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Denman, Gabriola, Gambier, Hornby,  
Lasqueti, Thetis, Ballenas-  
Winchelsea Islands

## Schedule C: Development Variance Permits

### Information about Development Variance Permits

A Development Variance Permit is used to vary zoning, land use or subdivision regulations, in order to bring development into compliance with local trust committee bylaws. Most commonly, variances are issued to allow buildings or structures in required setbacks or to vary the maximum building height specified in the land use bylaw. A Development Variance Permit may also be required as a result of bylaw enforcement action or in order to bring a property into compliance prior to subdivision. It is important to note that a variance cannot be issued to vary use or density (e.g. to increase the number of permitted dwellings or to permit a use that would otherwise not be allowed in the zone).

In order to permit a use or density that is not allowed under the current land use bylaw, the local trust committee would first have to amend its Official Community Plan and/or land use bylaw, or issue a Temporary Use Permit.

## Application Process

### Pre-Application

- Review the **Islands Trust Policy Statement** and **Official Community Plan (OCP)** to determine if there is policy support for your proposal.
- Determine whether or not proposed uses, buildings or structures will be located within a Development Permit Area; if so, an application for a Development Permit may also be required. Contact the Islands Trust to confirm.
- Review the **Land Use Bylaw (LUB)**. The LUB will specify the uses that are permitted or prohibited in various zones, and provide regulations for the siting, size and dimensions of uses, buildings and structures. The LUB may also contain regulations for parking, signage, landscaping, run-off control, and Development Permit guidelines.
- Confirm the variance(s) needed to comply with land use bylaws.
- You may need to secure the services of a qualified consultant (e.g. engineer, archaeologist, biologist) to address specific concerns with your application.
- Confirm requirements for a Siting and Use Permit if construction will take place on Denman or Hornby Islands.
- Confirm requirements of other government agencies.

### Application Submission

- Submit a complete application and fee; ***incomplete applications will not be accepted.***
- The Islands Trust will contact you to request any missing application materials.

### Application Review

- An Islands Trust planner will review the application; additional information may be requested, if needed.
- If the application does not comply with applicable local trust committee bylaws, the planner will request that the application be modified or that an additional application be made for a development permit, or bylaw amendment.

### Public Notification

- Islands Trust staff will prepare a draft Development Variance Permit along with a notice that describes the proposed variance(s), the reasons for the proposed variance(s), and the place and time where copies of the draft permit and a location map can be examined by the public.
- At least 10 days prior to the consideration of the Development Variance Permit application by the local trust committee, the notice, location map and copy of the draft Development Variance Permit will be provided to property owners and residents located within close proximity to the subject property, with an invitation to comment.

## Application Decision

- Islands Trust staff will prepare a report for the local trust committee, which includes an evaluation of the proposed variance(s) in relation to the Islands Trust Policy Statement, OCP and LUB; the report will incorporate comments received from the public, provide supporting documentation, and make a recommendation to the local trust committee.
- The local trust committee will consider the staff report at a regular business meeting. The local trust committee may:
  - Refer the application to the advisory planning commission (APC) for review and comment, prior to making a decision; in this case, the applicant has the right to present their proposal and be heard by the APC;
  - Approve the permit with or without conditions;
  - Table the application pending receipt of additional information; or
  - Deny the application.
- If the permit is denied, the applicant has the opportunity to apply to the Board of Variance for an order under Section 540 of the *Local Government Act*. However, this may only be in the case of variances which would be minor and compliance with local trust committee bylaws is challenging due to a physical hardship being present on the subject property.

## Permit Issuance

- If the Development Variance Permit is approved, the Permit will be issued and the applicant and agencies will be notified.
- When a Development Variance Permit is issued, a notice is filed with the Land Titles Office indicating that there is a Development Variance Permit on the title.
- 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.

# Application Requirements

*Please provide the following information in addition to the completed application form, fee, title search and title charges:*

- A written description of the existing and proposed uses, buildings and structures on the subject property including a description of any home occupation (if applicable);
- A Site Survey completed by a registered BC Land Surveyor (BCLS), unless the Islands Trust confirms a survey is not needed;
- An 11x17 Site Plan, drawn to scale, showing the following:
  - a. The location, dimensions and floor area of existing and proposed buildings and structures;
  - b. The location of existing and proposed water infrastructure (e.g. septic tanks, disposal fields, wells, water lines, cisterns, retention ponds, etc.) on both the subject property and neighbouring properties (if applicable);
  - c. The location of existing and proposed driveways, off-street parking, loading, outdoor storage, stream crossings, pathways, decks and patios;
  - d. The location of all watercourses (including streams, ditches, lakes and wetlands);
  - e. The location, dimensions and area of existing and proposed covenant areas, easements and utility corridors;
  - f. Setbacks of existing and proposed buildings, structures and water infrastructure to lot lines, the natural boundaries of watercourses and the sea, and, where applicable, the edge of any cliff on the subject property;
  - g. The area of the subject property;
  - h. The height of existing and proposed buildings and structures.
- Elevation drawings.

