

## Board of Variance Application Form

### OFFICE USE ONLY

Application Fee: \_\_\_\_\_ Receipt No. \_\_\_\_\_ File No. \_\_\_\_\_

### SECTION 1: DESCRIPTION OF PROPERTY (AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description \_\_\_\_\_  
Civic Address \_\_\_\_\_  
Electoral Area \_\_\_\_\_ Parcel Identifier (P I D) \_\_\_\_\_

### SECTION 2: OWNER INFORMATION (ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

<p>1) _____</p> <p>Name _____</p> <p>_____</p> <p>Mailing Address _____</p> <p>_____</p> <p>Town / Province _____ Postal Code _____</p> <p>_____</p> <p>Telephone/ Cell _____ Fax _____</p> <p>_____</p> <p>Email _____</p>	<p>2) _____</p> <p>Name _____</p> <p>_____</p> <p>Mailing Address _____</p> <p>_____</p> <p>Town / Province _____ Postal Code _____</p> <p>_____</p> <p>Telephone/ Cell _____ Fax _____</p> <p>_____</p> <p>Email _____</p>
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I would prefer all correspondence via:  email  regular mail  fax

### SECTION 3: AGENT INFORMATION

\_\_\_\_\_

Name \_\_\_\_\_ Mailing Address \_\_\_\_\_ Town/Province \_\_\_\_\_

\_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone/ Cell \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

I would prefer all correspondence via:  email  regular mail  fax

### SECTION 4: REASON FOR APPEAL

- I/ We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following:
- To review a decision made by the Regional District of Nanaimo Manager of Building, Bylaw & Emergency Planning Services pursuant to Section 532 of the **Local Government Act**.
- Or,
- To determine that compliance with the following will cause undue hardship:
- Relating to siting, size and dimensions of a building or structure, or the siting of a manufactured home in a manufactured home park. (Note: use and density, including varying maximum building size provisions, will not be considered for variance)
  - The prohibition of structural alteration and addition pursuant to Section 531 of the **Local Government Act**.
  - A subdivision servicing requirement pursuant to Section 506 of the **Local Government Act** in an area zoned for agricultural or industrial uses.

**SECTION 5: APPLICATION COMPLETION CHECKLIST:**  
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location of existing and proposed buildings and structures and parts thereof
- Electronic copies of all plans
- Property Declaration Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist
- Other \_\_\_\_\_
- \_\_\_\_\_

**SECTION 6: Registered Owner's Authorization**  
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Registered Owner

\_\_\_\_\_  
Date

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board Of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".

Subject Property Legal Description:

Subject Property Civic Address:

Subject Property PID:

### **Riparian Areas**

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo (RDN) from approving or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek or brook; and/or,
- c) any ditch, culvert, spring, or wetland.

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features. I (we) declare that (***please check the one that applies***):

- that there are no water features located on the subject property; or
- there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, alteration or construction of a building or structure (***please check the one that applies***):

- is greater than 30.0 metres from a water feature; or
- is less than 30.0 metres from a water feature.

### **Eagle and Heron Nesting Trees**

I (we) acknowledge that the *Wildlife Act* protects Bald Eagles and Great Blue Herons, their eggs and nests. Bald Eagles and Great Blue Herons are sensitive to development near their nesting sites and may return to a nest that has been unused for a number of years.

While the provincial government and the RDN undertake mapping of nesting sites from time to time, not all are mapped. Some on private property may have been undetected, and new nests are continually being built. Typically, a 60 metre radius for an eagle nesting tree and depending on the level of development in an area, a 60 - 300 metre radius for a heron nesting tree (or trees) is considered to be sensitive to disturbance. Electoral Areas A, E, G and H require that a development permit be obtained prior to development near an eagle or heron nest.

Mapped eagle and heron nest trees can be found on the Community Mapping Network at [www.cmnmaps.ca/WITS/](http://www.cmnmaps.ca/WITS/) and [www.cmnmaps.ca/GBHE/](http://www.cmnmaps.ca/GBHE/).

