

Board of Variance

Orientation Session

2021

Purpose

- **Board of Variance Jurisdiction**
- **Application & Hearing Process**
- **Resources**

BOV Role Generally

Role established by:

- Local Government Act Part 14 – Division 15 – Board of Variance
- Village of Pemberton Board of Variance Bylaw No.678, 2011

Subject to:

Board of Variance Terms of Reference –
Adopted January 24, 2012

Forms

- **Code of Conducts**
- **Social Media Policy**
- **Bullying and Harassment Policy**

Application for variance or exemption to relieve hardship

- **Siting, size or dimension of a building or other structure**
- Water, drainage and sewer servicing standards for industrial and agricultural zones
- Tree cutting bylaws that unduly restrict the development of a site
- Land use contract termination bylaws
- Structural alterations and additions to buildings containing lawful non-conforming uses
- Extent of damage to buildings containing lawful non-conforming uses

Board Powers on Application

Local Government Act

542 (1) On an application under section 540, the board of variance may order that a **minor variance** be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531 (1) [*alteration or addition while non-conforming use continued*], if the board of variance

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(a) has heard the applicant and any person notified under section 541,

(b) finds that **undue hardship** would be caused to the applicant if the bylaw or section 531 (1) is complied with, and

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- (a) has heard the applicant and any person notified under section 541,
- (b) finds that **undue hardship** would be caused to the applicant if the bylaw or section 531 (1) is complied with, and
- (c) is of the opinion that the variance or exemption does not do any of the following:

- (i) result in inappropriate development of the site;**
- (ii) adversely affect the natural environment;**
- (iii) substantially affect the use and enjoyment of adjacent land;**
- (iv) vary permitted uses and densities under the applicable bylaw;**
- (v) defeat the intent of the bylaw;**
- (vi) vary the application of an applicable bylaw in relation to residential rental tenure.**

Board Powers on Application

542 (2) The board of variance must not make an order under subsection (1) that would do any of the following:

- (a) be in **conflict with a covenant** registered under section 219 of the *Land Title Act* or section 24A of the *Land Registry Act*, R.S.B.C. 1960, c. 208;
- (b) deal with a **matter that is covered in a land use permit** or covered in a land use contract;
- (c) deal with a **matter that is covered by a phased development agreement** under Division 12 [*Phased Development Agreements*];
- (d) deal with a **flood plain specification** under section 524 (3);
- (e) apply to a property
 - (i) for which an **authorization for alterations is required under Part 15 [*Heritage Conservation*]**,
 - (ii) for which a **heritage revitalization agreement** under section 610 is in effect, or
 - (iii) that is scheduled under section 614 (3) (b) [*protected heritage property*] or contains a feature or characteristic identified under section 614 (3) (c) [*heritage value or character*].

Board Powers on Application

- 542** (3) In relation to an order under subsection (1),
- (a) if the order sets a time within which the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time, or
 - (b) if that construction is not substantially started **within 2 years** after the order was made, or within a longer or shorter time period established by the order, **the permission or exemption terminates** and the bylaw or section 531 (1), as the case may be, applies.

Board Powers on Application

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 - (c) **A decision of the board of variance under subsection (1) is final.**

Application Process & Hearing Procedure



Roles



Staff

Work with applicants to understand the process and submit complete applications

Organize meetings, agendas, and minutes

Provide an overview of the application and clarify policies



Applicants

Submit complete application to apply for a variance

Describe proposal and their undue hardship

Answer questions from the BOV members



Members

Review applications before the meeting

Have an open mind

Following legislation, decide to approve or reject the application

Doing Business

- **No member of the board shall discuss the merits of the application with any person who is not a member of the board or secretary before the board has reached a decision.**
- **Quorum of the Board is considered 2 members.**
- **All meetings and deliberations of the Board shall be open to the public.**

General Meeting Decorum



Chairperson manages meeting.

