



# CASTLEGAR

## BOARD OF VARIANCE

### A GUIDE TO PROCEDURE

**“Any person being the owner of land or having the written permission of the owner may apply to the Board of Variance.”**

Under the *Local Government Act*, where a local government has adopted a Zoning Bylaw, it must establish a Board of Variance.

The Board of Variance is an independent and impartial body whose purpose is to consider each application and render a decision once the applicant and any other person who believes their interest in property is affected by the application have been heard.

The Local Government Act requires that the Board of Variance consist of one person appointed by the City, one person appointed by the Minister of Municipal Affairs, and one person appointed by the other 2 appointees.

The Board of Variance will consider applications where the applicant alleges that:

- (a) compliance with the provisions of the Zoning Bylaw, Mobile Home Park Bylaw or Subdivision Control Bylaw or a prohibition of a structural alteration or addition to a non-conforming use will cause an undue hardship; or
- (b) the determination of the Building Inspection Department of the amount of damage to a non-conforming building or structure is in error.

The Board of Variance cannot vary the permitted uses or densities under the Zoning Bylaw nor can it deal with major variations that should be the subject of a Development Variance Permit.

All applications are submitted to the Development Services Department on the prescribed application form, along with an application fee of \$300.

Adjacent property owners and tenants in occupation will be notified about the application and any person who believes their interest in property is affected will be heard by the Board of Variance.

For additional information please contact:

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**The following guide is intended to generally illustrate  
the procedure involved in applying to the Board of Variance**

## **PROCEDURE FOR BOARD OF VARIANCE APPLICATIONS**

1. The applicant makes preliminary enquiries to the Development Services Department regarding the proposed application.

2. If the applicant alleges that

i) compliance to the applicable bylaw(s) would cause an undue hardship, or

ii) an error respecting the amount of damage to a non-conforming use,

the applicant completes the form "Application to the Board of Variance" and submits a copy of the site plan, floor plan, elevation plan or other plans as required to support the application, along with the \$300 Board of Variance application fee.

**Note:** An application form can be obtained on the Internet at:

<http://www.castlegar.ca/pdfs/BoardofVariance.pdf>

3. The application is processed by the Director of Corporate Services who acts as Secretary of the Board of Variance. The Chairman of the Board of Variance shall set a date when the hearing will be held.

4. The Development Services Department reviews the application and prepares a report to the Board of Variance. The applicant may be required to submit additional information for review and presentation to the Board of Variance.

5. City staff will notify all the owners and tenants in occupation of land that is the subject of the application and adjacent to it which might be affected, giving at least seven (7) days notice of the hearing.

6. The applicant is advised of the date and time of the Board's hearing and advised to attend the meeting or have a representative appear on his/her behalf.

7. At the Board of Variance hearing, the applicant will be afforded the opportunity to present his/her application. Then any other person who believes that their interest in property is affected by the application will be heard as directed by the Chairman of the Board. If the applicant or his/her representative fails to appear at the hearing, the Board may proceed to decide on the application in their absence.

8. Upon considering an application, the Board of Variance may:

- approve the minor variation;
- set aside the determination of the Building Inspection Department;
- deny the application;
- adjourn the hearing;
- order that a public notice be advertised in the newspaper and consider the application at a later time.

