

## BOARD OF VARIANCE PERMIT APPLICATION

DATE SUBMITTED:

### All Board of Variance applications require the following documents

- Application fee (cheque or debit card payable to the Town of Qualicum Beach)
- State of Title Certificate (current within 30 days of application) – with copies of any registered Covenants, land use contracts or permits.
- Completed Board of Variance Permit Application Form
- Floor Plan – Showing intended use
- Elevations – Provide elevation views showing original grade and building height. Minimum scale – 1:50 (1/4" = 1'0)
- Site Plan – Provide a site survey prepared by a BC Land Surveyor showing any existing buildings and proposed extensions or proposed building footprint in relation to property lines. Minimum scale – 1:100 (1/8" = 1'0") - Include a contours indicating the "natural grade" of the site, if a height variance is requested.
- Additional information in support of the application (eg. photographs, letters of support)

***Additional information in support of the application (e.g. photographs, letters of support) Further information may be required to enable the Board of Variance members to visualize the proposal and its relationship to the surrounding area. Approval, if given by the Board, is for the plans submitted. Changes to plans after the Board's decision will require a new application.***

### BEFORE SUBMITTING YOUR APPLICATION, NOTE THE FOLLOWING

1. Prior to applying to the BOV, the applicant will have unsuccessfully applied for a building permit application; therefore, necessitating the reason for appealing to the Board. The **applicant must prove there is an undue hardship** before the Board may consider approval of an application under Section A, B, C or D.  
***"Hardship – the impact of generally applicable regulations on a particular lot, which the owner alleges is severe enough that it justifies a variance in the application of the regulations."***
2. On finding **undue hardship**, the Board may order a **minor variance** or exemption if it would not:
  - (a) result in inappropriate development of the site;
  - (b) adversely affect the natural environment;
  - (c) substantially affect the use and enjoyment of adjacent land;
  - (d) vary permitted uses and densities under the applicable bylaw;
  - (e) defeat the intent of the bylaw;
  - (f) vary the application of an applicable bylaw in relation to residential rental tenure.
3. An order must not:
  - (a) be in conflict with a covenant registered under s. 219 of the *Land Title Act* or section 24A of the *Land Registry Act*;
  - (b) deal with a matter that is covered in a land use permit or land use contract;
  - (c) deal with a matter that is covered by a phased development agreement;
  - (d) deal with a floodplain specification under section 524(3) of the *Local Government Act (LGA)*;
  - (e) apply to a heritage property.
4. Applications that are inactive for a period of 6 months or more may be closed at the discretion of the Town.
5. The Town may distribute and publicize a report containing development approval information pertaining to this application.

APPLICATION FEES	
Board of Variance Permit Application	\$150.00 (Plus \$20.00 for Title Search if not supplied by applicant)

OWNER'S INFORMATION			
Owner's Name		Street Address	
City / Town		Postal Code	
Phone		Email	

APPLICANT INFORMATION			
Authorized Agent Name		Street Address	
City / Town		Postal Code	
Phone		Email	

DESCRIPTION OF PROPERTY	
Civic Address of Property	Legal Description
	PID

TYPE OF APPLICATION (Complete Applicable Sections A, B, C, D, or E)
<p><b>A. Variance of a bylaw respecting siting, dimension or size of a building or structure or the siting of a manufactured home in a manufactured home park [s.540(a), LGA]</b></p> <p>Bylaw No. 900, 2024: Section(s) Appealed</p> <p>Section Regulates</p> <p>Variance(s) of (e.g height, front yard setback, etc.)</p> <p>From (current requirement – metric)</p> <p>To (new requirement – metric)</p>
<p><b>B. Exemption from prohibition of a structural alteration or addition to structure with a non-conforming use [s.540(c)/531(1), LGA]</b></p> <p>Bylaw Name/No. which previously permitted use</p> <p>Bylaw Name/No. which resulted in legal non-conforming status</p> <p>Continuing Non-Conforming Use</p> <p><b>Structural Alteration or Addition Desired - Note:</b> <i>If alteration or addition will result in a structure contrary to current bylaw sitting, dimension or size requirements, also complete Section A.</i></p>

**C. Variance of a Subdivision Servicing Bylaw requirement in an area zoned for agricultural use or industrial use [s.540(b)/506(1)(b), LGA]**

<b>Bylaw Name/No.</b>	<b>Section(s) Appealed</b>
Engineering Standards and Specifications Bylaw No. 545, 1994 Zoning Bylaw No. 900, 2024	

<b>Variance(s) From</b>	<b>To</b>
(current requirement)	(new requirement requested)

**D. Variance of a Bylaw under s. 8(3)(c) of the Community Charter - Tree Cutting Bylaw (Except a bylaw that has an effect referred to in s. 50 (2) of that Act, if Council has taken action under subsection (3) of that section to compensated or mitigated the hardship)**

<b>Bylaw Name/No.</b>	<b>Section(s) Appealed</b>

<b>Variance(s) From</b>	<b>To</b>
(current requirement)	(new requirement requested)

**E. Appeal Building Inspector’s Determination of Damage - Extent of Damage to Non-Conforming Building [s.544/532(1), LGA]**

Date of Building Inspector’s Determination (application must be filled no later than 30 days after determination):

Building Inspector’s Determination (attach copy of written determination): %

Determination Requested of Board:

**A, B, C or D APPLICANTS – Provide Statement of Undue Hardship**

Compliance with the bylaw or Section 531(1) of the *Local Government Act* (no alteration or addition to buildings containing non-conforming uses), would cause me **undue hardship** by:

*(Attach additional pages if required.)*

**A, B, C or D APPLICANTS – Provide Completion Time:**

Respecting Type A, B, C or D applications, the Board may specify a time for completion of the construction of the building or structure permitted by the minor variance or exemption, after which the permission or exemption would terminate.

**When do you expect to complete the work that is the subject of your application?**

Decisions of the Board regarding Type A, B, C, and D applications are **FINAL**.

Decisions of the Board regarding Type E applications may be **APPEALED** by the applicant or the local government to the Supreme Court.

Questions of procedure can be appealed to the Court under the *Judicial Review Procedure Act*.

*Information in this application is collected pursuant to the Local Government Act, will form part of the public record and is subject to Freedom of Information and Protection of Privacy Act. Questions? Contact the Corporate Administrator (Freedom of Information Coordinator) at 250.752.6921.*

**SIGNATURE**

I/we hereby declare that all of the above statements and the information and material submitted in support of this Development Permit are, to the best of my / our knowledge, true and correct in all aspects.

**Owner**

**Name**

**Date**

**Signature**

**Applicant**

**Name**

**Date**

**Signature**

**APPLICATION AND PAYMENT MUST BE SUBMITTED TOGETHER, BY ONE OF THE FOLLOWING METHODS:**

**IN PERSON:** #201-660 Primrose Street, Qualicum Beach, BC - 9:00 am to 4:00 pm, Monday to Friday.

**MAIL:** Town of Qualicum Beach, PO Box 130, Qualicum Beach, BC V9K 1S7

*Personal information on this form is collected under the guidelines of the Freedom of Information and Protection of Privacy Act ("FIPPA") and will only be used for the purpose of administering the Board of Variance Permit Application. Questions about this collection can be directed to the Corporate Administrator, Box 130, Qualicum Beach, BC or at 250-752-6921.*