



The Corporation of the Village of Fruitvale  
1947 Beaver Street  
PO Box 370, Fruitvale, BC V0G 1L0  
Tel: (250) 367-7551 Fax: (250) 367-9267  
General Email: [info@village.fruitvale.bc.ca](mailto:info@village.fruitvale.bc.ca)

## DEVELOPMENT APPLICATION FORM

### Step 1: Check Appropriate Box:

- |  |  |
|--|--|
| <input type="checkbox"/> Development Permit          | <input type="checkbox"/> Official Community Plan Amendment |
| <input type="checkbox"/> Development Variance Permit | <input type="checkbox"/> Rezoning                          |
| <input type="checkbox"/> Subdivision                 | <input type="checkbox"/> Board of Variance                 |

### Step 2: Provide Contact Information

Registered Property Owner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Authorized Agent's Name: \_\_\_\_\_

(accompanied by a Letter of Authorization)

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Other Contact Info: \_\_\_\_\_

### Step 3: Provide Property Information

Civic Address: \_\_\_\_\_

Legal Description: Lot \_\_\_\_ Block \_\_\_\_ Plan \_\_\_\_\_ Other \_\_\_\_\_ KD

Area of the Property: \_\_\_\_\_ Roll Number: \_\_\_\_\_

Use of Property: \_\_\_\_\_

Existing Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Existing Use of the Properties to the:

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

Road Access: \_\_\_\_\_



Purpose of the Proposed Variance.

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How does this cause an undue hardship?

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Is this variance required to legalize a building or structure that has already been constructed?

Yes       No

Was a valid Building Permit issued prior to construction?     Yes       No

*If yes, Building Permit No.:* \_\_\_\_\_

**Step 6: Check appropriate boxes**

**Topography**

Steep       Hilly                       Flat                       Next to a steep slope

**Drainage**

Poor drainage     Wet Stream on Property       Past Floods       No Problems

**Services Currently Available**

Water               Sewer               Septic               Utilities (power, cable, phone etc)  
 Road Access

## Step 7: Owner Certification

I hereby declare that the information contained herein is, to the best of my knowledge, factual and correct.

\_\_\_\_\_  
Signature of Property Owner or Authorized Agent

\_\_\_\_\_  
Date

## Step 8: Information Required

**Only complete applications can be accepted. Applications are to include all documents required:**

- A copy of the recent tax assessment notice or certificate of title for the property(ies) under application.
- A detailed plan drawn to scale showing:
  - Legal boundaries and dimensions
  - Boundaries and dimensions of proposed new lots (for subdivision applications only)
  - Location of permanent buildings and structures existing on the property
  - Location of any proposed buildings, structures or additions thereto
  - Location of any proposed access roads, parking, driveways and any screening, landscaping, fences
  - Water/sewer connection locations (if applicable)
  - Location and nature of any physical or topographic constraints on the property (e.g. *streams, ravines, marshes, steep slopes, etc.*)
- Other \_\_\_\_\_

**Please note: Other information or more detailed information may be requested by the Village of Fruitvale upon receiving your application as each application is assessed on individual merit.**

Please visit our website at <http://village.fruitvale.bc.ca/content/municipal-services-bylaws-policies-and-maps> to find the following.

- [561 Subdivision Bylaw](#)
  - [895 Subdivision Development Servicing Amendment Bylaw](#)
- [698 Building Bylaw](#)
- [835 Official Community Plan Bylaw](#)
- [846 Zoning Bylaw and Zoning Map](#)
  - [862 Zoning Amendment - commercial vehicle parking](#)
  - [863 Zoning Amendment - temporary vehicle shelter regulations](#)
  - [869 Zoning Amendment - downtown residential zone](#)
  - [893 Zoning Amendment Prohibition Cannabis](#)
  - [896 Zoning Amendment RM2D](#)
  - [905 Zoning Amendment 10.4.4](#)
  - [909 Zoning Amendment - Accessory Building Site Coverage](#)
- [846 CONSOLIDATED Zoning Bylaw](#)
- [847 Commercial and Village Centre Development Permit Area Bylaw](#)

