



BOARD OF VARIANCE APPLICATION APPROVAL PROCESS

BOARD OF VARIANCE APPEAL PROCEDURES

The Council of the City of Langley established a three (3) member Board of Variance that has the authority to grant a minor variance to certain provisions of City Bylaws.

The Board will hear appeals when a person feels that compliance with a City 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; or
- matters mentioned in Section 938(1)(c) of the *Local Government Act* (LGA) in an area zoned for agricultural or industrial use, namely: *Section 938 (1) A local government may, by bylaw, regulate and require the provision of works and services in respect of the subdivision of land, and for that purpose may, by bylaw, do one or more of the following:.....(c) require that, within a subdivision, a water distribution system, a fire hydrant system, a sewage collection system, a sewage disposal system, a drainage collection system or a drainage disposal system be provided, located and constructed in accordance with the standards established in the bylaw.*

On these matters the Board may permit a minor variance from the bylaw requirements where it determines that there is an undue hardship. It is incumbent on the applicant to demonstrate undue hardship. The Board's decision is final (no appeal of a Board decision may be brought to City Council).

The Board will also hear an appeal from a person who feels that the determination by the Building Inspector of the amount of damage under Section 911(8) of the *Local Government Act* is in error. This section refers to the restoration of fire damaged buildings in accordance with current City Bylaws.

Any person or body with interest in property within the City is entitled to 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 long will the application process take?

When requested, the Board of Variance convenes on the fourth (4th) Wednesday of every month at 7.00 PM. in CKF Room at Langley City Hall, 20399 Douglas Cr., Langley, B.C. The complete application for a Board of Variance appeal must be submitted to the Director of Development Services and Economic Development by 12:00 noon, at least 15 business days before the scheduled hearing date.

How much will it cost?

The standard application fee is \$250.00. Additional fees may be charged.

What are the resources available?

Before you prepare your submission, be sure to familiarize yourself with relevant regulations, as these may affect your project. Also, come and talk to a Development Services representative who will help guide you for a smooth application. Visit our website at WWW.langleycity.ca to view the following:

- Zoning Bylaw

5 Steps to the BOV Application Process

1. Requirement for a BOV application determined
2. Submission of completed application form with required documentation and fees
3. Review of application and preparation of Staff's Report to the Board
4. Public input at the Board of Variance Hearing
5. Applicant advised of decision

Step 1: Necessity for a BOV Application Identified

Call 604-514-2816 to schedule your meeting with the Development Services staff.

We'll work with you to ensure your request can be considered under BOV provisions while advising you of the administrative process.

Be prepared to provide reasons why you would experience an undue hardship if your appeal was denied.

Step 2: Complete & Submit the Application

What you need to submit:

- Complete 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 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.
- Two complete set 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 before the hearing.
- A site survey plan prepared by a B.C. Land Surveyor drawn to scale and detailing the proposed development with sitting distances from the respective property lines, as well as the location of all existing structures on the property with the sitting distances from the respective property lines. The requirement for a site survey plan may be waived by the Corporate Officer where the nature of the Application makes such a requirement unnecessary.
- Application fee: \$250.

Step 3: Circulation of Application

After you've submitted your application, it will be reviewed by staff.

A report will be prepared and submitted to the Board.

You will be notified of the meeting time and date.

In order to assess the impact of this variance on adjacent properties, all members of the Board visit the sites of all applications; the members may inspect the site at any reasonable daylight 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 during daylight hours, and that the required variance is

clearly marked on the property. **Applications for sites which are either inaccessible or where the markings are inadequate or non-existent will be postponed to a later hearing.**

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 or submit written submissions.

Step 4: Attend the Board of Variance Hearing

Board Chair calls the meeting to Order.

Staff presents the report.

You are given an opportunity to speak.

Any written submissions by adjacent owners are presented to the Board.

Any adjacent owner present is given an opportunity to speak.

Board makes a decision.

Step 5: Next Steps following the Board's Decision

You will be notified of the Board's decision and the next steps required.

Questions?

We've got answers.

We are here to help make the Board of Variance Application process as smooth as possible. If you have questions, please contact us.

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