

Village of Valemount

Development Variance Permit Guide

Fees (\$300.00)

**VILLAGE OF VALEMOUNT
BYLAW NO. 580, 2005**

**DEVELOPMENT VARIANCE PERMITS
INTRODUCTION**

SECTION "1"

Processing development related applications can be complicated and time consuming if the proper procedures are not followed. This guide clarifies and simplifies these procedures by providing a step by step description of the necessary tasks for each application. A clearer understanding of these tasks also ensures provincial and local regulations are met.

The tasks required to process each of these applications are numbered and contained in separate sections of this document. This format makes it easier to follow the tasks and allows the sections to be removed and reproduced if necessary.

Included within each section of the guide is:

- a flow chart which outlines the steps in the application process;
- a section of text which explains the steps outlined in the flow chart.

Application forms and proforma permits are included in the attached schedules section.

It is important to note that each application is described in its most basic form. Additional tasks may be required.

The Village of Valemount Development Variance Procedures Bylaw requires permit and amendment applications to be addressed to the Chief Administrative Officer. The Chief Administrative Officer may delegate responsibilities for processing these applications to other Village Staff.

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DEVELOPMENT VARIANCE PERMITS

SECTION "3"

SCOPE:

Development Variance Permits may, by Council resolution, vary the provisions of a number of Village bylaws. These provisions may pertain to:

- zoning (e.g.: setback and height restrictions);
- parking (e.g.: number of spaces required);
- signage (e.g.: size, materials);
- subdivision servicing (e.g.: services required, pipe size);
- mobile home parks (e.g.: setback and separation regulations);
- other regulatory bylaws

Development Variance Applications cannot vary the use or density of land or flood plain specifications, pursuant to Section 922 of the Local Government Act, as amended from time to time.

If the application deals with issues of use or density, the applicant may wish to consider other avenues. These can include:

- Zoning Bylaw amendments; and
- Official Community Plan amendments.

FLOWCHART

Procedures for Development Variance Permit Applications

Applicant submits application to Chief Administrative Officer



Preliminary review with Council (optional)



Village staff and government agencies review application



Application submitted to Council Meeting for Review
(owner/developer may be asked to attend meeting)



Council denies application or gives approval to proceed with notices (sets date for
consideration of application – notices sent)



Council considers application, technical reports and input from public



Council may deny or approve application



If approved, applicant submits required security



Chief Administrative Officer prepares final permit, issues permit and prepares record for
applicant and Village files



Chief Administrative Officer files Notice with Land Titles Office

Development Variance Permit Procedure

The general process for issuing a Development Variance Permit is identified below.

1. Applicant Submits Application to the Chief Administrative Officer

The applicant holds a preliminary discussion with the Chief Administrative Officer to determine if the application is consistent with the requirements established by the Village's bylaws & policies. If the application is consistent with those requirements, the applicant may complete the form, "Application for a Development Variance Permit".

The applicant must submit the application with the following:

1. the \$300.00 application fee;
2. State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
3. a completed application form;
4. a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
5. two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
 - legal information,
 - setbacks,
 - parking,
 - access,
 - the outer perimeter of buildings and all structures,
 - significant topographic features or watercourses,
 - any elevations, cross sections or detailed drawings which may be relevant; and
 - any other information required to support the application.

2. Preliminary Review with Council

Before proceeding with this application further a preliminary review may be conducted with Council to ensure Council's conceptual support for the development variance being requested.

3. Chief Administrative Officer and Government Agencies Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other Village departments and prepares a technical report assessing the application according to the criteria set out in the Development Variance Permit section of the Village of Valemount Official Community Plan. A preliminary review of the application may be made with Council prior to agency referrals.

The technical report should assess the application for presentation to Council. It will consider the nature of the application and its potential impact on adjacent properties with respect to:

- views and privacy;
- health and safety;
- site rehabilitation plans;
- height;
- setbacks;
- linkages to parks, walkways and green ways; and
- basic infrastructure

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application may be held until the required information is submitted.

It may be necessary to refer the Development Variance Permit application to outside agencies whose interests may be affected. These agencies may include but should not be limited to:

- Ministry of Transportation (e.g.: highway access required or within 800m of Highway #5 if variance to zoning regulations);
- Ministry of Water, Land and Air Protection (e.g.: air or water emissions);
- Ministry of Health (e.g.: air or water emissions);
- Agricultural Land Commission (e.g.: agricultural land involved);
- Regional District of Fraser-Fort George (e.g.: impacts on lands within Regional District).

4. Village Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to the Village Council for review and consideration:

- application form;
- technical review; and
- agency comments.

Upon review of the application, Council has three (3) options including:

- if the application is acceptable, authorizing staff to prepare the draft permit and to notify the public of Council's intention to issue the permit; or
- if necessary, requesting additional information from the applicant; or
- if the application is unacceptable, denying the application.

