# DEVELOPMENT VARIANCE PERMIT GUIDE

## Introduction

A Development Variance Permit (DVP) is a permit issued by the Council or the Manager of Development Services that varies regulations of a Village bylaw (Zoning Bylaw, Subdivision and Development Bylaw, Manufactured Home Park Permit, or another Bylaw).

A DVP cannot vary land use or density, as per the requirements of the Local Government Act. If an owner wishes to change the land uses permitted on their land or density in which they can develop at, then they must complete a rezoning application.

## When is a Development Variance Permit Needed?

A DVP is required when a property owner wishes to change certain requirements in a Village Bylaw. Types of variances typically requested:

- **Zoning Bylaw** - i.e., building height, building setbacks, off-street parking requirements, signs, screening and landscaping.
- **Subdivision and Development Bylaw** - i.e., subdivision servicing, landscaping, access, and timing of service requirements.
- **Manufactured Home Park Bylaw** – i.e., Access Road width, signage, landscaping and buffer areas.

## Minor Development Variance Permits

In some cases, a DVP may be considered minor and can be approved by the Manager of Development Services. These delegated DVPs do not require Council approval if they meet the criteria set out in the *Development Application Procedures Bylaw*. A DVP may be considered minor if the following applies:

- The variance would have no significant negative impact on the use of immediately adjacent or nearby properties.
- The degree or scope of the variance relative to the regulation from which a variance is sought is not significant.
- The proposed variance is consistent with the general purpose and intent of the zone.
- There is a valid reason for the variance request.

The Manager of Development Services will refer a minor DVP to Council if the application is in conjunction with a Development Permit not delegated to staff or if they deem it to be in the public interest to instead have the application considered by Council.

## Prior To Making An Application

Applicants should ensure they understand the Village of Cumberland's policies, procedures and regulations before preparing a DVP application. Prior to applying, the applicant should review the following:

- **Zoning Maps and Zoning Bylaw** – Check the Village's Interactive Map to find the zoning designation and zoning requirements for the property. This will help the applicant determine if the proposal aligns with the zoning and if the zoning will need to be varied.
- **Development Application Procedures Bylaw** – Review sections 12.8 to understand the evaluation criteria and guidelines for what is considered a minor Variance and *Schedule 5 – Minor Development Variance Permit and Development Variance Permits* to get a general understanding of the processing procedure.
- **Contact the Development Services Department** – Contact the development services department to discuss your prosed development and determine if a formal Pre–Application Meeting and DVP are required. If it is determined that a Pre-Application meeting is required, submission requirements can be found on the Pre-Application Meeting Guide. Staff will provide guidance throughout the application process and determine if any revisions are required prior to submission.

## Development Variance Permit Costs

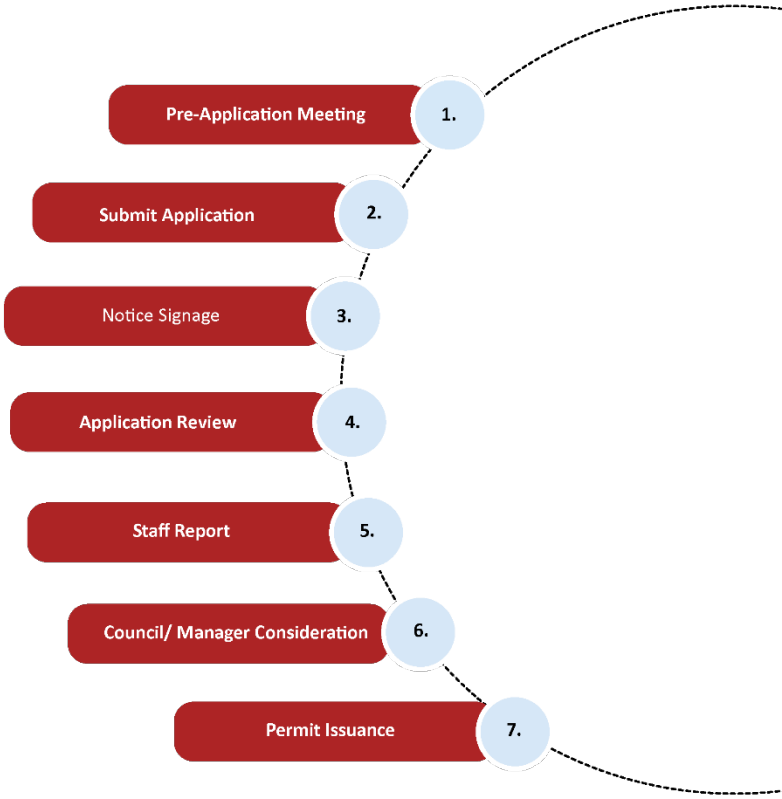
The cost of a DVP application can vary depending upon the complexity of the application. An application fee, as outlined in the *Fees Amendment Bylaw*, will always be required. Other costs can include:

