



TOWN OF SIDNEY

Guide to Applying for a Development Variance Permit

What is a Development Variance Permit?

A Development Variance Permit (DVP) is a permit which allows for the relaxation of one or more bylaw requirement. This typically involves the relaxation of such things as setbacks or height, but may also apply to lot coverage or parking standards. DVP's cannot be used to vary the use or density of land: this includes the regulations for number of units per hectare and minimum lot area.

If approved, a notice of the issuance of a permit is registered on the title of the property.

When do I need to apply for a DVP?

All new developments must conform to applicable planning regulations and Town of Sidney Bylaws. However, you have the option to apply for a DVP to vary requirements of the following Town bylaws, on matters other than the use or density of the land:

- Zoning Bylaw;
- Off-Street Parking and Loading Bylaw;
- Screening Bylaw; or
- Sign Bylaw

Alternatively, you may apply for an amendment to the Zoning Bylaw to change applicable zoning regulations, including those affecting use or density. (See the document "Guide to Zoning Bylaw Amendments".)

Who can apply?

While the applicant need not be the property owner, the property owner must authorize the application. Where a property is owned by a company or society, the application must be signed by a person with signing authority. Where a property is owned by more than one person, signatures of all owners are required. For strata lots or buildings, approval is also required from the Strata Council.

How do I apply?

To apply for an amendment to the OCP, obtain an application form from the Development Services department at Town Hall, or Town of Sidney website (www.sidney.ca), and return the form with the application fee and all required information. Before you make a formal application, be sure to discuss your project with a Development Services staff person. To make an appointment, or for more information, contact the Development Services Department at 656-1725.

How long does it take?

DVP applications take approximately 6 weeks to 2 months to process. However, this time may vary depending on whether or not the application is complete, its complexity and the number of other applications before Council.

If the Development Variance Permit also requires a Development Permit, amendments to zoning and/or the OCP, the applications can be run concurrently, thus streamlining the development process.

What is the Cost?

The cost of a Development Variance Permit application is \$250 (Please note that application fees are non-refundable).

Who makes the decision?

The decision of whether or not to issue a DVP is made by Council.

What is the Development Variance Permit process?

The following is a summary of the application procedure for a DVP, as shown on the attached flow chart.

NOTE: At any time in the following process, Council or Committee of the Whole may table an application, refer it for comment or reject it.

1. **Submission of Application**

- **Preliminary discussion (recommended):** The applicant meets with Development Services Department staff to discuss the proposed project and review applicable planning procedures.
- **Application Received:** The applicant submits an application, drawings, fees and other required information.
- **Check application package:** Development Services staff review the application package to ensure all information has been provided. If there is missing information, staff will contact the applicant and require this information before the application will proceed.

2. Application Review & Report

- **Staff Review:** Development Services staff will conduct an initial review of the application.
- **Referrals:** Major applications may be referred to utility companies (BC Hydro, Telus and Terasen Gas) and other Town of Sidney departments (Building Inspections; Engineering, Fire and Parks). Applications may also be referred to other agencies if relevant, such as the RCMP or Provincial ministries. This allows for the input of comments or concerns relating to the design, location or other aspects of the proposal.
- **Development Review Committee (DRC):** The DRC is a committee made up of representatives of each Town of Sidney Department. They review major planning applications and comment on matters relevant to their departments.
- **Detailed Report:** Staff checks the proposal for conformance with relevant Town bylaws, such as the Official Community Plan, Zoning, Off-Street Parking and Load and Screening Bylaw. A report is prepared by staff for the Committee of the Whole, summarizing the project, outlining any areas which do not conform to Town bylaws or are of concern, and providing recommendations. Once the Committee of the Whole agenda is finalized (usually the Thursday before a meeting), a copy of the report is faxed to or made available for pickup by the applicant.

