

# Examples – Minor Variance Criteria

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File: SPP00107

Subject To clarify the types of minor variances that may be delegated to staff

## PURPOSE

### Section 498.1 of the LGA - New Delegation Powers

As established under section 498.1 of the *Local Government Act (LGA)*, introduced through Bill 26, local governments now have the authority to delegate the issuance of DVPs to staff where the proposed variance is considered minor. These delegated powers apply specifically to variances related to the following bylaw provisions:

- (1) Zoning bylaws concerning the siting, size, and dimensions of buildings, structures, and permitted uses
- (2) Off-street parking and loading space requirements
- (3) Regulation of signs
- (4) Screening and landscaping requirements, particularly those intended to mitigate visual impacts or protect the natural environment

### Eligible Criteria Examples

To clarify the types of minor variances that may be delegated to staff, the following table provides examples for each eligible category:

#	Minor Variance Criteria	Example
1	Zoning Bylaws Concerning the Siting, Size, and Dimensions of Buildings, Structures, and Permitted Uses	<i>A homeowner requests a small reduction in the front yard setback for a new porch—from 6 m to 5 m. Under the delegated authority, the Council delegate can approve this minor variance without Council involvement.</i>
2	Off-Street Parking and Loading Space Requirements	<i>A small café is required to provide 10 off-street parking spaces according to zoning bylaws. Due to limited lot size, the owner requests a minor variance to reduce the required parking spaces from 10 to 9. This adjustment can be approved by staff under delegated authority.</i>
3	Regulation of Signs	<i>A local business proposes a freestanding sign slightly larger than permitted—requesting a 20 m<sup>2</sup> sign where the bylaw allows a maximum of 18 m<sup>2</sup>. The Council delegate may approve this minor variance, having satisfied themselves that the larger sign did not create an inappropriate visual feature in context, thus enabling the business to meet its advertising needs effectively and efficiently without harm to the public interest.</i>
4	Screening and Landscaping Requirements	<i>A business owner in a C2 zone is required to provide a 1.1 m wide landscaped buffer with a 2.0 m tall fence along the property line shared with an adjacent residential property. The owner proposes a minor reduction of the landscaped buffer to 1.0 m to accommodate an existing drainage feature on-site. The proposal includes planting additional vegetation along the remaining buffer area to maintain adequate screening. This minor variance could be approved by staff under delegated authority, balancing site constraints with the intent of the bylaw.</i>