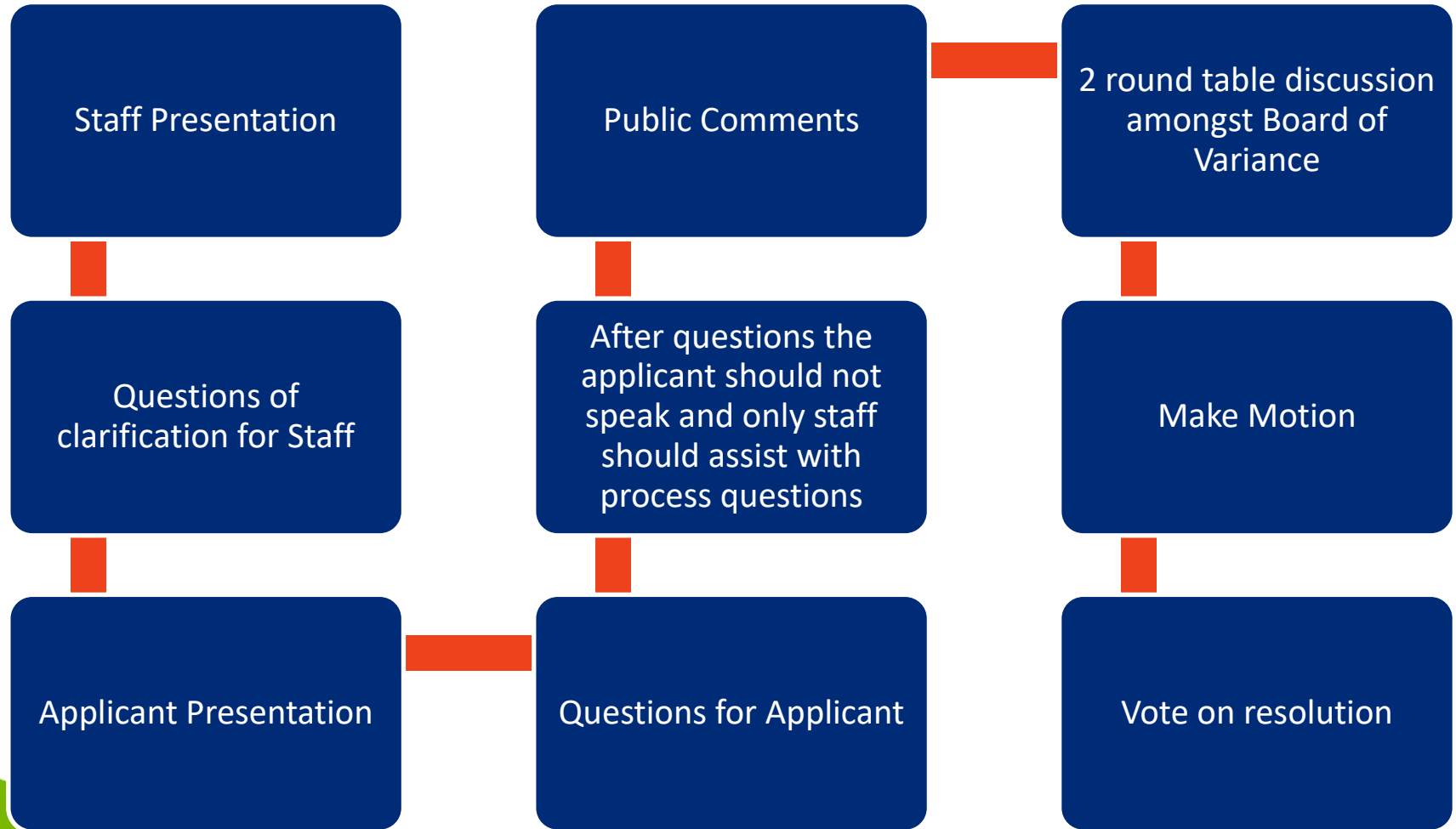


All participants speak through the Chair, only when acknowledged by the Chair.



Is a forum for achieving consensus rather than debate.

Hearing Process



Hearing Schedule

Application Deadline	Meeting Date
	January 27 th - Orientation
January 27 th	February 24th
February 24 th	March 24 th
March 31 st	April 28 th
April 28 th	May 26 th
May 26 th	June 23 rd
June 30 th	July 28 th
July 28 th	August 25 th
August 25 th	September 22 nd
September 29 th	October 27 th
October 27 th	November 24 th

Meetings are held at 5pm, virtually until further notice

Resources

LGMA Board of Variance Guide

Local Government Act

BOV Bylaw

BOV Terms of Reference

Zoning Bylaw No. 832, 2018