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DEVELOPMENT VARIANCE PERMIT PROCESS

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DEVELOPMENT VARIANCE PERMITS IN GENERAL: Development Variance Permits allow a local government to vary certain municipal regulations including zoning bylaw provisions, servicing requirements, and signage regulations. Council, however, does not have the authority to vary density or the use of a property — these changes must happen through rezoning. Variance permits are approved through a Council resolution and involve public notification. Applications within 800m of a controlled access highway or over 4,500 square meters require Department of Transportation and Infrastructure (DOTI) approval.

PRIOR TO APPLICATION: It is the applicant's responsibility to know what permits are required for their development and make all applicable applications. It is also the responsibility of the applicant to know of any special conditions may exist on the subject property. For applications with identified hazards or environmental considerations, additional information is usually required. City staff are available to provide basic background information on any properties in the city. More detailed information, such as geotechnical data or servicing requirements is the requirement of the applicant and their consulting professionals to provide. Staff suggest that prospective applicants schedule a pre-application meeting to discuss their application prior to detailed plans being prepared.

SUBMIT APPLICATION

Only complete applications will be accepted. Once the application is deemed complete and the application fee has been submitted, the application will be assigned to a Planner for review.

START

DECISION PROCESS

Once an application is at a point where the file manager will make a recommendation for Council to support the application or support the application with conditions, the file manager will submit a report for Council's consideration.

REFERRAL PERIOD

All development variance permit applications are referred to the Technical Planning Committee and external agencies as required. The TPC members and outside agencies are given the opportunity to comment on the application to identify any issues that may come up as part of the development process.

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PUBLIC NOTIFICATION

According to the Local Government Act, all owners and residents of property within a 30m radius of the subject property are required to be notified of the application and details on when and where a decision on the application will be made. In the City of Penticton, these respondents are encouraged to provide written comments regarding application, or to attend the Council meeting where the decision is to be made and address Council directly.

COMPREHENSIVE REVIEW AND APPLICANT CONSULTATION

Once the file manager has received comments from the Technical Planning Committee and any external agencies, a more comprehensive review of the project is undertaken. The file manager will correspond with the applicant to address any outstanding issues. The goal of this process is to make the project conform to City standards and the development permit guidelines. The applicant may be required to upgrade drawings and re-work the application to address staff's concerns.

COUNCIL CONSIDERATION

At the scheduled regular meeting of Council, City Planning staff present the application to Council with their recommendation for support, support with conditions or denial of the application. Council is the decision making authority on variance permit applications and may follows Staff's recommendation use other determinants to make a decision. Council may also postpone decision if they feel further information is warranted.

ISSUANCE AND REGISTRATION

If the approval of the development variance permit was subject to any conditions, the conditions must be fulfilled prior to the issuance of the permit. Once the conditions are fulfilled, the permit is prepared and issued to the applicant and is registered on the title of the subject property at the Land Title Office. Once this process is complete, the applicant may apply for the necessary Building approvals to begin the development.

PLEASE NOTE:

Processing times vary depending on the complexity of the project and the volume of applications being considered by the Department.