



Development Variance Permit Application Guide

Development Variance Permit

This brochure provides an overview of the steps involved in the Development Permit application process. This is a general guide only. It is not meant to replace bylaws or other legal documents. Applicants are advised to meet with the Planning Department to discuss their specific development proposal and to consult the relevant bylaws referenced in this document prior to submitting an application.

WHAT IS A DEVELOPMENT VARIANCE PERMIT? (DVP)

A Development Variance Permit is a permit issued by Council that provides for the variation of land use bylaw requirements. Variances can include changes to:

- Zoning Bylaw;
- Subdivision and Development Bylaw; and,
- Sign Bylaw.

Standards requested for variance could include:

- Siting requirements such as setbacks from property lines or building height;
- Parking requirements or number of parking spaces required;
- Subdivision Regulations - minimum lot size or dimensions where variation does not affect density;
- Servicing Standards - some situations may warrant variation of subdivision servicing standards such as requirements for water or sewer service or standards of road construction; and,
- Sign Regulations – number or size of signs permitted.

Use and/or density specifications cannot be varied.

WHEN DO YOU NEED A DEVELOPMENT VARIANCE PERMIT?

You would need a Development Variance Permit when you require certain bylaw provisions (zoning, land use or subdivision bylaw) varied or when there are unique site characteristics which do not permit compliance with existing regulations.

For minor variances to relieve hardship, certain bylaw provisions may be varied by way of a Board of Variance order under Section 498 *Local Government Act*.

APPLICATION FEES

The fee for a Development Variance Permit is \$1500 per permit. The Board of Variance application fee is \$1200 per application.

STEPS TO DEVELOPMENT VARIANCE PERMIT ISSUANCE

□ STEP 1 – PRE-APPLICATION MEETING

Before proceeding with a Development Variance Permit application, owners are encouraged to meet with staff to review all options related to their proposal. Zoning maps, land use bylaws and other relevant bylaws should be consulted.

Owners are also encouraged to meet with the adjacent property owners to discuss the impact of any variances.

It is Council's expectation that:

- Variances will not result in significant negative impacts on neighbouring properties;
- There is a demonstrated need for the variance in order to permit reasonable use of the property;
- The overall intent of the original bylaw requirement or standard is not compromised;
- The variance does not appear to establish a precedent for other properties, but responds to a site specific situation or difficulty; and that,
- The variance results in suitable development that is an asset and compatible in the context of surrounding uses.

Applications for variance must clearly state the reasons and justifications for requested variances. Council considers any request for relaxations in light of the justifications for the request, the individual site circumstances and the impact on the adjacent properties.

□ STEP 2 – SUBMISSION OF APPLICATION

A completed application form, with necessary attachments, is to be submitted to the Planning Department and must include:

- A Certificate of Title dated within 30 days of application. The Town can obtain this for a fee;
- Owner's signature or written authorization from the registered owner(s) for an agent to act on their behalf;
- Proposal Summary outlining the nature of the proposed development, how the development fits within the neighbourhood, the design character of the housing, neighbourhood, or commercial use proposed and clearly indicate the proposed variance and the bylaw provision that is requested to be varied;
- Site Plan: Showing the dimensions of the proposed subdivision or development in metric scale;
- For all multi-family or commercial developments over 3 stories or 12m in height, provide a shadow study. Analyze shadows for the solstices (June 21st and Dec 21st) and March 21st at 9:00am, 12:00 noon and 3:00pm.
- For all developments over 3 stories or 12m in height, provide perspective renderings of the development taken from pedestrian eye level at key viewpoints onto the development.

- Development Plans: Detailed high-resolution digital drawings of the proposed development in metric scale. (in PDF format) including:
 - Dimensions of the property, existing and proposed roads;
 - Lot area excluding portions of the lot with greater than 50% slope;
 - Location and dimensions (including setbacks) of existing and proposed buildings on site (a recent survey plan is required);
 - The location of any watercourses, steep banks or slopes; and,
 - Any easements or statutory Rights-of-Way.
- Per Tree Protection Bylaw (No. 1282, 2020); a tree cutting and replacement plan drawn to approximate scale identifying:
 - The location, species and diameter at breast height (DBH) of those trees proposed to be cut or removed;
 - The location, species and DBH of those trees proposed to be retained and protected;
 - The location, species and DBH of proposed replacement trees; and,
 - The location of proposed tree protection barriers.