- Actual cost of any third-party professional review of applications.
- Any plans needed to meet the application requirements (i.e., site plan, landscape plans, elevations, Surveyors Certificate).
- Village of Cumberland Development Cost Charges, as per the *Development Cost Charges Bylaw*, at time of building permit or subdivision approval.
- Professional reports (i.e., geotechnical assessment, engineered stormwater management plan, planning rationale).
- Village bonding requirements for landscaping agreements, remediation, or performance security
- Legal fees (i.e., Land Title registration, covenants).

## Application Process and Processing Timelines

Applicants are encouraged to submit their application by email, if possible. **Incomplete applications will not be accepted**. The following processing timelines are established from the date of receipt for a complete application.

- **Delegated Minor Development Variance Permit**: 1-2 months.
- **Council Approved Development Variance Permit**: 4-6 months.




While this is a target, it is understood that different circumstances (i.e., revisions, new plans, complexity of application, provincial approvals) may alter timelines to be shorter or longer than outlined below. It is essential for applicants to submit a complete application and respond to staff requests for information to ensure that it is processed in a timely manner. Applicants will be able to track their application online to view what stage of the process they are at. For more information about what to expect at each stage of the application process, see the Detailed Application Process below.

## Detailed Application Process

### Pre-Application Meeting 1.

Contact the Village to determine if a formal Pre-Application Meeting is required. If yes, schedule a Pre-Application Meeting with development services staff to discuss the proposal and application requirements. The applicant must fill out a Pre-Application Scheduling Form and is expected to come to the meeting prepared (tips for preparation are outlined on the Meeting Guide).

## Submit Application 2.

The applicant is encouraged to submit the application online if possible. Please refer to the Pre-Application Checklist received after the pre-application meeting to ensure you are submitting all required documents and fees. Incomplete applications will not be accepted. Once a file has been opened, staff will issue a receipt to the applicant.

## Public Notification 3.

Staff will prepare a notice describing the proposed variance, with an information package that will be available online and in the office for the public to review. The notice will be mailed to property owners and tenants within a 75 metres radius of the subject property. Notices will be mailed prior to the consideration of the application and any public comments will be added to the staff report for consideration. Notification must be mailed or otherwise delivered at least 10 days prior to the Council meeting.

## Application Review 4.

The DVP application is reviewed by the development services department, all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations to provide the applicant with comprehensive feedback on the application. Revised plans and additional documents may be required from the applicant or the applicant's architect, engineer, or other coordinating professional. The timing of the review will depend on how quickly the applicant can provide additional information to staff as requested.

## Staff Report 5.

Once staff have received all feedback from internal and external agencies, comments from the public notification and completed their review of the application, staff will prepare a report for consideration by Council (Council approved DVP) or the Manager of Development Services (delegated minor DVP). The staff report takes into consideration any input received from other staff departments, referral agencies, policies in the Official Community Plan, and applicable regulations in the Zoning Bylaw. Staff will communicate with the applicant to ensure they are aware of the associated staff recommendation.

## 6. Council/Manager Consideration

If the staff believes the application meets the criteria for a delegated minor DVP, the report will be referred to the Manager of Development Services for consideration. Otherwise, the report will be brought to Council for consideration.

- If it is a delegated minor DVP, the Manager of Development Services will review the staff report and recommendations and make the final decision on the permit. If the application has been denied by the Manager, the applicant may request that the application be referred to Council for consideration.
- If it is a Council approved DVP, the staff report and recommendations will be considered by Council. Council may refer the application to any of the Council Commission/Committees for comment before making a final decision on the permit. If the application is referred to a committee, the report and permit will need to be presented to Council a second time for consideration.

In either scenario, the outcome may be approval to issue the permit, conditions to issuance of the permit, or amendments / revisions to the permit. If the outcome is amendments / revision to the permit, the permit will need to be revised before being presented a second time for consideration.

## 7. Permit Issuance

If authorized, staff will prepare the required DVP and related schedules for signature and obtain a security deposit, if required. A Notice of Permit will be registered against the title of the property at the Land Title Office by staff. The applicant will receive a copy of the signed permit via email or post once registration on title has been confirmed.

## Questions?

If you have any questions about heritage designations or applying for a permit, please contact us.

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https://cumberland.ca/development-variance-permits/

This guide is not a legal document. Any contradiction, dispute, or difference between the contents of this brochure and applicable Village bylaws, plans, policies or guidelines will be resolved by reference to the bylaws or other official documents.