

# Board of Variance

The authority, structure and role of the Township of Langley Board of Variance are specified in the Local Government Act and the Township of Langley Zoning Board of Variance Establishment Bylaw 2011 No.4881.

## Jurisdiction

The Local Government Act allows the Board of Variance (BOV) to consider certain relaxations only if the appeal satisfies all the following conditions:

1. The existing bylaw, in the opinion of the Board, must impose 'undue hardship' on the applicant. In such a case, the existing zoning requirements would need to be considered unfair or unduly onerous by the Board.
2. The requested variance must be 'minor.' It must not, in the Board's opinion, constitute a substantial variation to the Zoning Bylaw, nor:
  - a) result in inappropriate development of the site
  - b) adversely affect the natural environment
  - c) substantially affect the use and enjoyment of adjacent land
  - d) vary permitted uses and densities under the applicable bylaw, or
  - e) defeat the intent of the bylaw

The Board of Variance is not intended to be an appeal mechanism for Council's land use decisions (i.e. density or use changes as prescribed in the Zoning Bylaw), nor can the Board's decisions replace those of Council.

## Examples of appeals the Board of Variance can consider:

- the relaxation of siting requirements for buildings and structures in terms of their size, dimensions, and location on a lot
- the extension of a nonconforming use to make internal structural alterations or to make an addition to the building, providing there would be no further contravention of the bylaw
- the relaxation of subdivision servicing requirements where the land is zoned for agricultural or industrial uses, subject to qualifiers
- the repair and reconstruction of a nonconforming building that has been destroyed to the extent of 75 percent or more of its value above the foundation

## Application Procedures

The Board of Variance meets on the third Tuesday evening of each month. All applications to be considered must be submitted to the Secretary for the Board by the last Tuesday of each month. An application fee as per the Fees & Charges Bylaw 2007 No. 4616, as amended, is required at the time of application.



1. Prior to submitting a written application, the applicant/agent should discuss the proposed appeal with staff in the Permit, Licence and Inspection Services (PLI) Department and/or the Development Services Department to determine the zoning, siting and setback requirements, layout options, etc., to ensure that all relevant information is included in the application.
2. A formal application is submitted to the Secretary for the Board of Variance, PLI Department, by the registered owner or an authorized agent. The application must include a completed BOV Application Form and the following information:
  - letter from the owner outlining the purpose of the requested variance, including an explanation of the 'undue hardship'
  - a site plan of the subject lot drawn to a minimum scale of 1:50, showing the location and dimensions of all existing and proposed buildings, structures and driveways
  - topographic features of the property
  - neighbouring buildings and setbacks
  - front, side and rear elevations where applicable (minimum scale 1:50)
  - current title search (within 30 days)
  - for agents submitting applications, the owner must provide a signed letter of authorization stating that the agent is authorized to act on the owner's behalf
  - if construction has begun (related to the BOV application), a legal survey must be submitted with the application
3. Following acceptance of the application, the Secretary reviews the application and circulates it to the other relevant departments and agencies for input.
4. The applicant and all property owners adjacent to the subject property are notified by letter as to the nature of the application, including the date, time and location of the Board of Variance hearing.
5. A report is prepared by the Secretary and submitted to the Board.
6. At the Board of Variance Hearing, the Secretary states the facts pertaining to the application. The applicant can then describe the nature of the appeal and why it is being requested. Once the Board is satisfied with the information, adjacent neighbours are given the opportunity to present their concerns. Written submissions are presented to the Board at this time.
7. Following the Hearing, the Board meets 'in camera' (closed to the public) to evaluate the request and render a decision.
8. The Secretary sends a formal letter to the applicant advising them of the Board's decision and any conditions.
9. The Board of Variance decision is final.
10. If the requested variance is approved and construction is required, a building permit application may be made to the PLI department.

**APPLICATIONS OR INQUIRIES SHOULD BE DIRECTED TO:**  
Secretary, Board of Variance  
c/o Permit, Licence and Inspection Services Department  
20338 65 Ave, Langley, BC V2Y 3J1  
Telephone: 604-533-6018

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