attachments

1. Development Permits and Variance Analysis
2. Historical Comparison of Variance Rates and Issued Permits
3. Subdivision and Development Appeal Board Appeals Summary, 2019

Others Reviewing this Report

- C. Owen, Deputy City Manager, Communications and Engagement
- B. Andriachuk, City Solicitor
- M. Persson, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services