

SUNSHINE COAST REGIONAL DISTRICT GUIDE TO THE BOARD OF VARIANCE



THE BOARD OF VARIANCE

The Board of Variance is a body independent of the Sunshine Coast Regional District (SCRD) that is empowered to hear and adjudicate minor issues relating to variances to the land use/zoning bylaws of the SCRD.

A Board of Variance is given jurisdiction under Section 899 of the *Local Government Act*. The Board of Variance functions independently of the SCRD Board.

A MANDATORY BOARD

Where a regional district has adopted a land use bylaw, as is the case in the SCRD, it is mandatory that a Board of Variance be established.

BOARD REPRESENTATION

The Board is made up of three (3) members of the community who have been appointed by the SCRD Board. Elected officials, advisory body members, staff or officers of the SCRD are not eligible to serve on the Board of Variance.

BOARD HEARING SCHEDULE

The Board of Variance meets the first Thursday of each month, or as required. Every effort will be made to set a time for the Hearing that is convenient to all participants in the process. Consideration will be given to applicants who may have to travel to attend the meeting.

CONDUCT OF HEARINGS

Hearings are open to the public. Any person (or their agent) who has received a Notice of Hearing is entitled to present a submission at the Hearing. The applicant shall be afforded the first opportunity to present their submission. All submissions along with the Board's decision are recorded in minutes of the Hearing. The minutes are available for public review.

BOARD JURISDICTION

Applications for a decision of the Board of Variance may be made where compliance with the SCRD's zoning or subdivision servicing bylaws may cause hardship and where the variance is minor. Examples of the Board's jurisdiction include:

- allowing a structural alteration or addition to a building containing a non-conforming use
- issuing a variance permitting the siting, dimensions or size of a building
- setting aside the determination of a building inspector concerning the extent of damage preventing reconstruction as a non-conforming use

BOARD LIMITATIONS

The Board of Variance may not make an order that would do any of the following:

- address a matter covered by a land use contract
- alter planning permits and fees related to land development
- address flood plain specifications
- conflict with a covenant registered under Section 219 of the *Land Title Act*
- vary permitted uses and density under the SCRD's zoning bylaws

Applications that seek to vary any of these matters are outside the jurisdiction of the Board of Variance.

DECISION AND LEGAL APPEAL

A decision of the Board regarding a variance is final and cannot be appealed with the SCRD. If the Board sets aside the determination of a building inspector concerning amount of damage, the applicant or the SCRD may appeal the decision to the Supreme Court.

MAKING AN APPLICATION

Applications are available on the SCRD web site (www.scrd.ca – go to the Departments tab and follow the link to Planning). Applications may also be obtained through the Planning & Development office. Application forms and all supporting documentation and fees may be submitted to the Planning & Development Division either by mail or in-person.

STEPS IN THE PROCESS

- an application is filed with the SCRD Planning & Development Division.
- Planning staff review the application, conduct a site visit and prepare a technical report, which is submitted to the Board of Variance.
- a Notice of Hearing is delivered to Board members and all owners and occupiers

of neighbouring properties. The Notice is to advise neighbouring property owners and occupiers of the proposed development and provide them with an opportunity to comment.

- members of the Board may visit the site to gain a better understanding of the hardship claimed by the applicant.
- on the date of the Hearing, the Board receives written and verbal presentations from the applicant, neighbours and Planning and Development Division staff.
- after presentations by the applicant and neighbours are heard, the Board considers the application and makes a decision. The decision of the Board is final.

INFORMATION REQUIREMENTS

Generally the following documentation is required in support of an application:

Board of Variance Application Form: A completed form signed by the applicant and all registered owners of the subject property. The application must include: the legal description of the subject property; the nature of the desired variance; the relevant bylaw and section of the bylaw to be varied; and the reason(s) for seeking the variance

Title Search: The applicant should submit a current title search (printed within the last 30 days) for the subject property. Contact: Service BC's Office, #102-5710 Teredo Street, Sechelt, BC, V0N 3A0. Phone: 604-885-5187.

Registered Covenants, Easements, Rights-of-Way: Copies of any applicable covenants, easements, and/or rights-of-way registered on title of the subject property must be submitted in support of the application. Contact: Service BC's Office, #102-5710 Teredo Street, Sechelt, BC, V0N 3A0. Phone: 604-885-5187.

Application Fee: A non-refundable application fee of \$500 (\$1000 for commercial, industrial, assembly or residential uses involving more than one dwelling) is required. The fee is doubled if the development was started prior to the application. Cheques and money orders should be made payable to the Sunshine Coast Regional District. Other acceptable forms of payment include credit and debit card transactions.

Site Plan: The applicant must submit a site plan of the property at an appropriate scale showing details such as:

- lot area
- structures on the property and their dimensions (existing and proposed)
- gross floor area (existing and proposed)
- highway access, water lines, wells, septic systems (existing and proposed)
- off-site and on-site information that may affect design (e.g. trees, parks, rock outcrops, gullies and other natural features)
- setbacks of structures from lot lines and natural boundaries of watercourses
- additional plans, sketches and other information may be required in some cases. This may include a site survey prepared by a B.C. Land Surveyor.

For more information on application requirements, please contact the SCRCD's Planning & Development Division.

ALTERNATIVE TO THE BOARD OF VARIANCE

In certain situations, property owners may elect to apply for a Development Variance Permit (DVP) instead of a decision of the Board of Variance. However, in some instances, an application for a DVP would

be *required* rather than an option. This would be applicable if, for instance, the requested variance is considered to be substantial.

DVP's cannot be used to vary the permitted uses or density of the zoning. DVP applications require a fee and are referred to both adjacent property owners and occupants and a local Advisory Planning Commission for comment before the Regional District Board makes their decision.

Please contact the SCRCD's Planning and Development Division for more information about circumstances that would require a Development Variance Permit rather than a decision of the Board of Variance.

IMPORTANT DISCLAIMER

Interpretations of legislative requirements reflected herein are not binding on the Sunshine Coast Regional District. Applicants should refer to the actual legislation and bylaws, which can be viewed at the Regional District office.

CONTACT INFORMATION

Sunshine Coast Regional District
Planning and Development Division
1975 Field Road, Sechelt, BC, V0N 3A1
Phone: 604-885-6804
Fax: 604-885-7909
Email: info@scrd.ca
Website: www.scrd.ca

Sept 28/09