

What is a development variance permit:

A Development Variance Permit (DVP) allows the RDEK to vary requirements of a zoning or subdivision servicing bylaw. Typically, it is used to reduce a building setback or to allow an increase in building height where the physical limitations of the site make it impractical to comply with the provisions of a zoning bylaw. A DVP cannot be used to vary land use, density, or floodplain specifications.

Points to consider:

- A decision to approve a DVP is at the discretion of the RDEK Board.
- The Board must be satisfied that an exception to the bylaw is justified.
- Approval is based on a specific development.
- Neighbouring property owners will be notified of the application and given an opportunity to comment.

How and where to apply:

Complete a development variance permit application. These are available from the RDEK offices at:

- **19 - 24th Avenue South**
Cranbrook, BC
- **1164 Windermere Loop Road**
Invermere, BC

The application form is also available online at www.rdek.bc.ca.

Include the following:

1. \$300.00 non-refundable fee payable to the Regional District of East Kootenay.
2. A detailed sketch of your property showing all buildings, well, septic system, access, and physical features.
3. A Title Search Print dated no more than 30 days before you file your application. These are available from the Land Title Office at www.ltsa.ca. If requested, a Title Search can be obtained by the RDEK for a document fee of \$15.00.
4. In some cases, a completed Site Disclosure Statement is required. See Section 5 of the Application Form for more information.
5. An explanation of your proposal and any other information, such as photographs in support of your application.
6. In some cases, approval from the Ministry of Transportation and Infrastructure is required.

We recommend that you discuss your proposals with Development Services staff. An appointment to meet with staff is recommended.

Cranbrook Office hours: 8:30 am to 4:30 pm Monday through Friday, excluding holidays

Phone: 250-489-2791

Fax: 250-489-3498

Toll Free: 1-888-478-7335.

What happens to your application:

RDEK staff will review your application to make sure it meets requirements of RDEK plans, policies and bylaws.

Your application will be sent to the Advisory Planning Commission (APC), a group of residents in your area appointed by the RDEK Board to make recommendations on land use matters. If technical input is required from a provincial government ministry, the notice will also be sent to that ministry.

In addition, staff will mail notices to property owners and tenants within 100 metres of your property to advise them of your proposal. Your neighbours have until the Board's next meeting to comment on your proposal. Their comments should be in writing.

Staff will then prepare comments and a draft DVP for consideration by the RDEK Board.

At its next meeting, the Board will consider your application and the comments made by your neighbours and the Advisory Planning Commission. If the provincial government has provided technical input, the Board will also consider those comments. If technical input has been requested but not received from the provincial government, the Board may defer your application until technical input has been received. Once the Board has reviewed the comments, it will direct staff to either issue the permit as originally presented, issue the permit as changed by the Board, postpone consideration of your application until a future meeting, refer your application to staff for more information, or turn down your application.

If the permit is turned down:

If your application is turned down, you may reapply to the RDEK for the same proposal after six months has passed. You may apply for a different proposal at any time if the Board has turned down your application. You may also make a request for reconsideration of the application provided the request is based on new information, is accompanied by the appropriate fee and application form, and is received in writing no more than 30 days after the date of decision.

Questions:

Call Development Services at **250-489-2791** or toll free at **1-888-478-7335**.



Development Variance Permit Application Form

Cranbrook Office
19 – 24th Avenue South
Cranbrook BC V1C 3H8
Ph: 250-489-2791 • Fx: 250-489-3498

Columbia Valley Office
1164 Windermere Loop Road
Invermere BC V0A 1K3
Ph: 250-342-0063 • Fx: 250-342-0064

Toll Free 1-888-478-7335

SECTION 1 – APPLICANT INFORMATION

Registered Owner(s):	Agent:
Address: _____ _____	Address: _____ _____
Phone: _____ (home) _____ (work) Email: _____	Phone: _____ (home) _____ (work) Email: _____

SECTION 2 – DECLARATION AND AUTHORIZATION

I / we declare that the information in this application is, to the best of my / our knowledge, true and correct.

Signature of Applicant(s): _____ Date: _____

If the application is submitted by an Agent, the owner(s) must sign the following statement or provide separate written authorization:

I / we consent to this application filed by the person or company whose name appears as the agent on page 1.

Signature of Owner(s): _____ Date: _____

Personal information contained on this form is collected under the *Local Government Act* and in accordance with the *Freedom of Information and Protection of Privacy Act* and will be used only for the purpose of processing the application and may be shared with the Directors of the RDEK and referral agencies. For questions or additional information pertaining to your personal information, contact the RDEK FOI Coordinator at 250-489-2791.

SECTION 3 – LAND UNDER APPLICATION

Legal description of all land proposed for development:

Lot _____ Block _____ Plan _____ District Lot _____

Extended legal description: _____

Street Address: _____ Parcel Identifier Number (PID): _____

Size of property: _____ Existing Zoning: _____

▪ **Describe water source and sewer method [*✓* check appropriate box(s)]:**

Present source of potable water:

- None
- Well
depth _____ flow rate _____
- Water Licence No. _____
Source _____
- Community Water System
Name _____

Proposed source of potable water:

- Well(s)
- Water Licence No. _____
Source _____
- Community Water System
Name _____

Present sewage disposal system:

- None
- Septic tank & field
- Community Sewer System
Name _____

Proposed sewage disposal system:

- Septic tank & field
- Community Sewer System
Name _____

SECTION 4 – PURPOSE OF APPLICATION [*✓* check appropriate box(es)]

Vary the Zoning Bylaw / Land Use Bylaw
Name of Bylaw: _____ Section to be varied: _____
Vary from _____ to _____

Vary the Subdivision Servicing Bylaw
Section to be varied: _____ Vary from _____ to _____

Vary the Mobile Home Park Bylaw
Section to be varied: _____ Vary from _____ to _____

SECTION 5 – DEVELOPMENT & LAND USE INFORMATION

▪ **Describe the existing use of the land:** _____

- Describe the proposed development & reason for variance requested: _____

- Does your property have a history of a specified industrial and commercial use as shown on Schedule 2 of the Contaminated Site Regulation?

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/375_96_04

No

Yes, Completed Site Disclosure Statement included.

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/375_96_02

More information about this requirement (including 'How to complete a Site Disclosure Statement') can be found on the Ministry of Environment's Site Remediation website here:

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/site-identification>

- Attach a map or sketch showing:

- | | |
|---|--|
| <ul style="list-style-type: none"> North arrow & scale Lot lines with dimensions All buildings & structures (existing & proposed) Physical features (creeks, ponds, hills, gullies, etc.) | <ul style="list-style-type: none"> Access (roads, driveways) Well or water intake Septic tank & field Proposed setbacks Photographs <i>optional</i> |
|---|--|

SECTION 6 – ENSURE THE FOLLOWING ARE ENCLOSED WITH YOUR APPLICATION:

- Application fee of \$300.00 payable to the Regional District of East Kootenay
- Title Search Print dated no more than 30 days prior to the date of this application; **OR**
- Consent to the RDEK to conduct a Land Title Search on your behalf for a fee of \$15.00.
- Completed Site Disclosure Form, if required as described in Section 5