

PLANNING AND DEVELOPMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: FRAMEWORK FOR ESTABLISHING DEVELOPMENT VARIANCE
PERMITS AND PROCESSES**

RECOMMENDATIONS:

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Development Procedures Bylaw 2022, to establish a procedure for the review and issuance of development variance permits, including delegation of authority to the General Manager Planning and Development to approve minor variances, as outlined in Section 4.0 of this report.
2. THAT Council authorize the preparation of a bylaw amending the Burnaby Planning and Building Fees Bylaw 2017, to include application fees for the development variance permit applications.

REPORT

The Planning and Development Committee, at its meeting held on 2022 July 13, received and adopted the attached report proposing a framework to establish the application of Development Variance Permits, and defining a procedure for the review and issuance of Development Variance Permits.

Respectfully submitted,

Councillor P. Calendino
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to: Chief Administrative Officer Acting CFO GM Corporate Services GM Parks, Recreation and Cultural Services GM Planning and Development Acting GM Engineering GM Community Safety City Solicitor Chief Building Inspector

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2022 July 6

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT

FILE: 42000 20
Reference: Bylaw Amendments

SUBJECT: **FRAMEWORK FOR ESTABLISHING DEVELOPMENT VARIANCE PERMITS AND PROCESSES**

PURPOSE: To propose a framework to establish the application of Development Variance Permits, and define a procedure for the review and issuance of Development Variance Permits.

RECOMMENDATIONS:

1. **THAT** Committee request Council to authorize the preparation of a bylaw amending the *Burnaby Development Procedures Bylaw 2022*, to establish a procedure for the review and issuance of development variance permits, including delegation of authority to the General Manager of Planning and Development to approve minor variances, as outlined in *Section 4.0* of this report.
2. **THAT** Committee request Council to authorize the preparation of a bylaw amending the *Burnaby Planning and Building Fees Bylaw 2017*, to include application fees for the development variance permit applications.

REPORT**1.0 BACKGROUND**

Sections 498 and 498.1 of the *Local Government Act (LGA)* allow a local government to issue a development variance permit (DVP) to vary specific provisions of bylaws that regulate the use and development of lands, either by Council resolution, or by delegated authority to staff for variances defined as minor.

In many municipalities in British Columbia, DVPs are used to vary the requirements of bylaws identified in Section 498 of the *LGA* to facilitate developments or improvements to a property where siting restrictions or unique circumstances make it difficult to meet such requirements. Examples of DVPs in other municipalities include variances to building height and depth, or siting

requirements of the zoning bylaw, as well as some provisions of the subdivision and development bylaw and the sign bylaw.

On 2021 October 26, the Planning and Development Committee received a report proposing a framework for DVPs and a procedure for the review and issuance of such applications. The Committee expressed concerns that under the proposed framework Council may be inundated with DVP applications related to single and two-family dwellings. The Committee referred the report back to staff requesting a revision to the proposed framework to ensure variances for single and two-family dwellings would continue to be processed through the Board of Variance (BOV) where such variances are minor in nature and hardship can be demonstrated.

On 2022 May 9, Council received a report providing information on a number of statute amendments under Bill 26, including local governments' new authority to delegate the power to staff to issue minor variances. Council then authorized staff to bring forward a framework to establish the application of DVPs, including the delegation of decisions to staff to issue minor variances.

This report outlines the statutory requirements related to the process of DVPs, and proposes a framework and a procedure for the review of DVP applications, including general criteria to determine support of such applications, public notification requirements, and criteria and guidelines for delegation of decisions on minor variances. The report also requests Council to authorize staff to amend the *Burnaby Development Procedures Bylaw 2022*, in order to include the proposed procedure for the processing of DVP applications. In addition, it is requested that Council authorize the preparation of amendments to the *Burnaby Planning and Building Fees Bylaw 2017*, to establish application fees for DVP applications.

2.0 POLICY CONTEXT

Establishing DVPs in Burnaby aligns with the following Council-adopted policies: *Official Community Plan (1998)*, *Economic Development Strategy (2007)*, *Social Sustainability Strategy (2011)*, and the *Corporate Strategic Plan (2017)*.

