

Variance Applications

When is a Variance Needed?

When a particular application by virtue of a site regulation such as a setback, site coverage, height or other regulation will not comply with the Zoning Bylaw, a variance may be required. With the exception of “use” and “density”; zoning, subdivision and sign bylaw regulations may be varied by Council. Development Variance Permit applications are usually considered where the site characteristics or other unique circumstances do not permit strict compliance with an existing regulation. In some cases, where a zoning regulation may impose hardship on the owner/developer, you may submit an application to the Board of Variance, instead.

Board of Variance	Development Variance Permit
<p>You usually apply for a Board of Variance when:</p> <ul style="list-style-type: none"> • there is undue hardship caused by a Zoning Bylaw regulation as to the siting, size or dimension of a building, the prohibition against structural additions or alterations to a legal non-conforming use; and • the development is minor in nature; or • an individual feels there has been an error in judgment by the Building Inspector as to the extent of damage to a non-conforming structure. 	<p>You usually apply for a Development Variance Permit if:</p> <ul style="list-style-type: none"> • the development is not considered minor in nature; and/or • the applicant is requesting relief from a Zoning Bylaw regulation as to the siting, size or dimension of a building, or to the prohibition against structural additions or alterations, or to the subdivision servicing requirements in a particular area. <p>The process of obtaining a Development Variance Permit differs from that of a Board of Variance approval.</p>
<p>What is Undue Hardship?</p> <p>Hardship is related to aspects of the particular site as opposed to general hardships in the area, or hardships generated by the owner. Cost or expense is generally not considered a hardship. In most cases it is attributed to existing buildings or structures, rather than newly proposed but not yet built.</p>	<p>What is a Neighbourhood Public Meeting?</p> <p>A neighbourhood public meeting is a meeting held by the owner/applicant to discuss and answer any questions relating to the proposed development or project to be held at a location that will be suitable to accommodate and provide information to all adjacent land owners within 100 metres of the limits of the subject land under consideration. Staff will provide the applicants with the mailing lists for property owners in the notification area. The applicant is required to submit the minutes and results to the Community Planning & Development Services Department at least one week before the application goes to</p>

	Council.
<p>What is a Minor Variance?</p> <p>Minor variances are determined by the Board and are not defined in legislation in British Columbia. Recently, courts have upheld Board decisions where considerable variances from the bylaw were granted where “minor” is considered in terms of the impact on neighbouring properties owners to use and enjoy their properties.</p> <p>Who is on the Board of Variance?</p> <p>The Board consists of five volunteer members, appointed by Council.</p>	<p>Report to Council</p> <p>The report to Council on the proposed development application includes:</p> <ul style="list-style-type: none"> • A full assessment of the proposal under application, including comments and recommendations from applicable City Departments and external agencies; • An outline of options available to Council; • A recommendation for the application to proceed or to be denied, and; • A notation of any conditions that must be addressed. <p>A copy of the report is faxed or mailed to the applicant for their information. The applicant has the opportunity to appear as a delegation to present the proposal and answer any questions at the Council meeting.</p>
<p>Board Meetings and Decisions</p> <p>Board meetings are scheduled as required to consider applications, and are open to the public. The applicant is encouraged to attend. Anyone having received notice of the hearing, such as interested neighbors, may also attend. The Board decision is made immediately following the hearings. Decisions can be obtained from the City the day after the meeting. Once the application is received, the Board of Variance is usually able to give the applicant a decision within approximately 14 days. Decisions of the Board are final and cannot be appealed. However a court of law can require a Board to re-hear an appeal on the basis of a “procedural error of law” under the Judicial Review Procedure Act. Further appeal can be made to the Supreme Court.</p>	<p>Final Approval</p> <p>If the majority of Council members are satisfied that the proposal is beneficial to the community, and all legal requirements and conditions have been met, Council has the authority to formally approve the proposal under application. A letter notifies the applicant when the approval is granted and the file is closed.</p>

Development Variance Permit

Under Section 920(2)(a) of the *Local Government Act*, Council may, by resolution, issue development permits that vary the City of Campbell River's *Zoning Bylaw* or any other bylaw established under the *Act* (Division 7, Zoning or Other Development Regulations; or Division 11, Subdivision and Development Requirements).

Council will consider issuing development permits for variances that:

- a) Facilitate conformance with the applicable guidelines; and
- b) Better achieve an objective or policy stated in the *Official Community Plan*.

A development variance permit pursuant to Section 922 of the *Local Government Act* is required where the proposed variance does not meet one or more of the above noted criteria.

