



Making a difference...together

Juan de Fuca Community Planning

3 – 7450 Butler Road, Sooke, BC V9Z 1N1

T: 250.642.1500 F: 250.642.5274 E: jdfinfo@crd.bc.ca

www.crd.bc.ca

Folder No: _____
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BOARD OF VARIANCE APPLICATION

I/We, the undersigned, hereby make application to the Capital Regional District for consideration of an appeal to the Board of Variance.

APPLICATION

This application is submitted to request an appeal to the Board of Variance for: *(complete appropriate sections)*

- Relaxation of building height requirement
- Relaxation of floor area requirement
Total floor area of all residential buildings: _____
Total floor area of all accessory buildings: _____
- Relaxation of yard setback requirement
- Structural alteration or addition to building supporting a non-conforming use

1. Proposed relaxation from: _____ to: _____
2. Proposed relaxation from: _____ to: _____
3. Proposed relaxation from: _____ to: _____
4. Proposed relaxation from: _____ to: _____

Anticipated date of completion of the project: _____

Has construction started? Yes No

Was a valid Building Permit issued prior to construction? Yes No If so, Permit No.: _____

Has a Stop Work Order been issued? Yes No If so, date posted: _____

OWNER/APPLICANT INFORMATION

Name of Registered Land Owner(s):
(If more than two, please list on a separate page)

1. _____
2. _____

Name of Applicant: _____

Applicant Contact Information:

Mailing Address:

Street: _____ City: _____

Province: _____ Postal Code: _____

Email: _____

Tel (mobile): _____ Tel (home): _____

Tel (work): _____

PROPERTY INFORMATION

Legal Description *(If more than two, please list on a separate page)*

PID: _____ Folio: _____

Lot: _____ Section: _____ Block: _____ Township: _____ Plan: _____

Land District: _____

Civic Address: _____

Current zoning: _____ Current OCP designation: _____

Parcel size: _____

Current Land Use: _____

Proposed Land Use: _____

Within 30m of watercourse (stream, lake, wetland, etc.) or top of ravine bank? Yes No



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PURPOSE OF APPLICATION

Please describe the proposed variance and the why compliance with the bylaw would cause undue hardship. Refer to sections of the Provincial *Local Government Act* attached. (Use a separate page if necessary):

CONDITIONS AND DECLARATIONS

Acknowledgement of Costs:

I, the applicant and/or owner, hereby acknowledge that any legal costs that may arise as a result of this application will be borne by the applicant and are payable prior to adoption of the proposed bylaw amendment.

I have read and agree with the above paragraph. _____ (initial)

Environmental Management Act:

I, the applicant and/or owner, represent to the Capital Regional District, knowing that the Capital Regional District relies on this representation and warranty, that the property covered by this application, has never, to the best of my knowledge, having done due and diligent inquiry, been used for any purpose such that a Site Profile is required to be submitted under the British Columbia *Environmental Management Act*, and that the property is not contaminated or polluted in any way that would make it unlawful, unsafe or unsuited for the purpose for which it is intended to be used, including within the meaning of the British Columbia *Environmental Management Act*.

I have read and agree with the above paragraph. _____ (initial)

Waiver and Indemnity:

I, the applicant and/or owner, assume all risks incidental to or that may arise as a result of this application and agree to save harmless and indemnify the Capital Regional District and its officials, agents, servants and representatives from and against all claims, actions, costs, expenses and demands with respect to death, injury, loss or damage to persons or property arising out of or in connection with this application. I agree to conform to all applicable bylaws. I understand that no warranty is implied for the approval of this application and that this waiver and indemnity is binding on me, my heirs, executors and assigns.

I have read and agree with the above paragraph. _____ (initial)

Authorization for Access:

I, the applicant and/or owner, hereby grant to the Capital Regional District and its officials, agents, servants and representatives, authorization to enter the land for the purposes of verifying site conditions as they relate to this application.

I have read and agree with the above paragraph. _____ (initial)

Freedom of Information Waiver:

Personal information contained on this form is collected under the authority of the *Local Government Act* and the Juan de Fuca Electoral Area Development Fees and Procedures Bylaw, Bylaw No. 3885, and is subject to the *Freedom of Information and Protection of Privacy Act*. Enquiries about the collection or use of information on this form can be directed to the Juan de Fuca Community Planning office.

