DISTRICT OF HUDSON'S HOPE

Bylaw No. 763

A bylaw to provide for the establishment of a Board of Variance

WHEREAS pursuant to the *Local Government Act*, a local government that has adopted a zoning bylaw or a rural land use bylaw, must, by bylaw, establish a board of variance;

AND WHEREAS the Council of the District of Hudson's Hope has adopted a Zoning Bylaw;

NOW THEREFORE the Council of the District of Hudson's Hope, in open meeting assembled, enacts as follows:

1. Title

This Bylaw shall be cited as the "District of Hudson's Hope Board of Variance Bylaw No. 763, 2009".

2. Definitions

In this Bylaw:

(1) "*Act*" means *Local Government Act*, RSBC 1996, c.323;

(2) "Board" means the Board of Variance appointed by Council pursuant to Section 3 of this bylaw;

(3) "Building Inspector" means the person appointed by Council as the Building Inspector for the municipality or their designate

(4) "Council" means the Council of the District of Hudson's Hope;

(5) "Municipality" means the District of Hudson's Hope;

(6) "Secretary" means the Chief Administrative Officer or their designate.

3. The Board of Variance (the Board)

(1) The Board is hereby established.

(2) The Board shall consist of three (3) persons appointed by the Council of the District of Hudson's Hope.

(3) Each member appointed shall hold office for a term of three (3) years or until his/her successor is appointed.

(4) In the event of death, resignation or removal from office of a member of the Board, his successor shall be appointed in the manner in which the member was appointed, and until the appointment of his/her successor the remaining members constitute the Board.

(5) Council may rescind the appointment of the Board at any time in accordance with section 899(9) of the *Act*.

(6) The members of the Board shall elect one (1) of their members as Chair who shall serve for a period of one (1) year from such election and shall elect the same or another of the members as Chair at the expiry of the Chair's appointment.

4. Secretary

(1) The responsibilities of the Secretary are:

(a) To receive notices of application made pursuant to sections 901, 902, or 911 of the *Act* or any other enactments permitting an application to the Board;
(b) To notify the Chair of the Board of the receipt of the application if the application is within the Board's jurisdiction;
(c) To ensure that proper notification is given in compliance with this bylaw;
(d) To keep proper records of the Board proceedings; and
(e) To maintain a record of all decisions of the Board and make such record available to the public in the municipal government office during normal business hours.

5. Hearing Schedule

(1) The Secretary shall determine the meeting schedule for the Board.

(2) The Board shall be convened by the Chair on the date of the hearing and at the time and place set out in the notice.

(3) The Board shall hear all representations made to the Board.

6. Notice of Application and Application of Fees

(1) Any person desiring to apply to the Board for an order shall complete and submit to the Secretary, an application form identified as Schedule "A" attached to and forming part of this bylaw. The application shall state and include:

(a) the legal description and civic address of the property
(b) the name(s) and address(es) of the registered owner(s) of the property;
(c) the name and address of the applicant, if the applicant is applying as agent for the owner;
(d) a written authorization from the owner must accompany the application, if the application is submitted by an agent or on behalf of the owner;
(e) the grounds on which the application is based and the relief sought;
(f) a copy of the site plan and building plans, if applicable; and
(g) an address to which all notices respecting the hearing of the application may be mailed.

(2) The application to the Board shall be accompanied by non-refundable fees as set out in the Hudson's Hope Fees and Charges Bylaw.

(3) Where the application is pursuant to section 902 of the *Act*, to set aside a determination made by the Building Inspector as to the extent of damage to a non-conforming building under section 911 of the *Act*, the application shall be filed with

the Secretary within thirty (30) days from the date that the owner receives a copy of the determination.

(4) The Secretary shall send by mail or otherwise deliver, not less than five (5) days prior to the date of the hearing, notice of the hearing to:

(a) the members of the Board;
(b) the applicant;
(c) owners and occupiers of the land that is subject to the hearing and owners of adjacent land as set out in section 901(4) of the *Act*; and
(d) if an appeal is under section 902 of the *Act*, the Building Inspector whose determination is being appealed.

(5) The notice of hearing shall state the date, place and time of the Hearing and shall state the subject matter of the application.

