

## **Attachment 1**

### **Review of CVRD and Member Municipalities Delegation Authority and Minor Variance**

#### **CVRD**

##### **DELEGATION**

- a) Development Permits and minor DVPs
- b) Security
- c) Liquor and Cannabis Regulation Branch Applications
- d) Legal Agreements
- e) Covenants

##### **MINOR DVP**

The criteria for determining whether or not a variance is minor include:

- a) The proposed variance to the setback from buildings or structures to a parcel line would result in a reduction to the setback of no more than 20%;
- b) The proposed variance to the height of buildings or structures would permit an increase in the overall height of buildings or structures of no more than 10%;
- c) The proposed variance to a landscape buffer or screen would permit a reduction in the required landscape buffer or screen by not more than 20%; and
- d) The proposed variance to the number of required off-street parking spaces would result in a reduction to the required number of off-street parking spaces by no more than 20%.

14. In deciding whether or not to issue a development variance permit, the General Manager must consider the following guidelines and must not issue a development variance permit, if in their opinion, the proposed variance would result in any of the following:

- a) Inappropriate development of the site;
- b) Adverse impacts on the natural environment, ecosystems or biodiversity;
- c) Adverse impacts to the use and enjoyment of the subject property or adjacent land.

##### **NOTICE**

- On the website
- Thru email subscription
- Mail to neighbours within 100 m, not less than ten days prior for GM consideration of a minor DVP.
- Notice on the property to issue a DVP

## **DUNCAN**

### **Delegation**

- a) Easement agreements
- b) Statutory right-of-way agreements
- c) Encroachment agreements
- d) Covenant Agreements
- e) Grant funding agreements
- f) Development Permits
- g) Minor Variances
- h) Security

### **Minor Variance**

“major variance” means a variance to a City bylaw that involves any of the following:

- a decrease to the minimum number of off-street parking spaces;
- an increase to the maximum height or decrease to the minimum height of a building or structure;
- a decrease to the minimum setback of a building or structure by more than 25%;
- a decrease to the minimum amenities or number of affordable and special needs housing units to be provided under a density benefits regulation pursuant to Section 482 of the Local Government Act; or
- a decrease to the minimum number of affordable and special needs housing units to be provided under an affordable and special needs housing regulation pursuant to Section 482.7 of the Local Government Act;

“minor variance” means a variance to a City bylaw that is not a major variance.”

minor variance, subject to the following guidelines to be considered by the delegate:

- 6.5.1 the anticipated impact of the proposed minor variance on neighbouring properties;
- 6.5.2 the anticipated impact of the proposed minor variance on City infrastructure;
- 6.5.3 the anticipated impact of the proposed minor variance on the natural environment;
- 6.5.4 the configuration and other characteristics of the land that is the subject of the proposed development variance permit;
- 6.5.5 the feasibility of alternative siting, design, and development configurations that would avoid the need for a minor variance; and
- 6.5.6 compliance with applicable City standards, guidelines, policies, plans, and regulations and whether the proposed minor variance would achieve greater compliance and conformity with those standards, guidelines, policies, plans, and regulations.

### **Notice**

DVP and DP with variances

Application sign within 15 days after submitting an application

When required by LGA, notice is mailed to neighbours within 60 m

## **LADYSMITH**

### **Delegation**

Council hereby delegates to the Director of Development Services the powers, duties, and functions to issue:

- a. development permits for signage and façade improvements;
  - b. riparian development permits;
  - c. hazard land development permits;
  - d. development permits for Coach House Dwellings that are not more than 5.0 metres in height;
- and
- e. amendments to development permits

### **Minor Variance**

Doesn't appear to define this or delegate to staff.

### **Notice**

Notice as per LGA, mailed to neighbours within 60 m  
Sign on property for OCP and ZB amendments and TUPs

## **NORTH COWICHAN**

### **Delegation**

Council delegates its powers, duties and functions under sections 490 [*Development permits*] and 491 [*Development permits: specific authorities*] of the *Local Government Act*, to the Director of Planning and Building, subject to there being no variances of municipal bylaws involved.

(2) Council delegates its powers under section 493(1)(a) [*Temporary use permits for designated and other areas*] of the *Local Government Act* to the Director of Planning and Building in order to:

- (a) approve temporary use permits to allow property owners to continue to occupy an existing dwelling while a replacement dwelling is under construction; and
- (b) sign temporary use permits approved by Council.

(3) Council delegates its powers to require security under section 502 [*Requirement for security as a condition of land use permit*] of the *Local Government Act* in respect of matters delegated under subsections (1) and (2) above to the Director of Planning and Building.

(4) Despite subsection 22(1), Council delegates to the Director of Planning and Building its powers to issue:

- (a) development permits, which under section 490(1)(a) [*Development permits: general authority*] of the *Local Government Act* contain minor variances;
- (b) development variance permits under section 498 [*Development variance permits*] of the *Local Government Act* for minor variances.

with approval subject to:

- (c) Registration of, or modification to, any covenants, easements or statutory rights-of-way the delegate determines to be necessary.

(5) A proposed variance is minor for the purposes of subsection (4) only if it meets the criteria set out in Schedule A, attached and herein forming part of this bylaw.

(6) In deciding whether to issue a development variance permit or development permit containing a variance, the delegate in subsection (4) must consider the guidelines set out in Schedule B, attached and herein forming part of this bylaw.

### **Minor Variances**

| <b><i>Type of Variance</i></b>  | <b><i>Maximum degree of variance to be considered a minor variance</i></b>                            |
|---|---|
| <i>Zoning bylaws concerning the siting, size, and dimensions of buildings, structures, and permitted uses</i>     |   |
| Yard setback  | 50% reduction   |
| Minimum lot size  | 25% reduction or 200m <sup>2</sup> reduction, whichever is less                                       |
| Minimum lot size where an existing lot is already below minimum lot size  | 25% reduction from existing size or 100m <sup>2</sup> reduction from existing size, whichever is less |
| Lot coverage  | 25% increase  |
| Lot frontage  | 25% decrease  |
| Projections into a required setback   | 50% increase  |
| Building Height   | 1 metre   |
| Minimum number of parking spaces  | 35% reduction   |
| Any other provision pertaining to off-street parking  | Any variance  |
| Off-street loading  | Any variance  |
| Retaining walls, and fence heights or setbacks where the fence is regulated in combination with a retaining wall. | Any variance  |
| Fences without retaining walls  | 25% height increase   |
| Garbage, Recycling and Composting containers and enclosures   | Any variance  |
| Landscaping and Screening   | +/- 25% of standard   |
| Sign Bylaw  |   |
| Sign dimensions, height or setback  | +/- 25% of standard   |

### **Notice**

- No notice required for DP
- Notice required for DVP within 60 m of subject property