



Development Variance Permit Application Package

When do I need a Development Variance Permit?

- If my proposed development does not meet the standards set out in the *Zoning Regulation Bylaw* on matters that are not related to density or land use, and
- My property is outside a designated Development Permit Area, and
- The buildings on the property are not protected heritage properties.

Does the Board of Variance provide the same service?

The Board of Variance is an independent body with limited powers to grant minor variances from bylaw requirements in unique situations. The Board cannot deal with parking variances and generally is not involved for cases linked to rezoning applications. Please consult staff if you feel your application qualifies for a Board of Variance appeal.

How long will the process take?

The Development Variance Permit process takes approximately 10 weeks from submission of a complete Development Variance Permit Application. A complex application may require more time. Planning Staff will advise you of meeting dates.

A “Development Variance Permit Process Flow Chart” is provided in this package. It is essential that all steps be followed. Planning staff will advise you of meeting dates.

How much will the application cost?

The fees are non-refundable and are:

- Base Fee is \$950 (includes one variance) plus \$250 for each additional variance plus a percentage of declared value of construction if over \$2 million.

| |
|---|
| $\$950 + \$250 \text{ per each additional variance} + 0.1\% \text{ of construction value greater than } \$2 \text{ million} = \text{total fee}$ |
|---|

- If there are variances and if the application proceeds to public hearing, an additional public hearing fee of \$200 is required.
- If there is a site profile then an additional fee of \$100 is required.

Who gets a say?

Public consultation is part of the variance process. It is recommended that the applicant consult the neighbours and the Community Association Land Use Committee (CALUC). Once an application is received at the City, staff will mail it to the CALUC so they can decide whether they want to review it.

If Council decides to consider your application at a public hearing the adjacent owners and occupiers will be notified by the City of the public hearing date.

The following groups will also provide input regarding your application:

- City staff including personnel from Engineering, Social Planning and Parks
- Council
- advisory committees (upon referral)
- others as required

The “Development Variance Permit Process Flow Chart” outlines when consultation should take place and who is responsible for the various steps in the process.

To ensure the public is informed and consulted, notification signs and mail outs will be required at various stages of the process.

Who decides whether my Development Variance Permit application is approved?

The final decision on your application is made by City Council. Council has the power to deny your application at several stages, and in some cases the application may not proceed to Public Hearing. Council may also require special items before approving your Development Variance Permit.

Who can answer my questions?

Applicant services are provided by the City of Victoria Planning & Development staff, located on the 2nd floor of City Hall. Planning staff will advise you on how to keep your application moving smoothly. Business hours are 8:00 am to 4:30 pm, Monday to Friday, except statutory holidays. The address and phone/fax are:

City of Victoria
Planning and Development
1 Centennial Square
Victoria, BC V8W 1P6
Phone: (250) 361-0382
Fax: (250) 361-0386



Development Variance Permit Process Flow Chart

The following outlines the sequence of events that can be expected during the development variance permit process. The order may vary slightly and some activities may occur concurrently. **Applicants are responsible for completing all tasks shown in bold.**

| <i>Who is responsible</i> | <i>WHAT needs to be done</i> |
|---------------------------|---|
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Review your ideas with the Planning department for initial comments and suggestions. <input type="checkbox"/> Check with City Engineering for traffic and servicing concerns and Parks for Tree Protection requirements. <input type="checkbox"/> A meeting with adjacent neighbours and Community Association Land Use Committee (CALUC) is recommended. <input type="checkbox"/> Complete and submit your application with all the supporting materials and fees. <input type="checkbox"/> An appointment is required to submit an application. Please call 250-361-0284. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> Staff sends application to CALUC with list of variances after plan check is complete. |
| CALUC | <ul style="list-style-type: none"> <input type="checkbox"/> The CALUC has 30 days to provide comments, if a review is undertaken. CALUC sends comments to Mayor and Council (copy Planning.) |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> Review of application by City Staff. <input type="checkbox"/> Application may require Advisory Design Panel¹ review depending on nature of variances. Applicant should be present. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Provides the City with site photos and digital plans in Microsoft PowerPoint 2002 or earlier version at least four working days prior to the Planning & Land Use Standing Committee meeting. <input type="checkbox"/> Provides the City with 15 copies of 8 ½" x 11" coloured plans at least four working days prior to the Planning & Land Use Standing Committee meeting. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> Staff recommendations and Advisory Design Panel recommendations are presented to Council's Planning & Land Use Standing Committee², following a 30 day review period for the CALUC. If any CALUC comments have been received, they will be attached to the report. <input type="checkbox"/> Planning & Land Use Standing Committee reviews application and may recommend changes, approval, rejection, tabling or referral. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Changes to application may be required as a result of review. <input type="checkbox"/> Pay the public hearing fee of \$200 to Legislative Services. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> Staff creates Public Hearing notice sign. <input type="checkbox"/> Adjacent property owners and occupiers are notified of hearing. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Post the Public Hearing notice sign on the site at least 10 days prior to the Public Hearing³ (City provides sign.) |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> Council has a Public Hearing on the application. <input type="checkbox"/> Council may approve or decline the application at the Public Hearing. <input type="checkbox"/> The Public Hearing decision is mailed to the Applicant and CALUC. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> If approved, the Development Variance Permit is issued. A notice is filed on the property's certificate of title. |

