



QUICKGUIDE

DEVELOPMENT VARIANCE PERMITS

What is a Development Variance Permit?

Development Variance Permits are intended to allow property owners to appeal to local government to issue a permit to vary certain provisions contained in zoning, land use or subdivision bylaws.

A Development Variance Permit is required to vary any of the following:

- Zoning bylaws
- Subdivision development bylaws
- Sign bylaws
- Screening and landscaping bylaws
- Building regulations and building bylaws that concern trailer courts, manufactured home parks and camping grounds
- Land use contracts

According to Section 922(2) of the *Local Government Act*, a Development Variance Permit cannot vary:

- a) the use or density of land from that specified in the bylaw,
- b) a flood plain specification under section 910(2), or
- c) a phased development agreement under section 905.1”

*****Development Variance Permits must be approved by a Board of Variance*****



SECTION 1

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When do you need to apply for a Development Variance Permit?

You will be required to apply for a Development Variance Permit when:

- ✓ You are unable to comply with bylaw provisions contained in a zoning, land use, or subdivision, when the required variance cannot be done through a standard development permit.



SECTION 2

PRE-APPLICATION

- Prior to submitting your application for development variance, you should meet with the local building inspector to review the bylaws, policies and regulations relating to your required variance.
- The building inspector will provide you with the standard application form and advise you of the documentation you will need to submit with your application. You may be expected to submit some or all of the following:
 - A State of Title Certificate no more than 30 days old
 - Copies of any covenants, easements and previous variance permits registered on the title
 - A full-scale and three reduced copies of a Site Plan indicating the proposed variance. The plan should include all of the information detailed on the application form
 - A plan signed by a BC Land Surveyor indicating the location of all existing and proposed buildings, structures, sewage fields, water courses, etc.
- The building inspector will also let you know if you will be required to contact outside services such as engineers, architects, or planners, depending on the nature of your proposal.

You can contact the building inspector at the Village Office: 250-846-5212



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SECTION 3

SUBMITTING YOUR APPLICATION

- Your completed application form and attached documentation, must be submitted to the Village Office at 1415 Hankin Avenue Street with the necessary application fees.
- Your application will be reviewed by the building inspector who will, in turn, contact you to make arrangements for an inspection of the property. In some instances, depending on the nature of the variance requirements, the application may have to be reviewed by other authorities, such as the Ministry of Transportation or the Ministry of Water, Land and Air Protection.



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SECTION 4

PUBLIC NOTICE

- At least 10 days prior to Council’s consideration of the Development Variance Permit, a notice of the proposed variance will be mailed or delivered to all property owners and residents of properties surrounding the subject property, for review and comment.
- The notice will include a description of the proposed variance, a copy of the site plan and a time and place where copies of the draft permit can be examined by the public.



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SECTION 5

CONSIDERATION BY COUNCIL

- The building inspector and other staff will prepare a report to Council that will include the application and supporting documentation, a copy of the notice, an evaluation of the application, any comments received from the public, and their evaluation and recommendations for issuance of the permit
- Council will either issue the permit, deny the permit, or table the application if further information is required.



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SECTION 6

DEVELOPMENT VARIANCE PERMIT ISSUED

- If Council approves your permit, Village staff will file a notice with the Land Titles Office to have that permit registered on your title
- A copy of the permit will be sent to you and other appropriate agencies (if applicable)
- There will be a time limitation on the permit and if the proposed development has not commenced by that date, you will be required to submit a new development variance application