

Board of Variance Overview

Select development regulations such as those found in the Zoning Bylaw can be varied through two processes: Development Variance Permit (DVP) and Board of Variance (BoV). A DVP is resolved by Council and is less restrictive in what regulations it can vary compared to what a BoV can vary. If applicable for both processes, an applicant has the right to decide on which procedure to see through.

What is a Board of Variance?

A BoV is a group of citizens appointed by Council to vary particular regulations under specific conditions. As per legislation, a Local Government that adopts a Zoning Bylaw must establish a BoV. The size of the board is determined by the population of the community it serves. With the population that Quesnel has, the board is to consist of 3 members.

What can the Board of Variance resolve?

The BoV is able to resolve particular variances that are considered *minor in nature* and would cause *undue hardship* to the property owner if not approved. To determine what is considered a *minor* variance, all surrounding circumstances are to be considered. For example, a 100% setback variance in an industrial zone would likely not be considered *minor*. Although there is some guidance on what is considered *minor* and *hardship*, it is a matter for the BoV to decide upon.

The following is typical of *undue hardship*:

- Siting, size and dimensions of a building or structure (typically Zoning or Mobile Home Park bylaws).
- The prohibition of a structural alteration or addition for a non-conforming use.
- Subdivision servicing requirements dealing with water distribution systems, fire hydrant systems, sewage collection systems, and storm water collection systems in areas used for industrial or agriculture use.
- Termination of a Land Use Contract if within 6 months of adoption date.

Our BoV most frequently receives applications related to the siting, height, or size of buildings.

Of note, what can the Board of Variance not vary?

- Floodplain regulations (building levels or setbacks).
- Orders that are in conflict with a Section 219 restrictive covenant.
- Structural alterations or repairs of a non-conforming building or structure which was damaged to an extent of 75% or more.
- Land use or density.

What is the general process for a Board of Variance application?

The general procedure is as follows:

1. Pre-application meeting with the applicant who is given the choice of applying for a BoV order or a Development Variance Permit which would be resolved by Council.
2. BoV application submission including application form, fee payment of \$350, drawings, and justification.
3. The application is referred to internal departments and external agencies for review and comment.
4. The application is provided to the BoV Chair who prescribes the public notice requirements and date of Hearing.
5. Notice is issued (typically to all abutting property owners/occupants).
6. BoV Hearing is held which consists of:
 - a. Staff reporting;
 - b. Statement from applicant;
 - c. Statements from public; and
 - d. Deliberation.
7. BoV provides decision within 30 days of Hearing. Typically the decision is made at the Hearing.
8. Meeting minutes are certified by the BoV Chair and are forwarded to the Deputy Corporate Administrator for record keeping.