



CITY OF COURTENAY

Development Services

830 Cliffe Avenue

Courtenay, BC, V9N 2J7

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DEVELOPMENT VARIANCE PERMIT APPLICATION GUIDELINES

For detailed requirements and process
See Schedule 5 of *Development Application Procedure*
Bylaw No. 2790, 2014

A Development Variance Permit is issued by Council to allow a variation of the zoning, sign or subdivision bylaw requirements. It cannot vary the use or density of a development, as set out in the *City of Courtenay Zoning Bylaw No. 2500, 2007*, or floodplain specifications as determined by the *City of Courtenay Floodplain Bylaw No. 1743*.

WHEN A DEVELOPMENT VARIANCE PERMIT IS REQUIRED:

A Development Variance Permit is required whenever a variance to the zoning, sign or subdivision bylaw is required. If compliance with a zoning or subdivision bylaw provision such as setback or building height is minor in nature would cause undue hardship, the applicant could consider applying to the Board of Variance instead of applying for a Development Variance Permit.

Variances can also be considered as part of a Development Permit. Planning staff will work with you to determine your requirements.

APPLICATION PROCESS:

Development Variance Permits are considered by Council. For most applications, the process is as follows (please note that these time frames are approximate and that more complex applications can take up to 12 months or longer):

Prior to submitting any application, you are advised to discuss the proposal including specific application requirements for your project and required fees with the Planning Department and to check the current zoning and OCP designation of the property.

1. The applicant is encouraged to arrange for a pre-application meeting pursuant to Section 17 of *Development Application Procedure Bylaw No. 2790, 2014*.
2. After receiving a complete application, the application is reviewed by the Planning Department (2 weeks)
3. The applicant will conduct a Public Information Meeting
4. Referrals are issued to other City departments and external agencies (3 weeks)
5. Referrals are returned to the applicant for outstanding issues to be addressed (2-4 weeks)
6. Conditions/requirements that may arise from the Public Information Meeting will be addressed between staff and applicant prior to proceeding to Council
7. Staff will mail or otherwise notify adjacent property owners and occupants within 30 m of the subject property of the proposed variance (2 weeks)
8. The Planning Department prepares a report to Council (2 weeks)
9. Council considers the application and may issue, table or refuse the permit
10. If the application is approved by Council a notice will be placed on the property title referencing the permit issued

If the permit is issued, it is valid for 12 months. If it is refused, no substantially similar application will be considered by Council for 12 months.



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DEVELOPMENT VARIANCE PERMIT APPLICATION

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Bylaw No. 2790, 2014

BEFORE SUBMITTING YOUR APPLICATION IT IS IMPORTANT TO NOTE THE FOLLOWING:

1. Incomplete applications will be returned to the applicant;
2. It is the applicant's responsibility to be familiar and knowledgeable of all requirements, policies and applicable bylaws within the City of Courtenay, and to clearly represent how the application conforms to these requirements, policies and bylaws before the application will be accepted;
3. The coordinating professional must ensure that the submissions, including all plans are internally consistent. Plans that are not internally consistent will be returned to the coordinating professional with no further review;
4. Applications that are inactive for a period of 6 months or more may be closed at the discretion of the City.

APPLICANT INFORMATION	DESCRIPTION OF PROPERTY
Name(s): _____ Address: _____ City: _____ Postal Code: _____ Phone: _____ Fax: _____ E-mail: _____	Civic address: _____ Legal Description: _____

If applicant is **NOT** the owner of property:

Owner's Name(s): _____	Owner's phone/e-mail: _____
Owner's Address: _____	

☐ **Written Strata Council Approval (if applicable) to be included with application.**

BRIEF PROJECT DESCRIPTION

*K'ómoks First Nation (KFN) has enacted a Cultural Heritage Investigation Permit (CHIP), which is required for development works within a certain proximity of watercourses and all areas having a high archeological potential. Where applicable, staff and Council advise applicants to contact KFN directly to learn if a CHIP is required. The CHIP is administered by KFN. For more information contact the KFN administrative office at 250-339-4545 extension 112, or visit https://komoks.ca/departments/lands-program/ . Please indicate if you have contacted KFN.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Staff and Council encourage applicants to work with the Comox Valley Conservation Partnership (referrals@cvlandtrust.ca) early in the design stages of a project to obtain valuable feedback on design options that could help mitigate, improve or adapt to environmental conditions of the development site. Please indicate if you have contacted them.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

