

Development Variance Permit Application Guide



This handout provides information on the requirements and processes for obtaining a Development Variance Permit.

When is a Development Variance Permit Required?

A Development Variance Permit is needed when an applicant wishes to have particular requirements of the Zoning Bylaw, Subdivision and Development Servicing Bylaw, or Sign Bylaw altered specific to the subject property. The type of variances typically requested are:

- **Zoning Bylaw:** Building setbacks, building height, and lot width. Permitted uses and density are regulated under the Zoning Bylaw and cannot be varied as per Local Government Act requirements.
- **Subdivision and Development Servicing Bylaw:** Timing of servicing requirements, driveway width.
- **Sign Bylaw:** Allowable area for a sign.

Planning Staff are available to provide advice on submission requirements and review procedures prior to application submittal.

Prior to Application

Development Variance Permit applications should be well planned before submittal. The following should be considered prior to submitting an application:

- 1. Official Community Plan (OCP) Land Use Designations:** Check the OCP land use maps for the designation of your property and the types of land uses allowed within that corresponding zone. The OCP also contains policies related to specific types of development.
- 2. Zoning Bylaw and Maps:** Check the City's Zoning Bylaw and Zoning Maps to find the zoning designation and zoning requirements for your property. It is possible that the existing zoning may not allow your proposed project. If this is the case, a rezoning application may also be required.
- 3. Development Servicing:** All development must provide water, sanitary sewer, storm systems, and other services at the developer's costs. The servicing of roads, lanes and sidewalks adjacent to the land being developed is required for all development and must meet the requirements of the Subdivision and Development Servicing Bylaw.
- 4. Sign Bylaw:** Anyone intending to place a sign on the exterior of any building or structure or on any property in the City must make an application and obtain approval for a Sign Permit prior to installation. This requirement applies to both permanent and portable signs. Applications are reviewed for compliance with the City's Sign Bylaw.

Development Variance Permit Application Process

Process

- 1. Assigned:** The application will be assigned to a Planner in the Development Services Department. The application will be reviewed by staff and all requested information must be received prior to processing the application.
- 2. Acknowledgement Letter:** The Planner will send a letter to the applicant acknowledging receipt of the application and provide contact information.
- 3. Referrals:** The Planner refers the application to appropriate City departments including but not limited to Building, Engineering and Fire Protection Services. The Planner may also refer the application to an external agency including the Provincial Ministry of Transportation and Infrastructure, the Provincial Ministry of Environment, Forestry depending upon the location and significance of the proposed amendment application. Notifications regarding the application are sent to neighbouring residents.
- 4. Referral Requirements:** If the Planner receives referral comments which require action, the applicant may be required to provide additional information. The applicant will have an opportunity to address any comments or concerns from the public or agencies.
- 5. Council Approval:** Once the plans meet all requirements as outlined, the Planner prepares a report for Council with staff recommendations.
- 6. Development Variance Permit Issuance:** If approved, the Planner will forward the Development Variance Permit to the applicant for signature, prior to the City signing the permit and sending the final copy to the applicant.

Development Variance Permit Application Procedure

The process for a Development Variance Permit is similar to a Development Permit except:

- City Council is the entity that considers the Development Variance Permit as it cannot be delegated to another decision-making body or individual under the Local Government Act.

Complete a Development Variance Permit Application Form and submit the information outlined on the checklist. Check with staff as to what information listed on the checklist is required. All information requested in the checklist must be provided in a timely manner to ensure the application is referred to the appropriate City Departments and can be responded to in a suitable timeframe.

Concurrent Applications

For rezoning and subdivision applications processed concurrently, the same Development Variance Permit process applies; however, a Development Variance Permit cannot be authorized until the rezoning has been given final approval.

Fees

The fee for a Development Variance Permit can be found in the Fees and Charges Amendment Bylaw No. 3932.

Timing

The time required to review and obtain a decision on a Development Variance Permit application depends on a number of factors including:

- completeness of the application,
- variances requested,
- complexity of development project,
- if a rezoning and/or subdivision application is also required,
- time required to revise plans to address any identified issues,
- timing of Council meetings.

Building Permit

Following the approval of a Development Variance Permit, a Building Permit application must be in accordance with the Development Variance Permit plans. Any request for a change to the approved design of the building or landscaping must be brought to the attention of the Development Manager by the applicant and may require submission of an application to amend the Development Variance Permit.

Legal Costs

Restrictive covenants, statutory rights-of-way or other legal agreements and documents may be required. It is the applicant's responsibility to have these documents prepared for the City's review.



Tips on Development Variance Permit Applications

All Development Variance Permit applications must:

- Provide all information requested in the application form and application checklist.
- Include the rationale for and impact assessment of each requested variance



Talk with your Neighbours

Consultation with your neighbours who may be affected by the proposed development variance permit application is strongly encouraged. Obtaining neighbours input better enables an applicant to address any concerns and/or modify their application before significant time and investment are made in the review process.

Questions?

Development Variance Permit Applications

- Planning 250-784-3601

Site Servicing, Street Works or Utility Construction

- Engineering 250-784-3621

Transportation

- Planning 250-784-3601

Signage

- Building Department 250-784-3654

The City disclaims any liability arising from the use of this guide, since the information is provided only as a guide for public use and convenience. If any contradiction exists between this document and relevant City Bylaws, Codes, or Policies, the text of the Bylaws, Codes or Policies shall be the legal authority.