

POWELL RIVER REGIONAL DISTRICT

Bylaw No. 475, 2012

Being a bylaw to establish a Board of Variance.

This document is a consolidated version of the “Board of Variance Bylaw No. 475, 2012” and amendments thereto as set out in Bylaw No. 475.1, 2014 consolidated under the authority of Section 139 of the *Community Charter* S.B.C. 2003, c.26 and Powell River Regional District Bylaw No. 309, 1998.

WHEREAS Section 899 of the *Local Government Act* provides that, any local government that has adopted a zoning bylaw must establish a Board of Variance;

AND WHEREAS pursuant to Section 900 of the *Local Government Act*, the bylaw establishing a Board of Variance must set out procedures to be followed by the Board of Variance;

NOW THEREFORE in open meeting assembled, the Board of the Powell River Regional District enacts the following:

1. Part 1 – Short Title

This Bylaw may be cited as “Powell River Regional District Board of Variance Bylaw No. 475, 2012”.

2. Part 2 – Establishment

A Board of Variance is hereby established for Electoral Areas A, B, C, and D of the Powell River Regional District.

3. Part 3 – Jurisdiction

The Board of Variance shall hear and determine appeals, on the grounds and to the extent, in accordance with the *Local Government Act*.

4. Part 4 – Membership and Term of Appointment

1. The Board of Variance shall consist of three (3) members.
2. The appointment of members to a board of variance shall be by resolution of the board of the regional district.
3. Members of the board of variance shall be appointed for a three (3) year term; such term beginning on the date of the appointment and ending on December 31 in the third year.

4. Members of the Board of Variance may be reappointed for a further term or terms.
5. In accordance with the Local Government Act, employees, directors or alternate directors of the regional district may not be appointed as a member of the board of variance, but they may attend meetings in a resource capacity.
6. All members of the board of variance shall serve without remuneration for meeting attendance.
7. Upon resignation, death or removal of a member during his or her term of office, the board of the regional district may by resolution appoint a successor who shall hold office during the remainder of the term of the former member.

5. Part 5 – Meetings

1. Meetings of the board of variance shall be called by the chair of the board of variance as reasonably required to deal with variance applications.
2. A majority of the board of variance shall be deemed to be a quorum.

6. Part 6 – Chair and Secretary

1. The Board of Variance shall choose, at the first meeting in each and every year, a chair from among its appointed members.
2. In the event the chair is not in attendance within 15 minutes after the time appointed for a meeting, the board of variance shall appoint an acting chair for the duration of the meeting.
3. The chair may be removed from the position of chair by majority vote of the board of the regional district.
4. The officer responsible for corporate administration or another person designated by him or her shall act as secretary to the board of variance.
5. The secretary shall be responsible for:
 - a) receiving applications to the board of variance;
 - b) establishing the date of the board of variance meeting on direction from the chair;
 - c) issuing written notice of the board of variance appeal which shall be emailed or otherwise delivered at least 10 days before the date of the meeting to:
 - i. members of the board of variance;
 - ii. applicant(s);

the written notice shall state the subject matter of the application and the time and place where the appeal shall be heard.

- d) giving written notice of any decision of the board of variance to the applicant;
- e) forwarding a copy of the minutes of hearings to the regional district board for their information.

7. Part 7 – Decisions

Decisions of the Board of Variance shall be by a majority of its members present.

8. Part 8 – Expenses

Members of the board of variance shall serve without remuneration except for any reasonable and necessary expenses that arise directly out of the performance of their duties and paid at rates provided for in regional district remuneration and expenses bylaw.

9. Part 9 – Application

An application to the board of variance shall be completed as outlined in the sample form contained in Schedule “A” and shall be delivered to the regional district together with such plans and particulars as may be required.

10. Part 10 - Repeal

Powell River Regional District Board of Variance Bylaw No. 28, 1975 is hereby repealed.

READ A FIRST AND SECOND TIME this 19th day of December, 2012.

READ A THIRD TIME this 19th day of December, 2012.

RECONSIDERED and ADOPTED this 19th day of December, 2012.

Chair

Corporate Officer

I hereby certify that this is a true and correct copy of the "Board of Variance Bylaw No. 475, 2012" as RECONSIDERED and ADOPTED by the Board of Directors of the Powell River Regional District the 19th day of December, 2012.

Corporate Officer

Dated at Powell River, B.C. this 20th day of December, 2012



BOARD OF VARIANCE APPLICATION

OFFICE USE ONLY

Application Fee: _____ Receipt No.: _____ File No.: _____

SECTION 1: DESCRIPTION OF PROPERTY
(AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description _____
Civic Address _____
Electoral Area _____ Parcel Identifier (PID) _____

SECTION 2: OWNER INFORMATION
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) _____ Name _____ Mailing Address _____ Town/Province Postal Code _____ Telephone/Cell Fax _____ Email	2) _____ Name _____ Mailing Address _____ Town/Province Postal Code _____ Telephone/Cell Fax _____ Email
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I would prefer all correspondence via: email regular mail fax

SECTION 3: AGENT INFORMATION

_____	_____	_____
Name	Mailing Address	Town/Province
_____	_____	_____
Postal Code	Telephone/Cell	Fax
_____	_____	_____
	Email	

I would prefer all correspondence via: email regular mail fax

SECTION 4: REASON FOR APPEAL

I/We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following:

- To review a decision made by the Regional Board pursuant to Section 911(8) of the *Local Government Act*,

Or, to determine that compliance with the following will cause undue hardship:

- Respecting the siting, size or dimensions of a building or structure. (Note: use and density will not be considered for variance)
- Prohibiting structural alteration or addition to a building or structure containing a non-conforming use.
- Requiring subdivision servicing in an area zoned for agricultural or industrial uses.

- 3. The variance should not adversely affect the natural environment. Please describe how the requested variance meets this criteria.

- 4. The variance should not substantially affect the use and enjoyment of adjacent land. Please describe how the requested variance meets this criteria.

- 5. The variance should not vary the permitted uses or densities on a parcel, nor should a variance defeat the intent of the bylaw. Please describe how the requested variance meets this criteria.

SECTION 8: REGISTERED OWNER'S AUTHORIZATION

(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

Signature of Registered Owner

Date

Signature of Registered Owner

Date

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

Submit the completed application form, required fee, plans, and supporting material to the Powell River Regional District.
The fee is payable to the "Powell River Regional District".

Powell River Regional District
#202 – 4675 Marine Avenue
Powell River, BC V8A 2L2
Phone: 604-485-2260 Fax: 604-485-2216
Email: administration@powellriverrd.bc.ca
www.powellriverrd.bc.ca



POWELL RIVER REGIONAL DISTRICT

BOARD OF VARIANCE APPLICATION FEE

1.	Board of Variance Application	\$350
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The fee is payable to the "Powell River Regional District".

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