



TOWN OF VIEW ROYAL

BYLAW NO. 623

A BYLAW TO CONSTITUTE A BOARD OF VARIANCE

WHEREAS the *Local Government Act* provides that where a Council has adopted a zoning bylaw there shall be established by bylaw a Board of Variance;

AND WHEREAS the Council of the Town of View Royal has adopted a zoning bylaw;

NOW THEREFORE the Council of the Town of View Royal, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as the "Board of Variance Bylaw No. 623, 2006".
2. There is hereby established pursuant to the provisions of the *Local Government Act* a Board of Variance for the Town of View Royal consisting of three (3) persons appointed by Council.
3. An appointment under Section 2 is for a maximum term of:
 - a) Three (3) years, or
 - b) If no successor has been appointed at the end of the three (3) year period, until the time that a successor is appointed.
4. A person who is:
 - a) a member of the Council, or
 - b) an officer or employee of the Town of View Royalis not eligible to be appointed to the Board of Variance.
5. The members of the Board of Variance shall elect one of their number as Chair and the Chair may appoint a member of the Board of Variance as Acting Chair to preside in the absence of the Chair.
6. The Council may rescind an appointment to the Board of Variance at any time.
7. Where a member of the Board of Variance ceases to hold office, the person's successor shall be appointed in the same manner as the member who ceased to hold office, and, until the appointment of the successor, the remaining members constitute the Board of Variance.
8. A member of the Board of Variance shall not receive compensation for services as a member but shall be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
9. The Council shall in its annual budget provide for the necessary funds to pay for the costs of the Board of Variance.
10. The Board of Variance shall hear and determine any appeal with respect to matters mentioned in Sections 901 and 902 of the *Local Government Act*.
11. Any person may appeal to the Board of Variance by filing with the Municipal Clerk of the Town of View Royal a written notice of appeal stating the grounds of the appeal, together with accurate site plans, elevation plans (if applicable), an address to which notices may be mailed, and any other information necessary to support the application.
12. Upon receipt of a notice of appeal, the Municipal Clerk or his or her delegate shall schedule the appeal for a Board of Variance Hearing. At least ten days before the date set for the hearing, notice of the hearing shall be mailed or otherwise delivered by the Municipal Clerk or his or her

delegate, addressed to the applicants and/or owners and occupiers of the land that is the subject of the application, and mailed or otherwise delivered to the owners and occupiers of the land that is adjacent, including all lots that are located within one hundred (100) metres, to the land that is the subject of the application.

- 13. All hearings by the Board of Variance shall be open to the public except that the Board may close to the public all or part of a meeting in accordance with Part 4, Division 3 of the *Community Charter*.
- 14. The Board of Variance shall act in accordance with the conflict of interest provisions of the Town of View Royal Procedure Bylaw No. 375, 2000; Procedure Bylaw No. 375, Amendment Bylaw No. 546, 2004; and the *Community Charter*.
- 15. Proceedings before the Board of Variance shall be informal. The Board may admit any evidence, whether on oath or not and whether written or oral, and may inspect the premises which are the subject of the appeal.
- 16.
 - a) A quorum of the Board of Variance will consist of two (2) members.
 - b) The decision of the Board to either grant or deny an appeal must be made by a motion adopted by not less than two members. If the votes of the members of the Board of Variance present at the meeting at the time of the vote are equal for and against a question, the question shall be defeated.
 - c) A Board member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- 17. The Board of Variance shall cause minutes of its proceedings to be kept, such minutes to be in accordance with the Council Procedure Bylaw.
- 18. Meetings of the Board of Variance may be adjourned from time to time.
- 19. Persons whose property is affected by an appeal to the Board of Variance have a right to be heard and to give evidence at the hearing or may be represented by some other person authorized to represent them.
- 20. The decision in writing of all or of a majority of the members of the Board of Variance is the decision of the Board.
- 21. Every decision of the Board of Variance shall be filed with the Municipal Clerk, or his or her delegate, who shall give notice thereof to the appellant and to the Building Inspector or Director of Development Services.
- 22. A decision of the Board of Variance with respect to matters mentioned in Section 901 of the *Local Government Act* is final.
- 23. A decision of the Board of Variance with respect to matters mentioned in Section 902 of the *Local Government Act* may be appealed by the applicant or the local government to the Supreme Court.

READ A FIRST TIME	24 th	DAY OF	January, 2006
READ A SECOND TIME	24 th	DAY OF	January, 2006
READ A THIRD TIME	24 th	DAY OF	January, 2006

ADOPTED BY COUNCIL SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH THE SEAL OF THE TOWN OF VIEW ROYAL THIS 7th DAY OF February, 2006.

MAYOR

CLERK