



REGIONAL DISTRICT OF BULKLEY-NECHAKO

BYLAW NO. 1623, 2012

A bylaw to establish a Board of Variance and its procedures

WHEREAS Section 899 (1) of the *Local Government Act* requires a local government that has adopted a zoning bylaw to establish a Board of Variance;

AND WHEREAS Section 900 (3) of the *Local Government Act* requires that the bylaw establishing a Board of Variance must set out procedures to be followed by the Board of Variance;

AND WHEREAS Section 931 of the *Local Government Act* provides that a local government may adopt a bylaw which imposes fees payable upon application to a Board of Variance;

NOW THEREFORE the Board of the Regional District of Bulkley-Nechako, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited as “Regional District of Bulkley-Nechako Board of Variance Bylaw No. 1623, 2012”.

2. ESTABLISHMENT

Pursuant to the *Local Government Act*, the Board of the Regional District of Bulkley Nechako hereby establishes a single Board of Variance for Areas A, B, C, D, E, F and G of the Regional District of Bulkley-Nechako.

3. DEFINITIONS

3.1 In this bylaw:

3.1.1. “Board of Variance” means the Board of Variance established under this bylaw;

3.1.2. “Chair” means the chair of the Board of Variance appointed under Section 4.4;

3.1.3. “Regional District Board” means the board of the Regional District of Bulkley-Nechako;

3.1.4. “Secretary” means the secretary to the Board of Variance appointed under Section 5.1.



4. APPOINTMENT AND MEMBERSHIP

- 4.1 The Regional District Board, by resolution, shall appoint 3 members to the Board of Variance for a three year term.
- 4.2 The Regional District Board may, at its sole discretion, rescind the appointment of any member.
- 4.3 Upon the resignation, death, or removal of a member during his or her term the Regional District Board shall, by resolution, appoint a successor who shall hold office for the remainder of the term of the former member.
- 4.4 At the first Board of Variance meeting of a new year the Board of Variance shall appoint one of their members as Chair for that year by majority vote of members present.
- 4.5 If the Chair of the Board of Variance is not at a meeting the members present shall appoint one of the members present as the Chair for that meeting.

5. SECRETARY

- 5.1 The Director of Planning of the Regional District of Bulkley-Nechako or his or her designate shall act as the Secretary to the Board of Variance. The Secretary shall be responsible for the following:
 - 5.1.1. receiving applications to the Board of Variance;
 - 5.1.2. scheduling Board of Variance meetings in consultation with Board of Variance members;
 - 5.1.3. ensuring that notice of an application is provided as required under Section 901 of the *Local Government Act* and this bylaw;
 - 5.1.4. assisting the Board of Variance in its communication with applicants;
 - 5.1.5. providing the Board of Variance with the Planning Department's comments regarding each application to the Board of Variance;
 - 5.1.6. maintaining a record of Board of Variance decisions and ensuring that the records are available for public inspection during normal business hours.



6. APPLICATION AND APPLICATION FEE

- 6.1 All applications to the Board of Variance shall be made on the application form provided by the Secretary.
- 6.2 The application must be accompanied by plans and technical information sufficient to explain the basis for the application. This information may include, but may not be limited to, the following:
 - 6.2.1. a letter stating the grounds for the application;
 - 6.2.2. a certificate of location certified by a BC Land surveyor;
 - 6.2.3. a site plan drawn to scale;
 - 6.2.4. building elevation plans drawn to scale.
- 6.3 The Secretary may request that an applicant provide additional plans and other information where necessary to explain the basis for the application.
- 6.4 All applications shall be accompanied by an application fee in the amount identified in Regional District of Bulkley-Nechako Development Procedures Bylaw No. 1422, 2007.
- 6.5 Processing and review of an application shall only proceed upon full payment of the application fee to the Regional District of Bulkley-Nechako.
- 6.6 Half of the application fee may be refunded if the application is withdrawn prior to the provision of notice under Section 7 of this bylaw, or Board of Variance consideration of an application. Following the provision of notice, or Board of Variance consideration of an application, no part of the application fee shall be refunded.

7. NOTICE OF APPLICATION

- 7.1 Where notice of an application is required pursuant to Section 901 of the *Local Government Act*, the notice shall be mailed or otherwise delivered not less than 10 calendar days prior to the date of the meeting at which the Board of Variance shall consider the application to:
 - 7.1.1. the owners, as shown in the last revised assessment roll, and tenants in occupation of the land that is the subject of the application and all parcels any part of which are within 50 metres of the parcel that is the subject of the application;
 - 7.1.2. the Board of Variance members; and



7.1.3. the Director for the Electoral Area in which the land that is the subject of the application is located.

8. BOARD OF VARIANCE MEETINGS AND HEARINGS

- 8.1 Two (2) members of the Board of Variance shall be a quorum for the purpose of considering an application.
- 8.2 Upon receipt of an application the Secretary shall schedule a Board of Variance meeting for the consideration of that application.
- 8.3 The Board of Variance shall consider an application at the time and place stated in the notice under Section 7 of this bylaw.
- 8.4 The Board of Variance may adjourn the meeting from time-to-time, and may reconvene without further published notice if the time, date and place of the reconvening are announced at the time of the adjournment.
- 8.5 Provided that notice has been given in accordance with Section 7.1 of this bylaw, the Board of Variance may decide upon the application in the absence of the applicant or any other person.
- 8.6 At a Board of Variance meeting when an application is heard the Chair shall do the following:
 - 8.6.1. provide an overview of the application and state the location of the application;
 - 8.6.2. provide the applicant, or a representative of the applicant, with the first opportunity to present information or comments relating to the application to the Board of Variance;
 - 8.6.3. provide any other person notified of the application with an opportunity to present information or comments relating to the application.

9. DECISION

- 9.1 All decisions of the Board of Variance shall be by majority vote of those members present and must be made within 7 days of a hearing for that application.
- 9.2 In the case of a tie vote the application shall be considered to be denied.



10. REPEAL

The “Regional District of Bulkley-Nechako Board of Variance Bylaw No. 1275, 2003” and any amending bylaws thereto are hereby repealed.

READ A FIRST TIME this 23rd day of February, 2012

READ A SECOND TIME this 23rd day of February, 2012

READ A THIRD TIME this 23rd day of February, 2012

I hereby certify that the foregoing is a true and correct copy of
“Regional District of Bulkley-Nechako Board of Variance Bylaw No. 1623, 2012”.

Dated at Burns Lake, B. C. this day of

Corporate Administrator

ADOPTED this day of

Chairperson

Corporate Administrator