

## Board of Variance Applications in the RDBN

### What is a Board of Variance?

The Board of Variance consists of three persons tasked with the responsibility of considering certain types of applications. The Board of Variance may consider the following types of applications:

- Applications for a minor variance to a zoning bylaw regulation regarding building siting, size or dimension where enforcement of that regulation would cause hardship.
- Applications to exempt from the prohibition on structural alterations or additions to a structure containing a use that does not conform to the zoning bylaw, where that prohibition would cause hardship.
- Applications to set aside an alleged incorrect determination by the building inspector regarding the amount of damage to a building relating to Section 911(8) of the *Local Government Act*.

Applications for a minor variance regarding building siting, size, or dimensions are the most common type, and is the focus of this brochure. Information on other application types may be obtained from Planning Department staff.

**Board of Variance applications relate to the regulations contained in the Regional District of Bulkley-Nechako Zoning Bylaw No. 700, 1993.” This bylaw applies to most privately owned land within the RDBN and regulates the use and development of land based on the zoning designation that is applied to a property.**



To approve an application for a variance the Board of Variance must find the following:

- the variance is minor
- compliance to the regulation would cause hardship
- the resulting development is appropriate for the site
- the natural environment will not be adversely impacted
- the use and enjoyment of adjacent land will not be affected
- the variance will not defeat the intent of the zoning bylaw.

Notice of the application is provided to property owners and tenants for nearby property, and those persons are given an opportunity to express their opinions regarding the application to the Board of Variance at a Hearing regarding the application. The applicant is also invited to the Hearing to represent their application.



The Board of Variance process is not a substitute for a Development Variance Permit application to the Regional District Board, and is only appropriate where a variance is minor and a hardship exists. Where appropriate, staff will recommend that applicants make a Development Variance Permit application.

The Board of Variance may not approve an application where the associated development or variance has previously been considered by the Regional District Board.



## The Application Process

An application to the Board of Variance must follow a process that is outlined in the *Local Government Act* and in the Regional District's Board of Variance Bylaw.

The time required to process a Board of Variance application for a minor variance varies depending on the complexity of the proposed development and the number of issues that need to be evaluated or addressed. Generally, the process takes from one to three months to complete.

### Step 1 Speak with Planning Department Staff.

Prior to submitting an application, applicants are encouraged to speak with Planning Department staff about the proposed development. Staff can provide information on the application requirements and the review process. This will help ensure that a complete application is submitted and prevent unnecessary delays.



### Step 2 Submit a Complete application.

To start the Board of Variance application process, a complete application with the required supporting

documents and fees must be submitted to the RDBN.

The applicant must provide adequate details regarding the nature of the variance requested, the reason for the request, and the hardship that would be incurred if the variance were denied.



A site plan which clearly indicates the required variance and the bylaw provision that is required to be varied should also be submitted with the application and should include information regarding setbacks of all existing and proposed buildings. In certain situations a survey certificate may be required to confirm building location or height.

### Step 3 Staff report

Staff review all of the information related to an application, and prepare a report for the Board of Variance. The staff report will include a summary of the proposed development, an analysis of the potential impacts, and a recommendation on the proposed permit.

### Step 4 Scheduling and Notification of Meeting

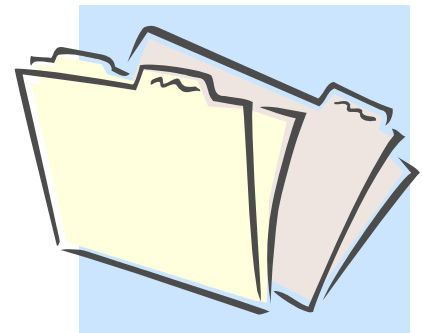
The Board of Variance members are contacted by Planning Department staff to determine the date of the Board of Variance meeting. A notice stating the subject matter of the application and the time and place for the hearing is then mailed or delivered to nearby property owners/tenants, inviting them to attend a Hearing before the Board of Variance to make representation regarding the application. This opportunity is also available to the applicant.

### Step 5 Board of Variance Meeting

The Board of Variance meeting is held at the time and location advertised in the notice, the Hearing is held, and the Board of Variance makes the final decision on the application. The Board has the option of denying or approving the requested variance, and may apply conditions relating to the start or completion of construction relating to the variance.

