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| Title: Minor Development Variance Permit Assessment Guidelines | | Policy No: 6.39 Supersedes: |
| Effective Date: December 16, 2025 | Amended Date: | Review Date: December 16, 2026 |
| Policy Statement: In accordance with the <i>Local Government Act</i> and <i>Community Charter</i> , Council delegates to the Director of Planning and Building the authority to review, consider, issue, amend, or refuse a Minor Development Variance Permit, as outlined in the criteria provided in the Development Procedures Bylaw No. 8081-2025. | | |
| Purpose: The policy establishes guidelines for the Director of Planning and Building to consider when deciding whether to approve, refuse or forward to Council a Minor Development Variance Permit. | | |
| Scope: This policy applies to the Director of Planning and Building and establishes a framework to govern decisions related to Minor Development Variance Permits. | | |
| Definitions: Applicant means a person who, with the written consent of the Owner(s), submits an application to the City in accordance with the Development Procedures Bylaw. Minor Development Variance Permit means a Development Variance Permit deemed minor in accordance with the criteria set out in the Development Procedures Bylaw. | | |
| Procedure: The Director of Planning and Building must consider the following guidelines when deciding whether to issue a Minor Development Variance Permit: <ol style="list-style-type: none"> 1. Scope and scale of variances <ol style="list-style-type: none"> a. Whether the scope and scale of the variance can be avoided through alternative measures such as reducing the density, amending the site design, or changing the orientation of the building; and | | |

- b. Whether unique circumstances warrant the variance for the site or whether such variances can be replicated elsewhere in the immediate neighbourhood.
- 2. Use and enjoyment of neighbouring lands
 - a. Whether the level of impact on surrounding lands is acceptable;
 - b. Whether the variance fits the character of the neighbourhood;
 - c. For height variances:
 - i. Confirm no notable reduction in neighbouring views of key viewscales, and
 - ii. Ensure no significant shading on public spaces or privacy loss for adjacent properties; and
 - d. Consider the public interest, where applicable.
- 3. Effects on the natural environment
 - a. The impacts of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific natural feature;
 - b. The proposal's vulnerability to natural hazards and inclusion of climate mitigation and adaptation best practices; and
 - c. Compliance with required setbacks from watercourses, riparian areas, wetlands, and environmentally sensitive areas.
- 4. Appropriateness of the development
 - a. Whether the proposal is consistent with the Official Community Plan policies and guidelines;
 - b. Whether the proposal meets the intent of the Official Community Plan and Zoning Bylaw;
 - c. The functionality (e.g., access, connectivity, accessibility, screening, fire access, weather protection) of the proposed development;
 - d. That it does not impact visual clearance or sight lines at intersections;
 - e. That it does not interfere with setbacks from private wells and utility rights-of-way; and
 - f. That it does not create future conditions that would require costly relocation of services or future infrastructure upgrades
- 5. Public Interest
 - a. That it balances competing interests and whether the variance supports Council's strategic priorities or the objectives of the Official Community Plan;
 - b. That it has no or only minor adverse impacts to the public realm (e.g., streetscape, land, adjacent public open space), and/or other public assets (e.g., trees); and
 - c. That it does not impose any additional capital or maintenance costs on the City.

6. Demonstration of Land Use Justification

- a. The Applicant must demonstrate that the proposed variance is necessary and is supported by an acceptable land use justification, such as:
 - i. The ability to use or develop the Property is unreasonably constrained or hindered by having to comply with the bylaw requirement;
 - ii. There is a neutral or net benefit to the community or immediate area that would be achieved through the variance proposal; or
 - iii. The proposed variance would allow for more efficient and effective use and development of the subject Property.
- b. Failure to provide an acceptable land use justification as outlined in Section 6.a. may be grounds for the Director of Planning and Building to deny the application.
- c. If an acceptable land use justification is identified, the Applicant must demonstrate that a reasonable effort has been made to avoid the need for, or reduce the extent of, the requested variance. If such efforts are not made, this may be grounds to deny the application. Examples of acceptable land use justifications may include, but are not necessarily limited to, the following:
 - i. Physical constraints (e.g., steep slopes, watercourses, rock outcrops) that unreasonably limit developable area.
 - ii. Human-imposed constraints (e.g., archaeological sites, restrictive covenants), odd-shaped lots, easements, rights-of-way) that impacts the location of the building.
 - iii. Hazardous conditions requiring elevation adjustments (e.g., floodplain), resulting in a building or structure exceeding maximum height restrictions.
 - iv. Topographical constraints, such as a depression or sloped area, result in a building or structure exceeding maximum height restrictions.
 - v. Preservation of environmentally significant features, such as watercourses, sensitive ecosystems, matured treed areas that restrict developable area.
 - vi. View protection, where relocating a building on a lot preserves significant views.
 - vii. Legalization of longstanding non-conforming structures where the impacts are considered acceptable.

Administration:

The Planning and Building Department is responsible for implementing and ensuring this policy is adhered to.

(Administration Only)**Signature****Date Signed****Resolution No.:**

R/2025-CM-358

December 18, 2025