



TOWN OF SIDNEY

BOARD OF VARIANCE APPLICATION

Why is there a Board of Variance?

The *Local Government Act* requires any municipality that has a Zoning Bylaw to have a Board of Variance. The Board is formed pursuant to the provision of Section 536 of the Act and the Town's Board of Variance Bylaw No. 2014. The Board deals with appeals for minor variance where compliance with any of the following would cause undue hardship:

- a bylaw respecting the siting, size, or dimensions of a building or structure;
- the siting of a manufactured home in a manufactured home park;
- the prohibition of a structural alteration or addition under section 531 (1) (restrictions on alteration or addition while non-conforming use continued);
- a subdivision servicing requirement under section 506 (1) (c) (provision of water, sewer, and other systems) in an area zoned for agricultural or industrial use
- a bylaw under section 8 (3) (c) (*fundamental powers - trees*) of the *Community Charter*, other than a bylaw that has an effect referred to in section 50 (2) (*restrictions on authority - preventing all uses*) of that Act if the council has taken action under subsection (3) of that section to compensate or mitigate the hardship that is caused to the person:

What is the Board of Variance?

The Board of Variance is an independent body from the Town Hall. The Board is made up of three members appointed by Town Council. Elected Town officials cannot sit on the Board. Decisions made by the Board of Variance are final.

Is there an Application Form and a Fee?

A person may apply to the Board by completing an application form and paying the application fee to the Development Services Department. An application will not be considered received until all necessary documentation and fees have been submitted (copy of title certificate, BCLS survey, site plan, plans showing proposed work, etc.) The Town's Board of Variance Bylaw has set the application fee at \$400.00.

What is the process/steps?

1. The application form and application fee are to be submitted to the Development Services Department at Town Hall. Staff will review the application and confirm it is complete and that requested variances are clear.
2. The application will be forwarded to the Corporate Administrator to notify the Chair of the Board and to set a meeting date within 30 days of receipt of the application.
3. The Town will send notice, by mail, to the applicant and to all owners and occupiers of the adjacent neighbouring properties, at least 7 days before the hearing.
4. The applicant and neighbours are encouraged to attend the hearing. The hearing will be open to the public. The Board will request verbal presentation from the applicant. Any written letters of support or concern received by neighbours will also be presented.
5. Within 7 days following the completion of the hearing, the Board shall give its decision to the Corporate Administrator who shall notify the applicant and the neighbours.

**Further information can be obtained from the Development Services Department at the Town Hall
T: 250-656-1725 E: developmentsservices@sidney.ca**