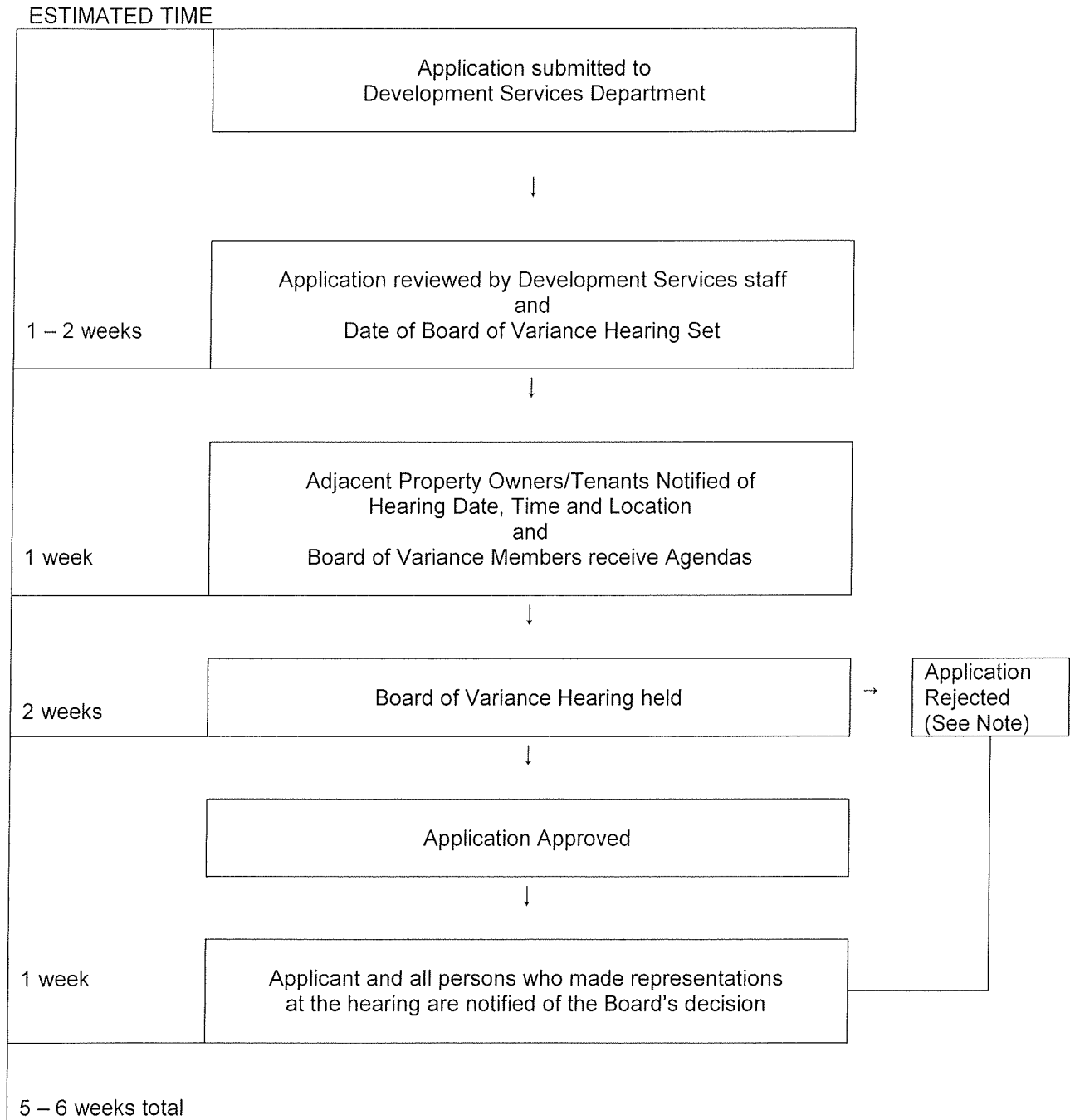
9. The applicant, as well as all persons who made representations at the hearing, are notified of the Board's decision.

### ***THE BOARD OF VARIANCE***

- The members of the Board of Variance shall elect one of their numbers as Chairman.
- An appointment to the Board of Variance is for a term of 3 years.
- A member of the Board of Variance shall not receive compensation for his services as a member.
- A person who is
  - (a) a member of the Advisory Planning Commission of the local government, or
  - (b) an officer or employee of the local governmentis not eligible to be appointed to a Board of Variance.

# BOARD OF VARIANCE APPLICATIONS

## FLOW CHART



**NOTE:** The decision of the Board of Variance is final, unless involving the determination of the amount of damage to a non-conforming building or structure, in which case an appeal can be made to the Supreme Court.

## NOTES:

**NOTE:** This pamphlet is prepared for information purposes only and the City of Castlegar disclaims any liability arising from reliance on information contained in this guide. This pamphlet is not a procedures manual pursuant to Section 895 of the Local Government Act.



# CASTLEGAR

## DEVELOPING IN CASTLEGAR

### A General Guide to Obtaining Municipal Approvals

#### **A Partnership Approach**

The City of Castlegar encourages development... each new development adds to the community and helps make the future happen now. Development brings jobs, people, facilities, well-being and greater community security.

A partnership between you and the municipality can ensure that your development is a positive contribution to Castlegar, as well as a benefit to you. Municipal staff are trained to answer your questions, to tell you what requirements you will be expected to meet and, in general, to help you make an application which will be successful.

