

If the permit is approved...

- The permit is issued and sent to the property owner;
- The permit expires in two years;
- A copy of the permit will be retained in the District's property file;
- A copy of the permit is provided to the Building Inspector; and,
- A notice of the permit is registered in the Land Title Office.

If the permit is turned down...

- The project can be revised to conform to the bylaws;
- The project can be revised and a new DVP can be applied for if the project still does not conform;
- A DVP for the unaltered project may be reapplied for six months after the original application is rejected; and,
- An application for a Board of Variance Permit may be made for a variance request due to a hardship — if the project was not previously considered by the Board. Refer to the information brochure for Board of Variance Permits for additional information on this process.



District of Elkford
Office Hours:
Monday to Friday
8:00 a.m. - 4:00 p.m.

Development Variance Permit

Application Process



What is a Development Variance Permit

A Development Variance Permit (DVP) allows the District of Elkford Council to vary requirements of the Zoning Bylaw or the 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 the District's bylaws. As per section 922 (a) of the *Local Government Act*, a DVP cannot be used to vary the use or density of the land, a floodplain specifications, or a phased development agreement.

- A DVP is most commonly requested when a building permit application is refused;
- Neighbouring property owners are given the opportunity to comment on a Development Variance Permit;
- A decision to approve a DVP is at the discretion of the District of Elkford Council; and
- Council must be satisfied that the variance request is justified.

How to Apply

Complete the Development Variance Permit application form. The form can be obtained at the District of Elkford office, or on our website www.elkford.ca.

Include the following when submitting the Development Variance Permit application:

- \$50.00 non-refundable fee payable to the District of Elkford;
- A detailed sketch of your property that shows all buildings, access, physical features, and proposed changes/additions that are being requested — including measurements and distances;
- An explanation of the request, detailing what needs to be varied, by how much, etc;
- The reason(s) why a variance is being requested;
- Photographs and any other information in support of your application;
- A Land Title Search of the property dated no more than 30 days before you file the application. These are available from the Service B.C. Office in Sparwood (250.425.6890) or the Kamloops Land Title Office (250.828.4455); and,
- Approval from the Ministry of Transportation may be required if the property is near or adjacent to a highway.

What Happens to The Application

The application will be reviewed to ensure that it meets the requirements of other District bylaws and policies. If the application is incomplete, staff may request more information, which will delay the process.

Once the application is complete:

1. At least 10 days before the application is presented to Council, property owners and tenants within 100 m of the applicable property are notified of the application;
2. The neighbouring property owners and tenants have the opportunity to comment on the proposed variance;
3. Technical input is obtained from other agencies if required; and,
4. Staff prepare a report summarizing all the information and draft the DVP to present to Council.

Council will consider the application, the comments from neighbouring property owners, and technical advice. Council will either approve the permit as presented or as amended by Council, or refuse to issue the permit.

