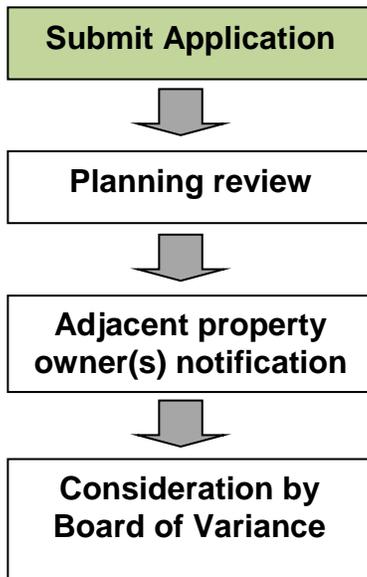




Board of Variance FAQ Sheet



What is a Board of Variance (BOV) and what does it do?

It is a tribunal comprising of 3 volunteers appointed by the TNRD Board to deliberate minor relaxations to zoning or servicing bylaw requirements where an applicant can demonstrate, to the satisfaction of the BOV, that compliance would cause hardship. For example: if a boulder or stream on a property makes it a hardship to site a building and meet bylaw setbacks. A person may also apply for relief of some restrictions imposed by s. 531 of the *Local Government Act* (the "Act") with regards to legal non-conforming buildings. A BOV cannot vary:

- land use or density bylaw requirements (e.g. the number of dwelling units per parcel/hectare or an activity that is not permitted under zoning);
- floodplain requirements;
- covenant restrictions, requirements or other similar encumbrances;
- requirements under Part 14 of the Act (Development Permits); or
- requirements of a heritage revitalization agreement under s. 610 of the Act.

When can I apply to the BOV?

An applicant may apply to the BOV to vary bylaw provision(s) if they believe that compliance would cause undue hardship in case of the following:

- the siting, dimensions or size of a building or structure;
- a structural alteration or addition to a building or structure having a non-conforming use; or
- a subdivision servicing requirement for water, sewage or drainage in an area zoned for agricultural or industrial use.

Who can apply to the BOV?

A property owner or agent having written authorization from the owner.

How do I apply and how much will it cost?

An application package can be obtained from Planning Services or our website www.tnrd.ca. It must be submitted to Planning Services along with all applicable fees and supporting information for processing and referral. Board of Variance meetings are generally held on the last Wednesday of each month. In order to meet agenda and notification deadlines, a complete application must be received no later than the **1st of the month** to make that month's meeting; otherwise, it will shift to the following month. The application fee is \$400 but additional submittals such as professional reports, a surveyed site plan, etc. may be required to support your application. All costs related to these submissions are the responsibility of the applicant.

How long does application processing take?

Applications typically take +/-45 days to complete; however, processing times vary based upon application completeness and accuracy as well timing in relation to the BOV's meeting schedule.

What happens to my application?

The general process is shown on the above flowchart. Applications include a notice or referral process to nearby property owners and may involve more detailed procedures, correspondence and/or requirements. The BOV considers if the variance will 1) *result in inappropriate development for the site and the neighborhood*, 2) *adversely impact the natural environment*; and 3) *substantially affect or defeat the intent of the bylaw*.

Meetings of the BOV at which they **allow** (approve) or **refuse** an application are open to the public - **it is always a good idea for applicants to attend in person or by conference call**.

The decision of the BOV is final; however, applicants may undertake a Development Variance Permit (DVP) process through the TNRD Board if they are unsuccessful. The DVP is a longer more involved process: NO hardship is required and variances can be major or minor (please see the FAQ sheet that explains DVPs).

Please contact Planning Services before you submit an application. We are available to discuss your proposal, details of the process involved, possible alternatives; as well as to answer your questions. An application is a process of *evaluation*; approval is not ensured. Your application will be processed in conformance with our Development Procedures Bylaw.