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Development Variance Permits

Information about Development Variance Permits

A Development Variance Permit allows for variances to zoning, land use, or subdivision regulations to bring development into compliance with Local Trust Committee bylaws. Most often, Development Variance Permits are used to vary building setbacks or height restrictions specified in a 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.

Please 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). To vary use or density, a bylaw amendment or Temporary Use Permit is required.

Application Process

Pre-Application

- Review the **Islands Trust Policy Statement** and **Official Community Plan** to determine if there is policy support for your proposal
- Determine whether your proposed development is located within a **Development Permit Area**; if so, an application for a Development Permit may be required; contact Islands Trust to confirm
- Review the **Land Use Bylaw** to confirm the permitted uses, siting, size, and height regulations for buildings and structures; the Land Use Bylaw may also contain requirements for parking, signage, landscaping, and runoff control
- Identify the specific 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.
- If the proposal involves construction on Denman or Hornby Island, confirm if a Siting and Use Permit is also required
- Confirm if approvals are needed from other government agencies

Application Submission

- Submit a complete application to the [Islands Trust Portal](#); **incomplete applications will not be processed.**
- Islands Trust staff may contact you to request any additional application materials

Application Review

- An Islands Trust planner will review the application; additional information may be requested, if required
- If the application does not comply with applicable regulations, you may be asked to revise your proposal or apply for a separate 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 before the permit is considered by the Local Trust Committee, a notice including the location map and copy of the draft permit will be delivered to neighbouring property owners and residents, inviting comments.

Application Decision

- Islands Trust staff will prepare a report for the Local Trust Committee, evaluating the proposed variance(s) in relation to the Islands Trust Policy Statement, Official Community Plan, and Land Use Bylaw; the report will include: public feedback, supporting documentation, and staff recommendation
- The Local Trust Committee will consider the staff report at a regular business meeting and may:
 - Refer the application to the Advisory Planning Commission for review and comment, prior to making a decision; the applicant may present their proposal and be heard by the Advisory Planning Commission
 - Approve the permit, with or without conditions
 - Defer the application pending receipt of additional information
 - Deny the application
- If the application is denied, the applicant may consider applying to the **Board of Variance** for an order under Section 540 of the *Local Government Act*. However, the Board may only consider applications where the variance is minor and compliance with Local Trust Committee bylaws would cause undue hardship being due to the physical conditions of the subject property.

Permit Issuance

- If approved, the Development Variance Permit will be issued and circulated to the applicant and relevant agencies.
- A notice will be filed with the Land Titles Office indicating a Development Variance Permit is registered on the property
- The permit will lapse if the development does not substantially commence within **two years** of issuance (unless a different timeline is specified). A new application will be required if the permit lapses.

Application Requirements

Submit the following materials online via the [Islands Trust Portal](#):

- A completed [Planning Application Authorization Form](#)
- Current title search** (issued within the last 30 days)
- Copies of all relevant **title charges** (restrictive covenants, easements, rights-of-ways, etc.)
- A **Project Narrative** describing the existing and proposed uses, buildings and structures on the subject property including a description of any home occupation (if applicable)
- A **Site Survey** by a registered BC Land Surveyor (BCLS), unless staff confirm it is not needed
- An **11"x17" Site Plan**, drawn to scale, showing the following:
 - a. The location, dimensions, and floor area of all 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 to lot lines, the natural boundaries of watercourses and the sea, and the edge of any cliff on the subject property where applicable
 - g. The total lot area of the subject property
 - h. The height of existing and proposed buildings and structures
- Elevation drawings**
- An application fee** (you will be provided with an invoice after staff have reviewed and determined that your submission is complete)

Additional Requirements

A Building Permit or a Siting and Use Permit may be required. If your proposal involves variances, these permits cannot be issued until a Development Variance Permit is approved.

If the development is located within a Development Permit Area (as designated in the applicable Official Community Plan), a Development Permit may also be required. Where it is not possible to meet all bylaw requirements, you may need to modify your proposal or apply for a bylaw amendment.

NOTE: This information is intended to provide guidance 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 Islands Trust.

- Applicants are also responsible for meeting all other regulatory requirements applicable to land use and development in BC, such as: [BC Building Code](#), [Transportation Act](#), [Water Sustainability Act](#), [Environmental Management Act](#), [Public Health Act](#), and [Agricultural Land Commission Act](#)

For further information and local bylaws, please visit www.islandstrust.bc.ca.