

**CITY OF MAPLE RIDGE  
BYLAW NO. 7952-2023**

**A Bylaw to establish the City's criteria and process for delegating Minor Development Variance  
Permits under the *Local Government Act***

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**WHEREAS**, under Section 498.1 of the *Local Government Act*, a municipal council is authorized to delegate parts of its powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

**NOW THEREFORE**, the Municipal Council of the City of Maple Ridge enacts as follows:

**1. Citation**

This Bylaw shall be cited as "Minor Development Variance Permit Delegation Bylaw No. 7952-2023".

**2. Definitions**

In this Bylaw:

**"Applicant"** means the registered owner of the property that is the subject of an application, or the registered owner's designate by way of written consent;

**"City"** means the City of Maple Ridge;

**"Delegated Official"** means the City Staff member whom Council delegates its authority to under this Bylaw;

**"Development Variance Permit"** means a permit as defined by Section 498 of the *Local Government Act*;

**"Minor Development Variance Permit"** means a Development Variance Permit that has been determined to be minor by the Delegated Official in accordance with the criteria set out in this Bylaw;

**"Notice of Appeal"** means a written request submitted to the Corporate Officer for an Appeal; and

**"Zoning Bylaw"** means the current City of Maple Ridge Zoning Bylaw, as amended from time to time.

**3. Statute Amendments**

- (a) Any reference made to statutes or legislation refers to the most current version of that statute or legislation, as amended from time to time.

**4. Delegated Official**

- (a) Council hereby delegates to the Director of Planning or their designate, the powers of Council to issue a Minor Development Variance Permit and the authority to impose, in accordance

with applicable City policies or bylaws, terms and conditions for a Minor Development Variance Permit to:

- a. ensure public safety,
- b. improve livability,
- c. maintain neighbourhood character,
- d. preserve the natural environment,
- e. retain heritage character, or
- f. enhance sustainability.

- (b) For the purposes of this Bylaw, the Delegated Official is the Director of Planning or their designate.

## **5. Application Review Procedure**

- (a) The Applicant may submit an application for a Development Variance Permit pursuant to the current Maple Ridge Development Procedures Bylaw, as amended from time to time.
- (b) Upon receiving a processed application for a Development Variance Permit from the Planning Department, the Delegated Official will consider whether the application could be appropriately addressed through the issuance of a Minor Development Variance Permit.
- (c) If the application is not appropriate to address through the issuance of a Minor Development Variance Permit, the Delegated Official will refer the application to Council for consideration.

## **6. Bylaw Criteria for Minor Development Variance Permits**

An application for a Development Variance Permit may be considered as a Minor Development Variance Permit by the Delegated Official if the requested variance(s) does not contravene British Columbia Building Code or and British Columbia Fire Code and is:

- (a) For regulations under Maple Ridge Zoning Bylaw No. 7600-2019, as amended from time to time,
  - 1. Principal Buildings and Structures Setbacks
    - i. 15% or less of the front, rear, interior, and exterior lot line setback requirements for Principal Buildings and Structures on lots that have a total lot area of 557.0 square metres or less.
    - ii. 20% or less of the front, rear, interior, and exterior lot line setback requirements for Principal Buildings and Structures on lots that have a total lot area greater than 557.0 square metres.
    - iii. 10% or less of maximum depth from the front lot line for the Farm Home Plate requirements for a Principal Buildings or Structures.
    - iv. 10% or less of the front, rear, interior, and exterior lot line setback requirements for a Kennel Use.
  - 2. Accessory Buildings and Structures Setbacks
    - i. 15% or less of the front, rear, interior, and exterior lot line setback requirements for all Accessory Buildings and Structures, except for the following:
    - ii. 20% or less of the front, rear, and exterior lot line setback requirements for Accessory Buildings and Structures that are for Renewable Energy Device, including heat pumps, air conditioning devices, and similar devices.
    - iii. 15% or less from the nearest projection of the Building Face of the Single Detached Residential Use for a Detached Garden Suites Residential use.

3. Height

- i. 10% or less of the building height requirements, excluding zones that permit a Single Detached Residential use or a Two-Unit Residential use.
- ii. 10% or less of the maximum height requirement for Retaining Walls, except when located within the visual clearance area at intersections.
- iii. 10% or less of the maximum height requirements for fences along the front, rear, interior, and exterior of the property line except when located within the visual clearance area at intersections.

(a) For regulations under Maple Ridge Off-Street Parking and Loading Bylaw No: 4350-1990, is:

1. 10% or less of the motor vehicle off street parking space requirements, excluding:
  - i. Areas that permit payment in-lieu;
  - ii. Single Detached Residential uses;
  - iii. Accessory Dwelling Units, such as Secondary Suite Residential or Detached Garden Residential;
  - iv. Two-Unit Residential uses;
  - v. Accessible Off-Street Parking Spaces; and
  - vi. Visitor Parking.

