



A Guide to the Development Variance Permit (DVP) Process

What is a Development Variance Permit?

A development variance permit (DVP) is a formal process that the Strathcona Regional District (SRD) administers when an application is made to allow for development that varies from a zoning, subdivision or sign bylaw. However, a variance *must not* vary floodplain specifications or vary the density or use of land specified in a bylaw.

What is it for?

It allows for a degree of flexibility in the application of a bylaw provision that might otherwise require a formal bylaw amendment. The types of variances requested generally relate to building siting, height, signage area, etc. The DVP process includes consideration of any effects on the use and enjoyment of adjacent land. Adjacent landowners are formally contacted as part of the development variance permit application process.

What activities does it apply to and where?

Applicable to developments that vary from provisions laid out in a zoning, subdivision or sign bylaw. Most variance applications are triggered when site characteristics or other unique circumstances do not permit compliance with the existing regulations.

How do I apply?

A Development Variance Permit application can be obtained from the Community Services Department / Planning Services at the SRD office or from our website at www.srd.ca. You are encouraged to obtain further details and advice from the staff when making an application.

For more information contact:

Community Services Department / Planning Services
Strathcona Regional District
990 Cedar Street, Campbell River, BC V9W 7Z8
Tel: 250-830-6700 • Toll free: 1-877-830-2990 • Fax: 250-830-6710
Email: planning@srd.ca
Website: www.srd.ca

**APPLICATION FOR A
DEVELOPMENT VARIANCE PERMIT**

1. Application

An application shall be completed upon a form provided by the regional district and shall be delivered to the regional district, together with such plans and particulars as may be required.

2. Application Acceptance

The Strathcona Regional District may refuse to receive any applications that fail to include all required information as per section 9 “ **Application Requirements**” below.

3. Fees

The sum as specified in Schedule A-1 shall be paid to the regional district at the time of application. The official date of application shall be that when all required information for the application and the corresponding fee is received.

4. Refund

Where an application does not proceed or is withdrawn, a refund as outlined in Schedule A-1 will be provided to the applicant.

5. Cancellation

Applications one year old or older that are inactive for a period of 6 months are deemed to be abandoned and will be closed. Where appropriate and requested by the applicants, refunds will be provided pursuant to Schedule A-1.

An applicant has the right to apply for an extension of up to one year. Any extension approved by the regional board, whether for the maximum one year or a lesser time, is subject to a payment of 50% of the original application fee.

6. Reapplication

- i) Where an application has been denied, no reapplication for a substantially similar amendment shall be considered within 12 months of the date of rejection of the previous application. Fees as per Schedule A-1 are applicable to any new application.
- ii) Where an application has been withdrawn, fees as per Schedule A-1 are applicable to any new application.

7. Performance Bonding

- i) Where landscaping is a condition of a permit, a bond shall be provided for 100% of the cost of the works:
 - a) Bonding for landscaping valued in excess of \$5,000 shall be in the form of an irrevocable letter of credit (ILOC) or in a form satisfactory to the regional district, as approved by the manager of financial services. If an ILOC is chosen, it shall be effective for the term of the permit, shall be automatically renewable unless cancelled, and shall be redeemable locally.
 - b) Bonding for landscaping valued at less than \$5,000 shall be in a form satisfactory to the regional district, at the discretion of the applicant. If an ILOC is chosen, it shall be automatically renewable unless cancelled and shall be redeemable locally.

- ii) Upon receipt of written certification that the installed landscaping is in substantial compliance with recognized landscape industry standards and the approved landscape plan the regional district will release the security minus 25%. The remaining 25% security will be held for a period of at least two years, including not less than two growing seasons, to ensure replacement of planting failures.
- iii) For all projects the 25% security will be released after the guarantee period, dated from the written certification, upon final acceptance by the regional district of the installed landscaping.
- iv) Works relating to the development of a single family residence or lot shall be exempted from the bonding requirement.

8. Notification of Adjacent Owners

- i) The *Local Government Act* sets out the requirements for the notification of affected landowners and occupiers of land adjacent to a property where a variance is being considered.
- ii) Within the Strathcona Regional District, notice of the variance application shall be mailed to the owners, as shown on the assessment roll as of the date of application, and residents of all parcels of any land within 50.0 metres (164.0 feet) of the land subject to the proposed amendment.

9. Application Requirements

At the time of application, the applicant shall provide:

- i) The completed **Application Form**. This must include authorizing signatures of the owner and/or agent.
- ii) Detailed **Site Plans** of the proposed use, noting the location of existing and proposed buildings, landscaping, any natural features, access/egress points, and any other information required by the regional district. All drawings submitted must be clearly drawn to proper scale. Where applicable drawings must include an authorized professional's signature and seal.
- iii) A **Surveyor's Certificate** completed by a B.C. Land Surveyor at the request of the regional district.
- iv) A **Written Brief** which describes the reasons/rationale for the requested variance.

