



**BOARD OF VARIANCE
APPLICATION GUIDE**

Skeena-Queen Charlotte Regional District
Planning and Development Services
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This brochure provides an overview of the steps involved in the application to the Board of Variance. This is a general guide only and is not meant to replace bylaws or other legal documents. Applicants are advised to meet with the SQCRD staff to discuss their application.

What is a Board of Variance?

The Board of Variance is an appeal body consisting of three appointed volunteers who hear and then decide upon variances to the Zoning Bylaw of the Skeena-Queen Charlotte Regional District. The Board of Variance functions independently from the Regional District Board and has its own authority under the *Local Government Act*.

The Board of Variance meets as required, upon receipt of a formal application to the Board of Variance, through the Secretary to the Board of Variance. Agendas and Minutes are posted on the website, and the opportunity to comment on applications is by written invitation to affected neighbours.

Steps to BOV Applications

STEP 1 – Pre-application Meeting

Before proceeding with a Board of Variance application, owners are encouraged to meet with staff to review all options related to their proposal. Zoning maps, land use bylaws and other relevant bylaws should be consulted.

Owners are also encouraged to meet with the adjacent property owners to discuss the impact of any variances.

It is expected that:

- Variances will not result in significant negative impacts on neighbouring properties;
- There is a demonstrated need for the variance in order to permit reasonable use of the property;
- The overall intent of the original bylaw requirement or standard is not compromised;
- The variance does not appear to establish a precedent for other properties, but responds to a site specific situation or difficulty; and that,
- The variance results in suitable development that is an asset and compatible in the context of surrounding uses.

Applications for variance must clearly state the reasons and justifications for requested variances.

STEP 2 – Submission of Application

A completed application form, with necessary attachments, is to be submitted to the SQCRD administration office and must include:

- A Certificate of Title dated within 30 days of application;
- Owner's signature or written authorization from the registered owner(s) for an agent to act on their behalf;
- Summary outlining the nature of the proposed development and the bylaw provision that is requested to be varied;
- Site Plan: Maximum size 11" x 17" showing the dimensions of the proposed subdivision or development in metric scale including:
 - Dimensions of the property, existing and proposed roads;
 - Lot area excluding portions of the lot with greater than 50% slope;
 - Location and dimensions (including setbacks) of existing and proposed buildings on site (a recent survey plan is required);
 - The location of any watercourses, steep banks or slopes; and,
 - Any easements or statutory Rights-of-Ways.

STEP 3 – Application Review and Referral to Agencies

The Secretary to the Board of Variance reviews the proposal and refers it to other departments, or outside referral agencies for comment if the interests of other departments would be impacted by the proposal.

STEP 4 – Meetings

A summary report is prepared by the Secretary to the Board of Variance which outlines the proposal and provides staff and referral agency comments. The Board receives the summary and reviews the application with the applicant who generally attends the meeting.

Meetings are held at the call of the chair on an as-needed basis.

STEP 5 – Notification

The Secretary shall deliver a Notice of Appeal to all owners and tenants in occupation of the land that is subject of the application and the registered owners of all property adjacent to the parcel which is the subject of the appeal.

Any written evidence entered before the hearing date, including staff reports, are available for public inspection during the normal business hours.

STEP 6 – Hearing

Any person or body with interest in property within the Regional District is entitled to be heard at the hearing and information may be given orally or in writing. All hearings are open to the public.

STEP 7 – Decision

The decision of the Board shall be by a majority of those members present, and shall be made within seven days of the hearing. The Secretary shall, within seven days of a decision, send by registered mail or otherwise deliver the written decision of the Board of Variance to the appellant and all persons who made representation at the hearing. The Secretary shall, within seven days of the decision, enter that decision in the record maintained at the Regional District office.

Application Timing

The Board of Variance process requires approximately two to three months for completion.

Timing can depend on the completeness of the information submitted and the availability of Board members.

This brochure is meant for guidance only and is not intended to replace the requirements of the *Local Government Act*; applicants should obtain copies of the relevant bylaws before proceeding with development applications.