



Board of Variance Terms of Reference

1. Purpose:

The Board of Variance is legislated under the *Local Government Act of B.C.* and is a Board of Appeal that considers minor variances to the Burnaby Zoning Bylaw. The Board may hear appeals regarding the siting, dimensions, or size of a building but not those involving use or density.

Authority:

- [Local Government Act, Part 14, Division 15, S.536-544 \(Board of Variance\)](#)
- [Burnaby Board of Variance Bylaw 1971 \(Bylaw No. 5843\)](#)

Background:

- On April 5, 1971, Council adopted the Burnaby Board of Variance Bylaw 1971, Bylaw No. 5843.
- On June 25, 1990, Council adopted Burnaby Board of Variance Bylaw 1971, Amendment Bylaw 1990, Bylaw No. 9413, to amend Section 9 by changing the notification period from five to ten days.
- In 2016, the meeting start time of the Board of Variance changed to 6:00 p.m.
- In 2021, the meeting start time of the Board of Variance changed to 5:00 p.m.

2. Function:

- 2.1. To hear appeals and consider requests for minor variances to the Burnaby Zoning Bylaw regarding the siting, size, and dimensions of buildings.

3. Membership:

- 3.1. As per s. 537(2) of the *Local Government Act*:
"If the population of a municipality is more than 25,000, the municipal board of variance is to consist of 5 persons appointed by the council."
- 3.2. Membership term is three (3) years with one (1) opportunity for term renewal.
- 3.3. As per s. 536(2) of the *Local Government Act*:
"A person is not eligible to be appointed to a board of variance if the person is
(a) A member of the local government or advisory planning commission, or
(b) An officer or employee of the local government."

- 3.4. A member who is absent from three (3) consecutive meetings of the Board without leave of the Board or without reason satisfactory to the Board shall forthwith cease to be a member.
- 3.5. Staff support is provided by the Planning and Development Department and the Legislative Services Department.

4. Meetings:

- 4.1. As per s. 593 of the *Local Government Act*,
 - “(1) The members of a board of variance must elect one of their members as the chair.*
 - (2) The chair may appoint a member of the board of variance as acting chair to preside in the absence of the chair.*
 - (3) A bylaw establishing a board of variance must set out the procedures to be followed by the board of variance, including the manner in which appeals are to be brought and notices under section 541 [notice of application for variance] or 543(2) [notice of application in relation to early termination of land use contract] are to be given.*
 - (4) A board of variance must maintain a record of all its decisions and must ensure that the record is available for public inspection during regular office hours.”*
- 4.2. Board meetings will be held in accordance with criteria outlined in Part 14 of the Burnaby Procedure Bylaw 2024, Bylaw No.14610.
- 4.3. Meeting procedures are regulated according to Burnaby Procedure Bylaw 2024, Bylaw No. 14610.

5. Reference Information:

- [Burnaby Procedure Bylaw 2024, Bylaw No. 14610](#)
- [Burnaby Board of Variance Bylaw 1971, Bylaw No. 5843](#)

Last date approved by Council: 2024

Last date revised by the Corporate Officer: April 30, 2024
