

WHAT IS THE BOARD OF VARIANCE?

The Board of Variance (BOV) is an independent body that considers applications and may grant the relaxation of certain City bylaw requirements. The Board consists of five volunteer members appointed by Council for a three-year term. You can appeal to the Board of Variance if you feel that compliance with the bylaw would cause undue hardship.

What can the Board of Variance consider?

The BOV has the power to grant minor variances in situations where complying with the Zoning Bylaw on the siting, dimension or size of a building or structure causes a person undue hardship. The Board also considers applications for:

- relaxation of zoning regulations;
- alterations for non-conforming uses;
- relaxation of servicing requirements;
- reconstruction of a non-conforming building; and
- relaxation of tree protection requirements.

The BOV cannot vary:

- the use or the density of land;
- a registered covenant registered under Section 219 of the *Land Title Act*;
- matters otherwise regulated through a Development Permit, Development Variance Permit, Temporary Use Permit or Tree Cutting Permit;
- a Land Use Contract;
- a Phased Development Agreement;
- a flood plain requirement;
- any requirements under Part 27 of the *Local Government Act* (Heritage Conservation);
- bylaw requirements concerning designated Heritage Conservation Areas; and
- any requirements of a Heritage Revitalization Agreement under Section 966 of the *Local Government Act*.

This guide is intended to assist applicants. It is neither an authoritative nor complete statement of the law. Further reference to Port Moody's Zoning Bylaw and related documents is necessary to ensure compliance with its provisions. The City of Port Moody accepts no responsibility to persons relying solely on this guide.

Why would I apply to the Board of Variance?

You may apply to the Board of Variance to vary certain Zoning Bylaw provisions. An applicant must demonstrate that complying with certain bylaw provisions would cause undue hardship. Before making a decision, the Board must hear from the applicant and anyone else who was notified and wishes to speak to the application.

What is undue hardship?

The BOV is limited to considering only undue hardship that results from aspects of the site as opposed to those that are personal to the owner. Determining undue hardship depends upon whether the hardship would have been a hardship for everyone.

For example, if bedrock is protruding into the building envelope, complying with siting provisions may be difficult. Through no fault of the property owner, the hardship created is undue. Similar properties without the bedrock are not subject to the same challenges.

However, if all properties in the same zone face the same issue, there is no undue hardship, even if complying with the general setback regulations is difficult or expensive.

The intent of this term "undue" is to limit the concerns of the Board to types of hardship that result from aspects of the site as opposed to those that are personal to the owner.

PROCESS OVERVIEW

In most cases the review and approval process for a Board of Variance application takes two to four months, and includes the following steps:

Process Steps	
1. Prior to submitting an application	Before to submitting an application, we strongly encourage you to discuss your development proposal with City planning staff who can determine whether the Board is able to consider the proposed variance. Depending on the nature of the request, you may require a Development Variance Permit, or other permit, instead.
2. Application submission	Once a proposal has been prepared, the applicant submits a completed Board of Variance form, including all applicable fees. You will also need to submit all survey plans and any documents identified by staff as required to complete the application review.
3. Technical review	Staff review the application and schedule a date for the Board of Variance meeting. Staff may request that you submit additional information for review and presentation.
4. Public notification	The City notifies you, as well as all owners and tenants immediately adjacent to the land that is the subject of the application. The notice includes the date, time and location of the Board of Variance meeting.
5. Board of Variance meeting	The Board meets on an as-needed basis. The applicant should attend the Board of Variance meeting. Be prepared to describe the required variance and to answer any questions that the Board may direct to you. The Board will also hear from any other person(s) who believe their interest in the property is affected by your application, as directed by the Chair of the Board of Variance.
6. Board of Variance decision	The Board may approve the variance with or without conditions, or deny the variance, and will share their decision at the meeting. You will also receive written notice of the decision by mail.

How do I submit an application to the Board of Variance?

The City requires the following information when submitting an application to the Board of Variance:

1. A completed Board of Variance application that clearly states the grounds on which the variance is based and the desired outcome of the requested variance.
2. The following documents must be attached to the application:
 - A site survey certificate prepared by a B.C. Registered Land Surveyor showing the existing dwelling and other structures on the property and their setbacks from the various property lines;
 - Floor plan drawn to scale 1:50 (1/4" to 1') showing the proposed addition and the setbacks; and
 - Front, rear and side elevations of the proposed addition drawn to scale 1:50 (1/4" to 1') with the existing and proposed finished grades and details of exterior finish.
3. The applicant may choose to include letters of consent or objection to the proposed construction, from adjacent neighbours and rear neighbours, if any.
4. Applicable application fees.

 Do you need more information? Planning staff are here to help!

Email: planning@portmoody.ca Phone: 604.469.4540