



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 the Community Services Department at the SRD office or from our website at www.srd.ca. You are encouraged to obtain further details and advice from the planning staff when making an application.

For more information contact:

Community Services Department / Planning Services
Strathcona Regional District
990 Cedar Street, Campbell River, BC V9W 7Z8
Tel: 250-830-6700 • Toll free: 1-877-830-2990 • Fax: 250-830-6710
Email: planning@srd.ca
Website: www.srd.ca



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: | |