Registered Owner or Authorized Agent's Signature
(If more than one owner, ALL registered owners must sign)

Date



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INFORMATION IN SUPPORT OF APPEALS

Where the Board of Variance orders that a minor variance be permitted or an exemption from Section 531 of the *Local Government Act* be allowed, it may order that, unless the construction of the building, structure or manufactured home is completed within a time set in the order, the permission or exemption terminates and the bylaw or Section 531 of the *Local Government Act*, as the case may be, applies.

INFORMATION TO BE SUBMITTED AT THE TIME OF APPLICATION

- Completed application form
- Statement of Hardship from applicant
- Corporate structure and name of principal of company (*if applicable*)
- Written authorization from owner giving applicant permission to act on their behalf (*if applicable*)
- Written authorization from the Strata Corporation or written approval from the Strata owners (*for applications related to Strata property only*)
- Written authorization from the mobile home park owner (*for applications related to Mobile Home Park property only*)
- Copy of current *Title Search* (*dated within 30 days*)
- Copies of any easements, covenants and rights-of-way listed on Title Search
- Site Plan to include the following:
 - Property boundaries
 - Location and distance to property lines of existing buildings
 - Location and distance to property lines of proposed buildings associated with the appeal
 - Location of existing and proposed property access/egress
 - For mobile homes:
 - Indicate square footage for the mobile home space, mobile home and additions.
 - Show setbacks of the mobile home from existing mobile homes and from the front, rear and sides of the mobile home space.
- BC Land Surveyor's Certificate showing location and distance to property lines of all existing and proposed buildings and structures that are associated with the appeal.

APPLICATION FEES TO BE SUBMITTED AT THE TIME OF APPLICATION

- As per Bylaw No. 4288, Juan de Fuca Board of Variance Bylaw No. 10, 2019, Part 4:
 - Applications to Appeal to the Board of Variance: \$300.00 non-refundable (*payable by cash, cheque or debit card*)



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Owner's Authorization Form

All property owners registered on the Certificate of Title must provide written approval to allow the APPLICANT to act on their behalf.

_____, is hereby authorized to act as my agent for the
(Name of agent)
purpose of _____

(You may list all application types associated with your project)

Subject Property: _____

PID (Parcel Identifier-nine digit number): _____

Legal Description: Lot _____ Block _____ Section _____ Plan _____ Except _____

REGISTERED OWNER 1

Name of Registered Owner: _____	
Signature of Registered Owner: _____	
Date: _____	Email: _____

REGISTERED OWNER 2

Name of Registered Owner: _____	
Signature of Registered Owner: _____	
Date: _____	Email: _____

REGISTERED OWNER 3

Name of Registered Owner: _____	
Signature of Registered Owner: _____	
Date: _____	Email: _____

REGISTERED OWNER 4

Name of Registered Owner: _____	
Signature of Registered Owner: _____	
Date: _____	Email: _____

Archaeology in B.C.

Archaeological sites are physical evidence of how and where people lived in the past. There are over 62,000 known sites in B.C., 90% of which are of First Nations origin. First Nations have governed and stewarded their cultural heritage and archaeological resources since time immemorial and have an ongoing connection to these sites. Many archaeological sites in B.C. are culturally sensitive, contain ancestral remains, and have important sacred and spiritual value to First Nations in B.C.

Examples of archaeological sites include:

- Remains of ancient villages and cemeteries
- Hunting and food processing sites
- Stone tool manufacturing areas
- Culturally modified trees
- Ancient rock art
- Shell midden

Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples recognizes that Indigenous Peoples have the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites and artifacts.

The Province has a legal duty to consult with First Nations on Heritage Conversation Act (HCA) permit applications that have the potential to impact their rights and title interests. All comments or concerns received during this process, including appropriate accommodations, are considered in a decision on whether or not to issue a permit, and if so, under what terms and conditions.

Protection of Archaeological Sites

Protecting heritage in B.C. is a shared responsibility.