### STAFF USE ONLY

Receipt No. \_\_\_\_\_ Date \_\_\_\_\_

Permit No. \_\_\_\_\_

Folio No. \_\_\_\_\_

Development Permit Area: \_\_\_\_\_

Approved By: \_\_\_\_\_

OCP Designation: \_\_\_\_\_

Zoning Designation: \_\_\_\_\_

Applicant: \_\_\_\_\_

## FEES

<u>Permit Application Fees</u>	<u>Levy/Unit</u>	<u># of Units</u>	<u>Subtotal</u>
Development Permit**	\$ 200.00	_____	\$ _____
Development Variance Permit**	\$ 400.00	_____	\$ _____
Subdivision - 1st Parcel	\$ 300.00	_____	\$ _____
Per Extra Parcel/Bare land Strata/Additional Strata Lot	\$ 50.00	_____	\$ _____
Official Community Plan Amendment**	\$ 400.00	_____	\$ _____
Rezoning	\$ 400.00	_____	\$ _____
Board of Variance	\$ 200.00	_____	\$ _____

\*\* One half of this application fee shall be refunded to the applicant should the application NOT proceed to public hearing - VOF Bylaw #417

**APPROVED BY:** \_\_\_\_\_ **Total** \$ \_\_\_\_\_

### Development Cost Charges

<u>WATER - RDKB Bylaw #1492 Schedule B</u>	<u>Levy/Unit</u>	<u># of Units</u>	<u>Subtotal</u>
Single Family Detached	\$ 4,500.00	_____	\$ _____
Duplex	\$ 4,165.00	_____	\$ _____
Townhouse	\$ 3,450.00	_____	\$ _____
Apartment	\$ 2,815.00	_____	\$ _____
Commercial – per m <sup>2</sup> of gross floor area	\$ 9.00	_____	\$ _____
Industrial – per m <sup>2</sup> of gross floor area	\$ 9.00	_____	\$ _____
<b>SEWER - VOF Bylaw #534 Schedule A</b>	\$ 700.00	_____	\$ _____
<b>DRAINAGE - VOF Bylaw #534 Schedule A</b>	\$ 200.00	_____	\$ _____
<b>ROADS - VOF Bylaw #534 Schedule A</b>	\$ 300.00	_____	\$ _____

**APPROVED BY:** \_\_\_\_\_ **Total** \$ \_\_\_\_\_

### Connections Charges

<u>Connections Charges</u>	<u>Levy/Unit</u>	<u># of Units</u>	<u>Subtotal</u>
SEWER – 4”	\$ 700.00	_____	\$ _____
SEWER – 6”	\$ 800.00	_____	\$ _____
WATER	\$ 2,000.00	_____	\$ _____

**APPROVED BY:** \_\_\_\_\_ **Total** \$ \_\_\_\_\_

**STAFF USE ONLY**

Refund Amount Due \$ \_\_\_\_\_ Date \_\_\_\_\_

Approved By: \_\_\_\_\_



# VILLAGE OF FRUITVALE

## BOARD OF VARIANCE

When a Building Inspector cannot approve a Building Permit Application because it does not meet the Building or Zoning Regulations of the Village of Fruitvale, the applicant may appeal to the Board of Variance for relaxation of the specific regulation.

Provincial legislation has set out procedures for a Board of Variance to deal with such appeals. The Board of Variance is a 3-member board of laypersons appointed by the Council of the Village.

The Board of Variance Bylaw requires that a date for a hearing on the appeal shall be set by the Board, and that all persons deemed affected by the appeal (e.g. neighbouring properties) shall be notified of the hearing. These hearings are held on an informal basis, and if the Board deems the matter of sufficient importance, additional public notice of the hearing will be given.

As you are a property owner and/or occupier of real property located adjacent to the property with respect to which an appeal is to be heard, please find attached hereto information relevant to the said appeal.

Kelli Tuttle  
Secretary, Board of Variance

# Local Government Act Part 14

## Division 15

### Application for variance or exemption to relieve hardship

- 540** A person may apply to a board of variance for an order under section 542 [*board powers on application*] if the person alleges that compliance with any of the following would cause the person hardship:
- (a) a bylaw respecting
    - (i) the siting, size or dimensions of a building or other structure, or
    - (ii) the siting of a manufactured home in a manufactured home park;
  - (b) a subdivision servicing requirement under section 506 (1) (c) [*provision of water, sewer and other systems*] in an area zoned for agricultural or industrial use;
  - (c) the prohibition of a structural alteration or addition under section 531 (1) [*restrictions on alteration or addition while non-conforming use continued*];
  - (d) a bylaw under section 8 (3) (c) [*fundamental powers — trees*] of the *Community Charter*, other than a bylaw that has an effect referred to in section 50 (2) [*restrictions on authority — preventing all uses*] of that Act if the council has taken action under subsection (3) of that section to compensate or mitigate the hardship that is caused to the person.

