



Islands Trust

APPLICATION GUIDE

Development Variance Permit

What is a Development Variance Permit?

Section 922 of the British Columbia *Local Government Act* enables a Local Trust Committee to issue a Development Variance Permit to vary certain provisions contained in zoning, land use or subdivision bylaws. A Development Variance Permit cannot vary permitted land use or density (for example the number of buildings per hectare) or floodplain specifications. In the majority of cases, a Development Variance Permit is used to relax a setback or height regulation.

Should a Development Variance Permit be issued by the Local Trust Committee, you may still need to apply for a building permit or a siting and use permit prior to any construction. Where a Development Variance Permit is required, a Building Permit or Siting and Use Permit cannot be issued until the Development Variance Permit is first obtained.

When Do You Need to Apply For a Development Variance Permit?

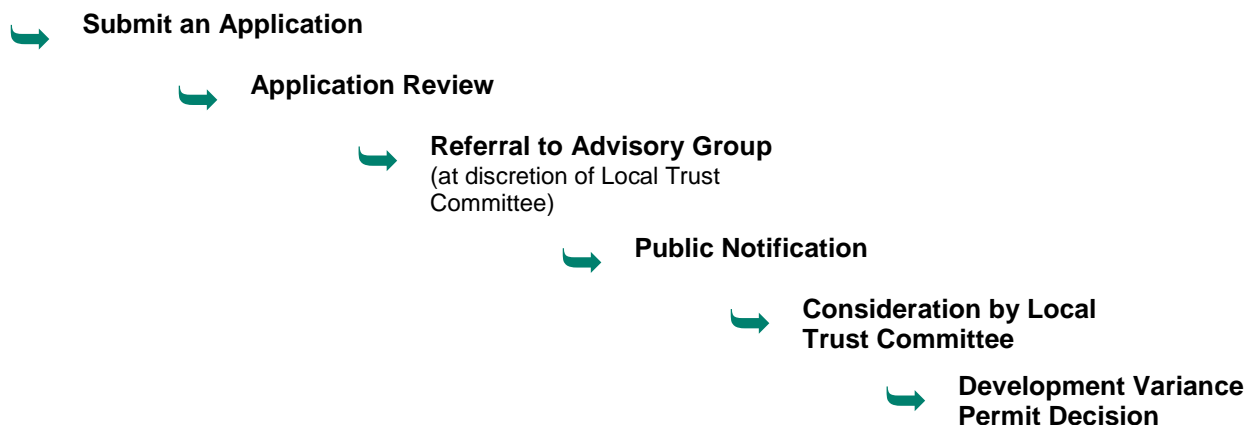
A Development Variance Permit is required when a property owner is unable or unwilling to comply with a bylaw provision(s) contained in a zoning, land use or subdivision bylaw; and where the bylaw provision(s) required to be varied cannot be done through a development permit (where the subject property is within a development permit area). A development permit may only vary bylaw provisions within a development permit area and only in accordance with the established guidelines in the Official Community Plan.

For minor variances to relieve hardship, certain bylaw provisions may be varied by way of a Board of Variance order under Section 901 *Local Government Act*.

The Development Variance Permit Application Process

The major stages in the Development Variance Permit Application Process are:

Pre Application



Step 1 — Pre-Application

Prior to submitting your application for a development variance you may wish to contact local planning staff to review bylaws, policies and regulations concerning your required variance. In making your application you will need to consider the following:

- Zoning maps, Land Use Bylaws and other applicable bylaws. Each property in the Trust Area is subject to specific zoning regulations. Zoning regulations restrict such things as site coverage and building setbacks, and set minimum parking space requirements. It may also be useful to review the applicable Official Community Plan policies for the area. Certain bylaw provisions concerning density and use of the property cannot be varied by a Development Variance Permit. Official Community Plans can be viewed on our website www.islandstrust.bc.ca under the relevant Local Trust Committee links Development Variance Permit
- Other Regulations. It may be necessary to contact other agencies to ensure such matters as adequate services to the site, access to a highway or building code requirements are addressed.
- Specific Requirements. In some instances, you may be advised to secure the services of a qualified consultant to address specific concerns with your application. Such consultants may include engineers, biologists, architects or planners, depending on the location of your property and the nature of your proposal.