3.0 LEGISLATION GOVERNING DEVELOPMENT VARIANCE PERMITS

The *LGA* provides legislative requirements for issuing DVPs, governs associated public notification requirements, and identifies provisions of the bylaws which may be varied through DVPs. Under Section 498 of the *LGA*, a local government, on application by an owner of land, may issue a DVP by Council resolution to vary requirements of the following bylaws:

- The Zoning Bylaw, with the exception of the use or density of land, and the requirements related to residential rental tenure, including:
 - the siting, size, and dimensions of buildings, structures, and uses that are permitted on the land;
 - the location of uses on the land and within buildings and structures; and
 - the shape, dimensions and area, including the establishment of minimum and maximum sizes, of all parcels of land that may be created by subdivision.

- a bylaw that regulates and requires the provision of works and services in respect of the subdivision of land (subdivision and development);
- other land use regulation powers, including bylaws to regulate the disposal of surface runoff and storm water, off-street parking and loading spaces, signs, screening and landscaping;
- regulation of farming businesses in farming areas; and
- a bylaw to regulate the construction and layout of trailer courts, manufactured home parks and camping grounds, including the requirements in relation to health, safety or protection of persons or properties.

Section 498.1 of the *LGA* allows a local government to adopt a bylaw in order to delegate to an officer or employee the authority to issue a DVP, if the proposed variance:

- is a minor variance, and
- varies the provisions of a bylaw under any of the following:
 - the Zoning Bylaw respecting siting, size and dimensions of buildings, structures and permitted uses;
 - off-street parking and loading space requirements;
 - the regulation of signs;
 - screening and landscaping requirements to mask or separate uses or to preserve, protect, restore and enhance natural environment; and
 - a provision of the *LGA* prescribed by regulation of the Lieutenant Governor in Council¹.

Under Section 498.1 of the *LGA*, the bylaw delegating the authority to staff to issue minor variances must include:

- the criteria for determining whether a proposed variance is minor; and
- guidelines the delegate must consider in deciding whether to issue the DVP.

The bylaw may also include any terms and conditions the local government considers appropriate. The owner of land that is subject to a decision of the delegate is entitled to request Council to reconsider the proposed variance.

Public Notification Requirements

Section 499 of the *LGA* requires that a local government, except where the power to issue a DVP is delegated to staff, must give notice to affected property owners and tenants prior to adoption of a resolution to issue the permit. The public notice must contain the following information:

- in general terms, the purpose of the proposed permit;
- the land or lands that are subject of the proposed permit; and

¹ This provision enables the Lieutenant Governor to allow local governments to delegate the power to staff for other minor variances in future.

- the place, times and dates when copies of the proposed permit may be inspected.

The required public notice must be mailed or otherwise delivered at least ten (10) days before the adoption of the resolution, to the owners or any tenants in occupation of all parcels, any part of which is the subject of the permit, or is located within a specified distance from the parcel which is the subject of the permit identified in the procedures bylaw.

The above statutory public notification requirements do not apply to minor DVPs for which the approval authority is delegated to staff.

4.0 PROPOSED FRAMEWORK TO ESTABLISH DEVELOPMENT VARIANCE PERMITS IN BURNABY

Currently, Burnaby does not have a process for reviewing DVP applications. In the absence of a procedure to review and issue DVPs, variances to the *Burnaby Zoning Bylaw* or other requirements of bylaws referred to in Section 498 of the *LGA*, have been granted through one of the following options:

1. CD Comprehensive Development District: subject to Section 700.2(2) of the *Burnaby Zoning Bylaw*, on a property that is zoned CD District, the following provisions of the *Burnaby Zoning Bylaw* may be varied:
 - off-street parking and loading spaces;
 - requirements related to carwash stalls;
 - screening and landscaping;
 - fences and retaining walls;
 - minimum frontage of businesses;
 - projection into required yards; and
 - bulk regulations, including maximum building height, minimum lot area and lot width, minimum required yards, maximum lot coverage and floor area.

Variances provided through CD rezoning may be approved if the floor area ratio and density for the development as a whole are in conformity with the applicable requirements of the *Burnaby Zoning Bylaw*, and that such variance results in an improved relationship between the various parts of the proposed development.