**7. Guidelines for Minor Development Variance Permits**

(a) The Delegated Official must consider the following guidelines in deciding whether to issue a Minor Development Variance Permit:

1. That there is
  - a. no bylaw or nuisance violations open on the property;
  - b. no construction related to the Minor Development Variance Permit application has commenced on the property;
2. That the proposed variance
  - a. aligns with the current Official Community Plan Bylaw, including the Development Permit Area Guidelines;
  - b. does not increase the number of storeys of the building as regulated by the Zoning Bylaw;
  3. does not vary Land Use or Density as regulated by the Zoning Bylaw;
  4. does not conflict with any statutes, bylaws, orders, legislation, or laws;
  5. does not negatively impact neighborhood context;
  6. does not impact visual clearance or sight lines at intersections;
  7. does not interfere with setbacks from Wells and high-pressure gas right-of-way;
  8. does not apply to a property for which a Heritage Revitalization Agreement is in effect; and
  9. does not impose any costs on the City.

**8. Application Issuance or Referral**

(a) If the Delegated Official determines that the application satisfies the criteria and guidelines set out in Section 6 and Section 7 of this Bylaw, respectively, the Delegated Official has the authority to issue a Minor Development Variance Permit and may impose any conditions with the Minor Development Variance Permit that the Delegated Official deems appropriate.



- (b) If the Delegated Official determines not to issue a Minor Development Variance Permit upon considering the criteria set out in Section 6 and Section 7 of this Bylaw, respectively, the Delegated Official may refer the application to Council for consideration.
- (c) Subject to the Applicant's right for reconsideration under Section 9 this Bylaw, the decision of the Delegation Official on whether to issue a Minor Development Variance Permit or refer the application to Council is final.

## **9. Reconsideration Application**

- (a) An Applicant may request that a decision by the Delegated Official under this Bylaw be reconsidered by Council in accordance with this section.
- (b) An Applicant who wishes to Appeal a decision made by a Delegated Official to Council must submit a Notice of Appeal to the Corporate Officer within the specified time period of the applicable bylaw, or if no period is specified, within 30 Business Days from the date in which the decision is communicated in writing to the Applicant's address, email address or facsimile number.
- (c) The Corporate Officer may decline to schedule an Appeal if the Notice of Appeal has not been received within the time period as set out in Section 9(b).
  - (a) The Notice of Appeal must include:
    - 1. the Applicant's name, address, and a method of contacting the Applicant;
    - 2. a copy of the written decision received by the Applicant, including any supporting materials provided to the Applicant by the Delegated Official; and
    - 3. the Applicant's grounds for seeking an Appeal, the desired outcome, prior steps taken to resolve the matter, and any other applicable supporting materials.
- (d) Reconsideration by Council must take place at a regular Council meeting that occurs after the date on which the Corporate Officer receives the reconsideration application.
- (e) Prior to the regular Council meeting at which the decision is to be reconsidered, the Corporate Officer must:
  - 1. give notice of a reconsideration application in accordance with any notice requirements applicable to the original Development Variance Permit application;
  - 2. deliver to each member of Council a copy of the materials that were considered by the Delegated Official in making the decision that is to be reconsidered, plus a copy of any additional materials submitted by the owner, the Delegated Official, and any other relevant persons; and
  - 3. deliver to the Applicant a copy of all documents which Council will consider during the reconsideration meeting.

## **10. Meeting Procedure**

- (a) At the time of reconsideration, the Applicant and any other person who is interested in the decision are entitled to be heard by Council, either directly or through an agent.
- (b) At the time of reconsideration, the delegate may address Council or respond to its questions.

**11. Council Decision**

- (a) After reconsideration, Council may either confirm the decision of the Delegated Official, vary the decision or set aside the decision and substitute a decision of Council.

**12. Notice of Council's Decision**

- (a) The Corporate Officer must deliver written notice to the Applicant of Council's decision within 30 days of the decision being made.

**13. No Further Reconsideration**

- (a) If a matter has been reconsidered and decided by Council under this Bylaw, no person may apply again to Council for reconsideration of the same or substantially the same matter for a minimum of six months from the date in which the application was reconsidered.

**READ** a first time the 5<sup>th</sup> day of September, 2023.

**READ** a second time the 5<sup>th</sup> day of September, 2023.

**READ** a third time the 26<sup>th</sup> day of September, 2023

**ADOPTED**, the 10<sup>th</sup> day of October, 2023

  
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PRESIDING MEMBER

  
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CORPORATE OFFICER