Step 2 — Submit an Application

Once you have reviewed all applicable regulations and determined your bylaw variance requirements, you must complete a Development Variance Permit application form and submit it to the Islands Trust office with the applicable fee. Application forms are available for download from our website www.islandstrust.bc.ca under the “Land Use Application Form” link. Islands Trust staff will be available to assist you; however you will be expected to provide the following:

- A recent State of Title Certificate indicating the owner(s) name. If the applicant is an agent of the owner, then the owner(s) must sign the authorization on the application form. The State of Title Certificate will also indicate if there are any covenants or easements which may affect the proposed development. Attach any covenants or easements to the application.
- A brief description of the proposed variance and reasons why the variance may be justified. Physical features, built features or building design may restrict the ability to fully comply with certain bylaw requirements. Compatibility with adjacent properties, parks or public highways should also be considered.
- Copies of plans in a quantity and quality as established in the application form. Your plans should clearly indicate the proposed variance and the bylaw provision that is required to be varied. The plans should be titled and to a scale that can be easily reviewed, and should include information regarding setbacks of all existing and proposed buildings, buildings heights, etc. as detailed on the Application Checklist in the Application Form. For a proposed variance to relax a height requirement, an elevation plan must also be submitted.
- A plan signed by a BC Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to the lot and zoned boundaries, water courses, wells and the sea, and in relation to other buildings on the lot may be required depending upon your application and local bylaws.

Step 3 — Application Review

Once a complete application is received, planning staff will evaluate your application against zoning regulations and policies contained in the Official Community Plan and Islands Trust Policy Statement. The application review may involve outside agencies such as the Ministry of Transportation and Infrastructure, Ministry of Environment, the Regional District Building Inspector (if applicable) and the regional health authority. Your efforts to provide a complete application with all necessary information will help expedite the processing of your application.

Step 4 — Referral to Advisory Group

The Local Trust Committee may refer your application to an advisory body for review and comment. There are various types of advisory groups on each island but the most common group asked to review Development Variance Permits is the local Advisory Planning Commission. If your application is referred to the Advisory Planning Commission, you, or your consultant, will be required to present your proposal to them. They, in turn, may recommend to the Local Trust Committee that the application approved as proposed, that it be substantially revised or that the application be rejected.

Step 5 — Public Notification

Staff will prepare a draft Development Variance Permit. Staff will also prepare a notice that describes the proposed variance of the bylaw, the reason for the proposed variance and the place and time where copies of the draft permit, including a location map, can be examined by the public.

The notice, location map and copy of the draft Development Variance Permit will be mailed or hand-delivered to all property owners and residents located within close proximity of the subject property for review and comment. This will be carried out at least 10 days prior to consideration of the draft Development Variance Permit by the Local Trust Committee.

Step 6 — Consideration by Local Trust Committee

Staff will prepare a report to the Local Trust Committee that incorporates any recommendations of the Advisory Planning Commission and comments received from the public. The report will include supporting documentation and a staff evaluation of the application and provide a recommendation. The Local Trust Committee may: approve the application and issue the permit, table the application pending additional information, or they reject the application.

Step 7 — Development Variance Permit Issuance

If a permit is issued, Islands Trust staff will file a notice with the Land Titles Office to have that Development Variance Permit registered on the land title. A copy of the Development Variance Permit will be sent the owner, appropriate agencies and a copy will be maintained on file at the Islands Trust office.

A Development Variance Permit will state that if the planned development does not substantially commence within two years of the Development Variance Permit issuance date, the permit will lapse. After this you will be required to submit a new Development Variance Permit application if you wish to proceed with the development.

For Further Information. . .

This information is intended to provide guidance only and should not be interpreted as a right to a development approval if the steps indicated are followed. Please consult the *Local Government Act* and

its regulations, as well as the other Islands Trust applicable bylaws for the definitive requirements and procedures. For any further information, please contact your Islands Trust Office (see next page).

Contact Information

Victoria Office	Salt Spring Office	Northern Office
<i>Email</i> information@islandstrust.bc.ca	<i>Email</i> ssiinfo@islandstrust.bc.ca	<i>Email</i> northinfo@islandstrust.bc.ca
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<i>Telephone</i> 250.405.5151	<i>Telephone</i> 250.537.9144	<i>Telephone</i> 250.247.2063
<i>Fax</i> 250.405.5155	<i>Fax</i> 250.537.9116	<i>Fax</i> 250.247.7514
Galiano Mayne North Pender Saturna South Pender Executive Islands	Salt Spring	Denman Gabriola Gambier Hornby Lasqueti Thetis

Calls can be made toll-free via Enquiry BC:

In Victoria call: 250.387.6121

In Vancouver call: 604.660.2421

Elsewhere in BC call: 1.800.663.7867