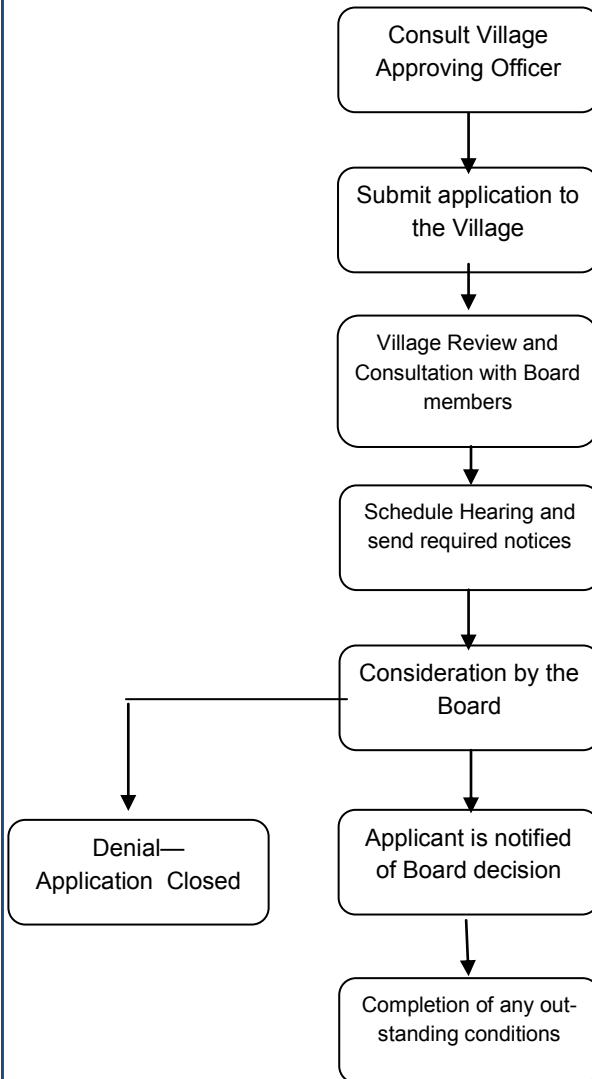


## Board of Variance Approval Process:



**Note:** A Board of Variance Permit is not a building permit and does not ensure that a building permit will be issued if the variance is granted.



## BOARD OF VARIANCE— APPLICATION GUIDE

### What is a Board of Variance?

Zoning is the most important regulation used to manage the development of land and implement the goals and objectives of the Official Community Plan.

Zoning by-laws impose uniform regulations on all properties within a defined zone. Features such as topography and lot shape may be unique and as a result a variance may be required on a property-specific basis whereby the applicant seeks relief from the zoning requirements.

All local governments that have adopted a zoning bylaw must appoint a Board of Variance. For communities with a population of 25,000 or less the board consists of three members who are appointed by the local government. The Village's Board of Variance By-law No. 750 establishes rules for appointment of members and the board's procedures.

The purpose of a board of variance application is essentially the same as a development variance permit application. However Board of Variance applicants are required to demonstrate "undue hardship" as a reason for the variance. Further a development variance permit application is submitted directly to the Village Council and is approved or rejected by resolution.

## **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 Village's Board of Variance By-law.

A Board of Variance application must be considered by the Board of Variance and a notification of the consideration of the permit must be given to neighbouring property owners as identified in the by-law.

The time required to process a Board of Variance application varies depending on the scale of the proposed development and the number of issues that need to be addressed. Generally, the process takes from one to three months to be completed.

### **Step 1 Speak with Village Approving Officer or Deputy**

Prior to submitting an application applicants are encouraged to speak with the Approving Officer 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 process, a complete application with the required supporting documents and fees (if any) must be submitted to the Village.

### **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 may include a list of conditions to be satisfied if the variance is to proceed.

### **Step 4 Scheduling & Notification of Meeting**

The Board of Variance members are contacted by staff to determine the date of the hearing. A notice stating the subject matter of the application and the time and place where the application will be heard is then mailed or delivered to nearby property owners/tenants. If the proposed variance is deemed by the Board of Variance to be of sufficient importance to the community at large, public notice of the meeting will be given by publication in the local newspaper. This is done to allow those who feel their interests are affected by the proposed variance to comment on the application.

### **Step 5 Board of Variance Meeting**

The Board of Variance meeting is held at the Ashcroft Village Office. The applicant is expected to be in attendance and be prepared to describe the requested variance and to answer any questions that the Board of Variance may have. Remember you are asking the Board to vary the Village's Zoning By-law for your benefit. Any other person who believes that his/her interest in property is affected by the application will also be heard as directed by the Chair of the Board.

The Board of Variance makes the final decision on the application. The Board can issue a minor variance provided that, in the opinion of the Board, it does not:

- ◆ Result in inappropriate development of the site;
- ◆ Substantially affect the use and enjoyment of adjacent lands;
- ◆ Vary permitted uses and densities under the applicable by-law.

The Board has the option of denying the variance or authorizing the variance subject to any conditions. Any conditions attached to the authorization are the responsibility of the applicant to satisfy.

### **Step 7 Notice of Decision**

Once the Board of Variance has made a decision, staff will notify the applicant of the decision in writing. This is usually done within 14 days of the hearing. The Board of Variance may order that, unless the construction of the building structure or mobile home is completed within a fixed time, the permission or exemption terminates.