### Step 7 Notice of Decision

Once the Board of Variance has made a decision, Planning Department staff will notify the applicant of the decision in writing.



# A Guide to the Board of Variance Application

The following information may be required along with your Board of Variance application when submitted to the Planning Department. The Planning Department can assist you by checking off the information required to ensure your application contains all of the necessary information. Please note, additional information may be required upon further review of your application

## General Information

- Copy of the Certificate of Title dated within 30 days of the date of the application
- Letter of Authorization signed by all registered property owners if the agent is not the owner
- Letter explaining why there is hardship in complying with the zoning bylaw
- Application fee
- Site plan drawn to a scale showing the following:
  - boundaries and dimensions of parcel
  - size and location of all existing and proposed buildings, structures, and uses on the site
  - location and name of road(s) adjacent to the property
  - existing and proposed parking and driveways
  - topographic features, water bodies and waterways including measurements from all proposed and existing structures to the natural boundary, stream centre line or top of bank, whichever is applicable
  - proposed subdivision layout, showing the number and approximate location of lots and/or consolidation of the parcel(s)
  - north arrow and scale
  - Other: \_\_\_\_\_

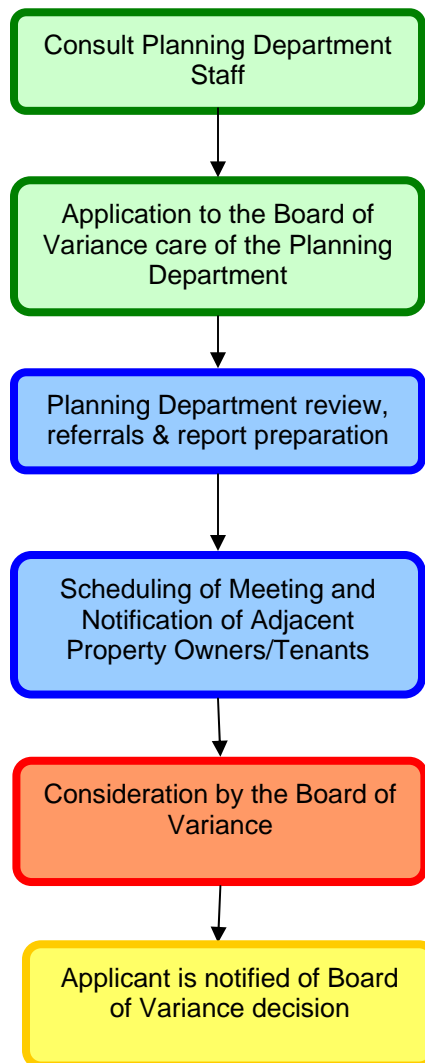


## Additional Information

- A detailed plan of building profiles
- Location and details with respect to all existing and proposed signs
- Proposed area under amendment application
- Location of existing and proposed vehicular, cycling, and pedestrian accesses
- Landscaping plan
- Geotechnical report prepared by a qualified engineer
- Location and type of existing and proposed easements and covenants
- A drainage study conducted by a qualified engineer
- A biological assessment conducted by a registered professional biologist
- Location of all known archaeological sites
- Areas where vegetation removal and retention are proposed
- Location of existing and proposed off-street parking, loading spaces, garbage and recycling provisions
- A hydrological assessment conducted by a registered professional hydrologist
- Any fencing, lighting service connections, signs, location of garbage receptacles and space for recycling receptacles; and
- Survey conducted by BCLS identifying: \_\_\_\_\_
- Section 9 permit from the Ministry of Environment
- Copy of sewerage system filing by qualified person to the Northern Health Authority
- Ministry of Transportation access permit
- Other: \_\_\_\_\_



## Board of Variance Approval Process



### Need More Information?

Come visit the Planning Department! We are located at the RDBN Office at 37 3rd Avenue, Burns Lake, BC.

Call us at: (250) 692-3195 or toll free in BC 1-800-320-3339 Fax: (250) 692-3305

Visit our website at: [www.rdbn.bc.ca](http://www.rdbn.bc.ca)