

Highlights

DEVELOPMENT VARIANCE PERMITS

WHAT IS A DEVELOPMENT VARIANCE PERMIT?

Development Variance Permits are a type of approval that can be applied for in order to vary the provisions of most City land use and subdivision bylaw requirements. Development Variance Permits are most typically applied for when a proposed development does not meet setback, height, or parking requirements.

As per the *Local Government Act*, Development Variance Permits cannot be used to vary the use or density of a property. To change the permitted use or density of a property, a Zoning Amendment may be required.

For a variance to be granted, approval from Nelson City Council is required. Review by appropriate government agencies, such as the Ministry of Transportation and Infrastructure, may also be required.

When is a Development Variance Permit required?

If a proposed development does not conform to the requirements of City bylaws that regulate development, except those dealing with use or density, a Development Variance Permit may be required.

WHO DOES WHAT?

Role of City staff

Once an application for a Development Variance Permit is received, staff will review the application to determine whether it is complete. Staff then evaluate the completed application for compliance with relevant City bylaws and policies, and refer it to all

applicable City departments (including Nelson Hydro, Fire, and Public Works) and any relevant government ministries and agencies. The referral agencies' comments will then be incorporated into a technical report to Council.

Role of the applicant

Development Variance Permit applications should be well planned in advance of a submission. Prior to arranging a pre-application meeting with staff, please check to see that your proposal aligns with the general intent of current City plans. Completion of the Sustainability Checklist will help to show how the proposal supports the City's sustainability goals. If a Development Variance Permit is issued, all development on the property must conform to the specific conditions stated in the permit.

Council's role

Council is the approving authority for Development Variance Permits. After considering a technical report produced by staff, Council decides whether the Development Variance Permit is approved, referred, tabled, or denied. Council has complete discretion when considering Development Variance Permits.

IMPORTANT INFORMATION

If a Development Variance Permit is denied by Council, the applicant cannot reapply with the same application for six months following the date of refusal.

Subject to the terms of the Development Variance Permit, if the permit holder does not substantially start construction for which the permit was issued within two years after the date it was issued, the permit lapses.

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Important Information continued...

Please note that a Development Variance Permit is not a building permit. Following the issuance of a Development Variance Permit, a building permit will be required for most construction.

PERMITTING TIMELINE

The time required to review and decide upon a Development Variance Permit depends on a number of factors including:

- The type, size, and **complexity** of the proposal;
- The **number** of applications in progress;
- The **completeness** and quality of required submission materials.

pre-application meeting

(optional, but recommended to review details and information needed to accompany application)



application and fee submitted



reviewed by staff
and circulated to outside agencies



notice given to owners and tenants located
within 60 m of the property
(minimum 10 days before Council consideration)



Council consideration → application approved,
referred, tabled, or denied



applicant notified



if granted, Development Variance Permit issued
and Notice of Permit registered
on the title of the property

As a general guideline, it can take a minimum of six to eight weeks to process a straightforward Development Variance Permit application, from the time that a complete application is submitted.

Fees

Fees for Development Variance Permit applications are found within the *Fees and Charges Bylaw 3092, 2010*.

INFO REQUIRED FOR APPLICATION

Following a pre-application meeting with staff and consideration of relevant municipal bylaws, submission of several documents is required in order to begin processing a Development Variance Permit. A detailed description of these requirements can be found on the Development Application Form, which is available at www.nelson.ca.



NEED MORE INFORMATION?

For more information about Development Variance Permit applications, please contact the City of Nelson Department of Development Services & Sustainability at development@nelson.ca or **250-352-8260**.

