

## BOARD OF VARIANCE

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### **BACKGROUND:**

The purpose of this guide is to provide information on the Board of Variance (BOV) meeting process, and the required documentation needed to make an application to the Board of Variance.

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### **WHAT IS THE BOARD OF VARIANCE?**

The Board of Variance is an independent body which consists of 5 people appointed by the City of Langley Council in accordance with the British Columbia *Local Government Act* (the “Act”). The Board deals primarily with matters pertaining to the Zoning Bylaw that might otherwise require a formal amendment. They make decisions on **minor variances** to avoid creating situations of hardship for property owners.

The Board will hear appeals when a person feels that compliance with the City Zoning Bylaw respecting any of the following would cause them “**undue hardship**”.

- the siting, dimensions or size of a building or structure; or
- the prohibition of a structural alteration or addition to a non-conforming structure;

The Board may not alter land use or density provisions of the Zoning Bylaw nor does it replace the building permit process. Other technical requirements beyond the Board’s authority such as BC Building Code regulations and standards need to be satisfied before a building permit is approved and issued.

### **WHAT IS UNDUE HARDSHIP?**

The Board can hear cases and grant minor variances to applicants that demonstrate they will be subject to undue hardship if required to adhere to the Zoning Bylaw. The term “undue hardship” is subjective as each applicant has their own unique set of circumstances. Traditionally, hardship has resulted from specific site and/or building characteristics or aspects (i.e. irregular shape, slope), opposed to those which are personal or generated by the owner. It is the applicant’s responsibility to clearly state the basis for the appeal in their application submission and demonstrate the “hardship” that would result from full compliance with the Zoning Bylaw regulations. The Board’s decision is final and no appeal of a Board decision may be brought to City Council.

### **WHO CAN MAKE AN APPLICATION TO THE BOARD OF VARIANCE?**

Any person with interest in property within the City is permitted to apply and be heard at the Hearing. If the appellant fails to appear at the Hearing or any adjournment thereof, the Board may decide to hear the appeal in their absence.

The Board of Variance process is not a substitute for a Development Variance Permit (DVP) application to City Council. Where appropriate, staff will direct applicants to make a DVP application.

## HOW DO I MAKE AN APPLICATION TO THE BOARD OF VARIANCE?

**A Board of Variance application will not be accepted prior a staff review of the application.**

To book an appointment with a Plan Reviewer for review of your application email [inspections@langleycity.ca](mailto:inspections@langleycity.ca) or call 604-514-2800. The plan reviewer will confirm whether the proposal requires a variance.

There are **3 Steps** to the BOV application and hearing process as follows:

### **Step 1:** Submission of the following documentation:

- Complete the Board of Variance application form.
- Agent's Authorization Form. If you are applying on behalf of the property owner, an agent's form must be signed by the property owner(s) and submitted with the application. You must also indicate to whom all correspondence shall be sent. Staff will only deal with the applicant.
- A written statement, signed by the property owner, setting out in detail the undue hardship 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.
- Two complete sets of architectural design drawings for presentation at the Board hearing, plus one copy of each relevant page of the drawings reduced to 11" x 17" size for circulation to the Board members before the hearing.
- A site plan, drawn to scale, including the location of all existing structures on the property and showing all distances from the respective property lines. Where applicable include setbacks and proposed variance setback.
- Where construction has begun (related to the BOV application), a legal survey is required including proposed height relaxations.
- Board of Variance application fee payment.

### **Step 2:** Review of application

- The BOV application will be reviewed and a factual report prepared for the Board to consider.
- In order to assess the impact of this variance on adjacent properties, members of the Board may visit the site at any reasonable time from the morning of the Thursday preceding the hearing to the day of the hearing.
- Members of the Board do not make advance appointments to view a site. It is up to applicants to ensure that the site is safely accessible. **The requested variance is to be clearly identified. Sites which are either inaccessible or where the markings are inadequate or non-existent, the hearing may be postponed to a later date.**
- It is recommended that applicants discuss their proposal with adjacent neighbours before the hearing in order to address or alleviate concerns that may affect the disposition of their application
- Adjacent owners and residents are formally notified of your proposal and are invited to speak at the hearing or submit written submissions for consideration.
- Applicants will be notified of the meeting time and date.

### **Step 3: Attendance at the Board of Variance Hearing**

- Board Chair calls the meeting to Order.
- Staff presents the report.
- Applicants are given an opportunity to speak.
- Written submissions by adjacent owners are presented to the Board.
- Adjacent property owners in attendance are given an opportunity to speak.
- Board deliberates the merits of the application and deliver a decision to the applicant at the hearing.
- A formal letter of decision will be sent to the applicant by mail.

### **HOW LONG WILL THE APPLICATION PROCESS TAKE**

When requested, the Board of Variance convenes on the fourth (4<sup>th</sup>) Wednesday of every month except August and December, at 7:00 PM. in CKF Room at Langley City Hall, 20399 Douglas Cr., Langley, B.C. or virtually. The complete application and payment of fee for a Board of Variance appeal must be submitted to the Development Services Department by 12:00 noon, at least 15 business days before the scheduled hearing date (excluding holidays).

### **How much will it cost?**

An application fee of \$250 is required at the time of submission.

### **Questions?**

Please contact the Building Division at the City of Langley by phone: 604-514-2804 or by email [inspections@langleycity.ca](mailto:inspections@langleycity.ca)

Refer to the Local Government Act (LGA) – Part 14, Division 15 for further information.  
([https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001\\_14](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_14))

# BOARD OF VARIANCE APPLICATION

BUILDING DIVISION [inspections@langleycity.ca](mailto:inspections@langleycity.ca) 604-514-2804

PRIOR TO ACCEPTING A BOARD OF VARIANCE APPLICATION, A COMPLETE  
BUILDING PERMIT APPLICATION SUBMISSION IS REQUIRED

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## PROPERTY INFORMATION

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

Legal Description: \_\_\_\_\_

Lot #: \_\_\_\_\_ PID: \_\_\_\_\_ Folio: \_\_\_\_\_

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## APPLICANT INFORMATION

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**Applicant** Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal: \_\_\_\_\_

**Owner** Name (if different from Applicant Name): \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal: \_\_\_\_\_

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## VARIANCE REQUEST DETAILS

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**BRIEF DESCRIPTION OF PROPOSED VARIANCE:**

(this does not replace the required written submission defining the relief being sought and the undue hardship)

**OTHER SIDE MUST BE COMPLETED PRIOR TO APPLICATION**



**APPLICATION CHECKLIST:**

The following are to be submitted at the time of this application:

- ☐ Application Fee.
- ☐ Completed Board of Variance Application Form.
- ☐ Written statement, signed by the owner, setting out in detail the undue hardship and the relief sought.
- ☐ Two complete sets of architectural design drawings reduced in size to 11" X 17".
- ☐ A site plan showing all buildings on the property complete with setbacks to property lines and the proposed setback variance.

Where construction has begun (related to the BOV application), a legal survey is required including proposed height relaxations.

- ☐ Letter of Authorization (if the application is submitted by an agent, not the Registered Owner, written authorization from the owner must accompany the application).

I/We have attached to this application the attachments required along with the application fee and hereby agree to submit further information deemed necessary for processing this application. Further, I hereby acknowledge that all information, including personal information, contained on this document may be made available to the public subject to the FOI Act.

<b>Name of Applicant:</b>		<b>Signature:</b>	<b>Date:</b>
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