

# Request for Decision



To: Regular Meeting  
From: **Planning and Development**  
Date: March 27, 2023  
Subject: Board of Variance Report  
Recommendation: **THAT Council approves in principle the new Supporting Documents as attached, AND FURTHER directs Staff to begin the recruitment process for Board members for the City of Grand Forks Board of Variance.**

---

## Purpose

For Council to consider the Board of Variance (BOV) Report and attached documentation to use as reference for the implementation of a City of Grand Forks Board of Variance.

## Background

On November 28, 2022, Council approved the following resolution:

**THAT Council approve DVP2206 to relax the rear parcel line setback of 7316 Donaldson Drive from 6 metres to 3.1 metres;  
AND THAT Staff bring back a report on the Board of Variance.**

Following the resolution Staff began the information gathering process regarding the BOV. The BOV information compilation is part of this report and attachments are based on it.

## Board of Variance Summary

A Board of Variance (BOV) is part of the local government land use management system established by Part 14 of the Local Government Act. The BOV deals with appeals for minor variances, where compliance with the Zoning Regulation Bylaw or other applicable bylaws would cause undue hardship. The BOV also deals with matters regarding additions and structural alterations to non-conforming buildings. Most applications deal with permitted building height or the required distance between a building or part of a building and an adjacent parcel boundary. In these cases, the requirement for a BOV application will mostly have been identified by the review of a building permit application.

The BOV cannot deal with matters related to land use, density limits, parking variances or landscape variance.

The BOV consists of up to three members appointed by City Council to a three-year term; elected City officials and City staff are not permitted to sit on the Board of Variance. The City's appointees may be removed at any time by resolution of Council. A joint BOV may be established with two or more local governments by establishing a board of variance together by bylaw adopted by all participating local governments.

Applications to the BOV are considered at public meetings of the board, of which written notifications are given.

BOV decisions are final. However, unsuccessful applicants may apply to Council for a local government permit that changes the regulation in question; individual hardship is not a required element of such applications. BOV decisions may also be reviewed by the B.C. Supreme Court, on technical justice terms, on the terms that the board exceeded its jurisdiction in making the order, or on the terms that the decision is unreasonable.

## Tentative Timeline

Activity	Date
Resolution #: R263/22/11/28	Nov 28 2022
Staff review document initiated	Jan 04 2023
RFD for Regular Meeting	Mar 27 2023
Board of Variance Members Position Advertisement	TBD
Report to Council Committee Appointment - If community members respond	TBD
Implementation	TBD

## Supporting Documentation Summary

The table below shows existing bylaws – currently implemented - that will not be updated and newly created Supporting Documents that will give role clarity and general information to the public.

Supporting Document or Bylaw	Current/New
Bylaw1728=Board-of-Variance-Bylaw	Current (Attachment 1)
Bylaw1669=Planning-Procedures-and-Fees-Bylaw	Current (Attachment 2)
Board of Variance Public Information	New (Attachment 3)
Terms of Reference	New (Attachment 4)
Advertisement for Volunteer Members	New (Attachment 5)
Flow Chart	New (Attachment 6)

## Point of Decision

The decision before Council is to review the report and attachments as presented and determine whether to proceed with initiation of the process to establish a BOV at this time.

## Benefits or Impacts

### General

A BOV must be established to allow people to request relief from provisions of applicable bylaws.

### Finances

Local Government Act s.536(8) *A local government must provide in its annual budget for the necessary funds to pay for the costs of the board of variance.*

### Strategic Impact

N/A

### Risk Assessment

#### Compliance:

*Local Government Act*

*Planning Procedures and Fees Bylaw*

#### Risk Impact:

Low

#### Internal Control Process:

Staff are following City bylaws and the legislated requirements set out in the Local Government Act.

## **Next Steps / Communication**

If approved by Council, Staff will advertise the BOV position openings via social media, the City's website, and the Grand Forks Gazette. If members of the community indicate their interest, then Staff will bring a Report to Council about potential Committee Appointments.

## **Attachments**

- 1) Bylaw1728=Board-of-Variance-Bylaw
  - 2) Bylaw1669=Planning-Procedures-and-Fees-Bylaw
  - 3) Supporting Document - Board of Variance Public Information
  - 4) Supporting Document - Terms of Reference
  - 5) Supporting Document - Advertisement for Volunteer Members
  - 6) Supporting Document - Flow Chart
- 

## **Recommendation**

**THAT Council approves in principle the new Supporting Documents as attached, AND FURTHER directs Staff to begin the recruitment process for Board members for the City of Grand Forks Board of Variance.**

## **Options**

1. THAT Council asks for more information regarding the implementation of a Board of Variance.

## Report Approval Details

Document Title:	230327 BOV2301 Board of Variance - General Info.docx
Attachments:	<ul style="list-style-type: none"><li>- 1_Bylaw1728=Board-of-Variance-Bylaw.pdf</li><li>- 2_Bylaw1669=Planning-Procedures-and-Fees-Bylaw.pdf</li><li>- 3_BoardOfVariancePublicInformation.pdf</li><li>- 4_TermsOfReference.pdf</li><li>- 5_AdvertisementVolunteersNeeded.docx</li><li>- 6_FlowChart.pdf</li></ul>
Final Approval Date:	Mar 20, 2023

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets

Daniel Drexler

Duncan Redfearn