



## **BOARD OF VARIANCE ESTABLISHMENT BYLAW, 2010, NO. 2808**

A Bylaw to establish a Board of Variance for the City of Langley

WHEREAS the Council of the City of Langley has adopted a Zoning Bylaw;

AND WHEREAS pursuant to section 899 of the *Local Government Act* there shall be established by Bylaw, a Board of Variance (hereinafter called “the Board”) as herein set out;

NOW, THEREFORE, the Council of the City of Langley (hereinafter called “Council”), in open meeting assembled, enacts as follows:

### **1. Title**

- (1) This bylaw shall be cited as the “Board of Variance Establishment Bylaw, 2010, No. 2808”.

### **2. Constitution of the Board**

- (1) There is hereby established a Board which shall consist of five (5) members appointed by Council
- (2) Each person appointed to the Board is appointed for a term of three (3) years and where no successor has been appointed at the end of the three (3) year period, until the time that a successor is appointed. A person may be reappointed for a further term or terms. Council may rescind an appointment to the Board at any time.
- (3) A person who is
  - (a) a member of the Council of the City of Langley or a member of the said City’s Advisory Planning Commission; or
  - (b) an officer or an employee of the City of Langley is not eligible to be appointed to the Board of Variance.
- (4) A majority of the members constitutes a Quorum for the Board of Variance.
- (5) The members of the Board shall elect one (1) of their members as Chair who shall serve for a period of one (1) year from such election and shall elect the same or another of the members as Chair at the expiry of the Chair’s appointment. The Chair may appoint a member of the Board as acting Chair to preside in the absence of the Chair.

- (6) Where a member of the Board ceases to hold office, their successor shall be appointed in the same manner as the member who ceased to hold office, and, until the appointment of the successor, the remaining members constitute the Board of Variance.
- (7) No member of the Board shall receive compensation for their services as a member, but they shall be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- (8) The Council of the City of Langley shall, in its annual budget, provide the necessary funds to pay for the costs of the Board.
- (9) A regular meeting of the Board shall be held the fourth Wednesday of each month at 7:00 pm, unless otherwise determined by the Chair in consultation with the Corporate Officer and all other members of the Board.
- (10) If no outstanding application is received by the Corporate Officer at least 15 days before the date of the next meeting, no regular meeting need be held for that month.

#### APPEAL PROCESS AND FEES

- (11) The Board shall hear and determine applications as specified under Sections 901 and 902 of the *Local Government Act* as that Act is amended from time to time.
- (12) Any person seeking Board of Variance approval shall deposit with the Corporate Officer, an application which shall include:
  - (a) A written statement, signed by the property owner, setting out in details the grounds upon which the application is based and the relief sought; if the application is submitted by an agent, written authorization from the owner must accompany the application;
  - (b) the legal description and civic address of the property affected;
  - (c) the reasons for the application;
  - (d) two complete sets of construction drawings for presentation at the Board hearing, plus one copy of each relevant page of the construction drawings reduced to 11" x 17" size for circulation to the Board members;
  - (e) a site survey plan by a BC Land Surveyor drawn to scale and detailing the proposed development with distances from respective property lines including all existing structures. The requirement for a site survey may be waived by the Corporate Officer where the nature of the application makes such requirement unnecessary;
  - (f) Letter of Assurance from BCLS for all height relaxations; and
  - (g) An address to which all notices required to be delivered to the appellant may be mailed by regular mail or otherwise delivered.

