

**RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way TEL 604 932 5535
Whistler, BC Canada V8E 0X5 TF 1 866 932 5535
whistler.ca FAX 604 935 8109

DEVELOPMENT VARIANCE PERMIT APPLICATION**Application Number****DVP** _____

(OFFICE USE ONLY)

Climate Action, Planning and Development Services - Planning Department
Tel: 604-935-8170 (direct)
Email: planning@whistler.ca

Application Type: (check all applicable boxes)

- ☐ Development Variance Permit – delegated (except for Variances to Sign Bylaw No. 558, 1987)
- ☐ Development Variance Permit – delegated (variance to Sign Bylaw No. 558, 1987)
- ☐ Development Variance Permit - requiring Council consideration of issuance

Is your Application delegated to staff for approval? (Refer to [Schedule A](#) and check the appropriate box above.

Subject Property Street Address: _____

Legal Description P.I.D. _____ Lot _____ D.L. _____
Plan _____ Block _____ Zoning _____

Name of Registered Owner: _____

Mailing Address: _____

City: _____ Province: _____ Postal Code: _____

Phone: _____ Cell: _____ Email: _____ Fax: _____

Name of Applicant/Agent: _____

Mailing Address: _____

City: _____ Province: _____ Postal Code: _____

Phone: _____ Cell: _____ Email: _____ Fax: _____

Present use of property: _____

Description of proposed variance:

AUTHORIZATIONS

I _____ authorize _____
 (PRINT NAME of registered owner) (PRINT NAME of agent/person authorized to sign the application)

to act as agent and sign the application form to the Resort Municipality of Whistler on my/our behalf for the property known as _____

(Civic address of property) _____

 Signature(s) of registered owner(s)

 Date

 Signature(s) of Signing Officer(s) of Corporation

 Corporate Seal(s), if applicable

 Date

PROPERTY OWNER'S AGREEMENT

As of the date of this application, I am the registered owner of the lands described in the application. I have examined the contents of the application, certify that the information submitted with it is correct insofar as I have knowledge of these facts, and concur with the submission of the application. I acknowledge that the lands described in the application may be subject to applicable laws, regulations, and guidelines including, but not limited to, the Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015 and the *Local Government Act*. I agree to comply with all provisions of the Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015 and any other applicable legislation, if this application is approved. I understand that approval does not constitute a building permit and that drawings submitted for a building permit must match the approved Development Variance Permit drawings.

 Signature of property owner

 Date

FEE SCHEDULE

Refer to [Schedule A](#) then select applicable fee.

Development Variance Permits	Fees	Select
Development Variance Permit – delegated (except for Variances to Sign Bylaw No. 558, 1987)	\$3,500.00	
Development Variance Permit – delegated (variance to Sign Bylaw No. 558, 1987)	\$2,000.00	
Development Variance Permit - requiring Council consideration of issuance	\$5,300.00	
Other Services By Request		Select
Land Title Search by Request	\$35.00	

SUBMITTAL REQUIREMENTS – DOCUMENT CHECKLIST

Subject Property Civic Address: _____

Incomplete applications will not be accepted.

The items on the list are the minimum requirement for your application. Depending on the nature of your project, **you may be requested to submit additional information/documents** with, or following submission of, your application. Check and sign and include this document with your application.

For ALL applications:

Electronic PDF copies of all submissions; including application, drawings, & reports. Electronic files may be emailed to planning@whistler.ca or to request a link to our secure file-transfer system (Titan). Documents must be saved in PDF format with all layers flattened and no document restrictions. **File names must follow the RMOW strict document naming standard:** e.g. Document name_date, for example Architecture_2023-01-30

Every report and document submitted in support of an application must contain an express grant of permission to the Resort Municipality of Whistler to use, reproduce and publish the information contained in the report or document for non-commercial purposes.

