

DEVELOPMENT VARIANCE PERMITS

Development Application Guide

CVRD Planning and Development Department



What is a Development Variance Permit?

All development in the CVRD must meet the regulations outlined in the zoning bylaw and in other regulatory bylaws of the Regional District. Occasionally, however, there are circumstances where a property owner feels that compliance with a specific regulation would cause the owner a hardship or prevent an improved site usage. The development variance permit is a permit that changes a regulation for a particular development, to allow the development to proceed or exist in a manner that would otherwise not have been allowed.

A development variance permit may be issued in accordance with Section 922 of the *Local Government Act*. Most often an application is processed to change:

- the siting or dimensions of a building or structure;
- the layout of a parking area or amount of parking spaces;
- the dimensions or height of a sign;
- the siting of a manufactured home in a manufactured home park;
- the height of a building or structure; or
- the layout of a campground.

What are the Limitations of a Development Variance Permit?

A development variance permit cannot vary the use or density of land, a floodplain specification, or a phased development agreement.

Preparing and Submitting an Application

Prior to preparing a detailed proposal or submitting an application, a prospective applicant is advised to meet with a CVRD planner, to determine the best manner in which to proceed. The development variance permit process is not always the only option for varying the requirements of a bylaw. For example, it may be possible to apply for a variance within the scope of a development permit application or through a Board of Variance application.

To prevent delays and allow for the process to begin, the development variance application must be complete, with all required materials are attached, including:

- A copy of the legal plan of the property;
- A scale plan of the property showing true dimensions and shape of the subject property, the site location of existing and proposed buildings, and where applicable, additional information such as dimensioned floor plans, elevations, watercourses and areas of standing water. Submissions of drawings and maps should be provided electronically to allow for scaling;
- The approximate location of the buildings on adjoining properties;
- A state of Title Certificate (available from the Land Titles Office or through a title search company, notary or lawyer), and copies of all easement, covenant, right-of-way and other documents on the land title;
- Payment of the application fee;
- A waiver (on the development variance application form) or a completed site profile as per the Site Contamination Regulation of the Environment Management Act (if required);
- Additional material, certified resolutions or comments in support of the application. These may include engineer drawings, biologist reports or other supportive or required materials.

Application Fees

The development variance permit application fee is \$600.00. In the event that the application is approved by the Regional Board, a further charge of \$25.00 per parcel is payable at the time of the issuance of the permit, to cover the cost of filing notice of the permit at the Land Titles Office.

If work does not commence within two years of the time of the issuance of the permit, the applicant must apply for a development variance term limit extension. The fee for extending the two-year term is \$200.00.

Development Signage

As soon as possible after an application has been made, a development application sign must be posted on the subject property to notify the community that a development variance is being proposed. Signs are required to conform to the specifications set out in *CVRD Development Application Procedures and Fees Bylaw No. 3275*.

For properties with more than one adjoining road, more than one sign may be required. Signs must stay in place continuously until the Board has rendered a final decision on the development variance application.

Evaluation

Upon submission, an application is assigned to a CVRD planner, who will contact the applicant to discuss the status of the application, the process and, if necessary, the need for clarification or additional information.

The planner may undertake one or more site visits to examine the subject property, and may consult with other CVRD Departments or outside agencies. Unless specifically requested by the Director of the electoral area affected, the application is not sent to the Advisory Planning Commission for comments.

The planner will prepare a report about the proposed development, with a recommendation for the Electoral Area Services Committee (EASC), a committee composed of the electoral area members of the Regional Board of Directors.

Public Notice

At least 10 days prior to the Regional Board passing a resolution to issue a development variance permit, the CVRD is required to mail or deliver a notice to the land owners and residents of the subject property and all properties within 60 metres of the subject property. To generate potential support, applicants are encouraged to speak to adjacent residents and property owners in advance of the notice being delivered.

The notice must state the purpose of the permit, the lands that are subject to the permit, and the place, times and dates where copies of the permit may be inspected. All comments received by the CVRD are placed on the Board agenda, and are

considered prior to a decision being made on whether to pass the resolution to issue the permit.

Electoral Area Services Committee

The Electoral Area Services Committee (EASC) will review the application and related reports to make a recommendation to the Regional Board on whether a development variance permit should be issued, or whether the proposal should be rejected or tabled pending further consideration. The applicant is provided an opportunity to attend the EASC meeting and to present the proposal or answer questions posed by the Committee.

Decisions on development variance permits are based upon a variety of factors, including:

- In what manner would the development variance permit affect the subject property and adjacent properties?
- Does the size or configuration of the parcel make it difficult to develop without a development variance permit?
- Would the requested variance help to protect environmentally sensitive areas, watercourses, wetlands, large stands of trees, heritage resources, or other important features?
- Would the requested variance affect potential safety concerns for the subject property or surrounding parcels?
- Would the requested variance impact road traffic safety?
- Is there public support for the proposal?

