



***The authority, structure and role of the Township of Langley Board of Variance is specified in the “Local Government Act” and the “Township of Langley Zoning Board of Variance Establishment Bylaw 4881”.***

## **JURISDICTION**

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

1. The existing bylaw must, in the opinion of the Board, 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 non-conforming use to make internal structural alterations or to make an addition to a building providing that there would be no further contravention of the bylaw
- The relaxation of subdivision servicing requirement where the land is zoned for agricultural or industrial uses subject to a number of qualifiers
- The repair and reconstruction of a non-conforming building that has been destroyed to the extent of 75% or more of its value above its foundation

## APPLICATION PROCEDURES

The Board of Variance meets the evening of the third Tuesday of each month. All applications to be considered must be submitted to the Secretary for the Board by the first 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 in the PLI Department by the registered owner or an authorized agent. The application must include a completed BOV Application Form plus 6 copies of the following:
  - 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 to a minimum scale of 1:50 showing 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)
  - Floor plan showing size, location and use of each room (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 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 is submitted to the Board for its information.
6. At the Board of Variance Hearing, the Secretary states the facts pertaining to the application. The applicant is given the opportunity to describe the nature of the appeal and why it’s 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 make a decision.
8. A formal letter is sent by the Secretary to the applicant advising of the Board’s decision and any conditions included.
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 ENQUIRIES SHOULD BE DIRECTED TO:

Secretary, Board of Variance  
c/o Permit, Licence and Inspection Services Department  
The Corporation of the Township of Langley  
20338 65<sup>th</sup> Ave.  
Langley, B.C. V2Y 3J1  
Telephone: 604-533-6018