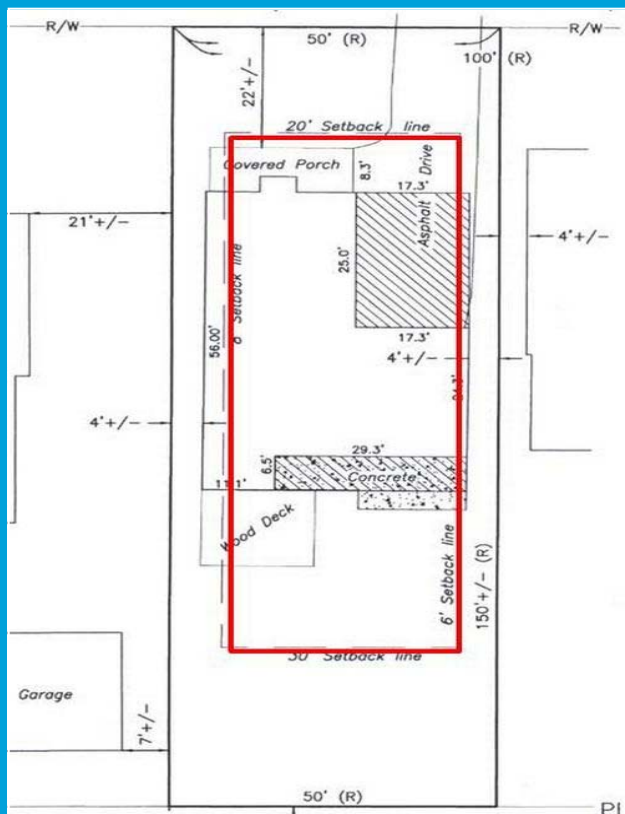


VARIANCES



DEPARTMENT OF
COMMUNITY PLANNING
AND BUILDING

TYPES OF VARIANCES

Variations are requests to City Council or the Board of Variance to relax a bylaw requirement that may be difficult to meet. The City of Parksville handles three types of variations:

Development Variance Permits

(DVPs) - permits allowing for a relaxation to a bylaw regulation;

Variance as part of a Development Permit (DP) or subdivision application

—If a DP or subdivision is sought and there are minor bylaw regulations that are difficult to meet, a variance may be requested as part of the application;

Board of Variance application

—if a regulation cannot be met due to specific circumstances on a property, an application to the Board of Variance may be requested. Board of Variance applications must demonstrate that a bylaw regulation creates an 'undue hardship' for a property owner to meet, and the relaxation sought must be considered minor in nature.

DEVELOPMENT VARIANCE PERMITS

Development Variance Permits (DVPs) are required when a property owner wishes to obtain a relaxation of a particular requirement contained in a regulatory bylaw, such as a zoning bylaw, subdivision servicing bylaw or sign bylaw.

Although a DVP may be sought to relax most regulations, it cannot authorize changes to land use, density or floodplain requirements.

DVPs must be considered by Council, although Council is not compelled to approve variance requests. Prior to seeking a variance, applicants are advised to consider the following:

- alternate options in design or siting;
- applicable policies (i.e. consistency with policies in the Official Community Plan);
- rationale for the variance.

The DVP process includes consideration of effects on the use and enjoyment of adjacent lands. Neighbouring landowners/tenants within a specified distance are formally notified of the DVP application and afforded an opportunity to address Council in advance of its decision on the proposal.

If approved by Council, notice of the DVP is registered on the property's title and applies even when ownership changes.

BOARD OF VARIANCE

The Board of Variance is an independent board comprised of Council-appointed professionals from the local community and tasked with consideration of variances in specific circumstances defined in the *Local Government Act*. The Board can authorize variances to bylaw requirements where the variance is considered ‘minor’ and the Board deems that meeting the provisions of a regulatory bylaw creates a ‘hardship’ for the property owner.

The Board of Variance can consider applications where complying with one of the following would cause the person hardship:

- a bylaw respecting
 - the siting, size or dimensions of a building or structure, or
 - the siting of a manufactured home in a manufactured home park;
- a subdivision servicing requirement in an area zoned for agricultural or industrial use;
- the prohibition of a structural alteration or addition where a non-conforming use is occurring;

The Board of Variance must be satisfied that the variance proposal does not adversely affect the natural environment, defeat the original intent of the bylaw or result in inappropriate development of the site.

The City’s Board of Variance consists of three members of the public appointed for a three-year term by Council.

Upon approval and issuance of a variance order under the Board of Variance, works must commence within two years or the order lapses.

The Board of Variance will not accept an application if:

- it does not believe there is a hardship and the variance is not considered minor;
- the lands are in a Development Permit Area;
- the property is affected by a covenant under Section 219 of the Land Title Act;
- the lands are affected by a land use contract;
- the proposal has been rejected by Council;

Photo Captions

Cover photo: Brad Neumann (2020) https://www.canr.msu.edu/news/proving_a_practical_difficulty_for_a_dimensional_variance_request

Information is for convenience only. Contact department staff to discuss current and applicable bylaws



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