Notes on public involvement and signage for City meetings:

1. Advisory Design Panel (ADP) - the public and CALUC may attend Advisory Design Panel but only to observe.
2. Planning & Land Use Standing Committee (PLUSC) – The public/CALUC may attend but only to observe.
3. Public Hearing – A sign will be posted on the site 10 days prior to the meeting. Anyone may speak at the Public Hearing.

Development Variance Permit Application

The following pages must be completed fully for acceptance of the application.

Address(es) of subject property: _____

Legal Description(s): _____

Ownership/Applicant Contact Information (Note: For properties registered pursuant to the *Strata Property Act*, an application must be accompanied by a resolution passed by $\frac{3}{4}$ vote at an annual or special general meeting authorizing the changes to the common property of limited common property as requested in this application).

Applicant's Name: _____

Address of Applicant _____

City: _____ Postal Code: _____

Phone: _____ Fax: _____ Email: _____

Architect: _____

Address of Architect: _____

City: _____ Postal Code: _____

Phone: _____ Fax: _____ Email: _____

Owner's Name: _____

Address of Owner: _____

City: _____ Postal Code: _____

Phone: _____ Fax: _____ Email: _____

Development Information

Zoning: _____ Neighbourhood Plan Area: _____

Existing occupancy/ use of building: _____

Proposed occupancy / use of building: _____

List of variances requested: _____

Total value of all work, including sub-trades: _____

Project Information Table

The following pages must be completed fully for acceptance of the application.

Please refer to the *Zoning Regulation Bylaw* for terms within the Project Information Table. This Bylaw is available online at http://www.victoria.ca/business/building_byl.shtml . A copy of the project information table must also be attached to the site plan.

| | Existing Zoning Standard | Proposal | Calculate Variance (if required) |
|---|--------------------------|----------------------------|----------------------------------|
| Zoning | | | |
| Site area (m²) | | | |
| Site Coverage % | | | |
| Total Floor area | | | |
| Floor Space Ratio (density) | | | |
| Height of building(m) | | | |
| Number of storeys | | | |
| Setbacks | | | |
| Front | | | |
| Rear | | | |
| Side (indicate which side) | | | |
| Side (indicate which side) | | | |
| Open Site Space (%) | | | |
| Parking Stalls on site | | | |
| Bicycle Parking - specify | | | |
| Residential units type and | number | sizes (m2) | |
| Studio/bachelor | | | |
| 1 bedroom | | | |
| 1 bedroom + den | | | |
| 2 bedroom | | | |
| Ground oriented access | | | |

Declaration of Complete Application

The following pages must be completed fully for acceptance of the application.

Please confirm that your application is complete by filling in the checklist below and signing the declaration. **Incomplete applications will not be accepted.**

a. Title and Ownership Information and Explanatory Letter

- If there is more than one registered owner a letter of authorization should be provided from all owners or a copy of a valid Offer to Purchase. See application form for strata properties.
- Current Certificate of Title (not dated more than 30 days), available from the Land Title Office, 850 Burdett Avenue, Victoria, BC, Phone: 250-387-6331.
- Copy of any title restrictions, e.g., restrictive covenants, easements, right of ways
Specify _____
- Letter addressed to Mayor and Council explaining details of your proposal and justification for any variances.

b. Site Profiles for Contaminated Sites

Pursuant to the **Waste Management Act**, the Province of British Columbia requires an applicant to submit a Site Profile Form on properties that are or were used for commercial or industrial purposes as defined within the provincial regulations, i.e., Schedule 2 activities. Please indicate if the subject property qualifies for the following major exemptions for requiring a Site Profile:

- The property was or is currently used for residential purposes.
 - There will be no disturbance or excavation of soil involved as part of the amendment application.
- If a major exemption does not apply, then please obtain the information package on Site Profiles from Planning Staff. More information is available at www.gov.bc.ca/wlap

c. Site Plan* showing:

- Parcel size and dimensions
- Existing and proposed property lines
- Size and location of all existing buildings and structures on the property
- Size and location of all proposed buildings and structures, highlighting proposed variances
- Location of buildings on adjacent parcels
- Any existing natural features (rock outcrops, watercourses)
- Proposed bicycle parking
- Proposed parking, aisle layout and vehicular access location- all showing dimensions
- Compliance with *Tree Preservation Bylaw # 05-106*, showing size, species and location of protected trees and measures to protect trees. This bylaw is available at http://www.victoria.ca/cityhall/departments_compar_prktrp.shtml
- Compliance with Parking Lot Bylaw No. 87-248, showing how the parking lot will be screened from the street
- Landscape plan
- Data table

* Do not show any improvements, which exceeds City standards (e.g. art, special paving, landscaping) to the public right of way prior to obtaining city written approval.

d. Building plans and information showing:

- Number of storeys
- Height of building from average grade
- Floor plans indicating uses of all spaces, including basement
- For residential projects, summary of unit type, e.g. 1 bedroom, and size
- For residential projects, identify number of ground oriented units
- When the grade is altered, the finished grade at all bordering properties and streets
- Illustration (to scale) of proposal showing street elevation and relation to flanking buildings
- Elevations on all sides
- Photos or illustrations of buildings in relation to flanking buildings
- Any photographs to support your submission clearly identifying location and views

e. Plan Submission Requirements

- Four sets of plans are required
- Two additional set of plans 22 x 28 cm (8 1/2" by 11")
- Two additional sets of colour 28 x 44 cm (11" x 17")
- 15 sets of **colour** 22 x 28 cm (8 1/2" by 11") for City Council (to be provided same time as PowerPoint presentation, at least four working days prior to Planning & Land Use Standing Committee meeting).
- Plans are certified in compliance with the applicable professional association standards; e.g. *Architect's Act*.
- Measurements are provided in metric and scale is shown.
- Measurements are based on definitions and standards of the City of Victoria *Zoning Regulation Bylaw*. This Bylaw is available at http://www.victoria.ca/business/building_byl.shtml
- All plans are dated. In the future, any changes are to be noted and dated.
- Prior to submission deadline applicants must make an appointment with the Zoning Administrator and an Engineering Department representative when submitting an application. To book an appointment, please contact the Zoning Administrator at 250-361-0284.

f. Declaration

- I hereby submit this Development Variance Permit Application with the supporting documents as required.
- I hereby acknowledge that all the information provided is considered public information and available for public viewing and distribution.
- I hereby submit the application fee as calculated below.
- I hereby declare that all the above statements and the information contained in the supporting documents are to the best of my belief true and correct in all respects.

Signature of Registered Owner (PRINT NAME) Date

Signature of Applicant (PRINT NAME) Date
Application received by: _____ Date

Fee calculation:

A.) \$950.00
Base Fee (includes one variance)

B.) x \$250.00 = \$
of additional variances

C.) \$ - \$2 million x 0.001 = \$
construction value

Development Variance Permit application fee: = \$

Site Profile \$100 (if required) +
TOTAL

Large Project Fee - If construction value is in excess of \$2 million, then add the following to the application fee:

$$\begin{matrix} \$ & + & \$ & + & \$ & = & \$ \\ A & + & B & + & C & = & \text{TOTAL} \end{matrix}$$

Supplementary Information

You may also need to provide some supplementary information with your application. Please review the following and discuss with City staff if necessary.

Community Development

If your project has a public art component, refer to the Public Art Policy Guidelines available at http://www.victoria.ca/cityhall/departments_comdev_pubart.shtml

Site Servicing Plan

For projects that require new off-site works and services, a Site Servicing Plan must be provided. Please obtain Site Servicing Plan information from the Engineering Department, Transportation and Development Division, Senior Development Technician at 250-361-0298.

Construction Phase

For a development site that requires extensive excavation, it is required that the developer provide details (location and time frame) of the placement of construction offices and sales offices. In some cases, further approvals may be required.

Subdivision

For developments that require subdivision of land (fee simple or bare land strata), a preliminary layout approval must be obtained prior to submission of the variance application. Discuss all subdivision requirements with Engineering Department at 250-361-0501.

Large Project Submissions

When you are applying for a bylaw amendment and the site is larger than 930m², then a Large Project Submission is required. Please refer to the handout entitled Large Project Submissions. This Information is available on the website at http://www.victoria.ca/common/pdfs/lrge_prjct_sbmsn.pdf.