Considering that density and use in a development may not be varied except through adoption of a zoning amendment bylaw, a CD rezoning is an effective tool to allow a mix of uses and densities that are permitted in multiple zoning districts. In general, the ultimate purpose of a CD rezoning is to enable the tailoring of specific uses, and density, siting, parking, sign and landscaping requirements to a particular site, in place of the application of pre-determined regulations in the zoning districts. In developments where use and density meet the requirements of the *Burnaby Zoning Bylaw*, pursuing a CD rezoning with the sole purpose of varying other requirements referred to in Section 700.2(2) of the *Zoning*

Bylaw, such as building height, required yards, or landscaping, may be considered onerous considering the length of time, cost, and uncertainty of the rezoning process.

2. Board of Variance (BOV): subject to Section 540 of the *LGA*, a person may apply to the BOV to vary the following requirements, if the person alleges that compliance with these requirements would cause the person hardship:
 - a bylaw with respect to the siting, size, or dimensions of a building or other structures;
 - a bylaw with respect to the siting of a manufactured home in a manufactured home park;
 - a subdivision servicing requirement under section 506(1)(c) of the *LGA* (provision of water, sewer and other systems) in an area zoned for agricultural or industrial use;
 - the prohibition of structural alteration or addition of buildings containing legally non-conforming uses; and
 - a bylaw to regulate, prohibit and impose requirements in relation to trees, subject to conditions.

The BOV may not vary permitted uses and densities, application of a bylaw related to residential rental tenure, or floodplain requirements.

Relaxation of the requirements of the *Burnaby Zoning Bylaw* related to siting, size, and dimensions of buildings/structures through BOV are limited to those developments where hardship can be demonstrated, and where the variances are minor in nature. In addition, the board does not have authority to grant a variance that is in conflict with a Section 219 covenant registered on title of a property related to matters covered in land use permits or phased development agreements, or that are for a property with heritage values and character. In Burnaby, BOV applications have been pursued primarily for single and two-family dwellings.

As an alternative to the existing processes described above, DVPs can provide a discretionary flexibility to facilitate developments that cannot meet the applicable requirements of certain bylaws due to unique circumstances or special conditions of the property. Unlike a zoning amendment bylaw that requires three readings prior to final adoption, a DVP may be issued by Council resolution or the delegate's approval through a streamlined approval process. As such, a DVP process generally results in a faster approval than a rezoning, while it includes a comprehensive review of the application, receipt of public comments, and Council or the delegate's approval. In addition, DVPs have broader applicability and fewer restrictions compared to BOVs, and may offer greater flexibility in the review and approval of development applications throughout the City. As such, establishment of the DVP review process would contribute to streamlining the development application review processes in Burnaby in keeping with the spirit of the City's Development Approvals Review Process.

Following the adoption of the DVP framework, the existing CD rezoning and the BOV processes will continue separate approval streams. It is anticipated that CD rezoning will be generally used

To: Chair and Members Planning and Development Committee
From: General Manager Planning and Development
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for development applications comprised of multiple variances particularly related to uses and density. The BOV process would continue to be used to vary requirements related to siting, size, or dimensions of a building or other structures, due to hardship and where they are minor in nature. The DVP process will be used to vary all requirements of bylaws as set out in the *LGA*, including the *Zoning Bylaw*, *Subdivision Control Bylaw*, and the *Sign Bylaw*, with the exception of use and density, floodplain, or rental tenure requirements.

Delegation of Authority on Minor Variances

Subject to Section 498.1 of the *LGA*, Council may delegate the power for approval of minor variances related to siting, size, and dimensions of buildings, structures, and permitted uses, parking, loading, screening and landscaping, and signs to staff. These requirements, with the exception of sign regulations, are included in the *Burnaby Zoning Bylaw*. The *Burnaby Sign Bylaw* regulates the number, size, location, type, height, and other requirements related to signs in Burnaby.

A comprehensive review of the *Zoning Bylaw* and the *Sign Bylaw* has been conducted to identify those requirements which can be delegated under the *LGA*. The purpose of delegating approval decisions to staff is to reduce the application processing time without creating undue impacts on the adjacent neighbourhood, or eliminating opportunities for public engagement. Under the *LGA*, the owner of land that is subject to a decision of the delegate is entitled to request Council to reconsider the delegate's decision. Reconsideration of an application by Council may result in further review of the application and subsequently, a longer processing time. It is expected that requests for reconsideration of delegate's decision would generally be for variances that are considered non-supportable by the delegate, or those that have considerable impacts on the adjacent neighbourhood. As such, it is recommended that the delegation of power on minor variances be limited to only those requirements of the *Zoning Bylaw* for which variances are generally supportable and have minimal impacts on adjacent uses, neighbourhood, and City services. These requirements are as follows:

- Siting, size, and dimensions of buildings and structures, or a portion of a building or structure, with the exception of the requirements related to: fences and retaining walls, clearance at intersections, lot coverage, and minimum/maximum floor area of a dwelling unit/living unit.
If the authority is delegated by Council, minor variances related to required yards, distance between the buildings, building height, number of storeys, building depth, maximum/minimum frontage of buildings and uses, and similar related requirements may be approved by the delegate.
- Siting of permitted uses, such as the required setback for off-street parking spaces from a property's side and rear yards, and similar requirements.
- Antennae requirements, including area, height, and other related requirements.

Given that the Planning and Development Department will be primarily responsible for the processing of DVP applications related to the *Zoning Bylaw*, it is recommended that Council

delegate the power to the General Manager of Planning and Development to approve minor variances for the above noted *Zoning Bylaw* requirements.

Other variances to the requirements of the *Zoning Bylaw* that are not identified above, will be referred to Council for approval. These include variances to the related *Zoning Bylaw* requirements which:

- have considerable impacts on adjacent uses and properties (i.e. increasing size and dimensions of permitted uses or lot coverage);
- may impact public safety (i.e. allowing encroachment or an increased building/structure height in vision clearance area at intersections);
- may impact livability (i.e. reducing minimum unit size); or
- are generally not supportable due to a specific neighbourhood concern, inconsistency with the City policies or programs, or the impacts on natural environment, public realm, and City aesthetic (i.e. increasing fence and retaining wall height, relaxation of parking or landscaping requirements).

If these recommendations are adopted by Council, staff will bring forward amendments to the *Burnaby Development Procedures Bylaw* to include the provisions of the *Zoning Bylaw* which may be varied by the approval of the General Manager of Planning and Development.

Criteria to Determine Minor Variances

Under Section 498.1 of the *LGA*, Council must adopt criteria to determine whether a requested variance is a minor variance in order to delegate the authority to approve such applications. The majority of the *Zoning Bylaw* requirements for which the decision on minor variances will be delegated, are related to siting, size, and dimensions of buildings or structures. These provisions, where they are minor in nature, may also be varied through the BOV. Given the minor nature of variances requested through BOV, staff conducted a review of BOV applications related to siting, size, and dimensions of buildings or structures in order to define the criteria for determining minor variances.

This review indicated that with the exception of variances for distance between buildings, and fences and retaining walls requirements, the average requested variances that are considered minor by the BOV are approximately 25% of the requirements of the *Zoning Bylaw*. As such, it is recommended that for the purpose of delegation of power, a variance may be considered minor if it does not exceed 25% of the requirements of the *Zoning Bylaw* (i.e. a variance related to setback is considered minor if the proposed reduction in setback does not exceed 25% of the required setback). It should be noted that the average variance for fences and retaining walls requirements were not included in this determination, given that the authority to vary fences and retaining walls requirements is not recommended to be delegated.

If this recommendation is adopted by Council, staff will bring forward amendments to the *Burnaby Development Procedures Bylaw* to include the maximum 25% as a criteria for determining whether a proposed variance is minor, for the purpose of delegation of power for DVP approval.

Guidelines for the Approval of a Minor Variance

Subject to Section 498.1 of the *LGA*, the bylaw delegating the power on minor variances must include guidelines for the delegate to consider in deciding whether to issue a DVP. It is recommended that the following guidelines be established for the General Manager of Planning and Development to consider:

- the requested variance facilitates the efficient use and development of the site given that the specific site conditions and/or special circumstances have unreasonably compromised the potential development of the site;
- reasonable efforts have been made to eliminate the need for, or reduce the extent of such variance;
- the proposed development is generally compatible with the adjacent neighbourhood and uses;
- the proposed development will not have significant impacts on adjacent uses, streetscapes, or the natural environment;
- appropriate mitigating measures are demonstrated to minimize the impacts of such variance on adjacent uses, streetscapes, or the natural environment; and
- the requested variance generally meets the intent of the *Zoning Bylaw*, and the proposed development is in compliance with other City policies and regulations.