- (13) An application must be received by the City of Langley no less than fifteen (15) business days prior to the next scheduled hearing of the Board in order to be considered at the following hearing of the Board. A complete application received less than fifteen (15) business days prior to the next scheduled hearing of the Board will be considered at the following hearing of the Board.
- (14) Every person submitting an application to the Board shall pay to the City at the time of application a non-refundable fee as set out in the City of Langley Fees and Charges Bylaw. No application shall be received by the Corporate Officer until payment of such fee is made.
- (15) The Corporate Officer shall notify the Chair and Board members of an application at least five (5) working days prior to the hearing of the application.
- (16) The Corporate Officer shall send by regular mail or otherwise deliver, at least five (5) working days before the date set for the hearing, a notice to:
  - (a) All members of the Board;
  - (b) The appellant, directed to the address provided in the application;
  - (c) All owners and occupiers of real property adjacent to the property in respect of which the application is being heard, including those across dedicated rights-of-ways and highways.
- (17) The said Notice shall state:
  - (a) the time, date and place of the Hearing;
  - (b) the legal description and civic address of the property in respect of which the appeal has been made; and
  - (c) the reasons for the appeal as contained in the Notice of Appeal.

### CONDUCT OF HEARING

- (18) All Hearings of the Board shall be open to the public, except those Hearings which are closed to the public under the provisions of Section 90 and Section 92 of the *Community Charter* as may be applicable to the Board.
- (19) Before reaching a decision on any appeal before it, the Board may require further information and may adjourn the Hearing from time to time as the Board may deem advisable.
- (20) The appellant may request an adjournment of the Hearing if the appellant notifies the Corporate Officer of such request seven (7) working days prior to the Hearing and the Corporate Officer may grant an adjournment.
- (21) If an appellant fails to appear at the Hearing of the appeal and no adjournment has been requested, or if the appellant is present at the Hearing but fails to

proceed with the appeal when called upon by the Chair to do so, the appeal may be dismissed or adjourned at the discretion of the Board.

- (22) The appellant may request in writing at any time prior to the Hearing to have the application proceed in the appellant's absence and the Board may grant the request and may conduct the Hearing of the appeal without the appellant being present and may decide the appeal.
- (23) The appellant may withdraw the application by a written request filed with the Corporate Officer at any time prior to the Hearing of the application or may withdraw the application orally at the Hearing.
- (24) The appellant and any owner or occupier of property receiving the Notice of the Hearing shall have the right to be heard by the Board and may be represented by counsel or some other person on their behalf.
- (25)
  - (a) The decision, in writing, of all or of a majority of the Board shall constitute the decision of the Board and is final and binding.
  - (b) In the event of the members being equally divided, the appeal shall be disallowed.
- (26) At the conclusion of the Hearing, the Board may render its decision or may adjourn the appeal and render its decision at a subsequent meeting.
- (27) The Chair of the Board shall file the written decision of the Board with the Corporate Officer who shall thereupon forward a copy thereof to the appellant at the address provided in the application and to all City officials charged with the enforcement the City's zoning regulations.
- (28) If an application is allowed by the Board, and if a permit is required by a bylaw of the City, the applicant shall within 180 days of the decision of the Board, obtain the permit. If applicant does not obtain the permit within the said period of 180 days, the decision of the Board shall be void. If a permit is issued and the construction is not started within 180 days of the permits issuance, the decision of the Board shall be void.
- (29) Upon a decision being made by the Board, the appellant may, within sixty (60) days of the decision, make a further application to the Board if the application related to the same matter as the original application but varies the relaxation requested. The second application shall be accompanied by a fee as set out in the City's Fees and Charges bylaw.
- (30) The Corporate Officer shall maintain a record of all decisions rendered by the Board and such records shall be made available for public inspection during the normal business hours of the City of Langley.
- (31) The City of Langley shall provide a member of their staff to act as Recording Secretary to the Board whenever so required by the Board.

- (32) “The City of Langley Zoning Board of Appeal Establishment Bylaw, 1957, No. 68” is hereby repealed.

**3. Repeal**

- (33) This Bylaw may be cited for all purposes as the City of Langley “Board of Variance Establishment Bylaw, 2010, No. 2808”.

READ A FIRST, SECOND AND THIRD TIME this twenty fifth day of January, 2010.

ADOPTED this eighth day of February, 2010.

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***MAYOR***

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***CORPORATE OFFICER***



## **EXPLANATORY NOTE**

### **BYLAW NO. 2808**

The purpose of Bylaw No. 2808 is to update the Board of Variance bylaw and procedures.