



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. Development Services 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. Development Services staff will advise you of meeting dates.

How much will the application cost?

The base fee is \$500 for an application plus \$250 for each variance. A large project fee applies to projects over \$2 million in construction value.

If the application is advanced to an Opportunity for Public Comment, an additional fee of \$200 is required and payable at Development Services before setting the date for the Opportunity for Public Comment. This fee can be paid earlier if the applicant wishes to do so.

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 advance your application to an Opportunity for Public Comment, the adjacent owners and occupiers will be notified by the City of the Opportunity for Public Comment date.

The following groups will also provide input regarding your application:

- City staff including Engineering, Fire 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 an Opportunity for Public Comment. 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 Development Services staff, located on the 2nd floor of City Hall. Development Services 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 number for general inquiries:

City of Victoria

Sustainable Planning and Community Development
Development Services Division
1 Centennial Square
Victoria, BC V8W 1P6
Phone: 250.361.0283

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. An appointment is required to submit an application.

Email zoning@victoria.ca to arrange a review/intake appointment.

CALUC refers to the Community Association Land Use Committee

PLUC refers to the Planning and Land Use Committee

| WHO is responsible | WHAT needs to be done |
|--------------------|---|
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Review your ideas with the neighbourhood Planner for initial comments and suggestions. <input type="checkbox"/> Contact City Engineering for traffic and servicing concerns. <input type="checkbox"/> Check with City Parks for tree protection requirements. <input type="checkbox"/> Verify with Permits and Inspections that all work done on the existing building has been done with the appropriate permits, otherwise the Clean Hands Policy may be applied. <input type="checkbox"/> A meeting with adjacent neighbours and CALUC is recommended. <input type="checkbox"/> Complete and submit your application form with all the supporting materials and fees. <input type="checkbox"/> An appointment is required to submit an application. Please email zoning@victoria.ca |
| 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"/> CALUC has 30 days to provide comments, if a review is undertaken. CALUC sends comments to Mayor and Council, with a copy to Development Services. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> Review of application by City Staff. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Changes to the application may be required as a result of Staff review. If changes occur, submit revised plans in accordance with the directions provided in the Application Review Summary. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> Staff prepares a report for PLUC and attaches any correspondence from CALUC. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> 13 business days prior to the PLUC meeting, applicant must provide a Microsoft PowerPoint presentation of the project, including the submission plans and other supporting materials such as photos or illustrations. See section entitled Digital Submissions. <input type="checkbox"/> Attend the PLUC meeting to answer any questions. Applicants may not make presentations at PLUC unless requested by Council. CALUC and public may attend but only to observe. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> PLUC reviews application and may recommend changes, rejection, referral or advancing the application to an Opportunity for Public Comment. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> If application is to proceed to an Opportunity for Public Comment, pay the \$200 fee at Development Services. <input type="checkbox"/> If the PLUC recommendation is to decline, applicant can make a request to address Council at the meeting when the PLUC recommendation is considered. |
| City | <ul style="list-style-type: none"> <input type="checkbox"/> For an application with variances, adjacent property owners and occupiers are notified of the Opportunity for Public Comment. Anyone who feels their interest in property is affected may speak at the Opportunity for Public Comment. <input type="checkbox"/> Prepare the Opportunity for Public Comment sign. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Post a hearing notice sign on the site at least 10 days prior to the Public Hearing. City provides the 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. <input type="checkbox"/> Mail the Public Hearing decision to applicant and CALUC. <input type="checkbox"/> If approved, the Development Variance Permit is issued, and notice is filed on the property's certificate of title. <input type="checkbox"/> Provide applicant with Customer Satisfaction Survey via email. |
| Applicant | <ul style="list-style-type: none"> <input type="checkbox"/> Please consider completing the Customer Satisfaction Survey. |

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: _____

Key Contact: Please identify the key contact for this application: _____

Development Information

Zoning: _____ Neighbourhood Plan Area: _____

Existing occupancy/ use of building: _____

Proposed occupancy / use of building: _____

List of variances requested (also explain in letter) _____

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

Project Information Table

A copy of the Project Information Table (as shown below) must be included on the site plan. Please refer to the *Zoning Regulation Bylaw* for terms within the Project Information Table. This Bylaw is available online at [Zoning | Victoria](#)

PROJECT INFORMATION TABLE

| | Zone Standard | Proposal – if different from Zone Standard |
|---|---------------|--|
| Zoning | | |
| Site area (m ²) | | |
| Total floor area (m ²) | | |
| Floor space ratio | | |
| Site coverage % | | |
| Open site space % | | |
| Height (m) | | |
| Number of storeys | | |
| Parking stalls (number) on site | | |
| Bicycle parking number (storage and rack) | | |
| Building Setback (m) | | |
| Front yard | | |
| Rear yard | | |
| Side yard (indicate which side) | | |
| Side yard (indicate which side) | | |

Declaration of Complete 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, 110 – 1321 Blanshard Street, Victoria, BC, Phone: 1.877.577.5872, website www.ltsa.ca
- 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 http://www.env.gov.bc.ca/epd/remediation/site_profiles/index.htm.

c. Archaeological Sites

Pursuant to the BC Heritage Conservation Act, the province of British Columbia, the owner/applicant is responsible for ensuring compliance with the BC *Heritage Conservation Act*, including steps to determine whether or not a site is an archaeological site. It is against the law to alter an archaeological site without first obtaining a permit to do so from the Province of British Columbia.