The Regional Board

The recommendation of the Electoral Area Services Committee is considered by the CVRD Board of Directors. The Board may:

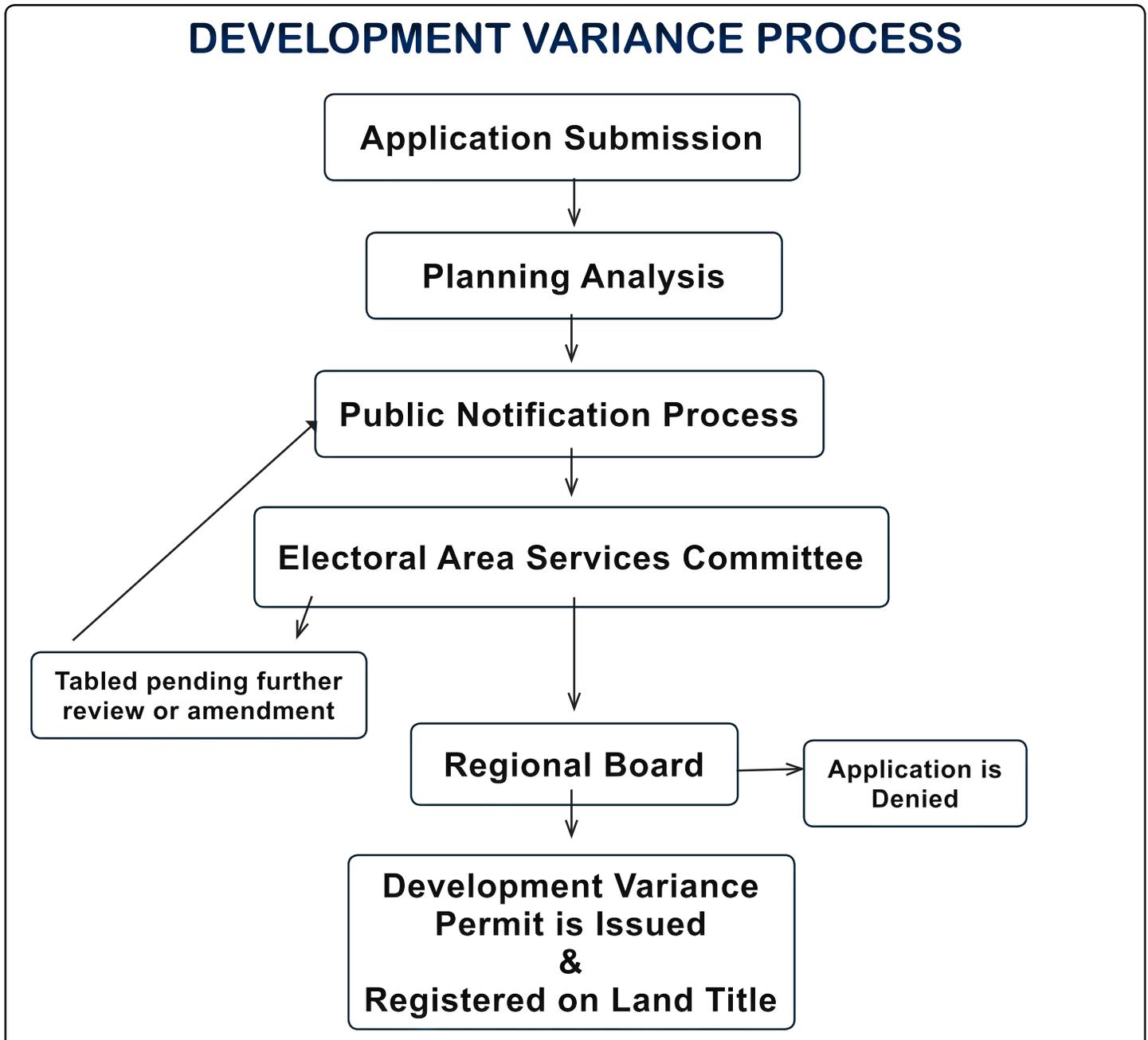
- Authorize the issuance of the permit outright;
- Authorize the issuance of the permit as amended by the Board in its resolution;
- Table the permit; or
- Refuse to authorize the issuance of the permit.

Issuance of the Permit

The development variance permit must be signed by the applicant and the CVRD, and is then posted on the title of the subject property. The applicant may then commence work in accordance with the provisions outlined in the permit.

How long does an Application take to Process?

While a development variance application will generally take about two months to process, every application is unique and no definite schedule can be provided. Factors that influence the speed of application processing are the type, size and complexity of the project, the number of applications in progress, and the completeness and quality of the application and the accompanying documents.



This brochure is intended for general guidance only, and departs from the necessary legal and technical terminology used in the applicable bylaws. Consult the Local Government Act, Official Community Plan, Zoning Bylaw and other bylaws for definite requirements and procedures. Any contradiction, dispute, or difference between the contents of this brochure and applicable bylaws, plans, policies, regulations or guidelines will be resolved by reference to the bylaws or other official documents.