

## DEVELOPMENT VARIANCE PERMITS

---

### What Is A Development Variance Permit?

A Development Variance Permit (DVP) may be used to vary regulations of certain Municipal Bylaws, such as setbacks or parking requirements. A DVP is usually considered when the site characteristics or other unique circumstances do not permit strict compliance with existing zoning or subdivision servicing regulations. A DVP cannot vary the permitted use or density of the land. A DVP is decided upon by Bowen Island Municipality (BIM) Council. The permit process can take up to two months.

### When to Apply For a Development Variance Permit

You may need to apply for a development variance permit when:

- you are unable to comply with a Land Use Bylaw provision due to historic, topographic or other reasons, or
- a development permit does not allow for the variance needed. Note that a development permit may vary some provisions as established by the Land Use Bylaw, or
- the siting of an existing building or structure does not meet current regulations and you propose to alter that building or structure within the required setback area

Minor variances to relieve hardship may be varied by way of an appeal to the Board of Variance under Section 901 of the Local Government Act. A separate information sheet describes the Board of Variance.

### Step 1 — Optional Pre-Application Meeting

Prior to submitting your application for a variance you may wish to contact planning staff to review bylaws, policies and regulations concerning your required variance. In preparing your application you should consider the following:

- **Land Use Bylaw and other applicable bylaws**  
Each property in Bowen Island Municipality is subject to specific zoning regulations, set out in the Land Use Bylaw. Zoning regulates such things as lot coverage, building setbacks, and parking space requirements. It may also be useful to review the applicable Official Community Plan policies and the Islands Trust Policy Statement, which provide direction for growth and development on Bowen Island.
- **Other Regulations**  
It may be necessary to contact additional municipal staff on such matters as site servicing, highway access or building code requirements.
- **Specific Requirements**  
Depending on the location of your property and the nature of your proposal, you may be advised to secure the services of a qualified consultant to address specific concerns with your application. Such consultants may include engineers, biologists, architects or planners.

## **Step 2 — Submit an Application**

Once you have reviewed all applicable regulations and determined your variance requirements, you must complete a development variance permit application form and submit it to Municipal Hall, with the applicable fee. Planning staff will be available to assist you. You will be expected to provide the following information with your application:

**Your efforts to provide a complete application with all necessary information will help expedite the processing of your application.**

- A recent Certificate of Title and any covenants or easements registered on title which may affect the proposed development must be provided;
- A description of the proposed variance and reasons why the variance may be justified. Compatibility with adjacent properties, parks or public roads should also be considered;
- Two sets of suitably scaled plans. Your plans should clearly indicate the proposed variance and the bylaw provision that is required to be varied. The plans should also show setbacks of all existing and proposed buildings, buildings heights etc.
- You may wish to review your proposal with your neighbours, and if you are a member of a strata corporation, with the strata council.
- Please see the appropriate fees bylaw or contact the Planning Department for information on fees. Most development variance permit application fees are \$650.00, but can vary depending on the complexity of the application.

## **Step 3 — Application Review**

Once a complete application is received, planning staff will evaluate your application against zoning regulations and policies contained in the Land Use Bylaw, Official Community Plan and Islands Trust Policy Statement. The application review may involve other municipal staff and outside agencies.

Staff may conduct a site visit and will prepare a staff report including background information, staff evaluation and recommendation, and a draft development variance permit.

## **Step 4 — Consideration by Committee of the Whole**

The Committee of the Whole will review the staff report, consider the requested variance and determine if the public notification should proceed. The Committee will either recommend that the permit be issued by Council, table the application until they receive additional information, or recommend that the permit be denied.

## **Step 5 — Public Notification**

The notice and draft permit will be mailed and hand-delivered to all property owners and residents located within close proximity of the subject property (100 metres) for review and comment. This step will be carried out at least 10 days prior to consideration of the development variance permit by Council.

## **Step 6 — Consideration by Council**

Council will consider the recommendation of the Committee of the Whole and any input received from the public. Council will either approve the application, table the application until they receive additional information, or deny the permit.

Approval of a development variance permit may be conditional on the applicant meeting conditions established by Council.

**Step 7 — Development Variance Permit Issued**

If an application is approved Municipal staff will file a notice with the Land Title Office to have that development variance permit registered on the title of the property. A copy of the development variance permit will be sent to the owner and a copy will be maintained on file at Municipal Hall.

A development variance permit will state that if the planned development does not substantially commence within two years of the development variance permit issuance date, the permit will expire. After this you will be required to submit a new application if you wish to proceed with the development.

**For Further Information**

This information is intended to provide guidance only. Please consult Bowen Island Municipality bylaws for definitive requirements and procedures. For any further information, please contact the Planning Department, Bowen Island Municipality at 604-947-4255.