### Notice of application for variance

- 541** (1) If a person makes an application under section 540, the board of variance must notify all owners and tenants in occupation of
- (a) the land that is the subject of the application, and
  - (b) the land that is adjacent to land that is the subject of the application.
- (2) A notice under subsection (1) must state the subject matter of the application and the time and place where the application will be heard.
- (3) The obligation to give notice under subsection (1) is satisfied if the board of variance made a reasonable effort to mail or otherwise deliver the notice.

### Board powers on application

- 542** (1) On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531 (1) [*alteration or addition while non-conforming use continued*], if the board of variance
- (a) has heard the applicant and any person notified under section 541,

- (b) finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and
  - (c) is of the opinion that the variance or exemption does not do any of the following:
    - (i) result in inappropriate development of the site;
    - (ii) adversely affect the natural environment;
    - (iii) substantially affect the use and enjoyment of adjacent land;
    - (iv) vary permitted uses and densities under the applicable bylaw;
    - (v) defeat the intent of the bylaw;
    - (vi) vary the application of an applicable bylaw in relation to residential rental tenure.
- (2) The board of variance must not make an order under subsection (1) that would do any of the following:
- (a) be in conflict with a covenant registered under section 219 of the *Land Title Act* or section 24A of the *Land Registry Act*, R.S.B.C. 1960, c. 208;
  - (b) deal with a matter that is covered in a land use permit or covered in a land use contract;
  - (c) deal with a matter that is covered by a phased development agreement under Division 12 [*Phased Development Agreements*];
  - (d) deal with a flood plain specification under section 524 (3);
  - (e) apply to a property
    - (i) for which an authorization for alterations is required under Part 15 [*Heritage Conservation*],
    - (ii) for which a heritage revitalization agreement under section 610 is in effect, or
    - (iii) that is scheduled under section 614 (3) (b) [*protected heritage property*] or contains a feature or characteristic identified under section 614 (3) (c) [*heritage value or character*].
- (3) In relation to an order under subsection (1),
- (a) if the order sets a time within which the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time, or
  - (b) if that construction is not substantially started within 2 years after the order was made, or within a longer or shorter time period established by the order, the permission or exemption terminates and the bylaw or section 531 (1), as the case may be, applies.
- (4) A decision of the board of variance under subsection (1) is final.

### **Exemption to relieve hardship from early termination of land use contract**



- 543** (1) The owner of land subject to a land use contract that will be terminated by a bylaw adopted under section 548 [*early termination of land use contracts*] may apply to a board of variance for an order under subsection (5) of this section if
- (a) the owner alleges that the timing of the termination of the land use contract by the bylaw would cause the owner hardship, and
  - (b) the application is received by the board of variance within 6 months after the adoption of the bylaw.
- (2) If an application is made under subsection (1), the board of variance must notify all owners and tenants in occupation of
- (a) the land that is the subject of the application, and
  - (b) the land that is adjacent to land that is the subject of the application.
- (3) A notice under subsection (2) must state the subject matter of the application and the time and place where the application will be heard.
- (4) The obligation to give notice under subsection (2) must be considered satisfied if the board of variance made a reasonable effort to mail or otherwise deliver the notice.
- (5) On an application under subsection (1), the board of variance may order that, despite the termination of the land use contract and despite any zoning bylaw, the provisions of that land use contract continue to apply in relation to the applicant for a specified period of time ending no later than June 30, 2024, if the board of variance
- (a) has heard the applicant, and
  - (b) finds that the timing of the termination of the land use contract by the bylaw would cause undue hardship to the applicant.
- (6) An order under subsection (5) does not run with the land.
- (7) The board of variance must make a decision on an application under subsection (1) within 6 months after the application is received by the board of variance.
- (8) A decision of the board of variance under subsection (5) is final.

### **Extent of damage to non-conforming use property**

- 544** (1) A person may apply to a board of variance for an order under subsection (2) if the person alleges that the determination by a building inspector of the amount of damage under section 532 (1) [*end of non-conforming use protection if building of other structure is seriously damaged*] is in error.
- (2) On an application under subsection (1), the board of variance may set aside the determination of the building inspector and make the determination under section 532 (1) in its place.
- (3) The applicant or the local government may appeal a decision of the board of variance under subsection (2) to the Supreme Court.