

## Board of Variance

The Board of Variance (BOV) consists of five members appointed by Council. The Board selects one member as chair. Each term is for three years. The BOV considers applications where an applicant alleges that compliance with certain regulations would cause undue hardship. The application process takes approximately two months.

### Jurisdiction

If the BOV finds that an applicant has demonstrated that compliance with existing regulations would cause undue hardship, the BOV can issue minor variances to the following:

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

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.

### Before you Submit

If you are considering an application to the BOV, contact the Planning Division to discuss your application with staff.

If there is no hardship, there are two options: comply with the existing regulations; or, in some cases, apply for a Development Variance Permit (DVP). A DVP can vary parts of the Zoning Bylaw and Sign Bylaw, but cannot vary land use or density.

### Submission Requirements

A paper and digital copy of all materials must be provided in either 8.5 x 11" or 11 x 17" size, unless otherwise requested by staff.

#### Required Materials:

**Board of Variance application form** signed by all persons whose names appear on the Title Certificate or an authorized agent.

A current **Title Certificate**, including a copy of any 'legal notations' or 'legal encumbrances' registered on title which may impact the development of the site (e.g. restrictive covenants, rights of ways, easements).

A **Letter of Authorization** signed by the owner(s), if an applicant is applying on behalf of the owner(s) registered on the Title Certificate.

The **application fee**.

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.

#### Recommended Materials:

The following materials are not required for a complete submission, but may strengthen your application:

**Photographs** which demonstrate the hardship and the relation to adjacent properties and buildings.

**Elevation drawings and/or floor plans** which demonstrate the requested variance and/or hardship.

A **project summary letter** detailing the hardship and requested variance.

Submissions that are not provided by the deadline, are not complete, or require further revision may not be added to the BOV agenda.

### Note

In their report to the BOV, staff evaluate the proposed variance using the *Policy Approach to Considering Requests for Variances* which was adopted by Council in 2008.

## Public Consultation

Before the BOV meeting, the City will typically mail notices to owners and occupants of all properties within 50 metres (164 feet) of the subject property. Applicants may wish to contact their neighbours, especially the ones that may be affected by the variance, to discuss the proposal and seek letters of support.

Community members are invited to attend and present their point of view on the submission. Comments may also be submitted in writing in advance of the BOV meeting. All submitted comments will be distributed to the BOV and posted on the City's website.

## Meeting Procedure

BOV meetings are open to the public. Meeting agendas, agenda packages and minutes are posted on the City website.

Typically, applications will be presented by a City staff member. The applicant must attend and will also have an opportunity to present their application. After the staff and applicant presentations, members of the public are invited to speak. BOV members may ask questions of the applicant, staff, or public presenters.

After all of the information has been presented, and the BOV's questions have been answered, the BOV will discuss the project and make their decision.

## BOV Decision

Section 540 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 consider all submissions and presentations regarding the application, including comments from City staff and community members.

At the conclusion of the hearing, the Board will announce its decision. Formal notice of the Board's decision will be mailed to the applicant. Board decisions are final and cannot be appealed to Council.