(6) The Secretary shall upon receipt of any notice of application or of any written evidence entered before the hearing including staff reports, permit the same to be inspected at the Secretary's office during regular office hours.

7. Conduct of Hearing

(1) A quorum for the hearing is two (2) members. If the Chair is absent from a hearing, those present may appoint an Acting Chair for the duration of that hearing.

(2) Any person or body with an interest in land within the District of Hudson's Hope is entitled to be heard at the hearing, and is entitled to be represented by a solicitor or by an agent who must present written confirmation of appointment or other evidence satisfactory to the Chair.

(3) Any person represented, in accordance with subsection 7.2, whether or not also attending in person is deemed to be represented at the hearing.

(4) Evidence at a hearing may be given orally or in writing.

(5) No Board member shall hear evidence, except at a hearing convened for that purpose.

(6) The applicant shall be afforded the first opportunity to present his/her evidence and arguments, and thereafter, evidence and arguments shall be presented n such sequence as the Chair may direct until all parties to the application have been afforded an opportunity to present their evidence and arguments.

(7) The Board may view the land that is the subject of the application and surrounding parcels.

(8) The Board may adjourn the hearing from time to time, and may reconvene without further published notice if the time, date and place of reconvening are announced at the time of adjournment.

(9) If the applicant or other persons notified do not appear at the hearing or an adjournment thereof, and have not advised the Secretary in advance that they wish to be heard at another date, the Board may proceed to decide the appeal in his/her absence.

(10) In the event that the decision of the members is equally divided, the application shall be disallowed.

8. Decision

(1) The decision of the Board shall be by majority of those members present and made within seven (7) days of the hearing.

(2) The Secretary shall, within seven (7) days of a decision, send by mail or otherwise deliver the written decision of the Board to the applicant and the local government Building Inspector.

(3) The Secretary shall, within seven (7) days of the decision, enter that decision in the record maintained at the office of the municipality.

9. Compensation for Board Members

(1) No member of a Board of Variance shall receive compensation for his/her services, but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

10. Repeal

(1) The District of Hudson's Hope Board of Variance Bylaw No. 319, 1982, and all amendments thereto are repealed.

Read a First Time this 12th day of January, 2009.

Read a Second Time this 12th day of January, 2009.

Read a Third Time this 12th day of January, 2009.

Adopted this 26th day of January, 2009.

[redacted]
MAYOR

[redacted]
CLERK

Certified a true copy of Bylaw No. ____
this ___ day of _____, 20___.

_____
Clerk

SCHEDULE "A"

District of Hudson's Hope
PO Box 330, 9904 Dudley Drive
Hudson's Hope, BC V0C 1V0
Phone: (250) 783-9901 Fax: (250) 783-5741

BOARD OF VARIANCE APPLICATION FORM

Required Information to be submitted with the application:	For Office Use Only:
✓ Detailed letter explaining variance and hardship ✓ Site plan – to scale, showing dimensions and area of site, structures, setbacks ✓ Floor plans and/or elevations required, when appropriate ✓ Plans should be a maximum of 11" x 17" ✓ Letter of Assurance from BCLS required for all height relaxations *Board of Variance meeting dates will be determined once an application is received.*	Application copied to Building Inspector ☐ Date: _____

Project Address: _____

Legal Description: Lot ____ Section _____ Block _____ District _____ Plan _____

Zoning and Present Use: _____

Owner Name: _____ Phone: _____

Address: _____

Applicant: _____ Phone: _____

Address: _____

Type of Variance (✓)

Exterior Side Lot Line		Interior Side Lot Line	
Front Lot Line		Rear Lot Line	
Building Height		Minimum Building Width	
Other (explain)			

I hereby declare that the information contained in the material submitted in support of this application is, to the best of my knowledge, true and correct in all aspects:

_____
Applicant/Owner

Fee: $300 – non refundable

Personal Information Declaration: The information on this form is collected under the authority of the Local Government Act. The information provided will be used to apply for a demolition permit. If you have any questions about the collection of this information, please contact the Administrator, PO Box 330, 9904 Dudley Drive, Hudson's Hope, BC. V0C 1V0, Telephone (250) 783-9901