

Board of Variance (BOV) Application Guide

The information provided is for convenience only and is not in substitution of applicable municipal bylaws and provincial/federal laws and regulations.

1. What is the Board of Variance?

- a. The Board of Variance is an independent body that consists of persons appointed by Council in accordance with the [Board of Variance Bylaw](#) and the [Local Government Act](#).
- b. Primarily, the Board considers requests for minor variances to requirements in the [Zoning Bylaw](#) respecting the siting, size, or dimensions of buildings/structures when these requirements cause a person undue hardship. Note that variances cannot vary land use or density requirements in the [Zoning Bylaw](#) and that the granting of a request for a minor variance does not replace the Building Permit process.
- c. The Board can consider and grant requests for minor variances in terms of compliance with any of the following that would cause a person undue hardship:
 - i. A bylaw (e.g., [Zoning Bylaw](#), [Sign Bylaw](#)) respecting siting, size, or dimensions of a building or structure, or the siting of a manufactured home in a manufactured home park.
 - ii. A subdivision servicing requirement under [Section 506\(1\)\(c\) of the Local Government Act](#) (provision of water, sewer, and other systems) in an area zoned for agricultural or industrial use.
 - iii. The prohibition of a structural alteration or addition under [Section 531 of the Local Government Act](#) (restrictions on alteration or addition while non-conforming use continued).
 - iv. A bylaw (e.g., [Tree Protection and Management Bylaw](#)) under [Section 8\(3\)\(c\) of the Community Charter](#) (trees), except where Council has compensated or mitigated hardship.

2. What constitutes undue hardship?

- a. Traditionally, undue hardship involves hardship that pertains to site and/or building characteristics (e.g., irregular shape, slope), as opposed to hardship that is personal to, or generated by, the owner or resident (e.g., economic hardship).
- b. It is the responsibility of the applicant(s) (property owners and agent) to clearly demonstrate the undue hardship on the [Board of Variance Application Form](#).

3. What factors does the Board of Variance consider?

- a. The Board of Variance may grant an applicable minor variance (see Questions 1 and 2) if they find that compliance with the bylaw would result in undue hardship and if they have considered the following factors and are of the opinion that the variance does not:
 - 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
 - v. Defeat the intent of the bylaw

4. How often does the Board of Variance meet?

- a. The Board meets the first Tuesday of every month, except months where the preceding Monday is a Statutory Holiday, in which case the meeting would be held the second Tuesday of the month. There is no meeting in August. A meeting will not be held if no applications have been received or if quorum cannot be achieved.
- b. The Board of Variance's meeting schedule is available online at mapleridge.ca/2305/Board-of-Variance and the Legislative Services Department can be contacted at committeeclerk@mapleridge.ca for meeting details. Board of Variance meeting dates are subject to change.

5. How do I make a Board of Variance application?

- a. Before a Board of Variance application is made, you should review your plans with front counter staff from the Planning Department and Building Department located on the main floor at City Hall. Staff will inform you if a variance is required.
- b. A Board of Variance application requires the submission of the following items:
 - i. A completed [Board of Variance Application Form](#)
 - ii. A completed [Board of Variance Application Submission Checklist](#)
 - iii. Supporting documents identified on the checklist or by staff
 - iv. The non-refundable Board of Variance Application Fee
 - Application fees are subject to change without notice. The applicant should ensure that they are submitting the current fees at the time of application as per the [Fees & Charges Bylaw No. 7515-2019](#).

- c. The Board of Variance Application Form, Board of Variance Application Submission Checklist, and other materials, are available at the Planning Department front counter or online at mapleridge.ca/2305/Board-of-Variance.
- d. Hard copy submissions should be provided with payment to front counter staff from the Planning Department located on the main floor at City Hall. Digital submissions are also required and should be emailed to bov@mapleridge.ca.
- e. You may engage the services of a building design professional to assist you in preparing your submission if you are unfamiliar with Building Permit processes and/or construction matters. It is critical to submit as much detailed and relevant information as possible to assist staff and the Board in completing their review of your application.

6. What is the Board of Variance process?

- a. The Board of Variance application process is as follows:
 - 1) Application Submission
 - The applicant(s) make a Board of Variance application.
 - 2) Departmental Review
 - Staff from the Planning Department review the Board of Variance application.
 - 3) Application Acknowledgement and Request for Outstanding Documents
 - Staff from the Planning Department contact the applicant(s) to acknowledge receipt of the application and request any outstanding documents.
 - 4) Additional Review
 - Additional input may be sought from relevant departments and/or agencies and a revised application may be required before proceeding.
 - 5) Satisfactory Application Acknowledgement
 - Staff from the Planning Department contact the applicant(s) to acknowledge that the application is satisfactory and that it will proceed to a Board of Variance meeting. Staff will then prepare a Summary Sheet for the Board.
 - 6) Notification of Board of Variance Meeting
 - Staff from the Legislative Services Department notify the applicant(s), as well as property owners and residents of adjacent property, by letter about the proposed variance(s) and the date, time, and place of the Board of Variance meeting during which the application will be heard. Those notified are invited to attend the meeting and may submit written comments to the Board.

7) Board of Variance Meeting

- At the Board of Variance meeting, the Board renders a decision or postpones consideration after seeking input from the applicant(s), the public, and staff. Staff and the Board encourage the applicant(s) to attend the meeting so that they can provide further information and answer any questions.
- After a Board of Variance meeting, a formal letter with the Board's resolution/decision is mailed out to the applicant. Note that all decisions of the Board are final. Property owners and residents of adjacent property do not receive formal notification of the Board's resolution/decision. Any interested parties may contact the Legislative Services Department the day following the Board of Variance meeting at committeeclerk@mapleridge.ca to confirm the Board's resolution/decision if they were not present at the meeting.

7. How is the Board of Variance meeting structured?

- a. The Board of Variance meeting is open to members of the public and the Chairperson will go through each Board of Variance application as follows:
 - 1) Provide a brief overview of the application.
 - 2) Provide the applicant an opportunity to speak.
 - 3) Provide members of the public an opportunity to speak. Anyone who speaks will be asked to provide their name and civic address. Anyone who wishes to make a presentation must provide eight (8) copies for Board members and City staff.
 - 4) Provide staff from the Legislative Services Department an opportunity to read out any written comments from members of the public.
 - 5) Provide staff from the Planning and Building Departments an opportunity to speak.
 - 6) Provide Board members an opportunity to ask any questions.
 - 7) Provide Board members an opportunity to rationalize their intended decision.
 - 8) Provide Board members an opportunity to render a decision or postpone consideration to another date should they feel that there is insufficient information.

8. Who do I contact for more information?

- a. For clarification regarding Board of Variance legislative requirements, meeting schedules, agendas, and notifications, please contact the Legislative Services Department at committeeclerk@mapleridge.ca.
- b. For other clarification, please contact the Planning Department at bov@mapleridge.ca or [604-467-7341](tel:604-467-7341).