



# A GUIDE TO DEVELOPMENT PERMITS AND DEVELOPMENT VARIANCE PERMITS

This brochure is meant for guidance only and should not be construed by anyone as a right to a development approval if the steps indicated are followed. Please consult the Local Government Act and its Regulations, the District of 100 Mile House Official Community Plan Bylaw, Zoning Bylaw and other Bylaws for definitive requirements and procedures.

## What is a Development Permit (DP)?

A Development Permit is a permit approved and issued by resolution of Council that sets forth conditions under which development may take place in accordance with the Official Community Plan and its DP guidelines. Once approved, it becomes binding on the developer and the existing and future owners of the property. A notice of the DP is filed with Land Titles Office.

## Why Would You Need A Development Permit (DP)?

You would need a Development Permit when the property you wish to develop is within a Development Permit Area (DPA) as designated in the Official Community Plan (OCP) Bylaw. A DP must be obtained before a Building Permit can be issued or prior to final subdivision approval.

## Designated Development Permit Areas:

The Official Community Plan designates Development Permit areas for the:

- protection of the natural environment, its ecosystems and biological diversity by regulating habitat areas and designated watercourses;
- establishment of guidelines to regulate the siting, form, character and landscaping of commercial uses in the Highway 97 corridor, the central business district and the residential-commercial transition area on Cedar Avenue.

## Pre-Application Stage

**Check** the following before you apply:

- The nature of the Development Permit Area in which your property is located and guidelines for its development as contained in the Official Community Plan Bylaw.
- The zoning of the property and Zoning Bylaw. The zoning regulations on use and density apply. The regulations on siting and building form also apply where they are not varied or supplemented by the guidelines noted above.

## Application Stage

### Make your application.

- a. Complete an application form, identifying clearly:
  - the applicant and his/her status as either: the owner of the property or agent of owner (enclose a letter of authorization from the owner).
  - the subject lands covered by the application, identifying civic address and legal description.
  - description of the development you propose.
  - provide a current Certificate of Title for the subject property.
- b. Enclose at least three (3) blueprints of your drawings, plus one set of reductions (8 ½" x 11") or (11" x 17") for the referral process. Include a color rendering and an elevation plan illustrating the type and texture of material used on the exterior of the buildings, structures and sizes. A site plan must also be provided illustrating building siting, parking, loading, garbage bin location, signage, landscaping and access details.
- c. Pay your application fee. Check with District staff for the current application fee. All fees are non-refundable.

## Assessment Stage

All necessary departments and agencies conduct a review of the application. After compiling all the department responses, a report is prepared for Council's consideration. The decision whether to approve the Development Permit rests with Council.

## Approval Stage

Council considers staff's report and decides whether to grant authority to the District Clerk to issue the Development Permit, subject to resolution of outstanding issues, if any.

If authority to issue the Development Permit is granted the District staff will file a "Notice of Permit" with the Land Titles Office. The title of the property will then carry the notice stating that a Development Permit applies to the property.

### **You may now apply for a Building Permit.**

Development Permits state that if construction does not substantially commence within two (2) years of the issuance date, the Development Permit will lapse. The Building Permit plans must correspond to the plans that accompany the Development Permit.

### **Procedure for a Development Permit Processed in Conjunction with a Rezoning Application**

A Development Permit may be processed in conjunction with other applications such as Official Community Plan Amendments and Rezoning Applications. However, the sequence of approval must comply with the Local Government Act. The property's zoning must comply with the Official Community Plan prior to the DP being issued. The District will process all the applications concurrently, provided all the information and material has been submitted and there are no changes to the development proposal as a result of Council, staff, public or developer input.

### **Costs and Time Involved in Obtaining Approval for a Development Permit**

**Costs:** Check with the Municipality for current fees.



**Time:** A Development Permit can normally be handled at one meeting of Council unless there are changes to the Permit required at that Council Meeting. Staff must be given an adequate amount of time to review and compile the entire response to the application prior to submitting their comments to Council. The processing time for a DP is usually a minimum of 4 weeks.

## What is a Development Variance Permit (DVP)?

### What is a Development Variance Permit?

A Development Variance Permit (DVP) is a permit approved by Council that provides for the variation of specific requirements of a land use Bylaw, such as, but not limited to, the Zoning Bylaw, Subdivision Control Bylaw and Sign Bylaw.

**It should be noted that use and density specifications cannot be varied by a DVP.**

### What is the Difference Between a Development Variance Permit and a Development Permit?

A Development Variance Permit differs from a Development Permit in that a developer asks for particular variances in the DVP situation and the District wishes to maintain particular design criteria in the DP situation. With both types of permits a Notice is filed in the Land Titles Office to indicate that the property is affected by a DVP or a DP.

During the process for a DVP adjoining property owners and the public are notified by way of letters being mailed to the adjoining property owners and an advertisement is placed in the local newspaper outlining the DVP. The reason for advertising a DVP is that the application is to vary a bylaw, whereas in the case of DP the application to develop the property is in accordance with the established objectives contained in the Official Community Plan.

### Why Would You Need a Development Variance Permit?

You would need a Development Variance Permit when you want certain standards or requirements varied for your specific proposal. These standards could include:

- Minimum standards for building form – yards, heights of building, etc.
- Screening provisions – height of fencing, width of landscaping, etc.
- Subdivision regulations – minimum lot width where variation does not affect density. Also, the servicing requirements may be varied.
- Sign regulations – area of sign, dimensions and siting in building lien setback or future road right-of-way area.

**Note:** Use and density regulations cannot be varied by the issuance of a DVP. A change to the use and density permitted will require a change to the Zoning Bylaw for the property in question. There must be a community benefit derived from the approval of a DVP.



### **Procedure for a Development Variance Permit.**

The procedure for a Development Variance Permit is similar to that of a Development Permit. An application accompanied with the appropriate plans and fee is submitted to the District. The application is referred to affected departments and agencies for comment. A report is submitted to Council. The surrounding property owners are notified of the proposed Variance application and they may present their comments to Council, in writing or by attending the Council Meeting. Council then makes their decision whether to approve the permit application as presented, to modify the variance approval or to deny the application. If approved, Council authorizes the District Clerk to issue the DVP.

Once approved and issued, a DVP Notice will be filed at the Land Title Office to indicate that the property is subject to a DVP.

### **Procedure for a Development Variance Permit Processed in Conjunction with a Rezoning Application.**

A Development Variance Permit may be processed in conjunction with other applications such as OCP amendment, rezoning and Development Permit applications. The sequence for approval must comply with the requirements of the Local Government Act. The proper zoning must be in place prior to the issuance of a DVP. The District will attempt, where possible, to process all the applications concurrently.

### **Alternative to a Development Variance Permit.**

Where minor variances are requested the applicant may wish to submit an application to the Board of Variance instead of applying for a DVP. Contact the District Clerk for further details as to the procedures and responsibilities involved with the Board of Variance.

### **Costs and Time Involved in a Development Variance Permit.**

The costs include:

- application and processing fees;
- provision of site, elevation and building plans associated with the proposed DVP which will be attached to and form part of the DVP;
- the applicant is responsible for any consultant's fee, if applicable.

Time involved:

- a DVP requires at least two meetings of Council. Staff must be given an adequate amount of time to review and compile all the responses to the application prior to submitting their comments to Council. The processing time for a DVP is usually a minimum of 6 to 8 weeks.

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This brochure provided only a general guide. For more specific information contact:

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