In addition, during the processing of an application, and prior to final approval, an applicant may be required to provide additional information such as:

- a) **Servicing Requirements:** any proposed development must address impacts on ground water, on-site and off-site drainage, sanitary services, flood proofing, water supply, and transportation access. This may include studies prepared by professional engineers, soil scientists, biologists, and/or geotechnical specialist(s) on any of these areas of interest prior to consideration by the regional district. Terms of reference for these studies will be specified by the regional district, when required.
- b) **Certification of Compliance** as required where the proposed development falls within the scope of the Contaminated Sites Regulations of the *Environmental Management Act*.

- c) A current (dated not more than 12 months prior to the date of application) **Compliance Letter** and **Septic Report** addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (ROWP). Where the scope of the project is sufficiently large, a community sewage disposal system with the appropriate permit the Environmental Management Branch of Ministry of Environment. In addition, the regional district may forward the application to the Vancouver Island Health Authority (VIHA) for their review and comment. A **Letter of Support** from the VIHA may be requested from the regional district.
- d) An **Environmental Assessment** may be required, with the terms of reference specified by the regional district, where the proposed development contains or is in close proximity to environmental hazards, environmentally sensitive habitats, groundwater recharge areas, and/or other areas of environmental significance.
- e) As every application is unique, there may be further requirements, at the direction of the regional district. These requirements may include, but are not limited to, geotechnical analyses, building schemes, archaeological and heritage site analyses. Any additional requirements will be set out in a letter to the applicant from the regional district.
- (f) Where development, as defined by RAR, is proposed within 30.0 metres (98.4 feet) of a stream, an assessment report, prepared by a qualified environmental professional (QEP) in accordance with the Riparian Areas Regulation is required. The QEP report must be prepared by the QEP who has carried out the assessment and that;
 - i) certifies that the qualified environmental professional is qualified to carry out the assessment,
 - ii) certifies that the assessment methods have been followed, and
 - iii) provides the professional opinion of the qualified environmental professional that:
 - (a) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
 - (b) if the streamside protection and enhancement areas identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

10. PROCESSING

The following procedure will apply:

- i) A staff report and summary of the requested variance is prepared. Adjacent neighbours are advised of the requested variance.

- ii) The staff report and other information deemed relevant will be submitted to the appropriate committee of the regional district. Applicants will be provided an opportunity to make a presentation before any committee of the regional district reviewing his or her application.
- iii) The regional board will, upon receipt, consider the committee's recommendation and may grant the requested variance, or may refer, table, or deny the application.
- iv) After the regional board has dealt with the application, the applicant will be notified in writing of the outcome.
- v) If granted, the regional board will forward notice of the variance to Land Title office for registra



Application for a Development Variance Permit

LEGAL DESCRIPTION

(see your Tax Assessment Notice or Certificate of Indefeasible Title)

| | | | |
|-----------------|--|---------------------------|--|
| | | | |
| | | | |
| Name of Street: | | Street Number (if known): | |

OWNER

| | | | |
|------------------|---------------|--------------|--|
| Name(s): | | | |
| Mailing Address: | | | |
| City: | Prov: | Postal Code: | |
| Tel: | Business Tel: | Fax: | |
| Cell: | Email: | | |

APPLICANT

(note: a letter of agency is required if the applicant is not the property owner)

| | | | |
|------------------|---------------|--------------|--|
| Name(s): | | | |
| Mailing Address: | | | |
| City: | Prov: | Postal Code: | |
| Tel: | Business Tel: | Fax: | |
| Cell: | Email: | | |

THIS IS AN APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT FOR THE PURPOSE OF:

(if space is not adequate, please attach a separate sheet)

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| |
| |

SITE INFORMATION

| | | |
|---|--------------------------------|---|
| Existing Buildings on Site: | None: <input type="checkbox"/> | Yes: <i>What type of buildings?</i> Single Family Dwelling <input type="checkbox"/> Accessory <input type="checkbox"/> Other <input type="checkbox"/> |
| If yes, show dimensions and location (including distance to proposed construction) on your attached sketch. | | |

ENVIRONMENTALLY SENSITIVE AREAS

| | | |
|---|------------------------------|-----------------------------|
| Is the proposed construction within 100m (328ft) of the sea, a lake, river, stream, creek, wetland, swampy area, bog, cliff, sand dune(s), gravel area, etc. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If yes, show dimensions and location (including distance to proposed construction) on your attached sketch. | | |

| | | |
|--|--|---|
| | | |
| Signature of Owner or Authorized Agent | Date | |
| Date Received: | Rec'd by: | File No.: |
| PID: | Folio: | |
| Site Declaration: <input type="checkbox"/> | Site Profile: <input type="checkbox"/> | Sent to Site Registry? <input type="checkbox"/> Sent to MoE Regional Branch Manager? <input type="checkbox"/> |