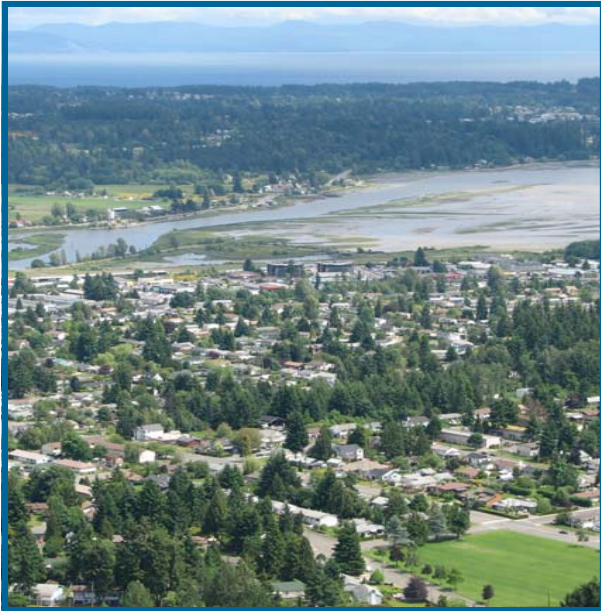




## Development Variance Permits

### *A Guide to the Development Variance Permit Process*



#### **This Guide Explains:**

- The purpose of Development Variance Permits;
- Development Variance Permit applications;
- The process for reviewing applications; and,
- Commonly asked questions.

*This pamphlet is a guide only. It is general in nature, and is not a legal document. Any contradiction, dispute or difference between the contents of this brochure and applicable bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents.*

### **What is a Development Variance Permit (DVP)?**

All development in the City of Courtenay must meet regulations as outlined below in the following bylaws:

- *Zoning Bylaw No. 2500, 2007*
- *Official Community Plan Bylaw No. 2287, 2005*
- *Subdivision Control Bylaw No. 1401, 1986*

Occasionally there are circumstances where a property owner feels a specific regulation doesn't meet with their needs or doesn't work well on a particular site.

A Development Variance Permit (DVP) application allows consideration of granting a permit that would 'vary' or change those specific zoning, sign, or subdivision bylaw requirements for a given property(ies).

Regulations that affect land use (the uses permitted on a property), or density (such as the number of units permitted on a property) as set out by the *City of Courtenay Zoning Bylaw No. 2500, 2007*, or floodplain specifications as determined by the *City of Courtenay Floodplain Bylaw No. 1743* **cannot** be varied through a DVP.

If compliance with a zoning or subdivision bylaw provision such as setback or building height would cause undue hardship, the applicant could consider applying to the Board of Variance instead of applying for a Development Variance Permit.

### **What does a Development Variance Permits contain?**

A Development Permit states a specific change in regulations for a particular property(ies). The DVP can contain both text and drawings to indicate that change in regulations.

A DVP is registered against the title of the property(ies) by the City of Courtenay after it has been issued.

Development on that property must still conform

to all City of Courtenay regulations with the exception of the changes specifically stated in the DVP registered on the property title.

### **How is a Development Variance Permit applied for?**

The development of regulations in the City of Courtenay involves large public processes that include a great deal of input from a variety of sources.

Development Variance Permit applications will be carefully considered in light of issues such as:

- Other options in design or placement that appear available to the applicant, the precedent being set;
- Safety issues;
- Urban design;
- The extent of the variance(s) requested;
- The reasons provided by the applicant for the variance;
- The unique circumstances of that site;
- Public and advisory group input; and,
- City policies such as Official Community Plans.

### **What is considered in granting a Development Variance Permit?**

The Planning Services Department has application packages that outline the required information, drawings and fees. It is important to make an appointment with planning staff before submitting a formal application. Staff will be pleased to review the requirements and provide information. This will ensure a complete application and prevent any unnecessary delays.

If Council defeats an application the applicant must wait 12 months before resubmitting a substantially similar application.

### **How much does it cost?**

Some of the typical costs associated with a development variance permit application are:

- An application fee. Please refer to the City of Courtenay Fees and Charges Bylaw and all amendments thereto;
- Any document/plans necessary to complete application requirements. This may include: site plans, building plans, or any plans necessary to illustrate the variance being requested in the application;
- Any documents/plans or information required in order to make a decision; and,
- Any legal fees associated with the application.