REQ	N/A	FORMS, REPORTS AND DRAWINGS
		1. Complete and signed Application Form, Document Checklist and application fee .
		2. Title Search (issued not more than 30 days from the date application is received) OR a \$35.00 Title Search Fee in lieu (per PID).
		3. Copies of any title restrictions e.g. restrictive covenants, easements, rights-of-way (only if requested).
		4. Strata authorization on form attached for all proposals affecting common property on a strata plan.
		5. Written description of the proposed development , and the specific site characteristics or other unique circumstances for requiring a variance. Specify each of the proposed variances. Refer to the evaluation criteria the Municipality uses to assess DVPs that is provided in Schedule B and Schedule C .
		6. Site Survey - Prepared by a B.C.L.S. or a certified member of the Applied Science Technologists and Technicians of BC who is registered in site improvement surveys (RSIS). Include, as may be applicable to the application: subject parcel area; parcel dimensions; streams; adjacent roads; contour information; existing buildings, structures, retaining walls; statutory right of ways; easements; tree preservation areas (as may be requested).
		7. PDF of scalable and fully dimensioned plans, elevation, sections, as necessary to illustrate the requested variance(s). Clearly identify and label each variance request on the site plan. Scale 1:200 (minimum) or imperial equivalent. If imperial equivalent any dimensions must be labelled in both imperial and metric. All drawings must include a bar scale and a north arrow.
		8. Any further information that the applicant considers information ought to be provided to permit a full understanding of the proposal.
		9. Additional Information Requirements During the review process addition information requirements may be required if the proposed activity or development is reasonably expected to have an impact on any matters contained in Sections 12 – 14 of Land Use Procedures and Fees Bylaw No. 2205, 2205 . Upon the request of additional information, an applicant must provide written terms of reference for the preparation of the additional information. The terms of reference must specify the date on which and the form in which the impact information will be provided. Upon acceptance of the terms of reference in writing, the applicant must prepare the information in accordance with the accepted terms of reference and within the time specified in the terms of reference must provide it at the applicant's expense.

Full name of applicant or agent (Print)

Signature of applicant or agent

Date

SCHEDULE A

DELEGATED DEVELOPMENT VARIANCE PERMIT CRITERIA

Pursuant to “Land Use Procedures and Fees Bylaw No. 2205, 2022”, Council has delegated to the General Manager of Resort Experience (GM) and Director of Planning (DP) the authority to issue certain Development Variance Permits (DVPs) if the proposed variance is considered minor and satisfies specific criteria. The evaluation criteria the Municipality uses to assess DVPs is provided in [Schedule B](#).

(check all applicable boxes)	<p>A variance is considered minor and will be delegated to staff if it varies any of the following provisions of the <i>Zoning Bylaw</i>:</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> siting and design standards for off-street parking or loading spaces; b. <input type="checkbox"/> regulations for tandem parking c. <input type="checkbox"/> regulations for the siting or height of solid waste separation and storage facilities d. <input type="checkbox"/> site coverage regulations, provided that maximum site coverage is not increased by more than 25% e. <input type="checkbox"/> building setback regulations, provided that a required setback is not reduced by more than 25%; f. <input type="checkbox"/> exceptions to setback regulations for projections in Section 7 of Part 5 with the exception of foundations or supports for such projections as described in subsection 7(1) of Part 5, and provided that the variance deals only with the extent of a projection and does not provide an exception for a type of projection that is not provided for in the bylaw; g. <input type="checkbox"/> building height regulations, provided that permitted height is not increased by more than 10%; h. <input type="checkbox"/> fence height regulations, provided that permitted height is not increased by more than 25%; or
	<p>A variance is considered minor and will be delegated to staff if it varies a provision of Sign Bylaw No. 558, 1987 that restricts the number, size, type, form, appearance or location of a sign.</p>

SCHEDULE B

EVALUATION CRITERIA FOR DEVELOPMENT VARIANCE PERMITS

The *General Manager* and *Director of Planning* must consider the following general guidelines in deciding whether to issue a Development Variance Permit:

1. The variance should not be inconsistent with the goals, objectives and policies in the Official Community Plan and any other relevant Council-approved municipal policy documents.
2. The variance application should be supported by a sound justification based on the applicant's inability to reasonably develop the site in an efficient and effective manner while complying with bylaw requirements, or on the provision of a benefit to the community or adjacent properties in the form of a preferable development outcome that is attributable to the variance.
3. The variance should not defeat the express or implicit intent of the bylaw requirement or restriction being varied.
4. The variance should not impose any additional costs on the Resort Municipality such as additional cost to provide services to the development site or adjacent properties.
5. The variance should not create or exacerbate any risk to public safety.
6. The variance should enable the applicant's development to do one or more of the following:
 - (a) complement the streetscape or neighbourhood;
 - (b) work with the topography of the site without major site preparation or earthworks;
 - (c) maintain or enhance desirable site features such as natural vegetation, trees and rock outcrops;
 - (d) use superior building siting in relation to light access, reducing building energy requirements;
 - (e) use superior building siting in relation to the privacy of occupants and neighbours; and
 - (f) preserve or enhance views from neighbouring buildings and sites.
7. The variance should not result in a significant negative impact on the streetscape or neighbourhood and should incorporate mitigation measures to reduce any identified negative impact. Potential negative impacts to be considered include:
 - (a) inconsistency of the development with neighbourhood character;
 - (b) increased apparent building bulk as viewed from the street or surrounding neighbourhood;
 - (c) extensive additional site preparation or earthworks;
 - (d) substantial impact on the use or enjoyment of adjacent land such as reduction of sunlight access or privacy or obstruction of views; and
 - (e) impact on services such as roads, utilities and snow clearing operations.

