

The purpose of the Board of Variance is to consider applications where:

- a) Compliance with the provisions of the Zoning Bylaw may cause undue hardship and the variance requested is minor in nature; or
- b) The applicant is wishing to make a structural alteration or addition to a building or use that is a non-conforming use as defined by the *local government act* and undue hardship would be caused if section 911 (5) is complied with.

The Board of Variance may order minor variances from the requirements of certain bylaws in respect of matters set out in s.901(1) of the *Local Government Act* on finding that undue hardship would be caused by an applicant having to comply with the bylaw. The Board of Variance cannot vary the permitted uses or densities under the Zoning Bylaw nor is it to deal with major variance applications. Major variances require a Development Variance Permit application. All applications are made to the Director of Corporate Services, 200 Craig Street on the prescribed forms. Applicants must state the nature of the undue hardship in their application. Adjacent property owners and tenants are notified about the applications, and any person who believes his/her interest in property is affected will be heard by the Board of Variance.

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### **PRELIMINARY INQUIRY**

You are encouraged to discuss your development proposal with Development Services Department staff to assess whether the proposed variance is of a minor nature, relates to a non-conforming use, and deals with an undue hardship. Development Services Department staff can also assist in determining if your proposal is a major variance which requires a Development Variance Permit application.

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### **APPLICATION**

Complete the application form and submit it, along with the required non-refundable application fee (\$1,000)<sup>1</sup>, State of Title Certificate (Available from the Land Title Office); copy of all covenants, easements or rights of way on Title, Appointment of Agent Form is not the owner; necessary plans; and any other information requested by the Development Services department as required in support of the application.

<sup>1</sup> *The required application fee will be doubled should development proceed either prior to or without an approved variance.*

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### **STRATA SUBDIVISIONS**

When requesting a variance within a strata subdivision, provide written approval from the Strata Council with the application.

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### **DRAWINGS**

A. Site Plan – when requesting for setback or coverage variances, or s.911(5) exemption, provide:

- 4 copies of the site survey prepared by a BC Land Surveyor showing any existing buildings and proposed extensions in relation to property lines and to adjacent buildings or structures, or where no buildings exist, provide the site plan showing building footprints and setbacks in relation to property lines.
- 4 copies of parking plan.
- 4 copies of road access and/or foot access to property.

B. Elevations – when requesting height variances, provide:

- 4 sets of preliminary elevations showing building height on a maximum 8 ½” by 11” paper with height calculations.

**Note:**

1. All drawings must be to scale.
2. Further information may be required to enable the Board of Variance members to visualize the proposals and their relationship to the surrounding area.

Applicants are advised that approval, if given by the Board, is for the plans submitted. Alterations to plans are not authorized after acceptance by the Board.

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## **TECHNICAL REVIEW**

The Development Services Department reviews the application a date is then set for the Board of Variance Hearing. The Board meets in the 2<sup>nd</sup> floor Committee Room at 200 Craig Street. You may be requested to submit additional information for review and presentation to the Board of Variance.

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## **PUBLIC NOTIFICATION**

Corporate Services staff will notify you and all owners and tenants immediately adjacent to the land that is the subject of the application. The notice includes the date and time of the Board of Variance meeting.

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## **BOARD OF VARIANCE MEETING**

At the Board of Variance meeting you are expected to be in attendance and to identify yourself to the Board of Variance. Be prepared to describe your requested variance and to answer any questions that the Board of Variance may have. Remember, you are asking the Board to vary the City's Zoning Bylaw or other bylaws for your benefit. Any other person who believes his/her interest in property is affected by the application will also be heard as directed by the Chairman of the Board.

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## **BOARD OF VARIANCE DECISION**

Upon considering the application, the Board of Variance may approve your application with or without conditions or deny it. Corporate Services staff will notify you in writing of the Board's decision. If an application is approved, the applicant has one year from the date of approval to apply for a building permit and construction must be completed two years from the date of approval of the requested variance, unless specified by the Board.

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