### What is the process?

The Local Government Act regulates the process for an application. A summary of the process is outlined in this brochure.

Included in the process are evaluations by staff, affected government agencies, and relevant advisory groups. Neighbouring property owners are also notified of the application, giving them an opportunity to provide comments.

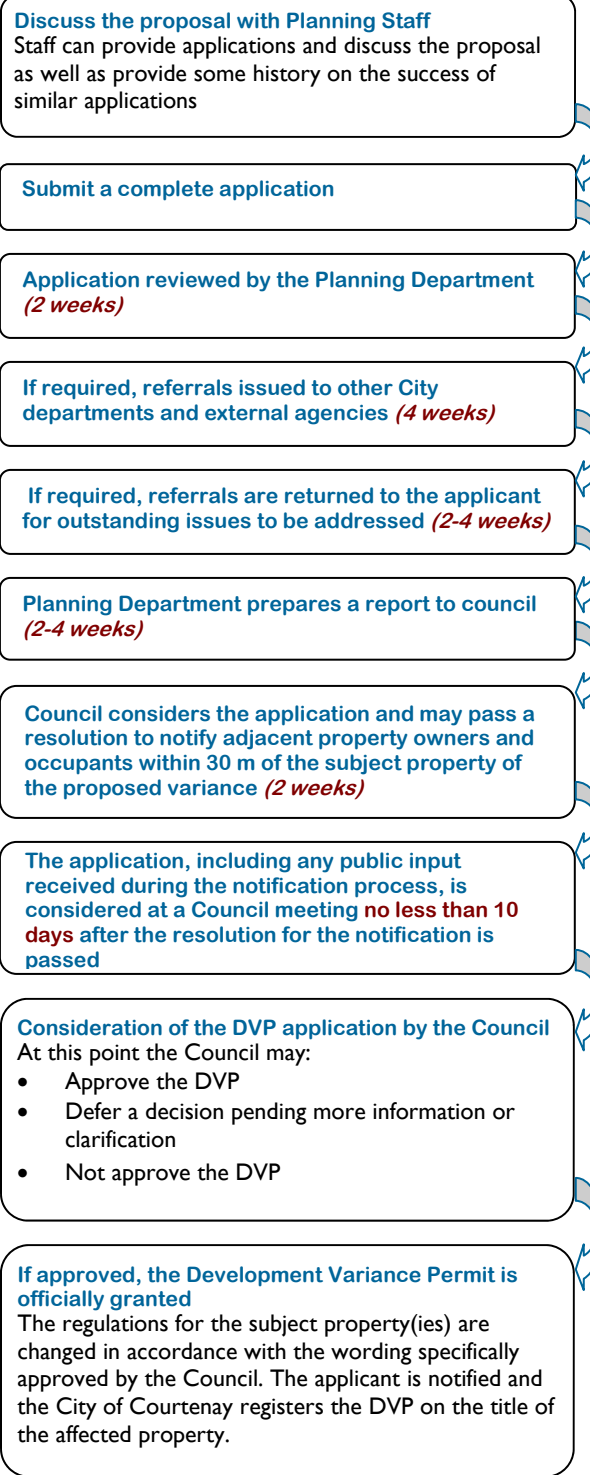
It is important to remember that submitting an application does not guarantee approval.

### How long does the process take?

City Staff do their best to ensure that applications are dealt with in a timely manner. Most typical Development Variance Permit applications take approximately 3-4 months to proceed through the evaluation and approval process once a complete application has been received.

Additional information may be requested at any time during the process and the application cannot proceed before that information is provided. An applicant can considerably reduce any delays by supplying prompt replies with complete information.

## The DVP Application Process



### For More Information:

You should always refer to the official copies of the Official Community Plan, Zoning Bylaw, Subdivision Control Bylaw, Development Application Procedures Bylaw, and other formal City of Courtenay documents if you are unsure of any procedure or requirement. Staff will be pleased to be of assistance.

For more information, please contact planning staff at the Planning Services Department 250-334-4441. We will be pleased to help you and answer any questions that you might have.



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