More information can be obtained from [Reporting Archaeological Artifact Finds - Archaeology - Ministry of Forests, Lands and Natural Resource Operations](#)

General Requirements for the Site Plan and Landscape Plan and Building Plans

All applications will require the submission of a Site Plan. The information used to generate the Site Plan can also be used as the base for the Landscape Plan. Note that all applications do not require a Landscape Plan. Please verify with the Neighbourhood Planner if a Landscape Plan is required for your submission.

The following are the general requirements for both the Site Plan and the Landscape Plan.

- The Site Plans and Landscape Plans must be to 1:200 or 1:100 scale and dimensioned in metric.
- The standard is to include a north arrow, which should point to the top or right of the page.
- Include a title block that identifies the project name (if any), civic address, applicant and contact information, date of plans and space to indicate any plan revision dates.
- Applicants are required to incorporate City of Victoria base map information, which includes existing underground services, onto any off site improvement plans. Hard copy of the relevant base map information will be provided to the applicant upon request. An AutoCAD digital file can be provided at a nominal cost for use as a mapping base. This may be requested through the City of Victoria's

Engineering Department at <http://www.victoria.ca/EN/main/departments/engineering/surveying-mapping.html>.

- Do not show any improvements, which exceed or deviate from City standards (e.g. art, special paving, benches, garbage cans, bike racks or landscaping) to the public right-of-way prior to obtaining the City's written approval.
- Plans are certified in compliance with the applicable professional association standards.
- Measurements are based on definitions and standards of the City of Victoria's *Zoning Regulation Bylaw*. This Bylaw is available at <http://www.victoria.ca/EN/main/departments/planning-development/development-services/zoning.html>.

d. Site Plan – Existing Site

- Parcel size and dimensions showing all property lines
- Size and location of all existing buildings and structures on the property, clearly dimensioned and labeled
- Location of buildings on adjacent parcels
- Existing driveway crossing locations, vehicular access locations - all showing dimensions and grades
- Any easements and utility corridors on the parcel to be noted
- Any existing natural features (rock outcrops, watercourses)
- All existing infrastructure (utility poles, fire hydrants, trees, etc) in the City right-way, adjacent to the subject property, including existing underground utility services

e. Site Plan – Proposed Development

- Parcel size and dimensions showing all property lines
- Road dedication requirements are to be indicated (easement, statutory right of way or dedication)
- Size and location of all proposed buildings and structures, highlighting proposed variances
- Location of buildings on adjacent parcels
- Proposed bicycle parking - refer to *Zoning Regulation Bylaw*, Schedule C
- Proposed driveway crossing locations, vehicular access locations – all showing dimensions and grades
- Parking layout – show parking areas with dimensioned depth and width of stalls, handicapped stalls, aisle dimensions, angle of parking stalls, number of stalls and wheel stops (refer to *Zoning Regulation Bylaw*, Schedule C)
- All proposed infrastructure (utility poles, fire hydrants, trees, etc.) in City right-of-way adjacent to the subject property, including existing underground utility services
- Compliance with *Tree Preservation Bylaw #05-106*, showing size, species and location of protected trees and measures to protect trees. Bylaw is available at <http://www.victoria.ca/EN/main/departments/parks-rec-culture/parks/urban-forest/tree-preservation-bylaw.html>. Please ensure that the drip line of all existing trees on the right-of-way and all protected trees on the lot are shown.
- Project Information Table (sample provided in this application form).

f. Landscape Plan showing, if required. Please discuss requirement for a Landscape Plan with Neighbourhood Planner prior to submission.

- Parcel size and dimensions showing all property lines (existing and proposed)
- Any existing natural features (rock outcrops, watercourses)
- All proposed plantings on private property
- Surface treatments on private property and on City right-of-way
- Fence and retaining walls, location and height
- Compliance with *Tree Preservation Bylaw #05-106*, showing size, species and location of protected trees and measures to protect trees. Bylaw is available at <http://www.victoria.ca/EN/main/departments/parks-rec-culture/parks/urban-forest/tree-preservation-bylaw.html>. Please ensure that the drip line of all existing trees on the right-of-way and all protected trees on the lot are shown.

g. 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

h. Plan Submission Requirements

- Five sets of plans are required
- Three additional sets of plans 22 cm x 28 cm (8 1/2" by 11")
- One additional set of plans 28 cm x 44 cm (11" x 17")
- All plans are dated. Any revisions are to be noted and dated.

i. 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 _____

End of application – the next sections are for information purposes

Development Variance Permit Fees

The base fee for a Development Variance Permit is \$500 and \$250 for each variance.

Large Project Fee Calculation

Only applies to project valued over \$2,000,000 in construction costs.

Declared value of construction – \$2,000,000 x 0.001 = Large Project Fee

General Information on fees:

- The application fees are set out in the *Land Use Procedures Bylaw*. See Bylaw for details.
- The fees are non-refundable.
- If a site profile for contaminated sites (Schedule 2 activities) is required, an additional fee of \$100 is payable.
- If an application is advanced to a Public Hearing
- , an additional fee of \$200 for advertising is required and payable at the Public Service Centre before setting a Public Hearing date.