



The Corporation of the District of North Cowichan

Delegation of Authority Amendment Bylaw

BYLAW NO. 3975

A bylaw to amend Delegation of Authority Bylaw No. 3814 to delegate the approval of Minor Development Variance Permits to staff.

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Delegation of Authority Amendment Bylaw No. 3975, 2025*".

Amendment

2 Delegation of Authority Bylaw No. 3814 is hereby amended by:

(1) Deleting Section 22 (4) [*Land Use Approvals*] in its entirety and replacing it with the following:

"(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."

(2) Adding the following subsection (5) to Section 22:

"(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."

(3) Adding the following subsection (6) to Section 22:

"(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."

READ a first time on
READ a second time on
READ a third time on _____.
ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

 Presiding Member

 Corporate Officer

**SCHEDULE A
 MINOR VARIANCE CRITERIA**

Type of Variance	Maximum degree of variance to be considered a minor variance
Zoning bylaws concerning the siting, size, and dimensions of buildings, structures, and permitted uses	
Yard setback	50% reduction
Minimum lot size	25% reduction or 200m ² reduction, whichever is less
Minimum lot size where an existing lot is already below minimum lot size	25% reduction from existing size or 100m ² 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

Presiding Member

Corporate Officer

**SCHEDULE B
VARIANCE - GUIDELINES**

#	Criterion	Proposed Variance Assessment Guidelines
1	Pertains to Zoning or Sign Bylaws	Must relate to: Zoning Bylaw, 1997, No. 2950 (as amended): - Siting of buildings and structures (e.g., yards and setbacks) - Size and dimensions of buildings and structures (e.g., height) Landscaping and screening to mitigate visual impacts or protect the natural environment Sign Bylaw, 2012, No. 3479 (as amended): - sign size, placement, or type
2	Does Not Apply to Subdivision Bylaw	Must not apply to <i>Subdivision Bylaw No. 1851, 1980</i> .
3	Consistent with the OCP	Must align with the <i>Official Community Plan (OCP)</i> .
4	Appropriateness	Must not decrease the appropriateness of development with respect to North Cowichan's land use and development policies and goals.
5	No Conflict with Other Statutes or Bylaws	The MDVP must not conflict with any relevant statutes, bylaws, orders, legislation, or laws.
6	Does Not Impose Costs on the Municipality	Must not result in financial costs or obligations for the municipality.
7	Does not interfere with Municipal works	Must not interfere with, or impede access to, any municipal works or Statutory Rights of Way.
8	Minimal Impact on Neighbours	Should not cause significant negative impacts such as loss of privacy, shadowing, or view obstruction.
9	Minimal Impact on Streetscape	Should not create a discordant feature significantly at odds with the prevailing form and character.
10	Minimal environmental impacts	Proposed variances affecting environmental features (e.g., proximity to watercourses, tree preservation) must demonstrate minimal environmental impact and be align with North Cowichan's environmental protection objectives.
11	Minimal transportation and parking impacts	Proposed variances related to off-street parking, should not create significant on-street parking issues. Transportation demand management measures (e.g., car-sharing or bicycle parking) should be shown to have been considered by the applicant.