

# THE CORPORATION OF THE DISTRICT OF SAANICH

## BYLAW NO. 10121

### A BYLAW TO ESTABLISH PROCEDURES FOR THE DELEGATION OF COUNCIL AUTHORITY FOR MINOR DEVELOPMENT VARIANCE PERMITS

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WHEREAS pursuant to section 498.1 of the *Local Government Act*, R.S.B.C. 2015, c. 1 (the "*Local Government Act*") Council may delegate powers, duties and functions to an officer or employee of the local government to issue a minor Development Variance Permit.

NOW THEREFORE The Municipal Council of The Corporation of the District of Saanich, in open meeting assembled hereby enacts as follows:

#### **Minor Development Variance Permit Approval Delegation**

- 1) Council hereby delegates to the Director of Planning (the "Delegate"), or in his or her absence the Manager of Current Planning the power to issue a Development Variance Permit for minor variances, as prescribed by section 2 of this bylaw.
- 2) The criteria for determining whether a proposed variance is minor is as follows:
  - a. The proposed variance is not associated with another development application type that must be considered by Council.
  - b. The proposed variance will not create an unsafe condition.
  - c. The proposed variance does not apply to a property that is on the Saanich Heritage Register, is designated heritage property, or for which a heritage revitalization agreement is in effect.
  - d. The proposed variance(s) pertain to one or more of the following regulations:
    - i. Fence height: the proposed variance is no greater than 25% of the maximum fence height as set out in the Zoning Bylaw, 2003, No. 8200, as may be amended or replaced from time to time (the "Zoning Bylaw").
    - ii. Signage: the proposed variance applies to the Sign Bylaw, 2006, No. 8789, as may be amended or replaced from time to time.
    - iii. Off-Street Vehicular Parking:
      - a) The proposed variance does not reduce the number of required accessible parking stalls;
      - b) The proposed variance does not reduce the required number of off-street parking stalls by more than 10 stalls; or,
      - c) The proposed variance does not increase the maximum permitted number of off-street parking stalls by more than 33%.

- iv. Off-Street Loading: the proposed variance does not reduce the number of required loading stalls by more than 2 stalls.
- v. Bicycle Parking:
  - a) The proposed variance does not reduce the number of required bicycle parking stalls by more than 5 stalls; or,
  - b) The proposed variance alters the type of bicycle parking provided but does not reduce the total number required.
- vi. Landscaping and screening requirements
- vii. Projection into Required Yards: any proposed variance to a projection into the required yard setback as set out in the Zoning Bylaw.
- viii. Setbacks:
  - a) the proposed variance results in a setback that remains greater than or equal to 1.2m;
  - b) for combined setbacks, the proposed variance is for less than or equal to a 25% decrease of requirement as set out in the Zoning Bylaw for the applicable zone; or,
  - c) the proposed variance is to accommodate an existing building or structure where no change to the siting of the building or structure is proposed.
- ix. Building separation: the proposed variance is for less than or equal to a 10% decrease of the requirement as set out in the Zoning Bylaw for the applicable zone.
- x. Height:
  - a) the proposed variance is for less than or equal to a 10% increase of the permitted height in metres as set out in the Zoning Bylaw for the applicable zone; or,
  - b) the proposed variance is to accommodate an existing building or structure where no change to the height of the building or structure is proposed.
- xi. Lot coverage:
  - a) The proposed variance is for less than or equal to a 10% increase of the permitted lot coverage as set out in the Zoning Bylaw; and
  - b) The proposed variance does not vary the permitted lot coverage for accessory buildings as set out in Table 5.3 of the Zoning Bylaw.
- xii. Front yard open site space: the proposed variance pertains to the configuration of the required front yard open site space as set out in Schedule G of the Zoning Bylaw but does not vary the total amount required.

