

**What is a Board of Variance?**

The Board of Variance for the Town of Smithers is an appointed body that has the authority to grant a minor variance to certain provisions of Town bylaws. The Board is a quasi-judicial body separate from the local government with its own authority under the *Local Government Act*.

**When can I apply to the Board of Variance?**

Applicants can decide if they wish to apply to Council for a Development Variance Permit or the Board of Variance, if applicable. The Board will hear appeals when a person feels that compliance with a Town bylaw respecting any of the following would cause **undue hardship**:

- The siting, dimensions or size of a building or structure;
- The prohibition of a structural alteration or addition to a non-conforming structure;
- Tree Protection Bylaw;
- Subdivision Servicing Bylaw requirement in an area zoned for agricultural or industrial use; or
- Determination by the Building Inspector of the amount of damage under Section 911(8) of the *Local Government Act*.

The BOV cannot vary floodplain specification or vary the density or use of land specified in a bylaw.

**What do I need to consider before applying?**

There are a few things to consider before submitting an application. The Department of Development Services can help verify if the proposed variance is a legal option as well as check the zoning of the property to ensure the proposed use and density are permitted.

**What must I include with my application?**

The following information is required to begin the Board of Variance application process:

- Board of Variance Application & fee.
- Site plan showing the proposed variance, existing buildings and setbacks.

**What is the approval process?**

- 1 **Application** – Begin the approval process by submitting an application, supporting documents, plans and fee.
- 2 **Review** – Once submitted, Town staff review the application for completeness and prepare a staff report to the Board.
- 3 **Public Notice** – Adjacent property owners are notified of the application and are invited to submit written comments or speak at the Board of Variance Hearing.

- 4 **Hearing** – Board hearings are public meetings at which time the applicant or their representative present their application to the Board. The public may offer their input on the application either prior to (in writing) or verbally during the hearing.
- 5 **Decision** – The applicant is advised of the Board’s decision. The Board may approve or deny the applicant’s request.

**How much does it cost?** A Board of Variance application fee is **\$400**.

**How long will it take?** A decision can usually be given within a 5-6 week period, provided that complete and accurate information is submitted.

**How long is a Board of Variance decision valid for?** Unlike a Development Variance Permit, no record of the Board of Variance decision is sent to the Land Title Office. The Board’s decision is maintained as a matter of public record and is valid so long as construction has substantially started within 2 years after an approval, or within a longer or shorter time as specified by the Board of Variance.

**For Further Information Contact:**

**Town of Smithers Development Services Department**  
1027 Aldous Street  
PO Box 879  
Smithers, BC V0J 2N0

**Office Hours**  
Monday to Friday (except Holidays)  
8:30 am to 4:30 pm

Telephone: (250) 847-1600 Fax: (250) 847-1601

*This brochure is meant for informational purposes only. Please consult the Local Government Act and its regulations, the Town of Smithers Official Community Plan, Board of Variance Bylaw, Zoning Bylaw and other bylaws for definitive requirements and procedures.*