Archaeological sites on both public and private land are protected under the HCA. This includes recorded sites and sites that have not yet been recorded. HCA protections apply even if a site has been disturbed in the past. Construction, renovations, and landscaping can damage and destroy an archaeological site. Property owners and developers have a legal responsibility to ensure archaeological sites are not disturbed without appropriate permits in place. If you are considering a construction or development project, you may need an HCA permit. Follow these steps:

STEPS FOR PROPERTY OWNERS AND DEVELOPERS:

1	Get Archaeological Information	<ul style="list-style-type: none">✓ Find out if your property contains a protected archaeological site by:<ol style="list-style-type: none">1. Talking to your local government OR2. Submitting an Archaeological Information Request [It's free!]: www.archdatarequest.nrs.gov.bc.ca/ OR3. Contracting a private consulting archaeologist✓ If there is presence or possibility of an archaeological site, you will receive a report and information on next steps
2	Plan Before You Dig	<ul style="list-style-type: none">✓ Consider low-impact building techniques✓ Contact the Housing Navigator Service to determine what authorizations, including local government permits, are needed for your project: permitconnectbc.gov.bc.ca/#one-place✓ Learn about HCA permitting requirements✓ Hire an archaeologist to help you apply for a permit www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits
3	Get a Heritage Inspection Permit	<ul style="list-style-type: none">✓ If an archaeological site may be at risk, you may need an HCA Heritage Inspection Permit✓ A Heritage Inspection Permit allows an archaeologist to conduct an archaeological assessment. This involves subsurface testing to identify if a site is present and how you can protect it during your development✓ The Province will consult with affected First Nations during the permit application process
4	Get an Alteration Permit	<ul style="list-style-type: none">✓ If a site is present, you must have an HCA Alteration Permit to impact or disturb the site✓ An Alteration Permit allows for activities such as capping a site, impacting a site, and relocating archaeological material, such as stone tools and bone fragments, in a way that ensures their care. Ground disturbing activities may require the oversight of an archaeologist during excavation or other ground disturbing activities✓ The Province will consult with affected First Nations during the permit application process

Hiring an Archaeologist

A qualified archaeologist will need to apply for, or act as a co-applicant on, any archaeological permits required for your development.

To find an archaeologist:

- Do an internet search for “archaeologists near me”
- Check local business directories
- The [British Columbia Association of Professional Archaeologists](#) keeps a list of its current members
- Get one or more quotes, and find out when an archaeologist is available to do the work
- Confirm that an archaeologist is “qualified and able” to hold permits in your area. You may email: Archaeology@gov.bc.ca to inquire about the status of an archaeologist

Visit: www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/private-commercial-or-development-property

Costs to Homeowners

- Property owners and developers are responsible for the costs of archaeological work. These costs can be minimized by taking early action and employing a low-impact approach to development
- The costs of archaeological work may vary on the scope of the work required, the location of the project, and the charge-out rates of the archaeologist.
- HCA permits and information requests issued by the Province are free

Choose low-impact building techniques

Archaeological sites are an irreplaceable part of history and critically important to First Nations communities.

By choosing low-impact construction methods you can help reduce:

- Impacts to an archaeological site
- The costs of archaeological work

Low impact building techniques include:

- Changing location of the building site or footprint to reduce or avoid impacts to an archaeological site
- Adjusting the construction techniques to reduce the degree of site impact, for example, an above ground basement or building on pads and or pilings instead of an in-ground foundation
- Use existing utilities access
- Develop within imported fill to avoid disturbing natural sediment, or soil, that may contain archaeological material.

Working with Local Governments

- Local government requirements may be different throughout B.C.
- Property development requires other permits and authorizations from municipalities, regional districts, or the Province. Local government development permits are not a substitute for archaeological permits.
- Some local governments ask property owners to obtain an Archaeological Data Report prior to issuing their own development permits.

🌐 **Visit:** www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/private-commercial-or-development-property

CONTACT THE HOUSING NAVIGATOR SERVICE

The [Housing Navigator Service](#) has dedicated staff to help you determine what applications are needed for your project and navigate the provincial process.

🌐 **Visit:** permitconnectbc.gov.bc.ca/#one-place

✉ **Email:** Housing.Authorizations@gov.bc.ca

📞 **Call:** 1-844-687-4644



For More Information

🌐 **Visit:** [Archaeology in B.C.](http://Archaeology.in.B.C.)
www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology

✉ **Email:** Archaeology@gov.bc.ca



Ministry of
Forests