#### **So you want to develop...?**

If you are thinking of developing your property, this brochure will explain how to go about it, why certain things must be done, and where you can get more information. It is a general guide only, meant to help you get started "on the right foot" and is not meant to replace Bylaws or other legal documents. It will be of help if you want to:

- subdivide land;
- change how the land is used;
- request relaxation of development standards and requirements;
- and other land development applications.

#### **Why are Approvals Needed?**

Everyone wanting to develop land in Castlegar, or to change the use of land, must obtain approval from the City of Castlegar. Municipalities across British Columbia are given the authority to plan for their future, and to ensure that all developments are compatible and consistent with the relevant plans and with certain standards designed to protect the overall well-being of the community.

#### ***This Guide deals with:***

- ***Why approvals are needed;***
- ***The general system of procedures;***
- ***Where to obtain additional information.***

#### **Doing Your Part**

To do your part in this partnership, you should first:

- read our brochures relating to your development;
- see if your ideas are acceptable, as far as the Official Community Plan and Zoning Bylaw are concerned, or
- consider modifying your ideas so your proposed development fits with community policies;
- find out what costs you will be expected to bear and the time required to get your proposal approved;
- consult with municipal staff early.

Once you have decided to proceed, you should submit an application. Please remember that the more information you can provide when you submit your application, the faster it will be dealt with by staff. Following these general procedures will help you get your proposal dealt with as quickly as possible.

*This guide is meant for guidance only and should not be construed by anyone as a right to a development approval if the steps indicated are followed.*

*Development requirements are set out in the Official Community Plan, the Zoning Bylaw, Subdivision and Development Bylaw, and other public documents. These bylaws were adopted by Council, after public hearings, and govern how Castlegar should develop in the future. Copies of these bylaws can be obtained or viewed at City Hall or on the Internet at*

<http://www.castlegar.ca/bylaws.php>

*Municipal staff will assist you in understanding the bylaws and the process of implementation.*

## General Procedures to Follow

### 1. Before you start, check the following:

- The zoning of your property

The Zoning Bylaw outlines the basic rules for development on your property, such as uses allowed, maximum height of buildings, maximum number of dwelling units, limits on amount of floor area, building setbacks, parking, etc.

- Official Community Plan (OCP) designation

The OCP outlines the range of uses intended for your area in the future. This plan should be checked especially when the use you want is not allowed within the present zoning regulations for your property. If that is the case then an OCP amendment is required. The OCP also outlines areas which require Development Permit approval.

- Services

All developments must be provided with sufficient services for sewage and storm water disposal, water, and roads at the developer's cost. Check what services are currently available and how much additional servicing your development may need.

### 2. Prepare your proposal

Depending on the magnitude of your development proposal, you may or may not need a consultant to prepare your proposal.

### 3. Make your application

The Development Services Department staff will assist you in filling out an application form. Enclose at least three (3) copies of your drawings. Submit your application fee with the accompanying documents.

### 4. Follow through on your application

How to follow through on your application depends on the type of application you are making and the procedure for that application. Read the appropriate brochure to determine the particular procedure for your type of application. Municipal staff will advise you of the process and timing required to accommodate your development.

## 8 Steps to Success

In order to reduce the time it requires to get your proposed development approved, we suggest you follow these 8 steps:

1. Consult with staff prior to submitting an application.
2. Submit a complete application with accurate information and the applicable application fee.
3. Familiarize yourself with the review process involved with your particular application.
4. Make a note of the "average processing time" for your type of application, and expect that it may take at least that long for yours to be processed.
5. Keep a record of approvals, correspondence and decisions from meetings so you know the status of your application and if there are further items which you must provide.

6. It does not hurt for you to follow up with outside agencies on the status of your application. Check with the Development Services Department for the contact person in the outside agency, the file number, and when the referral was made.
7. Remember that, in most cases, (except subdivision approval) your application will be considered by City Council, and they will decide whether to give it approval or not. Staff will do all they can to help process your application, but we can only advise you and Council. Council has the responsibility to make the decision.
8. Be patient...all applications are dealt with on a "first come/first served" basis and there will be applications ahead of yours. City Council is very receptive to holding special meetings in order to expedite applications.

### For further information contact:

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 Development Services Department  
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