□ **STEP 3 – APPLICATION REVIEW AND REFERRAL TO AGENCIES**

The Planning Department reviews the proposal and refers it to other municipal departments, or outside referral agencies for comment (allow six weeks for referral process).

□ **STEP 4 – COMMITTEE MEETING**

A staff report is prepared by the Planning Department which outlines the proposal and provides staff and referral agency comments. A draft Development Variance Permit is also prepared. The Committee-of-the-Whole receives the staff report and reviews the application with the applicant who generally attends the meeting. The Committee reviews the issues and makes recommendations to Council.

□ **STEP 5 – PUBLIC NOTIFICATION**

The Town is required to notify all property owners and occupants within 50 m of the subject property and to provide details of the variance request and the date on which Council will consider the application. This will be carried out at least 10 days prior to Council consideration of the draft Development Variance Permit. For minor requests, no additional notification will generally be required. However, for larger projects or more substantial requests, the Committee may also require applicants to post a notice on the site and/or hold an information meeting to allow the neighbourhood to review the request in more detail.

Applicants are advised to consult early in the process with any affected neighbours and seek their support for the requested variance.

□ **STEP 6 – COUNCIL MEETING**

Council considers the Committee’s recommendation and either authorizes the variance, rejects the application, or returns it to the applicant for revision.

□ **STEP 7 – REGISTRATION AT LAND TITLES OFFICE**

After Council approval, the Town registers the Development Variance Permit at the Land Titles Office and the permit conditions carry with the title of the property. A copy of the Development Variance Permit will be sent to the owner.

APPLICATION TIMING

The Development Variance process requires approximately eight to ten weeks for completion. Timing can depend on the completeness of the information submitted, staff workloads, timing of Council meetings and the need for at least ten days notification for properties within 50 metres of the subject property.

WHAT’S NEXT

Apply for a Building Permit. At the time of the Building Permit application, you may need to hire consultants, such as an independent civil engineering firm to design the on-site servicing when it is not in place and assist with the application requirements.

Most applications for commercial, industrial, or multi-family development require a security deposit for the value of the proposed landscaping works.

Where the value of construction is over \$50,000, at the time of the Building Permit application you will need to:

- Review the required engineering services for the property. It is the applicants’ responsibility to provide all necessary off-site servicing upgrades (i.e. roads, water, sewer, drainage, street lighting, curb, gutter and sidewalk) to the Subdivision and Development Servicing and Stormwater Management Bylaw (No. 1175, 2012) standards. When off-site servicing is required, the applicant will be required to enter into a Servicing Agreement with the Town;
- Hire a consultant, such as an independent civil engineering firm, to design the off-site servicing and assist with Servicing Agreement requirements;
- Install a fire sprinkler system at the time of Building Permit as per Building Bylaw (No. 1284, 2020); and,
- Pay Development Cost Charges Bylaw (No. 1218, 2016).

BOARD OF VARIANCE ALTERNATIVE

If compliance with land use bylaw regulations such as building setbacks or building height would cause *undue hardship*, and if the variance is *minor in nature* the applicant may apply to the Board of Variance, instead of applying for a Development Variance Permit.

The Board of Variance is an official body appointed by Council to hear and determine appeals regarding the enforcement of Zoning Bylaw regulations, such as siting and other matters specified in the *Local Government Act*. Contact the Planning Department for matters relating to the Board of Variance.

CONTACTS

Town of Gibsons Planning Department: 604-886-2274

Town of Gibsons Infrastructure Services Department: 604-886-2274

Town of Gibsons Building Department: 604-886-2274

Gibsons and District Volunteer Fire Department: 604-885-6870

Ministry of Transportation and Infrastructure: 604-740-8987

This brochure is meant for guidance only and is not intended to replace the requirements of the *Local Government Act* and applicants should obtain copies of the relevant bylaws before proceeding with development applications. For specific information, please contact the staff at:

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