

RECOMMENDATION:

That Committee of Council:

- 1. Support the Board of Variance Amendment Bylaw and direct staff to bring the Bylaw forward to Council for first three readings;*
- 2. Direct staff to bring forward an amendment to the Fees and Charges Bylaw to increase the Board of Variance application fees.*

PREVIOUS COUNCIL/COMMITTEE ACTION

The current Board of Variance Bylaw was adopted on April 28, 1997; fee updates were made to the Bylaw in 2011.

REPORT SUMMARY

The proposed bylaw will bring forward amendments to the current Board of Variance Bylaw. Notable changes include updated language, inclusion of additional definitions and a proposed increase in application fees (which would amend the Fees and Charges Bylaw).

BACKGROUND

The Board of Variance is an appeal body consisting of five members, who often have a background in building, planning, etc., appointed by Council. The Board convenes a Hearing to listen as to why an applicant feels they cannot meet a Zoning Bylaw requirement (hardship) and then decides on the proposed variance to the Zoning Bylaw.

Board of Variance members (the Board) are volunteers for the City but work independently from City Council and have their own authority under the *Local Government Act* (the 'Act'). The staff resource to the Board of Variance is the City's Corporate Officer.

The Board of Variance is not an appeal board for local government policy decisions, and it cannot replace decisions of elected officials. The Board is confined to considering variances that will not impact adversely upon a policy decision or change the intent of the Bylaws adopted by City Council. The most common applications considered by the Board are for minor variances respecting the siting (setbacks), size and dimensions (height) of a building or structure.

Board of Variance Bylaw

Year No. of Applications

2019	7
2020	2
2021	8
2022	10
2023	17

Applications have steadily increased over the years due to more renovations by homeowners, and more neighbour complaints if it is suspected that construction is taking place without proper permits.

However, with new Zoning Bylaw changes (related to affordable housing legislation) pending, it is anticipated that the number of applications will decrease due to the less restrictive requirements of the City's Zoning Bylaw in the near future.

Pursuant to sections 536 to 544 and 462 of the *Act*, a local government that has adopted a Zoning Bylaw must, by bylaw, establish a Board of Variance, set out the procedures to be followed by the Board and may impose associated application fees. Application fees were last reviewed and increased in 2011. The following table outlines current application fees for Board of Variance applications in the region as of January 1, 2024:

Municipality	Current Application Fee
City of Burnaby	\$465.00
City of Coquitlam	\$522.00
City of Maple Ridge	\$531.00
City of New Westminster	\$489.50
City of North Vancouver	\$420.00
City of Port Moody	\$620.00
City of Surrey	\$504.75

Currently, the City of Port Coquitlam has a two-tier application fee:

Board of Variance application with no associated Building Permit in progress	\$325.00
Board of Variance application, with an associated Building Permit in progress	\$175.00

The reason for the two-tier application fee was to provide incentive to submit a building permit application prior to Board of Variance consideration so that the drawings provided are up to date. Applicants submitting a Board of Variance application without an associated Building Permit sometimes provide incomplete drawings. The higher application fee was also intended to capture the additional staff time required to review the drawings for other variances not indicated on the application.

Board of Variance Bylaw

Although, the two-tiered application fee process has been in place since 2011, staff are still receiving application drawings that are incomplete, due to inexperience of the applicants.

PROPOSED NEW FEES:

Port Coquitlam application fees are below the regional average (\$500 per application) and staff are recommending that the Fees and Charges Bylaw be amended as follows:

Recommended:

Board of Variance application with no associated Building Permit in progress	\$450.00
Board of Variance application, with an associated Building Permit in progress	\$300.00

With the proposed fees, Port Coquitlam would still remain the lowest in the region but with a modest increase of \$125.00 for each type of application.

Application fees are collected to ensure that all costs associated with a file are recovered by the City; however, it is difficult to set a single fee that represents all types of variance requests. Some applications are quite simple, such as re-supporting an existing carport (lean-to garage) but the structure is non-conforming (although legal), while other applications are complex, dealing with multiple variances. The Board must only decide on an application that stems from the City's Zoning Bylaw creating a 'hardship' for the applicant.

DISCUSSION


The proposed bylaw has been prepared pursuant to the *Act*. It incorporates the relevant sections of the current bylaw and provides updates to the definitions, procedures, and requirements for the operation of the Board.

FINANCIAL IMPLICATIONS

The proposed new increased application fees are based on the estimated average costs of processing, inspection and administration related to processing this type of application consistent with the requirements of the *Local Government Act*.

Board of Variance Bylaw

OPTIONS (✓ = Staff Recommendation)

	#	Description
	1	Direct staff to send the proposed Board of Variance Bylaw to Council for first three readings; and to bring forward an amendment to the Fees and Charges Bylaw to coincide with other Fees and Charges Bylaw amendments.
	2	Delay first three readings of either or both proposed bylaws and request staff to provide additional information.
	3	Not pursue an updated Board of Variance Bylaw or Fees and Charges Amendment Bylaw, which will retain the existing bylaws.

ATTACHMENTS

Attachment 1: Draft Board of Variance Amendment Bylaw

Attachment 2: Current Board of Variance Bylaw (with tracked changes)

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