

What is the Board of Variance?

The Board of Variance is established by local Municipalities as required by the *Local Government Act*.

The board considers applications where an applicant alleges compliance with certain regulations would cause undue hardship.

The Board of Variance can only issue minor variances and the type of variance is limited to the following:

- Siting, dimensions or size of a building or structure
- Prohibitions on structural alteration or addition for non-conforming uses
- Subdivision servicing requirements for agriculture or industry

The board can issue such variances if they find that the applicant has demonstrated that compliance with existing regulations would cause undue hardship.

The Board also has jurisdiction to hear an appeal from a building inspector's decision as to the extent of damage from causes such as fire to a building used for a lawful non-conforming use.

The Board consists of five members appointed by Council. The Board selects one member as chair.

Submitting a Board of Variance Application

Before you can make an application, you will need to:

- Make a preliminary inquiry with the Planning Division

Planning Staff will be a valuable resource in providing feedback on your application. Staff will be able to advise you on which type of application you should be making and be able to provide recommendations on what types of documentation should be included in your submission.

Once you have discussed your application with Planning staff, you can then decide if you will submit an application. You must submit a completed application to the Planning Division before the submission deadline. Please see the attached submission requirements to assist with your submission package

Your application package is what is used to make your case to the Board of Variance.



Submission Requirements:

When submitting your complete application package to the Planning Division, you will be required to provide the following information:

- A completed application form obtained from the Planning Division.
- A site plan of the subject lot showing the location and dimensions of the structure for which the variance is proposed, as well as all adjacent existing and proposed buildings, structures and driveways. Neighbouring buildings and other significant features (streams, trees, etc) should also be shown.
- Photographs which adequately demonstrate the hardship and the relation to adjacent properties and buildings.
- Up-to-date state of title certificate or title search print-out and copies of any section covenants or City permits related to the property

Other documents which may assist the application (relevant elevation drawings, floor plans, etc) should also be submitted. Planning staff can advise as to what will assist the application.

Appeal Process Outline

Preliminary Inquiry and Discussion with Planning Division

Feedback from Planning Staff Regarding Your Submission Package

Receive Application Form from the Planning Division

Submit all Required Documents to Planning Division

Notification of Hearing Date Sent to Applicant & Neighbours

Site Visit By Development Services Staff

Development Services Department Conducts Assessment

Board of Variance Meeting: Board Considers all Submissions

Board Reviews Application & Renders a Decision

Applicant is Notified of the Board's Decision on the Appeal

Prior to Board of Variance Meeting

After your application is received by the Planning Division, notices will be sent to owners and occupants of the property on which the variance is proposed, as well as all owners and occupants within 100 feet of the property.

Development Services staff will conduct a site visit and assess the application relative to policies and principles provided in the Council policy *A Policy Approach to Consideration of Variances*.

The appeal package along with the assessment done by the Development Services Department will be provided to the Board to aid their decision. As such the application package submitted should be considered by the applicant as an opportunity to make the case as to why the variance should be supported by the Board of Variance.

You will be notified of your hearing date by mail.

Board Meeting Procedures

You or an authorized agent must attend the meeting to answer any questions Board members may have.

The secretary of the Board of Variance will introduce your application to the Board and call for the applicant to come forward.

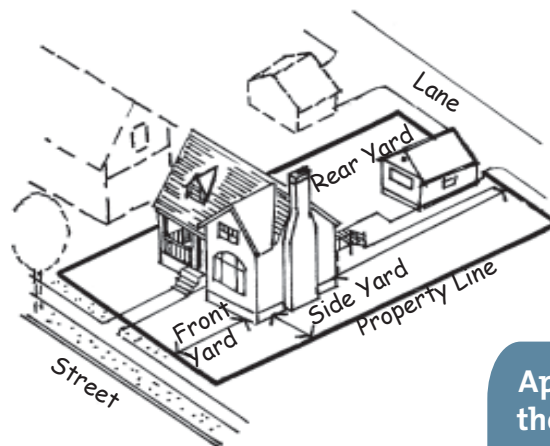
Staff from the Development Services Department will attend the meetings to answer any questions the Board has in regards to various City regulations and Bylaws.

