

About the Board of Variance

In accordance with the *Local Government Act*, every local government in British Columbia that adopts a Zoning Bylaw must also establish a Board of Variance. The Municipality of North Cowichan's Board of Variance is comprised of five members, each appointed by Council for a three year term.

The Board of Variance is an avenue for appeal on the application of certain local government bylaws in specific circumstances defined in the *Local Government Act*. The Board of Variance is not an appeal board for local government policy decisions and it cannot replace the decisions of elected officials. A person may request relaxation of bylaw requirements to the Board of Variance only if the application of these regulations to their particular site would impose undue hardship upon them. The Board of Variance may also decide on certain issue associated with non-conforming use.

Board of Variance or Development Variance Permit

The Board of Variance addresses appeals for variances that are considered "minor" and where compliance would cause "undue hardship" to the property owner. In order for the Board of Variance to grant a variance, it must be of the opinion that the variance does not:

- Result in inappropriate development of the site;
- Adversely affect the natural environment;
- Substantially affect the use and enjoyment of adjacent land;
- Vary permitted uses and densities under the applicable bylaw; or
- Defeat the intent of the bylaw;
- Vary the application of an applicable bylaw in relation to residential rental tenure.

If your request does not meet the above conditions, a Development Variance Permit is another application process that may be more suitable. Planning Staff can help you determine your best option before submitting your application.

A Development Variance Permit (DVP) is required when a property owner wishes to vary provisions of the Zoning Bylaw and is **not** as result of "undue hardship". A Development Variance Permit cannot change land use or density. The Municipality's Council approves or denies a Development Variance Permit application.

Applying for a Board of Variance

Step 1: Pre-Application Meeting

As every property and development proposal is unique, and application requirements can vary, we encourage Applicants to contact Planning Staff to discuss their project at an early stage. Planning Staff will then be able to advise if a Pre-Application Meeting is required prior to application submission. The meeting will help to determine what supporting documents, reports, etc. will be needed. Planning staff will provide you with a checklist of items that will be necessary to make a complete application and provide you with the correct fee amount that accompanies your proposal.

Step 2: Submitting an Application

Submit your complete application, including the application fee. Application forms are available from the Planning Department or through the municipality's website www.northcowichan.ca. Please submit your complete application by one of the following methods:

Digital Application Submission

- Please email us at planning@northcowichan.ca to arrange an Access Link to direct drop your application documents in our file-sharing site. A hardcopy submission is not required if submitting an application online.

Although the Digital Application Submission is preferred, hard copies of application documents can also be submitted by:

Hard Copy Application Submission

- Mailing or dropping off at the Municipal Hall. Envelopes can be deposited in the Drop Box located at the Main Entrance of the Municipal Hall. If providing PDF documents please submit via a virus free memory storage device only.

Application Fee Payments

- Application fee payments can be made by Debit or Cheque payable to the Municipality of North Cowichan. If you have selected to submit your application online, please mail or drop off your application fee payment as we are currently not set up to accept online payments or by Credit Card. If you have selected to submit your application by hardcopy, please include the payment with your complete application.

Step 3: Application Review

Once the Planning Department receives your complete application, an initial review of your application will be done. Following this initial review, Planning Staff will then, where appropriate, refer your application to other departments and external agencies. This is to ensure we do a comprehensive review of your application. During the referral process, these departments and agencies will review your application and provide Planning Staff with feedback. They will also recommend if additional information is essential to move forward with your proposal. If further information, clarification and/or revised plans are required, you will be advised of any additional application requirements. If no further information is required, your application can then proceed to the next step.

Step 4: Public Notification and Board of Variance Decision

Planning Staff will prepare a Report to the Board of Variance that summarizes the application and any issues or considerations associated with it. The Board of Variance will then meet to discuss the Appeal at a meeting open to the public.

Public notification is a requirement for Board of Variance appeals. The owners and occupants of all properties adjacent to the subject property are notified directly of this meeting. The notification will include a summary description of the proposal, details on how a member of the public can review the proposal along with relevant documents, who to contact in order to provide feedback on the proposal, and the scheduled time, date, and location of the Board of Variance meeting.

At that meeting, you or a representative will have an opportunity to present your variance request. Any other interested parties may also speak to the Board of Variance in support or opposition to your application. The Board of Variance will

consider the application and information presented at the meeting, and will make their final decision regarding your application.

Application Process Time

The application processing time for Board of Variance applications is two to four months. This timeline can vary depending on the completeness and complexity of the application.

Tips ...

Plan your development proposal thoroughly and carefully. In preparing your proposal, you should be aware of the Municipality's plans, policies and regulations that may affect your property, including:

Official Community Plan

North Cowichan's Official Community Plan (OCP) divides the municipality into designated land use areas. Check the OCP for your property's designation and any policies applicable to your requested variance.

Development Permit Area Guidelines

The Official Community Plan (OCP) contains policies and design guidelines that may affect your application. You may review OCP and Zoning Bylaw maps and guidelines through the municipality's website www.northcowichan.ca or visit the Planning Department.

Works and Services

All developments must include utilities (e.g. sewer and water) at the developer's expense. Check with the Planning and Engineering Departments on the availability of the required services, and whether additional servicing is necessary.

Zoning Bylaw

Zoning regulations apply to every property in the municipality. In each zone, specific uses and activities are permitted. Check the Zoning Bylaw to determine the zoning regulations that apply to your application. The use and density of a site cannot be varied by the Board of Variance.

Contact Us:

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