



## **Board of Variance Applications**

### **What is a Board of Variance?**

The Board of Variance consists of three persons, appointed by the Village of Telkwa Council, tasked with the responsibility of considering certain types of applications. The Board of Variance may consider the following types of applications:

- Applications for 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 532(1) 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 handout. Information on other application types may be obtained from Village of Telkwa Planning staff.

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; and
- the variance will not defeat the intent of the zoning bylaw.

Notice of the application is provided to property owners and tenants of nearby properties, 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 Village of Telkwa, and is only appropriate where a variance is minor and a hardship exists. Where appropriate, Planning 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 Village of Telkwa Council.

# **Board of Variance Application Process**

## **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 of Telkwa 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 Village of Telkwa Planning Staff**

Prior to submitting an application, applicants are encouraged to speak with Planning 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 Village of Telkwa.

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

A site plan that 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 Meetings**

The Board of Variance members are contacted by the Planning 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 are then mailed or delivered to nearby property owners/tenants, inviting them to attend a Hearing before the Board of Variance to make representations regarding the application. This opportunity is also available to the applicant.

# Board of Variance Application Process

## 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 of Variance 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 6 – Notice of Decision

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