3. Committees & Council Review

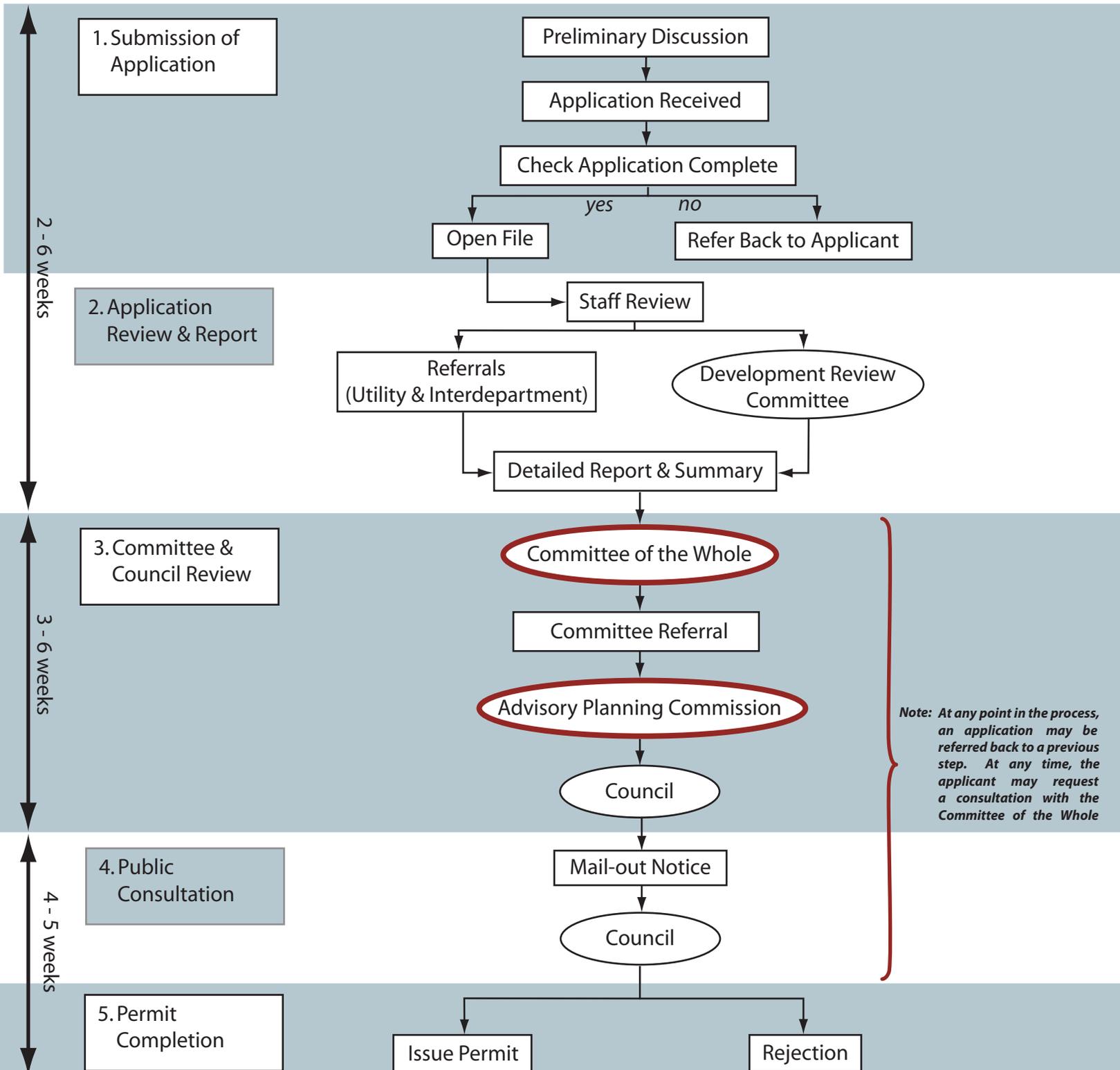
- **Committee of the Whole:** The Committee of the Whole is a sub-committee of Council, which usually meets at 6:00 p.m. in Council Chambers on the first and third Monday of each month. The Committee of the Whole reviews the application and staff report. The applicant is expected to make a presentation to the committee on their proposal at the meeting. The Committee of the Whole may refer the application to one or more of the Advisory Committees for comment, or directly to Council with a recommendation.
- **Committee Referral:** The most common advisory committee that reviews planning applications is the Advisory Planning Commission:
 - **Advisory Planning Commission (APC):** The APC usually meets on the first and third Tuesday of each month, and provides recommendations to Council on matters relating to planning and land use. Applications are referred to the APC:
 1. if they involve single-family high-density, multi-family residential, commercial, industrial, or marine;
 2. if they involve properties designated as Heritage or Environmentally Sensitive; or
 3. at Council's discretion.Applicants are expected to make a brief presentation about their proposal to the Advisory Planning Commission.
- **Council:** Council usually meets at 7:00 p.m. in Council Chambers on the second and fourth Monday of each month. They review the recommendations

from the various committees. If Council is satisfied that the internal review is complete, they will either authorize staff to proceed with issuing the permit or reject the application. The authorization to issue the permit may be subject to certain conditions being met (such as the submission of revised drawings).

4. **Permit Process**

- **Mail-out Notice:** Once all conditions are met, staff prepares a notice describing the proposed variance. This notice is mailed to residents and property owners within a 75 metre (246 foot) radius of the subject property. Those people with concerns or comments are given approximately ten days to respond in writing to Council.
- **Council:** Council considers all public input on the proposed variance and either,
 - authorizes staff to issue a DVP; or
 - rejects the application.
- **Permit Completion:** Staff issues the permit and a Notice of Permit is registered on the title of the property. Upon confirmation by the Land Title office that the Notice of Permit has been registered, the applicant is notified and sent a copy of the Notice of Registration. The permit itself remains on file at the Town Hall.

Development Variance Permit Application Process



***applicant makes a presentation, or fields questions, at events circled in red**