



Cariboo Regional District
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AN APPEAL TO THE BOARD OF VARIANCE Development Services Guide

An application is a process of evaluation and does not automatically ensure approval of your proposal.

What is An Appeal to the Board of Variance?

The Board of Variance is a quasi-judicial body established under Section 536 of the *Local Government Act*. It is authorized to hear appeals from aggrieved parties with regard to certain regulations of a zoning bylaw, a rural land use bylaw, a subdivision servicing bylaw, extension of a non-conforming use and reconstruction of a non-conforming building where a person alleges that enforcement of the regulations would cause them undue hardship.

The variance must not:

- 1) result in inappropriate development of the site;
- 2) substantially affect the use and enjoyment of adjacent land;
- 3) vary permitted uses and densities under the applicable bylaw; or
- 4) defeat the intent of the bylaw.

Who is the 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 Cariboo Regional District and has its own authority under the Act.

Who can make an application to the Board of Variance?

A property owner(s) or agent having written authorization from the property owner(s) may submit an application.

Where is an application obtained and submitted?

An application package can be obtained from Planning Services, the CRD website cariboord.ca, and must be submitted to the CRD along with all applicable fees and information for processing.

How long will an application take?

Processing times may vary and approval time may be affected by application completeness, accuracy and compliance with other referral agency or regulatory requirements.

Will I have to make a presentation to the Board of Variance?

Yes. It is the job of the applicant to prove that the bylaw will not be fair and equitable. The burden of the presentation is on the applicant, and, in this type of consideration, the bylaw is presumed to be equitable for all until it is proven otherwise. It is not up to the Board of Variance to present the case for the individual, nor is it up to the Board to find, within the bylaw, a method to accomplish what has been requested. The Board of Variance must be careful to ensure that they have sufficient facts to indicate no detrimental nature of the proposed use. It cannot be simply a matter of opinion.

What happens to your application?

A summary of the Application process is shown below:

Application Process:

1. *Pre-Application Meeting:*

You are encouraged to meet with Planning Services staff in advance of submitting your application to discuss the feasibility of your proposal and to review what applications may be required.

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2. *Submit Application:*

Complete and submit the Board of Variance Application Form including required documents, plans and all applicable fees to the CRD.

3. *Circulation for Comments:*

After Planning Services has processed the application, the application and all relevant background information is forwarded to the following persons for comments:

- The appropriate electoral area director;
- The Building Department; and,
- Property owners and tenants of land adjacent to land that is the subject of the application.

4. *Board Resolution:*

After the various persons have reviewed the application and commented on the same, this information along with Planning Service's recommendations is forwarded to the Board of Variance for its consideration.

Please Note:

Your application will be processed in accordance with Cariboo Regional District Development Procedures, Guidelines & Fees Bylaw which includes a detailed fee and fee refund schedule.