



A Guide to the Board of Variance (BOV) Process

What is a *Board of Variance*?

The *Board of Variance* (BOV) for the Strathcona Regional District (SRD) is an appointed body established by the regional district to review appeals to allow for development that varies from a zoning bylaw. It is administered through provisions of the *Local Government Act* (LGA).

What is it for?

It allows for a degree of flexibility in the application of a zoning bylaw that might otherwise require a formal amendment. This process is applied to avoid creating situations of 'hardship' for a property owner when complying with a bylaw. The process also ensures that the variance does not result in inappropriate development of the site, adversely affect the natural environment, or substantially affect the use and enjoyment of adjacent land. However, a variance *must not* vary floodplain specifications or vary the density or use of land specified in a bylaw.

What can a BOV do?

Section 901(2) of the LGA provides that the BOV may order that a *minor* variance be permitted provided that the board is satisfied by the evidence placed before it that: compliance with the bylaw would constitute an undue *hardship*. A BOV order may not vary the permitted uses or densities of the land use prescribed by the applicable bylaw. However, in the years since the inception of the BOV, the courts have interpreted "minor" and "hardship" in such a way in which has made the differences between BOV and DVP (see below) significantly less clear.

How do I make an Appeal to the Board of Variance?

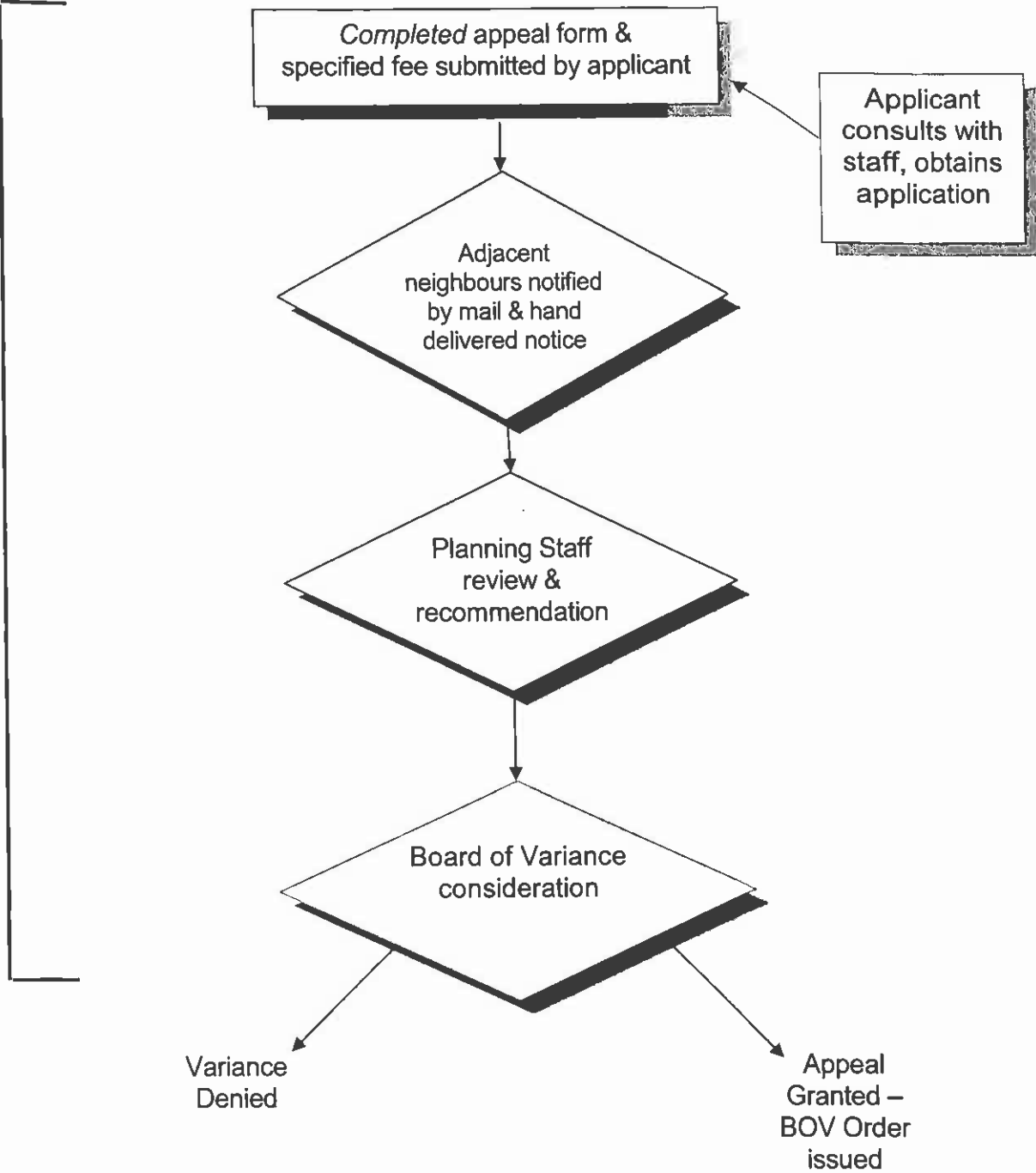
The *Board of Variance application* for an appeal can be obtained from community planning services at the SRD office or from our website at www.strathconard.ca. You are encouraged to obtain further details and advice from the planning staff when making an application.