5. Village Council Denies Application

If the application is denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

6. Upon Preliminary Approval, Chief Administrative Officer Notifies Property Owners of Permit Application

If Council authorizes the Chief Administrative Officer to notify property owners of their intent to issue the Permit, notice must be given in accordance with the provisions of Section 922 of the Local Government Act as amended from time to time.

The notice shall state:

- in general terms, the purpose of the proposed Development Variance Permit;
- the land or lands that are subject to the proposed Development Variance Permit;
- the place where, and the times when, copies of the proposed Development Variance Permit may be inspected; and
- the date, time and place where the resolution will be considered.

The notice must be mailed or otherwise delivered at least ten (10) days before adoption of the resolution to:

- the owners as shown on the assessment role on the date of application for the Development Variance Permit; and
- any tenants in occupation, on the date of the mailing or delivery of the notice, of all parcels which are:

1. the subject of the Development Variance Permit, or

2. directly adjacent to the property subject to the Development Variance application.

Additionally, notice of the intent to consider the Development Variance Permit application shall be advertised in a local newspaper, not less than ten (10) days before the date upon which the Development Variance Permit will be considered by the Council.

7. Village Council Holds Final Review of Application

Once Council considers the application and input from the public, it has three (3) options, including:

- by resolution, issuing the Development Variance Permit (as amended if required); or
- requesting additional information or minor adjustments; or
- refusing to issue the Development Variance Permit.

8. Village Council Denies Application

If the application is denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

9. Upon Approval, Applicant Submits Required Security

Pursuant to Section 925 of the Local Government Act as amended from time to time, Council may require the Development Variance Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

- an irrevocable letter of credit; or
- cash

10. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Development Variance Permit.

The Permit is issued and a record is prepared of the Development Variance Permit for the Owner and the Village's files. A building permit may be issued at this time.

11. Chief Administrative Officer Files Notice with the Appropriate Land Titles Office

Pursuant to Section 927 of the Local Government Act, as amended from time to time, when the Village issues a Development Variance Permit, the Chief Administrative Officer must file notice with the appropriate Land Titles Office that the land described in the notice is subject to a Development Variance Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

12. Use of Security

As per Section 925 of the Local Government Act, as amended from time to time, if the Council considers that:

- a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The Council will:

- a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment; and
- b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.

As a general guideline, the amount of security should be adequate to undertake all works that may be in default, all landscaping, all work that may be required to rectify any potential unsafe conditions, and all work required to restore a site to its original condition.

Pursuant to Section 922 of the Local Government Act, as amended from time to time, Council may specify other conditions under which the development variance permit may be carried on.

**VILLAGE OF VALEMOUNT
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APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

I/We hereby make application for a Development Variance Permit.

1. Name of Applicant(s): _____

2. Address: _____ Folio # _____

3. Telephone Number: Business: _____ Residence: _____

4. Name of Owner(s): _____
(If different from Applicant)

5. Address: _____

6. Legal Description of Property: _____

7. Street Address of Property: _____

8. Existing Use of Subject Property: _____

9. Existing Use of Adjacent Property: _____ North: _____

South: _____

East: _____

West: _____

10. Official Community Plan Map Designation: _____

11. Present Zoning: _____

12. The Development Variance(s) requested vary the provisions of the following Village Bylaws:

<u>Village Bylaw</u>	<u>Variance Requested</u>	<u>Applicable Sections</u>
Zoning	_____	_____
Subdivision Control And Servicing	_____	_____

13. Detailed Description of Variance

(Two Site Plans attached. Site plan should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings).

14. [] Attached is Applications Fee of \$300.00.

15. [] Attached is current, date stamped State of Title Certificate.

16. [] Attached is Letter of Consent from the Owner.
(Applies only if the Applicant is not the Owner)

I/WE HEREBY DECLARE THAT THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 20__.

Print name of Applicant

Signature of Applicant

Print name of Applicant

Signature of Applicant

NOTE:

- a. The Local Government Act states that a development variance permit shall not vary:
 - i. The use or density of land from that specified in the Bylaw; or
 - ii. A flood plain specification
- b. Prior to the issuance of a Development Variance Permit, the Village may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

DEVELOPMENT VARIANCE PERMIT STEPS

1. Receive Application & Fees
2. Initial Review & Report to Council
3. Prepare Copy of Notice to Consider DVP
4. Prepare draft DVP
5. Advertise for Consideration of DVP
6. Referral to Ministry of Transportation & Other Agencies
7. Identify & Notify Adjacent Property Owners & Owner
8. Forward Report & draft DVP to Council with any Agency/Resident comments
9. Advise Owner of any Outstanding Issues – Letter to Owner
10. Once bonding & Outstanding Issues complete, forward Notice to Land Title Office
11. Send Letter to Owner advising Process is complete (Land Title Office Notice returned)