The *General Manager* and *Director of Planning* must consider the following guidelines in deciding whether to issue a Development Variance Permit in respect of any of the particular types of regulations indicated below:

Sign Regulations

1. A variance of the number, size or location of signs should not result in a significant increase in the total number or sign area of on-site signage or disrupt the aesthetic character of the development or adjacent neighbourhood.
2. A variance should not adversely impact neighbouring properties, for example by increasing exposure to artificial light.

Off-Street Parking Design Standards

1. A variance of the design standard for off-street parking spaces should not create or exacerbate any safety hazard related to the operation of motor vehicles or other forms of transportation.

Solid Waste Separation and Storage Facility Regulations

1. A variance should not be approved without consultation with the operator of the facility and the municipal engineer to ensure operational feasibility.
2. A variance should not result in an increase in disruptive intermittent noise affecting building occupants or neighbours.

Building Siting Regulations

1. A variance should not reduce the livability of existing residential units or units in the development. The applicant should demonstrate with appropriate drawings and calculations that the variance would not significantly interfere with privacy or access to sunlight.

Building Height Regulations

1. The variance application should be supported with drawings and calculations illustrating shadow and view impacts of the proposed variance, including impacts on public spaces such as parks and green spaces.
2. The application should be assessed in relation to compatibility with both existing adjacent uses and uses permitted or contemplated by the *Zoning Bylaw* and the *Official Community Plan*.

RATIONALE FOR DELEGATED DEVELOPMENT VARIANCE PERMITS

DESCRIPTION OF DEVELOPMENT AND VARIANCE(S)	
(Complete for ALL applications)	
Description of proposed development	
Specify each proposed variance	
Specify site characteristics and/or other unique circumstances for requiring variance(s).	
EVALUATION CRITERIA	
(Complete for ALL applications)	
1. The variance should be consistent with the goals, objectives and policies in the Official Community Plan and any other relevant Council-approved municipal policy documents.	
2. The variance application should be supported by a sound justification based on the applicant's inability to reasonably develop the site in an efficient and effective manner while complying with bylaw requirements, or on the provision of a benefit to the community or adjacent properties in the form of a preferable development outcome that is attributable to the variance.	
3. The variance should not defeat the express or implicit intent of the bylaw requirement or restriction being varied.	
4. The variance should not impose any additional costs on the Resort Municipality such as additional cost to provide services to the development site or adjacent properties.	
5. The variance should not create or exacerbate any risk to public safety.	
6. The variance should enable the applicant's development to do one or more of the following:	
a. Complement the streetscape or neighbourhood;	
b. Work with the topography of the site without major site preparation or earthworks;	

c. Maintain or enhance desirable site features such as natural vegetation, trees and rock outcrops;	
d. Use superior building siting in relation to light access, reducing building energy requirements;	
e. Use superior building siting in relation to the privacy of occupants and neighbours; and	
f. Preserve or enhance views from neighbouring buildings and sites.	
7. The variance should not result in a significant negative impact on the streetscape or neighbourhood and should incorporate mitigation measures to reduce any identified negative impact. Potential negative impacts to be considered include:	
a. Inconsistency of the development with neighbourhood character;	
b. Increased apparent building bulk as viewed from the street or surrounding neighbourhood;	
c. Extensive additional site preparation or earthworks;	
d. Substantial impact on the use or enjoyment of adjacent land such as reduction of sunlight access or privacy or obstruction of views; and	
e. Impact on services such as roads, utilities and snow clearing operations.	

ADDITIONAL EVALUATION CRITERIA FOR PARTICULAR TYPES OF DELEGATED DVPs.
(Complete if relevant to application)

8. Sign Regulations	
a. A variance of the number, size or location of signs should not result in a significant increase in the total number or sign area of on- site signage or disrupt the aesthetic character of the development or adjacent neighbourhood.	
b. A variance should not adversely impact neighbouring properties, for example by increasing exposure to artificial light.	
9. Off-Street Parking Design Standards	
a. A variance of the design standard for off-street parking spaces should not create or exacerbate any safety hazard related to the operation of motor vehicles or other forms of transportation.	
10. Solid Waste Separation and Storage Facility Regulations	
a. A variance should not be approved without consultation with the operator of the facility and the municipal engineer to ensure operational feasibility.	
b. A variance should not result in an increase in disruptive intermittent noise affecting building occupants or neighbours.	
11. Building Siting Regulations	
a. A variance should not reduce the livability of existing residential units or units in the development. The applicant should demonstrate with appropriate drawings and calculations that the variance would not significantly interfere with privacy or access to sunlight.	
12. Building Height Regulations	
a. The variance application should be supported with drawings and calculations illustrating shadow and view impacts of the proposed variance, including impacts on public spaces such as parks and green spaces.	
b. The application should be assessed in relation to compatibility with both existing adjacent uses and uses permitted or contemplated by the <i>Zoning Bylaw</i> and the <i>Official Community Plan</i> .	

