



BYLAW NO. 230

A BYLAW TO ESTABLISH A BOARD OF VARIANCE FOR THE ELECTORAL AREAS OF THE STRATHCONA REGIONAL DISTRICT

WHEREAS a local government that has adopted zoning regulations must establish one or more boards of variance to consider applications from persons who allege that hardship would result from strict compliance with certain building, siting or subdivision regulations;

AND WHEREAS the Regional District has enacted zoning regulations applicable to its electoral areas;

AND WHEREAS the Regional District wishes to establish a board of variance, define its area of jurisdiction and establish the procedures to be followed by the board in fulfilling its responsibilities;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Interpretation

1. In this bylaw, unless the context otherwise requires:

“**application**” means a written request from an owner of land that the Board vary one or more requirements identified in s.901(1) of the *Local Government Act* on the basis that compliance with the requirement or requirements would constitute a hardship.

“**Board**” means the Board of Variance established by this bylaw; and

“**Chair**” means the Chair of the Board of Variance.

Establishment of Board of Variance

2. There is hereby established a board of variance to be known as the Electoral Area Board of Variance.

Jurisdiction of Board

3. The area of jurisdiction of the Board is coterminous with the boundaries of the electoral areas within the Regional District.

Oath of Office

4. Before taking up their duties the members of the Board shall make an oath of office in the form prescribed by Appendix 'A', attached to and forming part of this bylaw.

Election and Term of Chair

5. The members of the Board shall elect a Chair at their first meeting each year who shall hold office for the remainder of the year.

Board Secretary

6. The corporate officer for the Regional District, or that person's designate, shall perform the duties of secretary to the Board.

Board Procedures

7. (1) Except as otherwise provided, and to the extent applicable, the Board shall be governed by the procedures set out in the Regional Board's procedure bylaw.

(2) Despite any rule to the contrary, the Chair may second a motion proposed to be considered by the Board.

Applications to the Board

8. (1) A person who believes that they would be subjected to hardship if forced to comply with a regulation or requirement that is within the purview of the Board may apply for an order granting relief from the regulation or requirement.

(2) Applications to the Board shall:
 - (a) be submitted in writing;
 - (b) clearly describe the nature of the hardship; and
 - (c) include such plans, dimensions and other information as may be required to properly and expeditiously consider the application.

Application Fees

9. Before an application to the Board can be processed the applicant shall pay such fees as may be prescribed by bylaw.

Notice of Application

10. Following receipt of an application the secretary shall ensure that a notice advising of the nature of the application, and the time, date and location of the meeting at which the application is to be considered, is mailed or otherwise delivered to the applicant and all owners and tenants in occupation of lands likely to be affected at least 10 days prior the meeting.

Report to be Prepared

11. A report containing an analysis of the regulations applicable to the variance or exemption being sought shall be prepared for each application by the Chief Administrative Officer for the Regional District and placed on the Board's meeting agenda.

Process for Consideration of Applications

12. (1) Before making a decision on an application the Board must consider the report required by section 11 and allow the applicant and each person to whom notification was given to address the Board or provide a written submission regarding the application.
- (2) If a written submission is received prior to publication of the agenda for the meeting at which the application is to be considered, the submission shall be included on the meeting agenda.
- (3) If a written submission is received after the publication of the meeting agenda, it shall be read aloud at the meeting by the author, the author's representative or the Board secretary.
- (4) Written submissions received after the Board has made a decision on an application will not be considered by the Board.

Decisions of the Board

13. (1) The Board may postpone making a decision on an application in order to obtain additional information in relation to the allegation of hardship including such economic, environmental and legal information as the Board considers appropriate.
- (2) Applicants shall be advised of the Board's decision within 5 business days following a decision being reached by the Board.
- (3) If the Board makes an order pursuant to ss.901, 901.1 or 902 of the *Local Government Act*, the order shall be signed by the Chair and secretary, and a copy provided to the Regional Board and the applicant.

Repeal

14. (1) Bylaw No. 7, being Strathcona Regional District Board of Variance Bylaw 2008, is repealed.
- (2) Subsection 2(viii) and Schedule A-6 of Bylaw No. 5, being Strathcona Regional District Planning Procedures and Fees Bylaw 2008, are repealed.

Citation

15. This bylaw may be cited for all purposes as Bylaw No. 230, being Electoral Area Board of Variance Establishment Bylaw 2015.

READ A FIRST TIME ON THE

27TH DAY OF

AUGUST, 2015

READ A SECOND TIME ON THE 27TH DAY OF AUGUST, 2015

READ A THIRD TIME ON THE 27TH DAY OF AUGUST, 2015

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 27TH DAY OF AUGUST, 2015

Chair



Corporate Officer

APPENDIX 'A'

OATH OF OFFICE

I, _____, do solemnly affirm that:

1. I am qualified to hold the office of member of the Electoral Area Board of Variance for the Strathcona Regional District to which I have been appointed.
2. I am not an employee, officer or member of the Strathcona Regional District or a member of an advisory planning commission for the Strathcona Regional District.
3. I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters.
4. I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter.

(Signature of Appointee)

Affirmed before me at _____, B.C.
this _____ day of _____, 2015.

(Corporate Officer or Commissioner)