

BOARD OF VARIANCE

Municipalities are required to establish a Board of Variance (BOV) when a Zoning Bylaw is in effect for the municipality, pursuant to the *Local Government Act* (RSBC 2015 c.1 Part 14, Division 15) (the “Act”).

The Board of Variance functions as a decision-making body independent of Council and has limited powers which are provided by bylaw. The BOV has authority to grant minor variances to the Zoning Bylaw. The proposed variance must be justifiable by the presence of ‘undue hardship’, as determined by the BOV. Undue hardship must be as a result of aspects of the site, rather than those which are personal to, or generated by, the owner. Financial hardship or loss of an amenity is unlikely to be considered as a sufficient reason for hardship without other contributing factors.

The Board of Variance does not, however, have authority to vary permitted use or density, as these are considered major variances. All major variances and changes to permitted use or density are required to be processed through a separate application process that will be reviewed by staff and presented to Council on behalf of the applicant.

APPLICATION PROCESS

Prior to applying for a BOV application, a complete Building Permit application must be submitted to the Building Division. Further information on the Building Permit process is available online at: <https://www.cnv.org/property-and-development/building-and-development/permits-and-inspections/building-permits>.

Once Planning staff have completed the Zoning review of the Building Permit application, the BOV applicant will be advised of the required Zoning Bylaw variances. *BOV applications will not be accepted until Planning staff have completed a review of your Building Permit application.* The timing for Planning staff to complete a Building permit review is generally within 4 weeks of the Building Permit application date. This time may be extended if revised Building Permit plans are required prior to submitting the BOV application.

For properties on a corner lot, lots with encroachments on City property, or applications which affect property access, BOV applications will not be accepted until Engineering Development Services staff have also completed their review.

The Board of Variance does not have authority to vary requirements contained in the BC Building Code. BC Building Code issues will be addressed through the Building Permit review.

APPLICATION REQUIREMENTS

BOV applications are submitted to the Planning Division by email to planning@cnv.org. Refer online here for more information: <https://www.cnv.org/Get-Involved/Committees/Board-of-Variance>.

A complete application will include:

- Board of Variance Application Form
- Letter from you (the applicant) outlining the basis for appeal and the specified hardship.
- Electronic copy of the Building Permit drawings and a copy of a recent BC land survey.
- Sketch of the site (on letter size paper) clearly showing the proposed variance, including measurements and other relevant information, to scale.
- Optional: Other supporting information, such as photos or drawings of adjacent buildings or other structures.
- An application fee of \$420 (plus GST) applies and is payable to the **City of North Vancouver**.

THE BOV HEARING PROCESS

Prior to the Hearing, the City Clerk's Office will send a notice of the hearing date and requested variance to the applicant and to property owners within a 40-metre radius of the subject property.

At the Hearing, the applicant will be offered an opportunity to present their application. The BOV may ask questions of the applicant and/or staff before it considers if the requested variance would: result in inappropriate development of the site; adversely affect the natural environment; substantially affect the use and enjoyment of adjacent lands; or defeat the intent of the Zoning Bylaw. The BOV decision will be made at the hearing and a confirmation letter will be issued to the applicant. All BOV decisions are final and are considered for each subject property on their own merits. This means that a BOV decision will not be influenced by a previous or future ruling.

HEARING DATES AND APPLICATION DEADLINES

BOV Application Deadlines 2024	Hearing Dates 2024
-	<i>no meeting in January</i>
January 12	February 7
February 9	March 6
March 8	April 3
April 5	May 1
May 10	June 5
June 7	July 3
-	<i>no meeting in August</i>
August 9	September 4
September 6	October 2
October 11	November 6
November 8	December 4

For further information about the application or hearing process, please send an email to Planning staff at planning@cnv.org.