



# Guide to Applying for a Development Variance Permit

## What is a Development Variance Permit?

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A Development Variance Permit (DVP) is a permit which allows for the relaxation of one or more bylaw requirements. This typically involves the relaxation of requirements related to building setbacks or height but may also apply to lot coverage or parking standards. A DVP cannot be used to vary the use or density of development on land; this includes regulations for minimum lot area.

## When do I need to apply for a DVP?

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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;
- 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?

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A property owner can apply for a Development Permit, or they can authorize someone else to make the application on their behalf. Authorization must be received in writing. Where a property is owned by a company or society, the application must be signed by a person with signing authority and must include a copy of the corporate registry naming the individuals with signing authority. Where a property is owned by more than one person, signatures of all owners are required. For strata buildings, approval is also required from the Strata Council.

## How do I apply?

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To apply for a DVP, obtain an application form and checklist from the Town Hall, or the Town of Sidney website ([www.sidney.ca](http://www.sidney.ca)) and return them with the application fee and all required information. Before you make a formal application, be sure to discuss your project with a Planning staff member in the Development Services Department. To make an appointment, or for more information, contact the Development Services Department at 250-656-1725 or [developmentservices@sidney.ca](mailto:developmentservices@sidney.ca).

## How long does it take?

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DVP applications take approximately 2 to 3 months to process. However, this time may vary depending on whether the application is complete, its complexity and the number of other applications under review.

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.

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## What is the cost?

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The cost of a Development Variance Permit application is \$250. Please note that application fees are non-refundable. Fees are set in Land Use Procedures Bylaw No. 1380.

## Who makes the decision?

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The decision on whether to approve a DVP is made by Council.

## What is the Development Variance Permit Process?

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

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 planning staff to discuss the proposed project and review applicable planning regulations.
- **Application received:** The applicant submits an application, drawings, fees, letter of rationale and other required information. 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 package will be accepted as complete and proceeds for review.

### 2. Application Review & Report

- **Staff Review:** Planning staff will conduct an initial review of the application.
- **Referrals:** Applications may be referred to Town of Sidney departments (Building Inspection, Engineering, Fire and Parks) Applications may also be referred to other agencies if relevant, such as the RCMP or Provincial ministries or to third party utility providers (BC Hydro, Telus, etc.). 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. Planning staff gather comments and provide a summary to the applicant.
- **Detailed Report:** Staff checks the proposal for conformance with relevant Town bylaws, such as the Official Community Plan, Zoning, Off-Street Parking and Loading 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 sent to or made available for pick up by the applicant.

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## 3. Committee & 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 at Town Hall on the first and third Monday of each month. The Committee of the Whole reviews the staff report and plans provided by the applicant. The applicant is expected to make a presentation to the Committee on their proposal at the meeting and submit any presentation materials (e.g. PowerPoint/PDF presentation, drawings, etc.) by 12:00pm on Tuesday prior to the meeting. The Committee of the Whole may refer the application to the Advisory Planning Commission for comment, or directly to Council with a recommendation. Committee of the Whole's recommendation is received by the Mayor and Council at a Regular Council meeting, where Council considers it and makes a resolution(s) on the matter.
- **Advisory Planning Commission (APC):** The APC usually meets on the first and third Tuesday of each month at 2:00 pm and provides recommendations to Council on matters relating to planning and land use. Applications are sometimes referred to the APC:
  1. if they involve variances in a designated development permit area: Intensive Neighbourhood Residential, Neighbourhood Townhouse, Multi-Unit Residential, Neighbourhood Commercial, Downtown Commercial, West Sidney Mixed Use Village, West Side Industrial, and Harbour Road 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 and submit the presentation by 12:00pm on the day before the meeting.

- **Council:** Council usually meets at 6:00 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 make a resolution to move forward with the radius notification process, make amendments to the requested variance(s), or reject the application.

## 4. Permit Process

- **Radius Mail-out notice:** Development Services staff prepare 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. The notice gives the time and date of the Council meeting when Council will consider approving the requested variance(s).
- **Council:** Council will consider all public input on the proposed variance and either,
  - Approve the application; or
  - reject 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.

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## Contact Us:

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Development Services Department  
By Email: [developmentsservices@sidney.ca](mailto:developmentsservices@sidney.ca)  
By Phone: 250-656-1725  
In Person: 2440 Sidney Ave, Sidney BC V8L 1Y7  
(Monday to Friday 8:30 am – 4:00 pm excluding statutory holidays)  
[www.sidney.ca](http://www.sidney.ca)



# Development Variance Permit Application Process

