

# DISTRICT OF NORTH SAANICH



## BYLAW NO. 1387

### CONSOLIDATED FOR CONVENIENCE ONLY

#### BOARD OF VARIANCE ESTABLISHMENT BYLAW

The amending by-laws which have been consolidated into “District of North Saanich Board of Variance Establishment Bylaw No. 1387 (2015)” are as follows:

1463

**as of October 15, 2018**

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This consolidation of the District of North Saanich Board of Variance Establishment Bylaw and amendments have been prepared exclusively for the use by the District of North Saanich for convenience only.

**The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original Bylaws.**

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# DISTRICT OF NORTH SAANICH

## BYLAW NO. 1387

### A BYLAW TO ESTABLISH A BOARD OF VARIANCE

The Council of the District of North Saanich, in open meeting assembled, enacts as follows:

#### ESTABLISHMENT

##### ***BYLAW 1463***

1. There is hereby established for the District of North Saanich, a Board of Variance composed of three persons appointed by the Council as prescribed by section 536 of the Local Government Act.
2. Members of the Board of Variance will not receive compensation for their services as members, but will be paid reasonable and necessary expenses that arise from the performance of their duties.
3. 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 his or her absence.

#### TERMS OF REFERENCE

##### ***BYLAW 1463***

4. The jurisdiction of the Board of Variance shall be as prescribed in section 540 and section 544 of the Local Government Act.

#### APPLICATION PROCEDURE

5. Application to the Board of Variance shall be made in the form prescribed by the Corporate Officer, or his or her delegate. It shall include:
  - (a) written notice stating the grounds of the application for a minor variance including undue hardship;
  - (b) title search, made within thirty (30) days of application, together with relevant covenants, rights of way and easements;
  - (c) an accurate site plan (proposed buildings) or survey (for existing buildings);
  - (d) accurate floor plans and elevations (if applicable);
  - (e) an address to which notices may be mailed or delivered;or any other information necessary to support the application. A non-refundable fee of \$500.00 shall accompany the application.
6. Upon receipt of an application to the Board of Variance the Corporate Officer, or his or her delegate, shall notify the Chairman to set a date and time for the hearing.

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7. Upon receipt of an application the Corporate Officer, or his or her delegate, shall notify by mail or otherwise:
  - (a) the owners and occupiers of the land that is subject of the application, and
  - (b) the owners and occupiers of the land that is adjacent to the land that is the subject of the application; and
  - (c) in the case of an application for a variance that has been the subject of a development variance permit application to the Council within the 2-year period preceding the date of the application to the Board of Variance, all other persons who were notified of the development variance permit application,

at least five (5) clear days before the date set for the hearing.

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8. An application based on section 544(1) of the Local Government Act, where the applicant requests that the Board of Variance set aside the determination of the building inspector and make a determination under section 532(1) in its place, will be forwarded to the Chair of the Board of Variance at least fourteen (14) days before the hearing.

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9. The applicant or the local government may appeal a decision of the Board of Variance under section 544(2) of the Local Government Act to the Supreme Court.

### **HEARINGS**

10. Board of Variance hearings shall be scheduled once a month in the Municipal Hall Council Chambers, or alternate site, at a date and time set by the Chairman. If there are no applications to the Board of Variance or other matters to be considered then the meeting shall be cancelled.
11. A quorum of the Board of Variance shall consist of two (2) members.

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12. Where a decision to grant or deny an application to the Board of Variance has been made at a meeting where:
  - (a) only two (2) members are present; and
  - (b) the motion on that application was not carried unanimously,such an application is deemed tabled, and unless subsequently withdrawn in writing by the applicant, must be considered by the Board of Variance as soon as arrangements can be made to convene another Board of Variance meeting complete with notification as per section 7 of this bylaw.
13. All hearings by the Board of Variance shall be open to the public and the proceedings shall be informal. The Board of Variance may admit any evidence, whether on oath or not and whether written or oral. The Board of Variance may inspect the premises which are the subject of the application. The applicant and other interested parties may be present if the Board of Variance inspects a premises.

14. The applicant or persons whose property is affected by an application to the Board of Variance, or persons who occupy a property that is affected by an application to the Board of Variance, have a right to be heard and to give evidence at the hearing or they may be represented by some other person authorized to represent them.
15. Meetings of a Board of Variance may be adjourned from time to time.
16. If the applicant fails to appear at the hearing, the Board may proceed and make a determination ex parte.
17. A decision in writing of all or of a majority of the members of the Board of Variance is the decision of the Board of Variance.

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18. A decision of the Board of Variance under 542 of the Local Government Act is final.
19. Every decision of the Board of Variance shall be filed with the Corporate Officer, or his or her delegate, who shall give notice of the decision to the applicant and to municipal officials.

**SEVERABILITY**

20. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

**REPEAL**

21. Bylaw No. 503 being 'District of North Saanich Board of Variance Bylaw (1986), and all its amendments, are hereby repealed and the following Bylaw cited as Bylaw No. 1387 District of North Saanich Board of Variance Bylaw (2015) is enacted in its place.

**CITATION**

22. This bylaw may be cited for all purposes as the "Board of Variance Bylaw No. 1387, 2015".  
    READ A FIRST TIME the 16<sup>th</sup> day of March, 2015.  
    READ A SECOND TIME the 16<sup>th</sup> day of March, 2015.  
    READ A THIRD TIME the 16<sup>th</sup> day of March, 2015.  
    FINALLY ADOPTED the 23<sup>rd</sup> day of March, 2015.

Signed by Alice Finall

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MAYOR

Signed by Curt Kingsley

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CORPORATE OFFICER