## Guidelines

- 3) The Delegate must consider the following guidelines in deciding whether to issue a development variance permit:
  - a. If the proposed variance is necessary to address a physical or legal constraint associated with the site (e.g. unusual parcel shape, topographical feature, statutory right-of-way, etc.);
  - b. If the proposed variance is consistent with the general purpose or intent of the applicable bylaws and policies, including the Official Community Plan; and,
  - c. If there is a community or environmental benefit to the larger community in granting the variance.
- 4) The obligation to give notice to affected property owners and tenants under Section 499 of the Local Government Act does not apply to minor development variance permits, however, the Delegate may, if they determine it is in the public interest, notify the owners and tenants of the subject property in accordance with the District's Land Use and Development Procedures Bylaw, 2020, No. 9650, as may be amended and replaced from time to time.

## Decision by the Delegate

- 5) The Delegate, may, in their sole discretion, make any of the following decisions, all of which must be communicated to the owner who applied for the development variance permit (the "Applicant"):
  - a. If the Delegate has determined that the application is a minor variance as set out in Section 2 and has considered the guidelines in Section 3 of this bylaw, issue the development variance permit, and include any conditions the Delegate deems appropriate.
  - b. The Delegate may refer the application to Council for Council's consideration if the Delegate determines that it would be in the public interest to do so ("Delegate Referral").
  - c. The Delegate may refuse to issue the development variance permit. If the Delegate refuses to issue the development variance permit, the Delegate must provide reasons in writing to the Applicant.

## Delegate Referral and Reconsideration Process

- 6) If the Delegate opts for a Delegate Referral under section 5(b) of this bylaw, then the Delegate will provide the Municipal Clerk with the original application within ten (10) days of their decision to refer.
- 7) If the Delegate refuses to issue the development variance permit, under section 5(c) of this bylaw, then the Applicant may apply to have the decision reconsidered by Council by applying in writing to the Municipal Clerk within ten (10) days after the decision of the Delegate has been communicated in writing to the Applicant. (the "**Reconsideration Application**"). The Applicant must include the following information in its Reconsideration Application:
  - a. The development variance permit application as it appeared before the Delegate;
  - b. A copy of the reasons provided by the Delegate under section 5(c) of this bylaw;
  - c. The reasons why the Applicant wishes Council to reconsider the decision; and
  - d. The new decision the Applicant requests Council to make, with brief reasons to

support the new decision.

- 8) When the Municipal Clerk receives either a Delegate Referral or Reconsideration Application, the Municipal Clerk must:
  - a. Schedule the item on the agenda of a Regular Meeting of Council in accordance with section 10.
  - b. Deliver to each Council member a copy of the information that was provided under section 6 and 7 above.
- 9) For both the Delegate Referral and Reconsideration Application:
  - a. The Applicant is not required to pay an additional fee to have the item appear before Council;
  - b. Waiver of notice under section 499(1.1) of the Local Government Act and section 4 of this bylaw does not apply, and the municipality is required to follow the notice requirements for development variance permits as set out under section 499.1 of the Local Government Act.
- 10) Council must hear the Delegate Referral or Reconsideration Application within ten (10) weeks after the date of delivery to the Municipal Clerk.
- 11) This Bylaw may be cited for all purposes as the "**DELEGATION AUTHORIZATION BYLAW (DEVELOPMENT VARIANCE PERMITS), 2025, NO. 10121**"

Read a first time this 24<sup>th</sup> day of February, 2025.

Read a second time this 24<sup>th</sup> day of February, 2025.

Read a third time this 24<sup>th</sup> day of February, 2025.

*Third reading rescinded at the Council meeting on the 10<sup>th</sup> day of March, 2025.*

Re Read a third time this 10<sup>th</sup> day of March, 2025.

Adopted by Council, signed by the Mayor and Corporate Officer and sealed with the Seal of the Corporation on the 24<sup>th</sup> day of March, 2025.

"Angila Bains"

"Dean Murdock"

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Corporate Officer

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Mayor