General Guidelines to Support a DVP

Considering the broad application of DVPs under the *LGA*, it is advisable to establish criteria to limit the application of DVPs to situations where the ability to use or develop a property is unreasonably compromised by having to comply with the bylaws. The requested variances should only be supportable if they allow a more effective and efficient use and development of a property or other desirable outcomes, such as the protection of the natural environment or protected trees. While the City is obligated to consider DVP applications, establishment of criteria would minimize the misuse of this statutory tool for personal economic benefit, by identifying guidelines for when staff are likely to support an application. This is particularly important in single and two family residential neighbourhoods where private interests may desire the construction of larger homes which do not complement adjacent neighbourhoods.

Appendix 1 provides a general list of the provisions of the City’s bylaws which may be varied through the DVP application process, and the City’s approach to support these variances in accordance with the City’s goals, objectives and policies. This table also includes the requirements of the *Zoning Bylaw* which may be delegated to the General Manager of Planning and Development if the delegation of authority on minor variances is approved by Council. It should be noted that the ultimate decision to support a DVP application would be that of Council, or its delegate in the case of minor variances, based on a comprehensive review of the proposal and the public comments. Variances that are required due to specific site conditions or special circumstances may continue to be processed through BOV due to hardship.

In general, to support a DVP application, the applicant should demonstrate that the requested variance(s):

- are in line with the goals and objectives of the City’s *Official Community Plan*, or other Community Plans in which the property is located, as well as other City policies;
- generally meet the intent of the City’s bylaws and regulations, including but not limited to the *Burnaby Zoning Bylaw* and *Subdivision Control Bylaw*;
- do not unjustifiably impact adjacent properties, street, City services, public safety, the natural environment, and the visual integrity of the area; and
- are generally compatible with adjacent buildings/structures and uses, and would not impact the long-term best use of the property.

As a required component of a DVP application, the applicant would be required to provide a rationale to support the request for the proposed variance, and to demonstrate that reasonable efforts have been made to eliminate the need for, or reduce the extent of such variances. It would also be required that the applicant applies mitigating measures, such as screening, landscaping, architectural design, etc., to minimize the impacts associated with the variance on adjacent uses.

Proposed Public Notification and Referrals

Under the *LGA*, if staff recommends Council pass a resolution to issue a DVP, the owners or tenants whose interest may be impacted by the proposed variances must be notified prior to issuance of the permit. This statutory obligation does not apply where Council delegates the authority to the General Manager of Planning and Development to issue minor variances. However, for transparency purposes and to ensure public engagement, it is recommended that the statutory notification requirements applicable to DVPs other than minor variances shall apply to both delegated and Council approved DVP applications in Burnaby.

A comprehensive review of the notification distance for DVP applications will be conducted to determine the area where the owners or tenants shall receive a notification prior to issuance of a DVP.

Details of the public notification requirements for DVP applications will be included in the *Burnaby Development Procedures Bylaw* which will be forwarded to Council for consideration and approval.

To ensure developments meet all City’s requirements and policies, DVP applications will be circulated to other appropriate City departments and external agencies for review. Any terms and conditions, including a security deposit, landscaping and screening, etc., may be required prior to issuance of the permit or as conditions of the permit, to mitigate the impacts of the proposed variances on the adjacent neighbourhood.

5.0 NEXT STEPS

If Council adopt the proposed framework, staff will bring forward bylaws amending the *Burnaby Development Procedures Bylaw*, 2022, and the *Burnaby Planning and Building Fees Bylaw*, 2017,

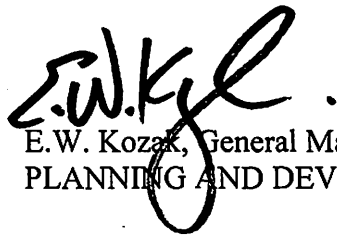
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to establish a review process and application fees for DVP applications. Staff will also create a procedure for the review of DVP applications by other departments and external agencies, as well as prepare communication materials.

6.0 CONCLUSION

This report provides an overview and the statutory requirements of DVPs as a discretionary tool required under the *LGA* to facilitate developments on properties with siting restrictions, or unique circumstances which make it difficult to meet the requirements of a bylaw referred to in Section 498 of the *LGA*. This report also proposes a framework and a procedure for the review of DVP applications, including general criteria to determine supportability of such applications, public notification requirements, and criteria and guidelines for delegation of decisions on minor variances.

