

Board of Variance Application Process

1. Preliminary Enquiry

We strongly encourage you to discuss your development proposal with Development Services staff prior to submitting an application. Staff 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 to the Board of Variance

Complete the application form provided by staff and submit this along with the non-refundable application fee. You will also need to submit all survey plans and any required documents staff identify as part of the complete application review.



3. Technical Review

Development Services staff review the application and schedule a date for the Board of Variance Hearing. 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. Development Services staff will contact you upon receiving the Board's notice of decision. You will also receive written notice of the decision by mail.



Do you need more information?

Contact the Planning Division at the City of Port Moody.

Phone: 604.469.4540

Email: planning@portmoody.ca

Fax: 604.469.4533

Web: www.portmoody.ca

This brochure is intended to assist applicants. It is neither an authoritative nor complete statement of the law. Further reference to Port Moody's Land Use 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 brochure.



Board of Variance

Planning Division



Information on the City of Port Moody's Board of Variance

604.469.4540 • planning@portmoody.ca • www.portmoody.ca

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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 members appointed by Council for a three-year term.

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;
- extension of 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*;
- 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*.

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 which 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 your 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. Undue hardship does not include financial hardship.

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.

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 written application is submitted to the Secretary of the Board. The notice should clearly state:
 - the grounds on which your 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 (¼” to 1’) showing the proposed addition and the setbacks; and
 - Front, rear and side elevations of the proposed addition drawn to scale 1:50 (¼” 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.