CITY OF COQUITLAM
Policy & Procedure Manual

Development Variance Assessment Criteria
Planning and Development Department

Approval Date: February 8, 2021

Purpose

This policy sets out assessment criteria to be used when evaluating development variance requests to the Zoning Bylaw. The purpose is to provide clarity and consistency in the administration of development variance requests, and to assist applicants in understanding how variance requests are considered.

Policy

1.0 INTENT

Development proposals that require variances, except use or density, to the Zoning Bylaw will be evaluated using the Assessment Criteria in Section 3.0 of this policy, in addition to existing policies in the *Official Community Plan* (OCP). Staff will continue to work with applicants to achieve compliance with the Zoning Bylaw.

2.0 VARIANCE OPTIONS AND APPLICABILITY

Variances to the regulations of the Zoning Bylaw, except use or density, can be applied for and considered through the following mechanisms:

a) A variance associated with a Rezoning and Development Permit application
b) A Development Variance Permit (DVP)
c) An application to the Board of Variance

An application for a DVP is required when there is no associated Rezoning and Development Permit application.

An application may be made to the Board of Variance provided the application does not deal with those matters listed under Section 542(2) of the *Local Government Act*. Where an application deals with one or more of those matters, the application for a variance must be made through a) or b). The Assessment Criteria in Section 3.0 applies only to a) and b), it does not apply to applications to the Board of Variance.

3.0 ASSESSMENT CRITERIA

The following assessment criteria will be used by staff to evaluate variance requests. The criteria are a two-part test to assess if the variance is justified and, if so, appropriate.

Where Part 1 – Justification of Variance has been demonstrated, Part 2 – Appropriateness of Variance shall then be evaluated based upon the impact(s) (positive or negative) of the variance. An unacceptable impact, as evaluated by planning staff, is grounds for staff to recommend that the application be denied. An applicant should demonstrate that a reasonable effort has been made to minimize any and all potential negative impacts associated with a variance. If such efforts are not made this would be grounds for staff to recommend that the application be denied.

The following criteria are not intended to be an exhaustive or definitive list of potential considerations. Staff are to use their reasonable judgment in identifying and evaluating all potential impacts associated with the specific circumstances involved in each application.

Part 1 – Justification of Variance

3.1 Demonstrated Land Use Justification

a) The applicant must demonstrate that the proposed variance is necessary and is supported by an acceptable land use justification; such as:
   i. The ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;
   ii. There is a net benefit to the community or immediate area that would be achieved through the variance approval; or
   iii. The proposed variance would allow for more efficient and effective use and development of the subject property.

b) If an acceptable land use justification is identified the applicant must demonstrate that a reasonable effort has been made to avoid the need for, or reduce the extent of, the requested variance. If such efforts are not made this may be grounds for staff to recommend that the variance request be denied.

3.2 Demonstrated Hardship Justification

- The applicant must demonstrate that there are special conditions of the property that distinguish it from other properties in the area and because of these special conditions, requiring compliance with Bylaw would cause undue hardship and not advance the purposes of the OCP in any fair and substantial way.
- What is unique about this property? Look directly at the lot and determine if things such as shape, size, location, etc. distinguish this property from others in the area.
- It is not enough to demonstrate that the property would be difficult to use for the proposed use. Even if those facts are present, an applicant still must demonstrate that the property is different, in a meaningful way, from other properties in the area.
- Note that where the property still has some economic development value – even if not maximizing the highest and best use – this alone does not constitute a hardship.

PART 2 – Appropriateness of Variance

3.3 Spirit of the Zoning Bylaw

a) Does the requested variance violate the explicit or implicit spirit and intent of the bylaw?
b) Does the request unduly violate the basic objectives of the Zoning Bylaw?

3.4 The Public Interest

a) How does the requested variance impact the public interest?
b) Would the variance injure or negatively impact the public or private rights of others?
c) Does granting the variance impact public health or safety?

3.5 Appropriate Long Term Development

a) Does the requested variance assist or facilitate the appropriate long-term development of the area?
b) Is the area undergoing redevelopment and does the proposed development and variance request fit with that vision?
c) Is the area intended for a future planning exercise that may change the vision for the area? How does the proposed development fit with the future vision? Will the variance request impact the future vision?

3.6 Land Use Compatibility and Design

a) Does the variance provide for compatibility with adjacent land uses existing and/or proposed in the OCP?
b) What measures are proposed to mitigate the adverse impacts?
c) Does the proposed development demonstrate a high degree of innovation, creativity and sensitivity in its overall design?

3.7 Neighbourhood

a) Would the variance have an undue adverse impact on the surrounding and broader neighbourhood, including but not limited to utilities and traffic?
b) What has the applicant proposed to reduce any adverse impacts?
c) Does the proposed development and variance request assist or further the goals of other City plans and strategies?
d) Are there additional community amenities that will be provided as part of this proposal to offset any adverse impacts?

3.8 Environmental

a) Does this proposal help further the City's goals outlined in the Environmental Sustainability Plan?
b) What is the impact of the proposed variance on the long term sustainability of the natural environment?
c) Does the variance cause a direct impact on a specific feature of the natural environment?

3.9 Housing

a) Does this proposal help further the City's housing affordability goals?
b) Does the development achieve a unique housing product that was not anticipated in the preparation of the plan that provides more opportunity for affordable housing options?

3.11 Community Consultation

a) What feedback has the proponent received through their public consultation regarding this project?
b) How is the proponent addressing public concerns?
c) Would the variance have a significant adverse impact on an individual neighbour?