



VILLAGE OF TAHSIS

BOARD OF VARIANCE BYLAW No. 624, 2020

A BYLAW TO ESTABLISH A BOARD OF VARIANCE

WHEREAS the Council of the Village of Tahsis has adopted a Zoning Bylaw and is required to establish a Board of Variance;

AND WHEREAS the population of the Village of Tahsis is twenty-five thousand or less;

NOW THEREFORE, the Council of the Village of Tahsis, in open meeting assembled, hereby enacts as follows:

1. **Title**

- 1.1 This bylaw may be known and cited for all purposes as the "Village of Tahsis Board of Variance Bylaw No. 624, 2020"

2. **Definitions**

- "Act" means the *Local Government Act* RSBC 2015, C. 1
- "Board" means the Village of Tahsis Board of Variance
- "Chair" means the Chair of the Board of Variance
- "Council" means the municipal Council of the Village of Tahsis
- "Member" means a member of the Board of Variance
- "Secretary" means the Secretary of the Board of Variance
- "Village" means the Village of Tahsis

3. **Establishment**

- 3.1 The Board is established and consists of three (3) members appointed by a resolution of Council.
- 3.2 The Board will elect one of the members as Chair and the Chair must appoint an acting Chair to preside in the absence of the Chair.
- 3.3 Board Members are appointed for three year terms which may be extended by Council resolution. The terms are extended until Council passes a resolution re-appointing Board Members or terminating their appointments.
- 3.4 A person is not eligible to be appointed to the Board if that person is:
 - a) a member of Council; or
 - b) an officer or employee of the Village
- 3.5 The Board Members terms may be re-appointed for an additional three (3) year term.
- 3.6 Council may remove a Board Member at any time.
- 3.7 Board members do not receive compensation for serving but are paid reasonable expenses that arise directly out of the performance of their duties.
- 3.8 The Village's Deputy Corporate Officer is appointed as the Secretary.

4. **Application Procedure**

- 4.1 The applicant must pay the deposit and submit an application for a Board of Variance hearing. The application must include all of the following:
 - a) the reasons for the requested variance in clear language pursuant to the provisions of s. 540 of the *Local Government Act*;
 - b) the legal description and civic address of the property where the variance is requested; and
 - c) a site plan indicating the requested variance and the address to mail the notice of hearing.
- 4.2 The application fee of \$250.00 must be paid and accompany the application.
- 4.3 The Board may prescribe an application form to be used by applicants.

5. **Notice of Hearing Procedures**

- 5.1 After consulting with the Chair, the Secretary will prepare the Notice of Hearing stating the date, place and time of the hearing, the subject matter of the variance application and the contact information for the Village.
- 5.2 The Notice of Hearing must be sent by mail or otherwise delivered not less than seven (7) days prior to the hearing to:
- a) the members of the Board;
 - b) the Village's Chief Administrative Officer;
 - c) the Village's Building Official/Inspector;
 - d) the applicant; and
 - e) the owners and occupiers of the property and the owners and occupiers of the property adjacent to the property that is the subject of the application.
- 5.3 The Notice of Hearing will be posted in the Village Office and public notice posting places as per s. 94 of the *Community Charter*.

6. **Conduct of Hearing**

- 6.1 Quorum of the Board is two (2) members one of whom must be the Chair or Acting Chair. A Board quorum is required for hearings and decisions.
- 6.2 Any person or body with interest in property within the Village is entitled to be heard at the hearing and is entitled to be represented by a lawyer or by an agent, if the agent is appointed in writing.
- 6.3 The hearing proceedings are public and may be informal.
- 6.4 Information presented at a hearing may be given verbally or in writing.
- 6.5 The Board will conduct the hearing in the following order:
- a) the hearing of information and argument from the applicant;
 - b) the Village's Building Official or Inspector
 - c) Other Village staff
 - d) any other persons
 - e) the Secretary will read aloud written submissions
- 6.6 The Board may inspect the property in question.
- 6.7 Board members must not discuss the merits of an application with any person who is not a Board member or Village staff before the Board has issued a decision.

- 6.8 The Board may adjourn the hearing at any time. No further notice of the hearing is required if the date, place and time of its resumption are stated to those present at the time of the adjournment.
- 6.9 If the applicant or the applicant's lawyer or agent has not advised the Secretary previously and does not appear at the hearing the Board may proceed to decide the appeal in the applicant's absence.
- 7.0 The Chair presides at the hearing and decides all questions of procedure and order.

7. Decision

- 7.1 The decision of the Board is by a majority of the members present and made within 14 days of the hearing.
- 7.2 The Secretary will send by mail or otherwise deliver the written decision of the Board to the applicant, the owners and occupiers of the subject property, all persons who gave information or made submissions at the hearing, all adjacent property owners and occupiers, the Chief Administrative Officer and the Building Official or Inspector.
- 7.3 All decisions of the Board are to be posted on the Village website.
- 7.4 Pursuant to s. 542 of the *Local Government Act* a decision of the Board is final.

8. Severability

- 8.1 If any Section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of the bylaw.

9. Repeal

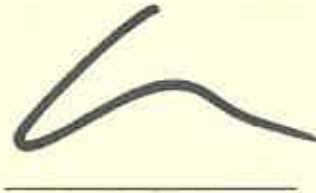
- 9.1 Village of Tahsis Board of Variance Bylaw No. 47, 1972 together with all amendments thereto is hereby repealed.

READ a first time this 7th day of January, 2020
READ a second time this 7th day of January, 2020
READ a third time this 7th day of January, 2020

Reconsidered, Finally Passed and Adopted this 21st day of January, 2020

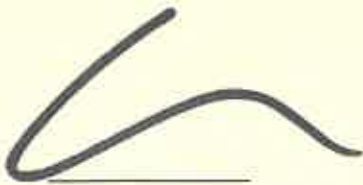


MAYOR



CORPORATE OFFICER

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No. 624, 2020 duly passed by the Council of the Village of Tahsis on this 21st day of January, 2020.



CORPORATE OFFICER