

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT: <i>RDN Board of Variance</i>	POLICY NO: B1.10 CROSS REF.:
EFFECTIVE DATE: January 25, 2005	APPROVED BY: Board
REVISION DATE:	PAGE: 1 of 2

PURPOSE

1. Scope

This document has the following two purposes:

- a. To provide the opinion of the Board of the Regional District of Nanaimo to the Board of Variance for consideration by the Board of Variance.
- b. To provide direction to Regional District of Nanaimo staff regarding fees, public notice, and the provision of information to the Board of Variance for its consideration.

2. Fees and Public Notice

- a. The fee for the Board of Variance shall be equal to the application fee for a Development Variance Permit.
- b. The public notice provided by the Board of Variance shall be the same as that provided by the Regional District for a Development Variance Permit.

3. Development Services Review and Comment on Applications

All Board of Variance applications shall be reviewed by Regional District of Nanaimo staff to answer the following questions and provide the following comment, when appropriate. The information shall be forwarded to the Board of Variance, with the application, for their consideration.

a. If an application is approved would the approval be in conflict with a Section 219 covenant registered on title?

If there is a conflict the conflict shall be explained and the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

b. Is the subject property in a development permit area?

If the subject property is in a development permit area and a development permit has **not** been issued staff shall provide the development permit area guidelines to the Board of Variance and recommend that the Board of Variance consider whether the variance would be better considered as part of the more comprehensive development permit approval process.

c. Has a development permit been issued for the subject property?

If a development permit has been issued a copy of the development permit, and an evaluation of whether the application deals with a matter that is covered in the development permit, shall be provided to the Board of Variance. If the application deals with a matter that is covered in the development permit the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

d. Has a development variance permit been issued for the subject property?

If a development variance permit has been issued for the property a copy of the development variance permit, and an evaluation of whether the application deals with a matter that is covered in the development variance permit, shall be provided to the Board of Variance. If the application deals with a matter that is covered in the development variance permit the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

e. Does the application deal with a variance that was the subject of a development variance permit refused by the Regional District of Nanaimo Board?

If the application deals with a variance that was the subject of a development variance permit refused by the Regional District of Nanaimo Board staff shall provide the staff report(s) for the development variance permit to the Board of Variance for consideration.

f. Does the application deal with a flood plain specification under Section 910 (2) of the Local Government Act?

If the application deals with a flood plain specification under Section 910 (2) of the *Local Government Act* the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

g. Does the application apply to a property for which an authorization for alterations is required under Part 27 (Heritage Conservation) of the Local Government Act (if yes – provide details)?

If the application applies to a property for which an authorization for alterations is required under Part 27 of the Local Government Act the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

h. Does the application apply to a bylaw infraction that is the subject of enforcement action by the Regional District of Nanaimo?

If the application applies to a bylaw infraction that is the subject of enforcement action by the Regional District of Nanaimo the Board of Variance shall be advised of the nature and history of the enforcement action for consideration.

i. Does the application involve a variance that exceeds 40% of the Bylaw requirement?

If the application is for a variance that exceed 40% of the Bylaw requirement the Board of Variance should be advised that the Regional District of Nanaimo does not consider this to be a minor variance.