## Additional Requirements

A Building Permit or a Siting and Use Permit may be required. If variances are required, a Building Permit or Siting and Use Permit cannot be issued until a Development Variance Permit is first issued.

If the proposed development is located within a Development Permit Area, as identified in the applicable OCP, a Development Permit may also be required. If it is not possible to comply with all bylaw requirements, the application will need to be modified, or an application will need to be made for a bylaw amendment.

In addition to complying with local trust committee bylaws, applicants are responsible for meeting all other regulatory requirements applicable to land use and development in BC (e.g. *BC Building Code, Transportation Act, Water Sustainability Act, Environment Act, Public Health Act, Agricultural Land Commission Act*, etc.).

For further information, visit the Islands Trust website at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) and applicable bylaws.

**NOTE:** *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 the Islands Trust.*



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# Land Use Application

**Application Type:** *Check all that apply*

*See Associated Schedules for Information and Application Requirements*

|  |  |            |
|--|--|------------|
| <input type="checkbox"/> Bylaw Amendment             | <input type="checkbox"/> OCP <input type="checkbox"/> Land Use / Rezoning <input type="checkbox"/> Land Use Contract | Schedule A |
| <input type="checkbox"/> Development Permit          | <input type="checkbox"/> Renewal or Amendment  | Schedule B |
| <input type="checkbox"/> Development Variance Permit | <input type="checkbox"/> Renewal   | Schedule C |
| <input type="checkbox"/> Heritage Alteration Permit  |  | Schedule D |
| <input type="checkbox"/> LCRB License                | <input type="checkbox"/> Liquor <input type="checkbox"/> Temporary Change <input type="checkbox"/> Cannabis Retail   | Schedule E |
| <input type="checkbox"/> Order - Board of Variance   |  | Schedule F |
| <input type="checkbox"/> Siting & Use Permit         |  | Schedule G |
| <input type="checkbox"/> Soil Deposit / Removal      | <input type="checkbox"/> Registration <input type="checkbox"/> Permit  | Schedule H |
| <input type="checkbox"/> Strata Conversion           |  | Schedule I |
| <input type="checkbox"/> Subdivision Review          |  | Schedule J |
| <input type="checkbox"/> Temporary Use Permit        | <input type="checkbox"/> Renewal   | Schedule K |

**Description of Subject Property:**

|                   |     |
|-------------------|-----|
| Civic Address     | PID |
| Legal Description |     |

**Purpose of Application:** *Provide a brief description (attached additional pages if needed)*

**Applicant:**

|                        |                |
|------------------------|----------------|
| <i>Name</i>            | <i>Company</i> |
| <i>Mailing Address</i> |                |
| <i>Phone</i>           | <i>Email</i>   |

**Declaration:**

*As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.*

Signature

**Office Use Only:**

|               |           |             |           |
|---------------|-----------|-------------|-----------|
| Date Received | Fees Paid | Receipt No. | TAPIS No. |
|---------------|-----------|-------------|-----------|

**Owner Authorization:**

As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Print Name (Complete if applicant is not the owner(s))

... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

**All registered owners on title must be listed on and sign the application. Corporations must include a list of directors.**

|  |  |
|--|--|
| <i>Name/Company Name</i>                 | <i>Signature</i>                                       |
| <input style="width: 95%;" type="text"/> | <input style="width: 95%; height: 100%;" type="text"/> |
| <i>Mailing Address</i>                   |  |
| <input style="width: 95%;" type="text"/> |  |
| <i>Phone</i>                             | <i>Print Name</i>                                      |
| <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/>               |
| <i>Email</i>                             | <i>Date</i>  |
| <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/>               |

|  |  |
|--|--|
| <i>Name/Company Name</i>                 | <i>Signature</i>                                       |
| <input style="width: 95%;" type="text"/> | <input style="width: 95%; height: 100%;" type="text"/> |
| <i>Mailing Address</i>                   |  |
| <input style="width: 95%;" type="text"/> |  |
| <i>Phone</i>                             | <i>Print Name</i>                                      |
| <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/>               |
| <i>Email</i>                             | <i>Date</i>  |
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|  |  |
|--|--|
| <i>Name/Company Name</i>                 | <i>Signature</i>                                       |
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| <i>Email</i>                             | <i>Date</i>  |
| <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/>               |

**Application Checklist** The following materials must accompany the application:

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, QEP Report registered in Province of BC Riparian Areas Regulation (RAR) Notification System
- Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws**

**NOTE** A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.

**NOTE:** Pursuant to section 4(4) of the Contaminated Sites Regulation, BC Reg. 375/96, a site profile is not required and will not be accepted by the Islands Trust.

**Freedom of Information**

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.