



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](mailto:jdfinfo@crd.bc.ca)

[www.crd.bc.ca](http://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

**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)

**Waste 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 *Waste 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 *Waste 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: _____

## Points to consider before improvements and renovations:

### 1. Why should I be concerned about archaeological sites on my property?

Damaging a site without a heritage permit is unlawful. In many cases archaeological sites are our only link to our past. They provide us with a wealth of knowledge about our heritage, and a fragile link to our origins and the nature of our early history in B.C. If we fail to preserve them we risk losing their cultural and historic value forever. Therefore, the Province controls damaging activities within these sites by protecting them by law and requiring a heritage permit to develop within site boundaries.

### 2. What can I expect from my municipality, regional district and the BC Archaeology Branch?

Local governments may access the Provincial database to determine if these records show a site located within your property. You can also request archaeological information about a property yourself. If you are considering property improvements and find you have a site on your property, you must consult with a qualified archaeologist to determine the next steps. If archaeological studies are required, the BC Archaeology Branch will work with you to avoid or minimize site damage during property improvements.

### 3. Are there any costs involved?

The property owner is responsible for the costs of required archaeological studies. However, by taking early action, you can minimize the cost of managing impacts to the archaeological site.

## What are archaeological sites?

An archaeological site is a location where there is evidence of past human activity.

Archaeological site examples include stone carvings, remains of ancient houses and campsites, shell middens, culturally modified trees, and early trading posts. These sites provide information about indigenous life during the last 12,000 years and non-indigenous life for the past 200 years.

Archaeological sites are fragile. The information contained in an archaeological site comes from the context in which artifacts are found as much as from the artifacts themselves.

Once this context is destroyed through construction or landscaping, this information is lost, even if the artifacts are still there.

Archaeological sites, like mineral deposits, arable land, forests, fish and wildlife, are an important part of the environment.

The *Heritage Conservation Act* is the legislation that protects archaeological sites in B.C.

B.C.'s Archaeology Branch can help you to ensure that improvements made to your property don't do unnecessary harm to archaeological sites below the surface.

Cover and inside page photo: Fort Victoria 1858, #PDP03885  
– courtesy of British Columbia Archives.

Back page photo: Kitwanga, by J.S. O'Dwyer, no. 101588  
– courtesy of the Canadian Museum of Civilization.

## Where can you get more information?

Request archaeological information about a property:

[www.archdatarequest.nrs.gov.bc.ca](http://www.archdatarequest.nrs.gov.bc.ca)

Visit our website:

<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology>

Phone us:

(250) 953-3334



# PLANNING TO DEVELOP OR RENOVATE YOUR PROPERTY?

## Know your role in protecting B.C.'s archaeological sites.

# THREE STEPS TO INCLUDE ARCHAEOLOGY IN PROPERTY IMPROVEMENTS

## B.C.'s archaeological heritage is a precious non-renewable resource.

British Columbia's heritage includes archaeological sites – the physical evidence of how and where people lived in the past.

For most of the time that people have lived in B.C., no written records were made. Archaeological sites and oral tradition are the only vestiges of a rich history, and protecting and conserving this fragile legacy and non-renewable natural resource is valuable to First Nations, local communities and the general public. Archaeological sites in B.C. may also be of regional, provincial, national or international significance, and may be as much as 14,000 years old.

There are over 50,000 known archaeological sites in B.C. including ancient stone carvings, remains of ancient houses and campsites, shell middens, and culturally modified trees.

The scientific, cultural, and historical study of the physical remains of past human activity is essential to understanding and appreciating cultural development in B.C., and the Provincial Government recognizes the importance of archaeological sites through the *Heritage Conservation Act*.

## Plan ahead before you dig.

You may not be aware, but damaging an archaeological site without a heritage permit is unlawful, and the property improvements you are planning could destroy important archaeological sites.

Any project that alters the land – such as excavations for building an addition, or installing a pool or pond – can damage and sometimes destroy valuable records of our past

Planning ahead before renovating or building a new home, and integrating the management of archaeological sites at the outset can help ensure associated costs are kept to a minimum, and damage to the site is reduced or avoided.



## Find out if your property contains an archaeological site.

Your municipality or regional district is usually the first stop you'll make to obtain a building or development permit. Many of these offices can access provincial records of known archaeological site locations within their jurisdictions.

You can also request the archaeological information about your property here: <https://www.archdatarequest.nrs.gov.bc.ca/>

If you are told that your property may contain an archaeological site, you should hire a qualified archaeologist to confirm the site location. The archaeologist can also assess if the proposed project will damage archaeological deposits and discuss the steps to take.

Qualified archaeologists can be contacted through the British Columbia Association of Professional Archaeologists ([www.bcapca.bc.ca](http://www.bcapca.bc.ca)) or listings in the yellow pages.



## If you find something in the ground – stop digging!

There are numerous archaeological sites in British Columbia. Many are recorded, but some are not. Sometimes artifacts and other archaeologically sensitive material, or even human remains, can be discovered accidentally.

If you think you have uncovered an archaeological site during a building project or renovation, **please do not disturb the site further** and call B.C.'s Archaeology Branch immediately at (250) 953-3334.

Branch archaeologists will review your project plans and make recommendations to manage site impacts and secure the required permitting.