SCHEDULE C

EVALUATION CRITERIA FOR NON-DELEGATED DEVELOPMENT VARIANCE PERMITS

Development variance permits are typically considered where specific site characteristics or other unique circumstances do not permit strict compliance with an existing regulation.

A requested variance must be reasonable, must maintain the intent of the regulation, and should minimize any potential negative impacts on neighbours or the streetscape.

The following are examples of criteria that are used to determine whether a requested variance minimizes any potential negative impacts on neighbours or the streetscape:

The variance request:

- Complements a particular streetscape or neighbourhood
- Works with the topography on a site, reducing the need for major site preparation or earthwork
- Maintains or enhances desirable site feature, such as natural vegetation, trees and rock outcrops
- Results in superior siting with respect to light access resulting in decreased building energy requirements
- Results in superior siting with respect to privacy
- Enhances views from neighbouring buildings and sites.

Potential negative impacts on neighbours or the streetscape include a variance request that:

- Is inconsistent with neighbourhood character;
- Increases the appearance of building bulk from the street or surrounding neighbourhood;
- Requires extensive site preparation
- Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, views)
- Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul de sac
- Requires a height variance to facilitate gross floor area exclusion
- Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).

RATIONALE FOR NON-DELEGATED DEVELOPMENT VARIANCE PERMITS

DESCRIPTION OF DEVELOPMENT AND VARIANCE(S)	
Description of proposed development	
Specify each proposed variance	
Specify site characteristics and/or other unique circumstances for requiring variance(s).	
EVALUATION CRITERIA – VARIANCE REQUEST	
1. The variance request complements a particular streetscape or neighbourhood.	
2. The variance request works with the topography on a site, reducing the need for major site preparation or earth work.	
3. The variance request maintains or enhances desirable site feature, such as natural vegetation, trees and rock outcrops.	
4. The variance request results in superior siting with respect to light access resulting in decreased building energy requirements	
5. The variance request results in superior siting with respect to privacy	
6. The variance request enhances views from neighbouring buildings and sites.	

EVALUATION CRITERIA – POTENTIAL NEGATIVE IMPACTS ON NEIGHBOURS OR THE STREETScape INCLUDE VARIANCES THAT:

1. Is inconsistent with neighbourhood character;	
2. Increases the appearance of building bulk from the street or surrounding neighbourhood;	
3. Requires extensive site preparation	
4. Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, views)	
5. Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul de sac.	
6. Requires a height variance to facilitate gross floor area exclusion	
7. Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	

**THE RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way
Whistler, BC Canada V0N 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 935 8109

STRATA COMMON PROPERTY REPRESENTATION OF AUTHORITY

PROPERTY CIVIC ADDRESS

STRATA CORPORATION NO.

The undersigned, on behalf of Strata Corporation No. _____ (the "**Strata Corporation**"), in consenting to the application (the "**Application**") of _____, the owner of Strata Lot No. _____ for an application to which the Resort Municipality of Whistler "Land Use Procedures and Fees Bylaw No. 2205, 2022" applies to alter the Common Property of Strata Plan No. _____, being a Strata Manager (holding a valid license) licensed under the *Real Estate Services Act*, represents to the Resort Municipality of Whistler (the "**RMOW**") that we are authorized to consent to the Application on behalf of the Strata Corporation and that all appropriate resolutions of the Strata Corporation have been duly passed to authorize the proposed changes or alterations to the Common Property.

In the case where the Strata Corporation is not represented by a licensed Strata Manager the undersigned hereby represent to the RMOW that we are members of the Strata Council duly elected in accordance with the *Strata Property Act*, that we are legally authorized to consent to the Application on behalf of the Strata Corporation and that all appropriate resolutions of the Strata Corporation have been duly passed to authorize the proposed changes or alterations to the Common Property.

In making the above representation, the Strata Corporation acknowledges that the RMOW is relying on our representation in accepting the Application and issuing the Permit and the Strata Corporation releases the RMOW from any and all liabilities if the representation is untrue or inaccurate.

