



RCRS Secondary:	GOV-02	Effective Date:	2025-SEP-08
Policy Number:	COU-246	Amendment Date/s:	
Title:	Consideration of Variances Policy	Repeal Date:	
Department:	Planning & Development	Approval Date:	2025-SEP-08

PURPOSE:

To establish evaluation criteria to be used when reviewing development permit applications with variances and development variance permit applications.

DEFINITIONS:

“Zoning Bylaw”	means the “City of Nanaimo Zoning Bylaw 2011 No. 4500” or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.
“Parking Bylaw”	means the “City of Nanaimo Off-Street Parking Regulations Bylaw 2018 No. 7266” or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.
“Sign Bylaw”	means the “City of Nanaimo Sign Bylaw 1987 No. 2850” or any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

SCOPE:

This policy applies to development permit applications with variances and development variance permit applications to the Zoning Bylaw, the Parking Bylaw, and the Sign Bylaw.

POLICY:

Development permit applications with variances and development variance permit applications should be reviewed using the application evaluation criteria as outlined in this policy.

Application Evaluation Criteria

The following criteria will be used to review and evaluate development permit applications with variances and development variance permit applications.

1. Variance Analysis

- a. A reasonable effort has been made to comply with the applicable bylaw regulation or reduce the extent of the requested variance(s).
- b. The proposed variance(s) is consistent with:
 - i. the general purpose and intent of the applicable bylaw(s);
 - ii. City Plan (Official Community Plan) policies or other applicable City policies; and,
 - iii. applicable design guidelines (development permit applications with variances).

- c. The following are considered:
 - i. Whether the scope and scale of the variance result in inappropriate development of the site.
 - ii. Whether the variance substantially affects the use and enjoyment of adjacent land.
 - iii. Whether the variance creates a hazardous condition or adversely affects the natural environment.
 - iv. Whether strict compliance with applicable bylaw(s) is unreasonable.
 - v. Any other considerations that are relevant or appropriate.

2. Land Use Justification

- a. The applicant has demonstrated that the proposed variance(s) 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 by the applicable bylaw regulation(s).
 - ii. Letters of support from neighbouring properties.
 - iii. There is a benefit to the community that would be achieved.
 - iv. The increased efficient and effective use and development of the subject property.
 - v. Any other considerations that are relevant or appropriate.

3. Impact Evaluation

The applicant must demonstrate that a reasonable effort has been made to minimize any negative impacts associated with the proposed variance(s). Development permit applications with variances and development variance permit applications will be evaluated based on the following:

- a. Aesthetic Impacts:
 - i. The impact of the proposed variance(s) on the existing streetscape and adjacent properties (such as shading, blank walls, material, overlook, lighting, etc.); and
 - ii. Compatibility with existing neighbourhood context.
- b. Functional Impacts:
 - i. The impact of the proposed variance(s) on the functionality and site design of the subject property for the permitted use(s); and
 - ii. The impact of the proposed variance(s) on the functionality of adjacent properties, rights-of-way, covenanted areas, park, drainage, Building Code implications, etc.
- c. Environmental Impacts:
 - i. The impact of the proposed variance(s) on the natural environment, or a specific environmental feature.
 - ii. The proposed variance(s) must not create a hazardous condition.

PROCESS:

N/A

RELATED DOCUMENTS:

City Of Nanaimo Policy for Consideration of a Parking Variance

REPEAL or AMENDMENT:

N/A