

Legislation

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Subject Local Government Act (LGA) – Delegation of Authority for Minor Development Variance Permits

SECTION 499 (1) – DELEGATION OF POWER TO ISSUE A DEVELOPMENT VARIANCE PERMIT & (1.1) NOTICE TO AFFECTED PROPERTY OWNERS AND TENANTS

Delegation of power to issue development variance permit

498.1 (1) A local government may, by bylaw, delegate to an officer or employee of the local government the power under section 498 to issue a development variance permit if the proposed variance

(a) is a minor variance, and

(b) varies the provisions of a bylaw under any of the following:

(i) section 479 (1) (c) (iii) [zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses];

(ii) section 525 [off-street parking and loading space requirements];

(iii) section 526 [regulation of signs];

(iv) section 527 (1) (a) or (b) [screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment];

(v) a provision of this Act prescribed by regulation of the Lieutenant Governor in Council.

(2) A bylaw delegating the power to issue a development variance permit under this section must include

(a) criteria for determining whether a proposed variance is minor for the purposes of subsection (1) (a), and

(b) guidelines the delegate must consider in deciding whether to issue a development variance permit.

(3) The bylaw may also include any terms and conditions the local government considers appropriate.

(4) If a local government delegates the power to issue a development variance permit, an owner of land that is subject to a decision of the delegate is entitled to have the local government reconsider the matter.”

Notice to affected property owners and tenants

499 (1) If a local government proposed to pass a resolution to issue a development variance permit, it must give notice in accordance with this section.

(1.1) For certainty, the obligation to give notice under this section does not apply if a delegate, under section 498.1, exercises the power to issue the development variance permit.