

## A GUIDE TO DEVELOPING IN



# VARIANCE PERMIT

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**Any person being the owner of land or having the written permission of the owner may apply for a Variance Permit.**

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Variance Permits may be used to vary the provisions of City Bylaws, including Zoning Bylaw, Subdivision & Development Bylaw, existing Land Use Contracts, existing Development Permits issued prior to July 7, 1986 or other bylaws as specified in the Municipal Act. City Council may vary siting, design and servicing requirements, but cannot vary use, density or floodplain specifications.



All applications are made to the Development Services Department, Planning Division, 2<sup>nd</sup> floor of City Hall, 171 Main Street on the appropriate forms. Applications are processed by the Planning Division, other City Departments, Provincial Ministries and outside agencies, as necessary.

If City Council is considering issuing a Variance Permit, it first must notify the adjacent property owners/tenants of its intention.

Variance Permits are granted by a resolution of City Council. The Approval of the Ministry of Transportation and Highways also may be required in certain instances.

Variance Permits are noted on the title of the subject property and are binding on all persons who acquire an interest in the land.

APPLICATION FEE \$500

# Variance Permit

# PROCEDURE FOR

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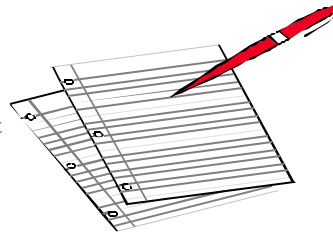
Application forms are available at the Planning Division office, second floor of City Hall

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1

Submit application to the Development Services office, second floor of City Hall, including:

- Current Certificate of Title
- Proposed site plan showing development proposal complete with variance requested
- Application fee
- Owner's signature
- Waste management Act Site Profile



2



Technical review by City staff.

Factors considered include:

- \* road widening
- \* servicing
- \* floodplain
- \* soil stability
- \* Bylaw compliance
- \* building design
- \* access
- \* parking

3

A report is prepared by the City Planner for submission to City Council.

4

If an application involves a commercial or industrial development exceeding 4500m<sup>2</sup> floor area and within 800m of an intersection with a controlled access highway, the permit must be approved by the Ministry of Transportation and Highways.

5

The application report is received by City Council and either supported or denied.



6

Notices are sent to owners and occupants within 45m of the subject property inviting input from neighbours.



7

City Council reconsiders the application based on public input and the permit is either issued by a Resolution or denied.

8

The Variance Permit will be issued by City staff once conditions, if any, have been met.

The City Clerk files notice of the permit with the Land Title Office in Kamloops.

9

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**The applicant can now proceed with a building Permit application.**

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# Flow Chart

ESTIMATED TIME  
(accumulated)

**1-2 weeks**

Application submitted to City Planning Division complete with drawings if required



Technical review by City staff with comments given to applicant's designer



Drawings resubmitted by applicant if required



**2-3 weeks**

Drawings reviewed by City Staff



City Council report prepared by the City Planner and permit prepared



**3-4 weeks**

City Council Meeting



Application supported by City Council



Application denied

**4-5 weeks**

City notifies neighbours within 45m



**5-6 weeks**

Permit sent to Ministry of Transportation and Highways for approval if required



**6-7 weeks**

Reconsidered and City Council meeting



Variance Permit authorized by Resolution of City Council



Application denied

**7-8 weeks**

City Clerk files notice of the Variance Permit with the Land Title Office in Kamloops

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If denied, another application for the same variance may not be submitted for six months unless agreed to by a two-thirds majority of all City Councillors

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For additional information please  
contact:

**CITY OF PENTICTON**  
**DEVELOPMENT SERVICES DEPARTMENT**  
171 Main Street  
Penticton, B.C., V2A 5A9  
Telephone: 490-2501  
Fax: 490-2502

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