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area





**Authorization Letter for Agent**

I/ We \_\_\_\_\_, the owner(s) of property legally described as \_\_\_\_\_  
*(Legal Description)*

at \_\_\_\_\_  
*(Civic Address)*

authorized \_\_\_\_\_  
*(Name of Agent)*

To act as my/our agent for all purposes in relation to the application for permits from the Planning Department of the Regional District of Nanaimo and I/we acknowledge the authority of the agent to bind me/us in all matters relating to the work to be preformed under the permit.

The person signing the permit documents, if not the owner, acknowledges that his or her signature is as agent for the owner and that he or she is authorized to bind the owner who will be deemed to know of and to understand the contents of the documents.

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Date*

# BOARD OF VARIANCE 2019 SCHEDULE

DEADLINE for APPLICATIONS	DEADLINE for AGENDA MAILOUT	BOARD OF VARIANCE MEETING
Monday, Dec 17 <sup>th</sup> <b>2018</b>	Friday, Dec 28 <sup>th</sup> <b>2018</b>	Wednesday, January 9 <sup>th</sup>
Monday, January 21 <sup>st</sup>	Friday, February 1 <sup>st</sup>	Wednesday, February 13 <sup>th</sup>
Tuesday, February 19 <sup>th</sup>	Friday, March 1 <sup>st</sup>	Wednesday, March 13 <sup>th</sup>
Monday, March 18 <sup>th</sup>	Friday, March 29 <sup>th</sup>	Wednesday, April 10 <sup>th</sup>
Monday, April 15 <sup>th</sup>	Friday, April 26 <sup>th</sup>	Wednesday, May 8 <sup>th</sup>
Tuesday, May 21 <sup>st</sup>	Friday, May 31 <sup>st</sup>	Wednesday, June 12 <sup>th</sup>
Monday, June 17 <sup>th</sup>	Friday, June 28 <sup>th</sup>	Wednesday, July 10 <sup>th</sup>
Monday, July 22 <sup>nd</sup>	Friday, August 2 <sup>nd</sup>	Wednesday, August 14 <sup>th</sup>
Monday, August 19 <sup>th</sup>	Friday, August 30 <sup>th</sup>	Wednesday, September 11 <sup>th</sup>
Monday, September 16 <sup>th</sup>	Friday, September 27 <sup>th</sup>	Wednesday, October 9 <sup>th</sup>
Monday, October 21 <sup>st</sup>	Friday, November 1 <sup>st</sup>	Wednesday, November 13 <sup>th</sup>
Monday, November 18 <sup>th</sup>	Friday, November 29 <sup>th</sup>	Wednesday, December 11 <sup>th</sup>
Monday, December 16 <sup>th</sup>	Friday, December 27 <sup>th</sup>	Wednesday, January 8 <sup>th</sup> <b>2020</b>

All Board of Variance meetings are convened at 4:00 p.m.  
1<sup>st</sup> floor Committee Room, Regional District of Nanaimo Office  
6300 Hammond Bay Road, Nanaimo




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250-390-6510 / 250-954-3798 / Toll free 1-877-607-4111

The Board of Variance is established by Regional District of Nanaimo Bylaw 1621  
and operates independent of the Board of the Regional District of Nanaimo.

## Guide to the Board of Variance (BOV) Process

### What is a Board of Variance?

Section 536 of the British Columbia *Local Government Act* stipulates that any local government that has adopted a zoning bylaw or rural land use bylaw must establish a board of variance. The Board of Variance functions separately from the local government that established it and has its own authority under the Act.

A person may apply to the Board of Variance for an order to vary certain zoning or rural land use bylaw provisions where an applicant can adequately demonstrate, to the satisfaction of the Board, that compliance with certain bylaw provisions would cause the applicant undue hardship. A person may apply for relief of certain restrictions imposed under Sections 528-532 of the *Local Government Act* with regards to legal non-conforming buildings.