SITE & BUILDING INFORMATION

Current OCP Designation:	Current Zoning:
Proposed Gross Floor Area:	Lot Coverage (including building coverage):

SITE INFORMATION

	Required:	Proposed:		Required:	Proposed:
Site Coverage:	_____	_____	Landscaped Area:	_____	_____
Parking Spaces:	_____	_____	Useable Open Space:	_____	_____
Loading Spaces:	_____	_____	Fence Height:	_____	_____

VARIANCE INFORMATION

☐ Zoning ☐ Sign ☐ Other

Bylaw & Section	Requirement	Proposed	Difference

APPLICANT/AGENT AUTHORIZATION

Complete ONE of the following:

1. If the owners is applying personally:

- a. I am the owner of the real property, legally described as: _____ and that I am registered as such in the Land Registry Office in Victoria, BC; and that
- b. I hereby agree to indemnify and save harmless the City of Courtenay and its employees against all claims, liabilities, judgements, costs and expenses of whatsoever which may in any way occur against the said City and its employees in consequence and of incidental to, the consideration of the application

Signature of Registered Owner

Date

Signature of Registered Owner

Date

***If multiple owners are listed or the property (ies) are owned by a company, the signatures of all owners or required company signatories must be included.**

Please Initial here that all required signatures are shown on this form. _____

2. If an agent is applying on behalf of the owner:

- a. I am the authorized agent of _____ who is the registered owner of the real property, legally described as: _____
- b. I hereby agree to indemnify and keep harmless the City of Courtenay and its employees against all claims, liabilities, judgements, costs and expenses of whatsoever which may in any way occur against the said City and its employees in consequence and of incidental to, the consideration of the application;

It is understood that until the City of Courtenay is advised in writing that I am no longer acting on behalf of the undersigned registered owner, the City of Courtenay shall deal exclusively with me with respect to all matters pertaining to the proposed application;

I hereby declare that the foregoing information is true and proper and I make this declaration knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Agent

Date

Signature of Registered Owner

Date

Signature of Registered Owner

Date

This checklist outlines the mandatory requirements for a complete submission. Please ensure you have included all required documentation and drawings or your application will not be processed. Please note that further submission materials may be required during application processing.

REQUIRED SUBMISSIONS

- ☐ Completed Application signed by the registered owners, or written authority for an agent to act on behalf of the owner and written Strata Council approval (if applicable)
- ☐ Certificate of Title * dated no more than 5 business days prior to the date of the application
*** Copy of Certificate of Title shall also include copies of any easements and covenants (this information is available from the Land Title Office).**
- ☐ Application Fee
- ☐ BC Land Surveyors sketch plan in **metric** showing proposed variances, including any existing buildings on the property in relation to legal property boundaries
- ☐ Site Disclosure Statement for Contaminated Sites
- ☐ Written statement on conformance to *Sustainability Evaluation Checklist*
- ☐ Written statement on conformance to the *Affordable Housing Policy*
- ☐ Separate written summary, including description of proposed development and reasons/rationale for the proposal. The written summary must explain how the proposal complies with the applicable development permit guidelines. When an element of the proposal does not comply with a guideline a justification stating the divergence and the reason shall be included
- ☐ Electronic submissions of all drawings to be provided with all applications (must be in PDF format)

ARCHITECTURAL SUBMISSIONS

See Schedule 8 of Development Application Procedure Bylaw No. 2790, 2014 for detailed information

