



**Village of Port Clements**  
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# DEVELOPMENT VARIANCE PERMIT PROCESS

Land Development Application Forms Policy Schedule B

The Village of Port Clements is divided into designated land use categories or 'zones', pursuant to the Zoning Bylaw No. 444, 2024. The zoning bylaw sets out the regulations for development, including specifications for permitted uses, lot size and density, siting, setbacks, height or dimensions of buildings, parking regulations, screening provisions, sign regulations, frontage requirements, servicing, etc.

The Land Development Application Procedures Bylaw No. 476, 2022, establishes the processes that will be followed for land development applications. **A Development Variance Permit is required when a property owner wishes to vary certain land use bylaw regulations applicable to the subject property.**

Where the proposed land use includes subdivision, a Subdivision Application can be submitted concurrently with the Development Variance Permit process. Variances can also be considered as part of a Development Permit.

Authority to approve Development Variance Permits is granted to the Council under the *Local Government Act*. For most applications, the process is as follows (please note that these timeframes are approximate and that more complex applications can take up to 12 months or longer). A variance permit is granted for a specific purpose and the development must conform to the specifications set out in the approval.

## STEP 1 - Pre-Application Meeting

This initial discussion with staff to review your intentions is your opportunity to seek more information and determine whether you will need complete an application for a Development Variance Permit. To make the best use of your time, provide a sketch plan and prepare specific questions in advance. Be prepared and knowledgeable about your proposed land use. The more information gathered before applying, the more efficiently the process is likely to run.

Staff may suggest changes to the proposal, or explain the process for applying for a Development Variance Permit, a Development Permit, a Temporary Use Permit, Preliminary Subdivision Approval, or amending the OCP and/or Zoning Bylaws as appropriate.

## STEP 2 - Application Submission

If your property does not comply with zoning requirements, you may apply for a Development Variance Permit to seek approval. Included in the Application form is a checklist outlining required documents and plan criteria that must accompany your submission. Incomplete applications will not be accepted. Applications that are inactive for a period of 18 months may be closed at the discretion of the Village.

## STEP 3 - Staff Review (7 to 11 weeks)

The Village's Chief Administrative Officer (CAO) reviews the application and refers it to internal departments for comments. The CAO may also refer the application to external agencies for comment and their respective approval requirements. It is the Applicant's responsibility to fulfill external agency requirements and obtain all necessary approvals, studies or permits for the proposed land use.

Village staff will collect, compile, and review all internal and external review comments, and review relevant legislation and Village bylaws. Referrals are returned to the Applicant to allow for outstanding issues to be addressed. Staff may conduct a site visit to view the property as part of the review.

**STEP 4 – Notify Public (10 days prior to Council Meeting)**

No later than 10 days prior to the application being considered by the Council, the Applicant is required to erect a Notice of Development sign in accordance with the requirements of the Land Development Application Procedures Bylaw No. 476, 2022.

**STEP 5 – Staff Report, Council Meeting, and Public Hearing (2 to 6 weeks)**

Once all referrals have been addressed, the CAO prepares a report for Council. Council considers the report at their next scheduled regular meeting(s) of Council.

If a public hearing is required, a date is set and the CAO notifies all owners and occupants within 100 m of the subject property (2-4 weeks). Council will consider issuing the permit following the public hearing.

**STEP 6 – Council Decision**

Village staff will work with the Applicant regarding the preparation of any required easements, covenants, statutory rights of way, phased development or development agreements. All legal fees incurred by the Village shall be reimbursed by the Applicant prior to the final consideration by Council. Council will consider the staff report and may, by resolution, grant or deny the requested permit, or alternatively refer, or table the Application.

If the permit is approved a Notice of Permit will be registered against the title of the property(ies) at the Land Title Office. If it is denied, no substantially similar application will be considered by Council for 6 months. The applicant is notified in writing of the decision.