The Board of Variance **cannot**, however, vary:

- Bylaw requirements involving land use or density (for example the number of buildings per hectare);
- Floodplain specifications;
- A registered covenant;
- Any requirements under Part 15 *Local Government Act*, (Heritage Conservation);
- Bylaw requirements concerning designated heritage conservation areas; or,
- Any requirements of a heritage revitalization agreement under Section 610 of the *Local Government Act*.

### Before you apply.....

The Board of Variance application for an appeal can be acquired from the Planning Department at the Regional District of Nanaimo office. It is recommended that the property owner gather as much information regarding their property and proposal as possible (e.g. legal description, drawings, and surveys). You are recommended to obtain further details and advice from the planning staff when making an application.

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## **Board of Variance Process**

### **Step 1 – Applicant consults with staff and obtains application**

Prior to submitting your application for a variance, you should contact the planning staff to review bylaws, policies and regulations concerning your requested variance. In making your application you need to consider your local land use bylaw and maps, Official Community Plan, and any other applicable bylaws. Each property in the RDN area is subject to specific zoning regulations. Zoning regulations restrict such things as site coverage, building setbacks, and sets minimum parking space requirements. Certain bylaw provisions concerning density and use of the property cannot be varied by a Board of Variance.

### **Step 2 – Submit an Application**

Once you have reviewed all applicable regulations and determined your bylaw variance requirements, you must complete a Board of Variance application form and submit it to the Regional District of Nanaimo office with the applicable fees. The planning staff will be available to assist you. You must provide the following:

- A recent State of Title indicating the owner(s) name. If applicant is an agent of the owner, the owners must sign the letter of authorization form. The State of Title Certificate will also indicate if there are any covenants or easements which may affect the proposed development. Attach copies of any covenants or easements to the application;
- A brief description of the required variance and reasons why the variance may be justified. Physical features, built features, building designs, and financial constraints may restrict your ability to fully comply with certain bylaw requirements;
- A site plan/survey plan that includes any requested variances to set backs, prepared by a BC Land Surveyor (BCLS). Your plan should clearly indicate the requested variance and the bylaw provision that is to be varied. The site plan should be titled and at a scale that can be easily reviewed, and include information regarding setbacks of all existing and proposed buildings. For a proposed variance to relax a height requirement, a building elevation plan, certified by a BCLS, must be submitted;

You may also be required to provide the following:

- A topographical survey plan certified by a BC Land Surveyor; and,
- Professional Engineer's Report.

### **Step 3 – Notifying Neighbouring Properties**

Staff will prepare a notice for the Board of Variance that contains the subject matter of the application, and the time and place where the application will be heard by the Board. This notice shall be provided to all owners and tenants in occupation of the subject land and adjacent lands located within 50 metres of a parcel that is the subject of the permit.



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#### Step 4 – Board of Variance Hearing

The Board of Variance meets on the second Wednesday of each month at 4:00 p.m. in the Committee Room of the Regional District of Nanaimo located at 6300 Hammond Bay Road, Nanaimo, B.C. You should attend the hearing to present your proposal. Prior to that hearing, the Board of Variance may contact you in order to carry out a site inspection of your property.

At the Board of Variance hearing, the Secretary for the Board introduces the application and states the facts that pertain to the application. The applicant is then given the opportunity to describe the nature of the variance.

The Board of Variance may order that a minor variance be permitted from the requirements of a bylaw, or that an applicant be exempted from the restrictions placed on alterations or additions to buildings and structures which are non-conforming following the hearing if:

- Undue hardship would be caused to the applicant through compliance;
- It would not result in inappropriate development of the site;
- It does not adversely affect the use and enjoyment of adjacent land;
- It does not substantially affect the use and enjoyment of adjacent land;
- It does not vary permitted uses and densities of the applicable bylaw; and,
- It does not defeat the intent of the bylaw.

A decision from the Board of Variance is final.