The board will also ask if there are any parties with an interest in the application who wish to be heard. Any written submission regarding the application will also be presented.

The Board may ask questions of the applicant, City staff or any interested parties.

At the conclusion of the hearing, the Board will render its decision publicly.

Formal notice of the Board's decision will be mailed to the applicant.



Frequently Asked Questions?

What if my circumstances don't constitute a hardship?

If your case is not one of hardship, then you have two possible options. 1) comply with the existing regulations or; 2) for some types of applications, apply for a Development Variance Permit (some types of variances are not within Development Variance Permit jurisdiction). These applications are also assessed utilizing the policies and principles provided in *A Policy Approach to Consideration of Variances*. For more information on Development Variance Permits please see the relevant handouts available on the City website or from the Planning Division.

How long does a Board of Variance application take?

In most cases, a decision on a Board of Variance application should be rendered within two months from the submission of a complete application, but is often less. Please see the Board of Variance application schedule on page 4. While an application will generally be submitted to the Board in compliance with the attached schedule, it is possible that an application will not be heard at that time. Please be aware that it is necessary to do the preliminary inquiry with Planning Division staff 2 to 3 days prior to the submission deadline, to ensure that there is time to prepare a complete application.

Who is notified of an appeal to the Board of Variance?

Notification letters are sent to owners and occupants of the property and all owners and occupants of properties within 100 feet of the property for which an applicant is being considered.

Can I appeal if the Board denies my application?

No. Decisions made by the Board are final and can not be revisited by the Board. A decision of the Board can not be appealed to Council.

How much does it cost to make an application to the Board of Variance?

The cost to make a Board of Variance application is approximately \$500. Please see the fee schedule for the exact amount.

May I present my case to the Board of Variance?

Yes. Those making Board of Variance applications must attend the hearing. You may appoint an authorized agent to present your case if you wish.

What will the Board take into consideration in making their decision?

Section 901 of the *Local Government Act* requires the Board of Variance to consider whether the variance would be minor, if there is an undue hardship, if the variance would defeat the intent of the zoning bylaw and other related criteria. In addition to the statutory considerations, the Board will take into consideration all submissions and presentations received on the application, including the comments from Development Services staff and members of the public.



For more information:
Development Services Department
604.527.4532

Board of Variance Submission Requirement Checklist

This checklist will ensure that you have submitted all the required documentation with your Board of Variance Application package.

Item	Description	Required	Complete
Payment	You will need to include a copy of the receipt for the application fee.	Required	
A completed application form	Obtained from the Planning Division.	Required	
A site plan of the subject lot.	The plan must show the location and dimensions of the structure for which the variance is proposed, as well as all adjacent existing and proposed buildings, structures and driveways. Neighbouring buildings and other significant features (streams, trees, etc) should also be shown.	Required	
Photographs	Photographs should adequately demonstrate the hardship and the relation to adjacent properties and buildings.	Recommended	
Up-to-date state of title certificate or title search print-out	Copies of any section 219 covenants or City permits related to the property.	Required	
Copies of any section 219 covenants.	Section 219 covenants will appear on the title certificate or title search print out and can be obtained from the Land Titles Office.	Required	
Relevant elevation drawings	Elevation drawings are <u>highly</u> recommended, especially if they help demonstrate the requested variance and / or the hardship.	Recommended	
Floor plans	Floor plans are <u>highly</u> recommended, especially if they help demonstrate the requested variance and / or the hardship.	Recommended	
Letter Detailing the Variance and the Hardship	Again, this is highly recommended as it will help the Board understand your request as they make their site visit and evaluate the application.	Recommended	
This Checklist		Required	

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 Development Services Department
 604.527.4532