- ☐ Electronic (PDF) copy of professionally drawn Architectural Submissions including the following:
 - ☐ Location Map, including north arrow and drawing scales for all drawings;
 - ☐ Elevations, sections, floor plans (and roof plans where requested);
 - ☐ Dimensions, in metric or metric conversions, for all elevations and site plans;
 - ☐ Geodetic elevation;
 - ☐ Comprehensive building site layout;
 - ☐ Exterior building materials and colours;
 - ☐ Zoning bylaw compliance;
 - ☐ Parking lot layout in accordance with City standards, including bicycle parking;
 - ☐ Waste and recycling storage and pickup areas, for commercial, institutional, industrial, multi-residential, and mixed-uses;
 - ☐ Vehicle/pedestrian circulation and turning radius for delivery and emergency vehicles including waste and recycling pick up services;
 - ☐ Road widening;
 - ☐ Fire hydrant locations;
 - ☐ Open space;
 - ☐ All watercourses and riparian areas, trees to be retained in conformance with *Tree Protection and Management Bylaw No. 2850, 2017*, and any other environmentally sensitive areas including required setbacks.

LANDSCAPE SUBMISSIONS

These requirements will vary depending on the nature of the application. Please discuss these requirements with Planning staff prior to submission.

See Schedule 9 of Development Application Procedure Bylaw No. 2790, 2014 for detailed information

- ☐ Three copies of professionally drawn Landscape Submissions (one set to be in colour and one reduced 11 x 17 colour copy) and must include the following:
 - ☐ Location of existing trees 20 cm calliper and greater and proposed methods of preservation for trees to be retained
 - ☐ Indication of all plant material and landscaping, features at installed sizes, accurate location and spacing and dimensions of planting areas in **metric**
 - ☐ All watercourses, riparian areas and all sensitive environmental features including required setback areas
 - ☐ Property lines, surrounding streets, limit of contract lines, setbacks, easements
 - ☐ Existing site features, retention/preservation areas
 - ☐ Vehicular and pedestrian paving, planting, fencing and landscape structures
 - ☐ Location of all engineering services (overhead, underground, light standards, etc) which may affect landscaping
 - ☐ Adjacent landscape/development features, where applicable
 - ☐ Indication of all plant material and landscaping features at installed sizes, accurate location and spacing and dimensions of planting areas in **metric**
 - ☐ Underground irrigation system plan showing water source, type and details of system
 - ☐ Plant list naming all recommended plant material and size specification, location, spacing and dimensions
 - ☐ Area of site to be landscaped in **metric**
 - ☐ Include references to the most recent BCSLA/BCNTA landscape standard for all landscape construction
 - ☐ Minimum soil depths for planting
 - ☐ Detailed Landscape and maintenance specifications

Underground irrigation system plan showing water source, type of system, details of system
- ☐ Detailed landscaping cost estimate itemizing quantities, areas, sizes, equipment and labour costs, including supervision, monitoring and approvals, required for the total cost of the construction of the plan, including fencing, sidewalks, decorative paving areas, retaining walls, recreation equipment, and irrigation system where applicable. For phased projects, a detailed landscape cost estimate which indicates the area and work to be undertaken for each phase must be provided

ADDITIONAL STUDIES

The following studies may be required to support your application. Please contact Planning and or Engineering staff prior to submission.

See Part 6 of Development Application Procedure Bylaw No. 2790, 2014 for detailed information

<input type="checkbox"/> Environmental Impact Assessment including Environmentally Sensitive Features	<input type="checkbox"/> Acoustical Impact Study
<input type="checkbox"/> Construction and Environmental Management Plan	<input type="checkbox"/> Hydrological Study including Groundwater Management Assessment
<input type="checkbox"/> Tree Assessment Study including Wind Study	<input type="checkbox"/> Stormwater Management and Drainage Study
<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Soil Agrology Study
<input type="checkbox"/> Transportation and Traffic Impact Study	<input type="checkbox"/> Greenhouse Gas emission profile
<input type="checkbox"/> Site Access and Servicing including Municipal Infrastructure Impacts	<input type="checkbox"/> Wildfire Hazard Assessment
<input type="checkbox"/> Demand for Local Community Service Study	<input type="checkbox"/> Archaeological Assessment
<input type="checkbox"/> Visual Impact Study	<input type="checkbox"/> Other Studies as Deemed Necessary