Staff also requests that Council authorize staff to bring forward bylaws amending the *Burnaby Development Procedures Bylaw* and the *Burnaby Planning and Building Fees Bylaw*, in order to include the proposed review process and application fees for DVP applications



E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

PS:sa

Attachment

Copied to:	Chief Administrative Officer	Acting General Manager Engineering
	Acting Chief Financial Officer	City Solicitor
	General Manager Corporate Services	Chief Building Inspector
	General Manager Community Safety	City Clerk

Appendix 1

Table 1 – Proposed general approach to vary the requirements of the City bylaws, as set out in Section 498 of the LGA, through development variance permits

Bylaws	Bylaw Requirements	General Approach for the Proposed Variance	Approving Authority
Zoning Bylaw	<p>Siting, size, and dimensions of buildings and structures, or a portion of it, including the required yards, distance between the buildings, building height, number of storeys, building depth, minimum width of townhouse dwellings, maximum/minimum frontage of buildings and uses, and similar related requirements, with the exception of the requirements related to fences and retaining walls, clearance at intersections, lot coverage, and minimum/maximum floor area of a dwelling unit/living unit.</p> <p><u>Note:</u> Where building height or floor area is considered “density” it may not be varied through DVP.</p>	<p>Supportable, for the following variances:</p> <ul style="list-style-type: none"> • Minor variances for single and two family dwellings and associated accessory building/structure/use. • All variances for any development other than single and two family dwellings and their associated accessory building/structure/use. <p>Provided that they do not unduly impose on adjacent properties and neighbourhood.</p>	<p>The General Manager of Planning and Development for minor variances, and Council for all other variances, as well as reconsideration of minor variances.</p>
	<p>Siting of permitted uses (i.e. setback of off-street parking from property’s side and rear yards).</p>		
	<p>Antennae requirements, including area, height, etc.</p>		
	<p>Retaining wall requirements, including height, horizontal distance and landscaping between wall segments, etc.</p>	<p>Not supportable, to restrict the construction of imposing retaining walls that negatively impact adjacent properties and streetscapes.</p>	<p>Council</p>

Appendix 1

Bylaws	Bylaw Requirements	General Approach for the Proposed Variance	Approving Authority
Zoning Bylaw	Fence requirements, including height.	Not supportable , to restrict the construction of imposing fences that negatively impact adjacent properties and streetscapes.	Council
	Lot coverage, provided that it does not increase the density of building, structure, or land. <u>Note:</u> Where lot coverage is considered “density” it may not be varied through DVP.	Not supportable , to ensure the proposed building bulk is consistent with adjacent buildings and an adequate outdoor area is provided on a property.	Council
	Requirements related to clearance at intersections.	Not supportable , to ensure visibility, safety, and easy maneuvering at intersections.	Council
	Size, and dimension of permitted uses (i.e. number of employees in a home occupation, maximum floor area of photocopy services in C1 District). <u>Note:</u> Where size of permitted uses is considered “density” it may not be varied through DVP.	Not supportable , to prevent imposing impacts on adjacent properties and uses.	Council
	Location of uses on a property or within a building/structure, such as parking, loading, storage yard, home-based child care facilities in the RM and P11 Districts, other uses in the C8 District, etc. <u>Note:</u> Where the location of a use is considered a condition of use, or is associated with residential rental tenure requirements, it may not be varied through DVP.	Supportable , provided that it does not unduly impose on adjacent uses, streetscapes, City service, and public safety, and it complies with the applicable OCP/community plan’s policies.	Council
Zoning Bylaw	Minimum floor area of a dwelling unit, living unit, multi-family flex unit.	Not supportable , to ensure livability of the units.	Council
	Maximum floor area of a secondary suite and multi-family flex unit.	Not supportable , to maintain the accessory nature of the accessory dwelling units.	Council

