



Skeena-Queen Charlotte Regional District BOARD POLICY

Title:	Board of Variance Policy	
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1. PURPOSE

The purpose of this policy is to provide clear direction to the Regional District Board and staff regarding the “Skeena-Queen Charlotte Regional District Board of Variance Bylaw No. 593, 2015”.

2. RESPONSIBILITY

2.1. This policy will be administered by the Chief Administrative Officer.

2.2. The Chief Administrative Officer may designate an employee to be responsible for the administering the policy. In accepting the role, the designate assumes all the responsibilities as outlined in this policy.

3. SCOPE

This policy applies to the Regional District Board and staff that are involved in the establishment, assistance and maintenance of the Board of Variance.

4. PROCEDURE

4.1. Appointment of Board of Variance members

The process used to identify nominees for the appointment for the Board of Variance by the Regional District Board shall be as follows:

- a. When a new Board of Variance member is required to be appointed, for up to a three year term, staff shall ask each Regional District Board member to nominate a person eligible to be appointed to the Board of Variance. Staff shall contact that person and obtain a completed nomination form from that person.
- b. The nomination form(s) for appointment to the Board of Variance shall be presented to the Regional District Board at a regular Board meeting with a staff recommendation that the Board undertake a secret ballot where each Regional District Board member identifies their top three choices for the Board of Variance.
- c. The three applicants for the Board of Variance with the most votes are considered the top candidates to be appointed. If there is a tie for the third place a vote is held between the tied third place applicants to determine the third candidate for appointment.
- d. The Regional District may then consider a motion to appoint the three candidates who received the most votes to the Board of Variance.

4.2. Planning Department Review and Comment on Application

All Board of Variance applications shall be reviewed by the Regional District Planning staff. The Planning Department shall prepare a staff report which discusses the application and provides the following information to the Board of Variance for their consideration:

- a. If approval of an application would be in conflict with a section 219 covenant registered on title the Board of Variance shall be advised to deny the application and it does not have jurisdiction to approve this application.
- b. If the application deals with a matter that is covered in a development variance permit that has been issued for the subject property to the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.
- c. If the application deals with a variance that is subject of a development variance permit refused by the Regional District Board shall provide the staff report(s) for the development variance permit to the Board of Variance for consideration.
- d. If the application deals with a flood plain specification under section 910(2) of the Local Government Act the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.
- e. If the application applies to a property for which an authorization for alteration is required under Part 27 of the Local Government Act the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.
- f. If the application applies to the bylaw infraction that is subject of enforcement action by the Regional District the Board of Variance shall be advised of the nature and history of the enforcement action for consideration.
- g. The Board of Variance shall be advised if the variance or exemption may result in the inappropriate development of the site, an adverse effect on the natural environment, a substantial effect on the use and enjoyment of adjacent land, a variance of the permitted uses and densities under the applicable bylaw, or the defeat of the intent of the applicable bylaw.

5. REFERENCES

Development Approval Procedures and Fees Bylaw No. 549

Skeena-Queen Charlotte Regional District Board of Variance Bylaw No. 593, 2015

Accountability Standards for Regional District Committees and Commissions Policy

Local Government Act Part 26, Division 6 – Board of Variance

Approval Date:	January 23, 2015	Resolution No.	041-2015
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