

Subject: [Fwd: Council Enquiry on Consideration of Development Variance Permits - Agenda Item #5]

Date: Sun, 26 Jun 2005 21:57:58 -0700

From: Brian Platts <bplatts@shaw.ca>

To: Corrie Kost <kost@triumf.ca>

Subject: Council Enquiry on Consideration of Development Variance Permits - Agenda Item #5

Date: Sun, 26 Jun 2005 21:51:18 -0700

From: Brian Platts <bplatts@shaw.ca>

To: Alan Nixon <alan_nixon@dnv.org>, Ernie Crist <ernie_crist@dnv.org>, Janice Harris <janice_harris@dnv.org>, Jim Cuthbert <Jim_Cuthbert@dnv.org>, Lisa Muri <lisa_muri@dnv.org>, Maureen McKeon Holmes <Maureen_McKeonHolmes@dnv.org>, Richard Walton <rwalton@dnv.org>, NVD Council <dnvcouncil@dnv.org>

CC: James Ridge <James_Ridge@dnv.org>, FONVCA <fonvca@fonvca.org>, cagebc@yahoo.com

My apologies. There were a couple of minor errors in my submission. Please consider the following as the corrected version.

Mayor & Council:

I want to congratulate District Staff on an excellent report to Council regarding, "Enquiry on Consideration of Development Variance Permits" (agenda item #5).

In the past I used to speak-out frequently on Development Variance Permits which involved, in many instances, huge increases beyond the maximum floor area, and/or maximum building size as specified in the single-family Zoning Bylaws. I gave-up objecting, however, because every DVP was being approved regardless of the Council of the day.

I have often stated, as has Corrie Kost, that variances altering the building density can only be legally approved through a rezoning process. In fact I was once told by a District planner (off the record) that other municipalities did not issue DVPs for floor space because it was not considered legal. Of course when challenged about the legality of issuing large variances to floor area, the District went to its own solicitor to obtain an opinion that the practice was legal. Now we discover in the attachment to the staff report, that the District is in fact at variance with other municipalities when issuing DVPs to single-family homes.

Over the years District Council members (and the public) have been frustrated when Council's valuable time has been spent considering approximately 30 to 40 DVPs per year, many of which cause great conflict between neighbours. I once stated during the Public Input Period that if Council wants to see fewer DVPs then it should start rejecting them.

Minor variances based on a specific hardship (i.e. something about the house or property that prevents the owner from building what most everyone else can build under the Zoning Bylaw) should go the Board of Variance. If, for example, a property owner of an RS4 zoned lot wants to build a house with a floor area of houses permitted in RS3, then he should rightfully go through a rezoning process, not a Development Variance Permit.

Sincerely,
Brian Platts
Ph. 985-5104