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## Board of Variance Order

### Information about Board of Variance Orders

A Board of Variance can issue an order to vary certain land use bylaw regulations such as siting, size or dimensions of buildings or structures, or to grant relief to legal non-conforming buildings. However, the Board of Variance cannot vary:

- A development permit, development variance permit, temporary use permit, or tree cutting permit
- A Land Use Contract
- A Phased Development Agreement
- A flood plain requirement
- A heritage conservation permit, heritage alteration permit, or heritage revitalization agreement

The Board of Variance must also be satisfied that compliance with the land use bylaw regulations would cause the applicant undue hardship. Also, a Board of Variance cannot issue an order that:

- Results in inappropriate development of the site
- Adversely affects the natural environment
- Substantially affects the use and enjoyment of adjacent land
- Varies permitted uses and densities under applicable bylaws
- Defeats the intent of the bylaw

## Application Process

### Pre-Application

- Review the **Islands Trust Policy Statement** and **Official Community Plan (OCP)** to determine if your proposal aligns with policy
- Determine whether your proposed development is located within a Development Permit Area; if so, an application for a Development Permit may also be required; contact Islands Trust to confirm
- Review your local **Land Use Bylaw (LUB)** to identify applicable zoning regulations, permitted uses, siting, size, and other bylaw requirements (e.g. parking, landscaping, signage, and runoff control)
- Determine where strict compliance with the land use bylaw would cause **undue hardship**

Prior to submitting your application for a Board of Variance Order you may wish to [contact local planning staff](#) to review applicable policies and regulations.

### Application Submission

- Submit a complete application to the [Islands Trust Portal](#); **incomplete applications will not be processed**
- Islands Trust staff may contact you to request any additional application materials

### Public Notification

Once your application is received:

- The Board of Variance Secretary will confirm whether your proposed variance can be considered by the Board of Variance; if it is uncertain, the Board will decide whether the application falls within its jurisdiction to consider
- The Secretary will schedule a hearing date, time, and location for your application; you, or a representative, should attend the hearing to present your proposal
- Prior to that hearing the Board of Variance may conduct a site inspection of your property

- A notice of the Board of Variance hearing containing details of the application materials and the time and place for the hearing will be distributed to: all owners and tenants of the subject and adjacent lands, Islands Trust Office bulletin boards, and on-island bulletin boards

## Board of Variance Consideration

Following the hearing, the Board of Variance may:

- Approve a **minor variance** to bylaw requirements
- Grant an **exemption** for alterations or additions to legally non-conforming buildings or structures
- Deny the application

A decision of the Board of Variance is **final**. Board of Variance orders are not filed as notices with the Land Titles Office.

# Application Requirements

## Submit the following materials online via the Islands Trust Portal:

- A completed [Planning Application Authorization Form](#)
- Current title search** (issued within the last 30 days)
- Copies of all relevant **title charges** (restrictive covenants, easements, rights-of-ways, etc.)
- A **Project Narrative** describing the required variance(s), the hardship reasons justifying the variance(s) may be justified. Lot configuration and physical features may make it difficult to develop your property and these should be noted in support of your application. Please note that Court decisions have established that the cost of removing an illegally built structure is not a valid hardship
- A **Site Survey** by a registered BC Land Surveyor (BCLS), unless staff confirm it is not needed
- An **11"x17" Site Plan**, drawn to scale, showing the following:
  - a. The location, dimensions, and floor area of all existing and proposed buildings and structures
  - b. The location of existing and proposed water infrastructure (e.g. septic tanks, disposal fields, wells, water lines, cisterns, retention ponds, etc.) on both the subject property and neighbouring properties (if applicable)
  - c. The location of existing and proposed driveways, off-street parking, loading, outdoor storage, stream crossings, pathways, decks, and patios
  - d. The location of all watercourses (including streams, ditches, lakes, and wetlands)
  - e. The location, dimensions and area of existing and proposed covenant areas, easements, and utility corridors
  - f. Setbacks to lot lines, the natural boundaries of watercourses and the sea, and the edge of any cliff on the subject property where applicable
  - g. The total lot area of the subject property
  - h. The height of existing and proposed buildings and structures
- Elevation drawings** (if applying for a height variance)
- An application fee** (you will be provided with an invoice after staff have reviewed and determined that your submission is complete)

## Additional Requirements

- A Building Permit or a Siting and Use Permit may be required; these permits cannot be issued until a Development Variance Permit or Board of Variance Order is in place
- If the property is in a Development Permit Area, a Development Permit may also be required
- If your proposal cannot meet all bylaw requirements, you may need to revise your proposal or apply for a bylaw amendment
- Applicants are also responsible for meeting all other regulatory requirements applicable to land use and development in BC, such as: [BC Building Code](#), [Transportation Act](#), [Water Sustainability Act](#), [Environmental Management Act](#), [Public Health Act](#), and [Agricultural Land Commission Act](#)

For further information and local bylaws, please visit [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca).

**NOTE:** This information is intended to provide guidance and should not be interpreted as a right to a development approval if the steps indicated are followed. Please consult the [Local Government Act](#) and its regulations, as well as the other Islands Trust applicable bylaws for the definitive requirements and procedures. For any further information, please contact Islands Trust.