PLEASE COMPLETE THE FOLLOWING IF STRATA MANAGEMENT COMPANY IS PROVIDING REPRESENTATION OF AUTHORITY:

STRATA MANAGEMENT COMPANY NAME* (PLEASE PRINT)

STRATA MANAGER NAME* (PLEASE PRINT)

STRATA MANAGER SIGNATURE

SIGNED THIS ____ DAY OF _____ 20____

PLEASE COMPLETE THE TABLE ON PAGE OVER IF STRATA COUNCIL MEMBERS ARE PROVIDING REPRESENTATION OF AUTHORITY.



STRATA COMMON PROPERTY REPRESENTATION OF AUTHORITY

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PLEASE COMPLETE THE FOLLOWING IF STRATA COUNCIL MEMBERS ARE PROVIDING REPRESENTATION OF AUTHORITY:

COUNCIL MEMBER NAME* (PLEASE PRINT)

STRATA LOT NO: _____

COUNCIL MEMBER SIGNATURE

SIGNED THIS ____ DAY OF _____ 20____

COUNCIL MEMBER NAME* (PLEASE PRINT)

STRATA LOT NO: _____

COUNCIL MEMBER SIGNATURE

SIGNED THIS ____ DAY OF _____ 20____

The Strata Title Act requires that permission from a Strata Corporation be obtained whenever construction affects Common Property. Written approval from the Strata Corporation is required whenever the proposed work involves Common Property or Limited Common Property.

"common property" means

(a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and

(b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located

(i) within a floor, wall or ceiling that forms a boundary

(A) between a strata lot and another strata lot,

(B) between a strata lot and the common property, or

(C) between a strata lot or common property and another parcel of land, or

(ii) wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property;

"limited common property" means common property designated for the exclusive use of the owners of one or more strata lots;

INFORMATION SIGN REQUIREMENTS

Applications are subject to the Resort Municipality of Whistler “Land Use Procedures and Fees Bylaw No. 2205, 2022” information sign requirements.

1. An information sign is required to be posted for all applications for:
 - development permit,
 - development permit under a land use contract,
 - approval of a Development Plan or Development Approval under the *Blackcomb Land Use Contract*,
 - development variance permit,
 - temporary use permit,
 - modification or discharge of a section 219 covenant,
 - exemption from a bylaw establishing a flood construction level or floodplain setback,
 - amendment to the Official Community Plan,
 - amendment to the Zoning Bylaw, and
 - amendment to a land use contract.
2. The applicant must prepare and **post an information sign on the land that is the subject of the application within 14 days of making the application** and notify planning@whistler.ca that the sign has been posted via an email containing a photo of the installed sign. (Please download and fill in the [Development Application Sign Template](#) using Adobe Acrobat or similar pdf viewer/editor)
3. The information sign must conform generally to the written specifications contained on the following page of this handout and must also include the following:
 - A map of the site containing a North Arrow, with all the roads adjoining the development site labelled (insert as top image on the fillable [Development Application Sign Template](#));
 - A rendering of the proposed development for development permit applications requiring Council consideration and for zoning amendments with a design component (insert as bottom image on the fillable [Development Application Sign Template](#)). For all other application types, leave the bottom image blank;
 - The abovementioned images can be inserted using Adobe Acrobat or another similar pdf viewer/editor. **The ideal aspect ratio for the image(s) is 947:591.**
4. The information sign must be 4' (1220 mm) x 6' (1829mm) in size.
5. Notification signs must be placed in a conspicuous location, be clearly legible from adjoining streets, and not be obstructed by vegetation or structures on the land, and is required to be placed every 100 metres of highway/road frontage of the subject parcel, except that no more than 3 signs are required for any one parcel.
6. The applicant must keep the notification sign posted and in good repair until the application has been approved or refused by Council or its delegate, or has been withdrawn by the applicant.
7. The applicant must remove the notification sign within 14 days of the application being approved or refused by Council or its delegate, or being withdrawn by the applicant. The municipality may remove the notification sign at the expense of the applicant subject to the municipality first giving notice of the non-compliance of the 14 day removal requirements.



DEVELOPMENT APPLICATION

Application No: eg. DP001800

Address:

Applicant Name:

Type of Application: eg. Development Permit

Insert brief description of the proposal including proposed uses, number and type of units, proposed gross floor area and proposed building heights (in metric units).

List all proposed variances.

Include the following text: "The details of the proposed development may be revised during the application process."



Location



Proposed Development

**FOR
MORE
INFO:**



604 935 8170
whistler.ca/ourcity
planning@whistler.ca

