

What is a Development Variance Permit?

The Development Variance Permit is a mechanism that allows a property owner or a developer to seek a variance from the provisions of the *Zoning Bylaw*.

The *New Westminster Zoning Bylaw* regulates the development and use of each property. The *Zoning Bylaw* is a tool used to regulate the location of land uses (e.g. industrial, residential, commercial) and to promote compatible relationships between existing land uses and new developments.



Every property in New Westminster is legally assigned to a zoning category. Each zoning category typically indicates:

1. types of land uses or activities that can take place on a property;
2. maximum density permitted;
3. maximum height of buildings;
4. minimum distances separating buildings and property lines;
5. required off-street parking; and
6. other requirements for development on the property.

The *Zoning Bylaw* cannot anticipate each development scenario in the City, therefore Council needs some flexibility relative to the *Zoning Bylaw* to consider different design solutions.

The *Local Government Act* states that two factors cannot be varied in a zone: land use and density. If the proposed development or the proposed changes for existing building(s) on your property do not conform with the land use or density specified by the existing zoning requirements, you may apply for a Zoning Bylaw Amendment, which is accomplished through a rezoning process, or Heritage Revitalization Agreement, if applicable.

Pre-Application

The pre-application stage is an opportunity to discuss the project concept with the Development Services Department, Planning Division. It is advisable to bring a site plan and photos of the site and surrounding properties to this first meeting.

Staff will discuss with the applicant how the proposal addresses, or needs to address, community goals and objectives. The proposal will receive an initial assessment for its conformance to the New Westminster Official Community Plan, and other policies and regulations that may apply to the property.

The applicant should review the *New Westminster Zoning Bylaw* to ensure that the proposal complies with the proposed land use and density.

If the property is or has been used for commercial or industrial use, the applicant should check with the Development Services Department for Environmental Site Profile requirements. (Note: Provincial Ministry of Environment approval may be required.)

The Sign Bylaw

Each zoning district has requirements for the types and size of signs allowed. The Development Variance Permit is a mechanism that allows provisions of the *Sign Bylaw* to be varied.

Submit the Formal Application

Once the informal stage is finalized and input from the Development Services Department has been received, the formal Development Variance Permit application may be submitted.

For single detached dwelling or duplex projects, the applicant should prepare a letter briefly explaining the rationale for the variance outlining any impacts on the neighbouring properties. It is advisable to present a site plan and photos of the site and surrounding properties.

For multi-family, mixed use, commercial or industrial projects, the Development Variance Permit application is reviewed simultaneously with the Development Permit application. The applicant should present the variances and their impact on the neighbourhood to the New Westminster Design Panel. Please consult the *Development Permit: A General Guide* handout.

The application for a Development Variance Permit must provide the following:

- the Development Variance Permit application form, provided by the Planning Division staff, which has to be signed by all persons whose names appear on the title certificate;
- four sets of architectural drawings;
- a covering letter briefly explaining the rationale for the variance and how it will fit within the neighbourhood context;
- the current State of Title Certificate;
- if the applicant is applying on behalf of the owner, a Letter of Authorization signed by the owner(s) is required; and
- the Development Variance Permit application fee.

Application Review

Not applicable for sign applications.

Applicants are required to host a community open house after submitting a formal application. City staff can offer assistance with this requirement.

A presentation to the neighbourhood residents' association (where one exists) is required for all applications considered significant and/or sensitive. The presentation should discuss the rationale for the variance and its impact on the neighbourhood, and should include a site plan and elevation drawings. Information about local residents' associations, can be found on the City's website at www.newwestcity.ca.

Council Report

Upon receipt of the application, the Development Services Department writes a preliminary report on the requested variance. Once all input has been received on the project, including requirements from other City departments and outside agencies, comments from the advisory committees and the results of the public consultation process, a report is sent to Council providing a recommendation on the application. After considering the report, Council may exercise one of three options:

- decline the application, or
- table the application and request more information from staff, or
- agree to consider the application at a future Council meeting.

If Council decides that it will consider the Development Variance Permit application, the Legislative Services Department will mail a notice that Council will consider a resolution to issue a Development Variance Permit. The notice will be mailed to all the neighbours within 100 feet of the property at least ten days before the Council meeting in which the variance is considered.

Council Meeting

Anyone who wants to present an opinion about the Development Variance Permit can either send a letter or email to Council, or can appear as a delegation at the Opportunity to be Heard during the Regular Meeting of Council. It is strongly recommended that the applicant appear at the Council meeting to answer questions that Council and the public may have. This is the last opportunity for the applicant to clarify any outstanding questions and respond to any concerns that could otherwise delay or stop the issuance of the Development Variance Permit.

Development Variance Permit Approval

After discussion, Council votes to grant or to reject the requested Development Variance Permit. If Council approves the Development Variance Permit, the Planning Division Staff will prepare a Notice of Permit, which is registered in the Land Title Office on the title of the property.

Note: A Development Variance Permit is not a building permit. The applicant must obtain a building permit before starting construction. For further details, please contact the Building Division at 604.527.4580.

For more information:
Development Services Department,
Planning Division
604.527.4532