Application Process

Board of Variance	Development Variance Permit
Complete application and submit with applicable fees.	Complete application and submit with applicable fees.
Application is circulated for comments.	Applicant holds a Neighbourhood Public Meeting.
The Planner prepares a report for the Board of Variance members and a Board of Variance hearing is scheduled.	Application is circulated for comments.
Notification is sent to the adjacent property owners of the hearing, giving them an opportunity to attend.	Notice of Intent is sent to adjacent landowners, giving details of the application and the opportunity to provide comments.
The proposal presented to the Board of Variance and a decision is made.	Planner prepares a report to Council relating any letters or information received from the Notice of Intent, results of Neighbourhood Public Meeting to Council for consideration of approval.
The applicant is notified of the decision.	The applicant is then notified of the decision.
	If approved, Development Variance Permit is issued and a notice registered against the property at Land Titles is filed.

Development Application Fees

Upon the submission of an application for a permit, renewal or amendment of a permit, or to the Board of Variance, the applicant shall pay the City of Campbell River an application fee in the amount set out in Schedule 'A' of Bylaw No. 3435, 2010, as shown below. Any refunds applicable shall be made in accordance with Schedule 'B', of Bylaw No. 3266, 2006, also shown below.

Development Variance Permits	\$750.00
Registration Fee for Development Variance Permit <i>(to be paid at time of application)</i>	\$30.00 plus GST
Time Extensions	\$200.00
Amendments to an Existing Permit	\$500.00
Board of Variance	\$500.00 plus GST

Refundable Amounts

Where an application, or an amendment to a permit has been refused by the City of Campbell River Council or Board of Variance the City of Campbell River, the Community Planning & Development Services Department shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal, including any reasons for rejection where applicable, and including any applicable refunds as outlined in Schedule "B" of Bylaw 3266.

1. Development Fees that are refunded prior to the file/application circulation are eligible for the cost of the Development Fee **less** 10% for administration.
2. Development Fees that are refunded after circulation and prior to Community Planning & Development Services Department report to Council or Board of Variance for consideration are eligible for the cost of the Development Fee **less** 30% for administrative costs.
3. No development fees will be refunded after an application where the public notification has been completed.

Re-Application

Subject to Section 895(3) of the Local Government Act, re-application for an amendment or permit or to the Board of Variance, that has been refused by Council or an Approving Authority at the City of Campbell River, shall not be considered within a six (6) month period immediately following the date of refusal. The Community Planning & Development Services Department will immediately consider and process a "new" application or "revised" application that is significantly different from an amendment or permits that have been refused by Council or Approving Authority.

Variance Application Required Information

Please refer to the Official Community Plan Bylaw 3475, 2012, Part V: Development Permit Areas to assess what applies to your proposal and set up an appointment for a pre-application meeting with the Community Planning & Development Services Staff who will be happy to assist you in filling out your application.

All submissions must ensure the following information is included as part of the completed application package:

- Complete application package signed by the registered owner(s) of the subject property. Incomplete applications will not be accepted.
- Agent or Consultant Authorization - If an agent/consultant is applying on behalf of the registered owner(s), Section b) needs to be filled and all owners must have signed under AGENT OR CONSULTANT/ OWNER AUTHORIZATION.
Please note the City shall deal exclusively with the agent/consultant with respect to all matters pertaining to the proposed application, unless the City is advised in writing that the agent is no longer acting on behalf of the owners.
- British Columbia Land Title for the subject property dated no more than five days prior to the date of application.
- Application Fee and Registration Fee for the Development Variance Permit is to be paid at time of submission.
- Completed Schedule 1, Site Profile, as per the Waste Management Act, for the subject property.
- Written statement of intent outlining the proposed use of the subject property and the reasons/rationale for the proposal, including how it will benefit the surrounding neighbourhood.
- Concept Plans, if required, are to include the following information:
 - Site Plan of sufficient detail and scale to show building design and parking layout, relationship to adjoining lands and development, site access, landscaping, buffer treatment, and any other information which may be deemed relevant to the proposal.
 - Elevation drawings of sufficient detail to show the form and character of the proposed development.
 - One (1) set of 8^{1/2} × 11 drawings and one (1) set of full size drawings to scale.
 - One digital copy of all plans and drawings of the proposal.

PUBLICATIONS AND FORMS

The following publications and forms are available through the City of Campbell River's website at: <http://www.campbellriver.ca/Business/DevelopingCampbellRiver/Pages/VariancePermits.aspx>

Publications and Forms:

- Variance Permit Package
- Zoning Bylaw 3250
- Subdivision and Development Servicing Bylaw 3419, 2010 - 2010 Design Standards
- Sign Bylaw 3309, 2007
- Official Community Plan 3475, 2012

Although the City of Campbell River tries to assure the accuracy of all information here, you should confirm all information with the Planning staff at the Community Planning & Development Services Department