Appendix 1

Bylaws	Bylaw Requirements	General Approach for the Proposed Variance	Approving Authority
Zoning Bylaw	Maximum floor area of a dwelling unit in a two family dwelling, provided that the total floor area of the building will not increase.	Not supportable , to ensure the provision of family-sized dwelling units.	Council
	Maximum floor area of accessory buildings in the RM and A Districts.	Not supportable , to maximize density of habitable spaces in the RM and A Districts.	Council
	Unit mix in Category B Supportive Housing.	Not supportable , to ensure the provision of a balanced unit mix in supportive housings to meet the diverse housing needs of the community.	Council
	Screening and landscaping requirements to mask or separate uses (not including fence requirements of the Zoning Bylaw (sec. 6.14.2)), including height, width, siting, etc.	Not supportable , to improve neighbourhood aesthetics and mask uses that impose on adjacent properties.	Council
	Driveway access requirement off of lane in a number of R Districts.	Not supportable , to ensure driveways are provided off of lane when it is feasible, in order to improve safety and accessibility on sidewalks, maximize street parking, etc.	Council
	Impervious surface requirements, including area, materials, etc.	Not supportable , to ensure adequate permeable surface is provided on a property for storm and ground water management purposes.	Council

Appendix 1

Bylaws	Bylaw Requirements	General Approach for the Proposed Variance	Approving Authority
Zoning Bylaw	Minimum lot area and lot width, provided that it is not a condition of use, and it does not increase the density of land.	Not supportable , to maintain consistency in neighbourhood context.	Council
	Streamside Protection and Enhancement Areas.	Not supportable , to protect the environmentally sensitive areas.	Council
	Minimum number of off-street parking spaces, accessible/van accessible parking spaces, and visitor parking spaces.	Not supportable , considering that other regulatory tools, such as payment-in-lieu of parking, use of excess off-site parking spaces, or shared use of parking spaces can be used for this purpose.	Council
	Minimum dimensions of off-street parking spaces and maneuvering aisles.	Supportable , provided that it is approved by the Engineering Department to ensure safety, accessibility and convenience.	Council
	The accessible/van accessible parking requirements, including minimum dimensions of the access aisles, maximum slopes of the parking spaces and pedestrian routes connecting parking spaces to the building entrance.	Not supportable , to ensure safety, accessibility, and convenience in the use of parking facilities for persons with mobility challenges.	Council
	The requirement applicable to the shared use of parking spaces and the use of excess off-site parking spaces, including the maximum distance between the parking spaces and uses.	Supportable , provided that required measures are considered to ensure safety, accessibility, and convenience for off-site users.	Council
	Visitor parking requirements, including dimensions of parking spaces and access aisles, the provision of turn-around areas, gates, etc.	Supportable , provided that it is approved by the Engineering Department to ensure safety, accessibility and convenience.	Council

Appendix 1

Bylaws	Bylaw Requirements	General Approach for the Proposed Variance	Approving Authority
Zoning Bylaw	Payment-in-lieu (PIL) of parking requirements.	Not supportable , to ensure consistency in application of the PIL program throughout the City.	Council
	EV charging infrastructure.	Not supportable , to ensure all parking spaces will have access to EV charging infrastructures.	Council
	The required number of carwash stalls.	Supportable , provided that other alternatives are considered to satisfy this requirement.	Council
	The required bicycle parking and end-of-trip facilities in the P11 District.	Supportable , provided that it is demonstrated that it meets the actual needs of the users.	Council
	Minimum dimensions of off-street loading spaces.	Not supportable , to ensure safety, accessibility, and convenience in loading facilities.	Council
	The required number of off-street loading spaces.	Supportable , provided that other alternatives are considered to satisfy these requirements.	Council
Subdivision Control Bylaw	The provision of works and services in relation to the subdivision of land.	Not supportable , to ensure all properties have access to all required services.	Council
	The minimum standards related to dimensions, location, alignment and gradient of roads, sidewalks, boulevards, street lighting, and underground wiring.	Not supportable , to ensure all properties have access to all required services.	Council
	The minimum standards for water distribution system, sewage disposal system, fire hydrant system, sewage	Not supportable , to ensure all properties have access to all required services.	Council

Appendix 1

Bylaws	Bylaw Requirements	General Approach for the Proposed Variance	Approving Authority
	collection system, sewage disposal system, drainage collection system, drainage disposal system.		
Sign Bylaw	The requirements of the Sign Bylaw, including the maximum number, size and dimensions, siting and location, types, minimum height, projection over the public properties, etc.	Supportable , provided that it does not unduly impose on adjacent uses, street, City services, and public safety, and it maintains the visual integrity of the area.	Council