

GUIDE

BOARD OF VARIANCE

GUIDE OVERVIEW

This guide is intended provide information on the Board of Variance meeting process, along with the requirements needed to apply to the Board of Variance.

WHAT IS THE BOARD OF VARIANCE?

The Board of Variance is an independent appeal body which consists of five persons appointed by Council in accordance with the British Columbia *Local Government Act* (the “Act”). The Board, which deals primarily with matters pertaining to the City’s Zoning Bylaw (as amended), hears and makes decisions on **minor variances only** regarding the siting, size and dimensions of buildings.

The Act allows property owners to appeal to the Board if compliance with the Zoning Bylaw will cause an **“undue hardship”**.

The Board may not alter land use or density provisions of the Zoning Bylaw nor does it replace the Building Permit process. Other technical requirements beyond the Board’s authority such as the BC Building Code regulations and standards will also need to be satisfied before a building permit is approved and issued.

HOW OFTEN DOES THE BOARD MEET?

The Board meets on a monthly basis, except for August and December. If applications are not received, the Board does not meet. In order for a meeting to proceed, it is necessary for a quorum of the Members of the Board (3) to be in attendance. Therefore, meeting dates and times may vary based on the availability of Board Members. Please contact the City Clerk’s Office at 604-927-3010 if you have questions regarding the meeting schedule.

WHAT DOES “UNDUE-HARDSHIP” MEAN?

The Board’s authority is limited to hearing cases and granting variances based on undue hardship. There is no one definition of undue hardship because each applicant has their own unique set of circumstances. Traditionally, hardship has resulted from specific site and/or building characteristics or aspects (i.e. irregular shape, slope), as opposed to those which are personal or generated by the owner. It is the applicant’s responsibility to clearly state the basis for the appeal in their application submission and demonstrate the “hardship” that would result from full compliance with the City’s Zoning Bylaw regulations.

HOW DO I APPLY?

Before an application to the Board is made, you should review your plans and drawings with the City's Building Division staff, located on the Main Floor at City Hall. Staff will inform you if a variance is required for building permit approval. Board of Variance application forms and other related materials, including a submission checklist, are available at the Building Permits counter. We encourage you to engage the services of a building design professional to assist you in preparing your plans submission if you are unfamiliar with building permit processes and construction matters. It is critical to submit as much detailed relevant information as possible to assist staff and the Board in completing their review of your application.

To apply to the Board of Variance, you will be required to:

- a) submit a completed application form;
- b) submit a completed checklist; and
- c) pay the required non-refundable fee.

Applications must be signed by the property owner or a person authorized by the property owner. If the owner cannot attend the meeting and would like to appoint a person to represent them in their place, the owner must provide a letter authorizing the representation. This letter should be submitted to the Building Permits counter as soon as possible after the application has been submitted.

WHAT HAPPENS WITH MY APPLICATION AFTER I HAVE SUBMITTED IT?

1. Each submitted application undergoes a technical review by Planning and Development staff to confirm requested variances. A brief report on each application is submitted to the Board (called a 'brief') prior to the start of the meeting.
2. Property owners and residents within 50 meters of the subject property are notified by letter of the proposed variance and date of the Board meeting at which the application will be heard. They are invited to attend the meeting or submit written comments to the Board providing input on the application.

WHAT ARE THE PROCEDURES AT THE BOARD OF VARIANCE MEETING?

At an appointed time, the Board will meet to consider the application and receive verbal and written presentations from the applicant and neighbouring residents.

The Board meeting must be conducted pursuant to rules set out in the *Local Government Act* and as interpreted by the Courts. The meeting will cover each item listed on the Agenda and will be conducted according to the following procedures:

- The Chairperson will provide introductory remarks including an overview of the process to be used at the meeting.
- The Chairperson will read out the property address and the name of the owner(s) or representative(s).

- The applicant will be asked to step forward and state their name and address and then provide an overview of the variance they are requesting, their undue hardship and the reasons they require the Board's approval.
- After the applicant has completed their presentations, the Board Members may seek clarification on the details of their application.
- The Chairperson will ask if anyone in the audience would like to speak to the application.
- All persons appearing who wish to be heard will be requested to approach the Board and give their name and address. If possible, please bring eight (8) copies of any presentations for the Board members and City staff.
- Letters or photographs filed with the Board Secretary will form a part of the official Board of Variance Minutes.
- After all persons wanting to speak to the application have been heard, the Board will then consider the application. Please note, the Board may adjourn consideration of an application to another date/time should they feel that there is insufficient information provided to make a decision.

HOW DO I FIND OUT THE BOARD'S DECISIONS?

Decisions are made during the Board meetings. Any interested parties can contact the City Clerk's Office on the day following the Board meeting at 604-927-3010 to receive the Board's decision if they would rather not attend the meeting or cannot stay to hear the decision. Applicants will receive a formal notification of the decision in the mail. Neighbours do not receive a formal notification of the decision of the Board.

Please note, all decisions of the Board are final.

HOW LONG IS THE BOARD APPROVAL VALID FOR?

In accordance with "the Act", construction must start at least two (2) years from the date that the variance is granted. If the two (2) year time frame has passed and construction has not started, the applicant must re-apply to the Board.

As noted, the Board's authority is limited to hearing cases of undue hardship relating to minor variances from the City's current zoning regulations. Zoning Bylaw amendments (i.e. rezoning) and/or development variance permits are alternative processes for property owners to pursue in cases where the requested variance is not minor in nature.

FEES

Per the City of Coquitlam's [Fees and Charges Bylaw](#), you will have to pay a non-refundable application fee when you apply.

CONTACT US FOR MORE INFORMATION

Please contact the Building Permits Division at 604-927-3441 or bovinfo@coquitlam.ca if you need more information regarding the nature of hardships, the application process or the Board of Variance administrative process.

Please contact the City Clerk's Office at 604-927-3010 or clerks@coquitlam.ca if you have questions regarding Board of Variance legislative requirements, meeting schedules, agendas and notifications.

This information is provided for convenience only and is not in substitution of applicable City Bylaws, Provincial or Federal laws and regulations. Always refer to official documents. The City is not responsible for errors found in copies or alterations of this document.

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     | coquitlam.ca/building
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