

Development Variance Permits

A guide to the Development Variance Permit process

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Central
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What is a
Development
Variance Permit?

What does a
Development
Variance Permit
contain?

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This Guide explains:

- The purpose of Development Variance Permits
- Development Variance Permit applications
- The process for reviewing applications
- Commonly asked questions

Regulations that affect land use (the uses permitted on a property), or density (such as the number of units permitted on a property), or floodplain requirements **cannot** be varied through a DVP.

A DVP may also be used to amend the site plan or the development layout of a Land Use Contract. The process followed is much the same as the regular DVP process. A DVP cannot be used to change the text or uses in a Land Use Contract. Please refer to the brochure "Land Use Contracts" for more information.

What is a Development Variance Permit (DVP)?

All development in the Regional District must meet regulations as outlined in the following bylaws:

- Zoning Bylaw
- Joe Rich Rural Land Use Bylaw
- Subdivision and Development Servicing Bylaw

Occasionally there are circumstances where a property owner feels a specific regulation doesn't meet with his 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 regulations for a given property.

What does a Development Variance Permit contain?

A Development Variance 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 Regional District after it has been issued.

Development on that property must still conform to all Regional District regulations with the exception of the changes specifically stated in the DVP registered on the property title.

What is considered in granting a Development Variance Permit?

The development of regulations in the Regional District 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,
- Regional District policies such as Official Community Plans.



How is an application made?

The Development & Environmental 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 requirements and provide information. This will ensure a complete application and prevent any unnecessary delays.

If the Regional Board defeats an application the applicant must wait 6 months before re-applying.

What are the application costs?

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

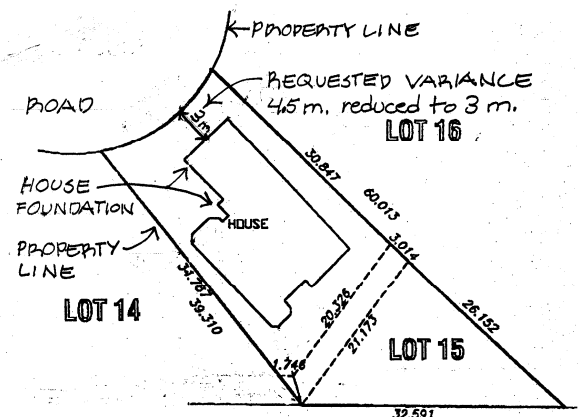
- An application fee. Please refer to the "Application Fee Schedule".
- Any document/plans necessary to complete application requirements. This may include: site plans, building plans, or any plans necessary to illustrate the variance being requested in the application
- Any documents/plans or information required in order to make a decision
- Any legal fees associated with the application

What is the Development Variance Permit 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.



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What is considered in granting a Development Variance Permit?

How is a Development Variance Permit applied for?

How much does it cost?

What is the process?

How long does the process take?

Regional District Staff does their best to ensure that applications are dealt with in a timely manner. Most typical Development Variance Permit applications take approximately 6 weeks to proceed through the evaluation and approval process.

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.

What advisory groups does the Regional District have?

The Regional District has three (3) advisory groups, which provide comments on the various applications/referrals. These comments are considered in any decision made by the Regional Board.

Members of an advisory group are appointed by the Regional Board based on their background of civic activity, interest or expertise.

Applications may be referred to one or more of the following advisory groups:

- Advisory Planning Commission
 - Central Okanagan East
 - Central Okanagan West
- Agricultural Advisory Committee
- Environmental Advisory Committee

Applicants are informed when their application is being reviewed by an advisory group. Applicants have the right to speak and be heard at these meetings.

The DVP Process

Discuss the proposal with Planning Staff at the Development & Environmental

Staff can provide applications and discuss the proposal as well as provide some history on the success of similar applications.

Submit a complete application

Public notification

The applicant is required to place a notification sign(s) on the property. The Regional District sends letters of notification to neighbouring property owners. Comments from the public are invited.

Application reviewed

Staff, relevant agencies and advisory group(s) are asked to provide comments on the proposal. Planning Staff then prepares a report to the Regional Board.

Consideration of the DVP application by the Regional Board

At this point the Regional Board may:

- Approve the DVP,
- Not approve the DVP,
- Defer a decision pending more information or clarification.

If approved, the Development Variance Permit is officially granted

The regulations for the subject property(ies) are changed in accordance with the wording specifically approved by the Regional Board. The applicant is notified and the Regional District registers the DVP on the title of the affected property.

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How long does the application process take?

What advisory groups does the Regional District have?

Development Variance Permit Process Flowchart

What is the role of the Ministry of Transportation & Infrastructure?

Ministry of Transportation is responsible for all public roads within the Regional District (except on First Nation land or the incorporated areas of Peachland, Kelowna and Lake Country)

This means that MoT may have an important role in DVP applications and meeting their requirements is important.

The Ministry can be contacted at:

Ministry of Transportation & Infrastructure
#300 – 1358 St. Paul Street
Kelowna, B.C. V1Y 2E1
Phone (250) 712-3660

or

Ministry of Transportation & Infrastructure
4791 – 23rd Street
Vernon, BC V1T 4K9
Phone (250) 503-3664

(Vernon MoT is responsible for properties in the general vicinity of Caesars Landing and north up to and including Westshore Estates).

For more information...

For more information, please contact planning staff in the Development & Environmental Services Department at (250) 469-6227. We will be pleased to help you and answer any questions that you might have.

This brochure is to be used in conjunction with our other informational brochures and as an aid in discussions with staff. 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.

This brochure does not apply to incorporated areas within the Regional District of Central Okanagan such as Peachland, Kelowna, or Lake Country, nor does it apply to First Nation land.

You should always refer to the official copies of the Official Community Plans, Zoning Bylaw, Subdivision and Development Bylaw and other formal Regional District documents if you are unsure of any procedure or requirement. Staff will be pleased to be of assistance.

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What is the role of the MoT?

How to find more information?