For more information contact:

Planning Services
Strathcona Regional District
301 – 990 Cedar Street, Campbell River, BC V9W 7Z8
Tel: 250-830-6700 • Toll free: 1-877-830-2990 • Fax: 250-830-6710
Web: strathconard.ca

Board of Variance Process

Allow approximately 2 to 3 months for processing



APPLICATION TO THE BOARD OF VARIANCE

1. Application

An appeal to the Board of Variance shall be completed upon a form provided by the regional district and shall be delivered to the regional district, together with such plans and particulars as may be required.

2. Application Acceptance

The Strathcona Regional District may refuse to receive any applications that fail to include all required information as per section 8, "Application Requirements," below.

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3. Fees

The sum as specified in Schedule A-1 shall be paid to the regional district at the time of application. No processing of the application shall take place until the fee has been paid in full.

4. Refund

Where an application is withdrawn a refund as outlined in Schedule A-1 will be provided to the applicant.

5. Cancellation

Applications one year old or older that are inactive for a period of 6 months are deemed to be abandoned and will be closed. Where appropriate and requested by the applicants, refunds will be provided pursuant to Schedule A-1.

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An applicant has the right to apply for an extension of up to one-year. Any extension approved by the regional board, whether for the maximum one-year or a lesser time, is subject to a payment of 50% of the original application fee.

6. Reapplication

Where an application has been withdrawn, fees as per Schedule A-1 are applicable to any new application.

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7. Notification of Adjacent Owners

- i) The *Local Government Act* sets out the requirements for the notification of affected landowners and occupiers of land adjacent to a property where a variance is being considered
- ii) Within the Strathcona Regional District, notice of the Board of Variance appeal shall be mailed to the owners, as shown on the assessment roll as of the date of application, and residents of all parcels of any land within 50.0 metres (164.0 feet) of the land subject to the appeal.

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8. Application Requirements

At the time of application, the applicant shall provide:

- i) The completed **Application Form**. This must include authorizing signatures of the owner and/or agent.

- ii) Detailed **Site Plans** of the proposed use, noting the location of existing and proposed buildings, landscaping, any natural features, access/egress points, and any other information required by the Board of Variance. All drawings submitted must be clearly drawn to proper scale. Where applicable, drawings must include an authorized professional's signature and seal. #22
- iii) A **Surveyor's Certificate** completed by a B.C. Land Surveyor at the request of the Board of Variance.
- iv) A **Written Brief** which describes the reasons/rationale for the requested variance. #22

9. **Processing**

The following procedure will apply:

- i) A staff report and summary of the requested variance is prepared. Adjacent neighbours are advised of the requested variance.
- ii) The staff report and other information deemed relevant will be submitted to the Board of Variance. Applicants will be provided an opportunity to make a presentation.
- iii) The Board of Variance will, upon receipt, consider the staff report and may grant, or deny, the requested variance.
- iv) After the board Board of Variance has dealt with the application, the applicant will be notified in writing of the outcome.



Appeal to the
Board of Variance

LEGAL DESCRIPTION

(see your Tax Assessment Notice or Certificate of Indefeasible Title)

Name of Street:	Street Number (if known):

OWNER

Name(s):			
Mailing Address:			
City:	Prov:	Postal Code:	
Tel:	Business Tel:	Fax:	
Cell:	Email:		

APPLICANT

(note: A Letter Of Agency Is Required If The Applicant Is Not The Property Owner)

Name(s):			
Mailing Address:			
City:	Prov:	Postal Code:	
Tel:	Business Tel:	Fax:	
Cell:	Email:		

THIS IS AN APPEAL TO THE BOARD OF VARIANCE UNDER THE FOLLOWING SECTION OF THE LOCAL GOVERNMENT ACT:
(please check appropriate box and outline reasons for appeal on next page)

901(1)(a)	<input type="checkbox"/>	A bylaw respecting the siting, dimensions, or size of a building or structure, of the siting of a manufactured home in a manufactured home park.
901(1)(c)	<input type="checkbox"/>	The prohibition of a structural alteration of an addition to a structure pursuant to Section 911(5) of the Local Government Act.
901(1)(d)	<input type="checkbox"/>	A subdivision servicing requirement under Section 938(1)(c) of the Local Government Act.

SITE INFORMATION

Existing Buildings on Site:	None: <input type="checkbox"/>	Yes: <i>What type of buildings?</i> Single Family Dwelling <input type="checkbox"/> Accessory <input type="checkbox"/> Other <input type="checkbox"/>
If yes, show dimensions and location (including distance to proposed construction) on your attached sketch.		

ENVIRONMENTALLY SENSITIVE AREAS

Is the proposed construction within 100m (328ft) of the sea, a lake, river, stream, creek, wetland, swampy area, bog, cliff, sand dune(s), gravel area, etc.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, show dimensions and location (including distance to proposed construction) on your attached sketch.		

Signature of Owner or Authorized Agent		Date
Date Received:	File No.:	Electoral Area:
PID:		Folio:

