

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 2027, 2007

BEING A BYLAW TO ESTABLISH A BOARD OF VARIANCE

WHEREAS, Council shall establish procedures for the Board of Variance;

NOW THEREFORE, The Municipal Council of the Corporation of the City Of Duncan, in open meeting assembled, enacts as follows:

Introduction

1. A Board of Variance is hereby established as per the provisions of the *Local Government Act*.
2. The provisions of this bylaw govern the proceedings of all Board of Variance Meetings.
3. This bylaw shall not overrule or be contrary to the provisions of the *Local Government Act* or the *Community Charter*.
4. The Board of Variance shall consist of three members.
5. All Board of Variance Meetings shall take place at City Hall.

Area of Jurisdiction

6. The area of jurisdiction for the Board of Variance shall be the City of Duncan.

Appointment and Removal

7. The Board of Variance shall be appointed by Council resolution.
8. Council shall remove a member of the Board of Variance by Council resolution and Council may do so at any time.
9. A member of the Advisory Planning Commission, Council, Officer or Employee of the City of Duncan shall not be a member of the Board of Variance.

Term

10. The term of an appointment to a Board of Variance shall be three years and if no successor has been appointed at the end of the three year term, until the time a successor has been appointed.

Procedures

11. The members of the Board of Variance shall elect a Chairperson.
12. An application to the Board of Variance shall be made on the City of Duncan Board of Variance Application Form.
13. A meeting to consider the application must be held within 40 days of receiving a complete application.
14. Notice of the Meeting to consider the application shall be provided as outlined in this bylaw.

Secretary

15. The Council of the City of Duncan shall appoint a Secretary to the Board of Variance whose responsibilities shall be to:
 - a. Receive the application
 - b. Determine whether the request falls within the jurisdiction of the Board
 - c. Process the application
 - d. Establish the meeting date and time
 - e. Ensure proper Notice is given
 - f. Keep records of the decisions of the Board
 - g. Advise the Owner of the decision of the Board
16. The records of the Board of Variance shall be open for public inspection during regular office hours.

Notice

17. The Notice of the Meeting shall state:
 - a. The date and time of the meeting
 - b. The subject matter of the application
 - c. The grounds for the application
 - d. The relief sought

18. The Notice of the Meeting shall be delivered to the following a minimum of seven days before the meeting:
- a. The Owner
 - b. The Board of Variance
 - c. Registered owners and occupiers of the property subject to the application
 - d. Registered owners and occupiers of lands contiguous to the subject property, including those separated by any highway, lane or public or private right of way.

Quorum

19. The quorum for a Board of Variance Meeting shall be three members.

Delegations

20. An owner or duly authorized representative of the owner of an application listed on the Notice may address the Board on the subject of the item that is in the Notice. Each address must be limited to five minutes.

Definitions

46. Quorum means the number of members required to be in attendance for business to legally proceed.

Limits on Decision

47. A decision of the Board of Variance is final.
48. A decision made by the Board of Variance terminates if:
- a. The construction is not started and completed within two years, or
 - b. The construction is not started within and completed within a time frame established by the Board of Variance in its decision.
 - i. The Board of Variance shall not establish a time frame that goes beyond two years.

Repeal

49. Bylaw 1505, 1986 and all amendments thereto be repealed.

General

50. 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 decision will not affect the validity of the remaining portion of this bylaw.

Citation

51. This Bylaw may be cited as the "Board of Variance Bylaw No. 2027, 2007".

READ A FIRST TIME THE 25th DAY OF JUNE 2007

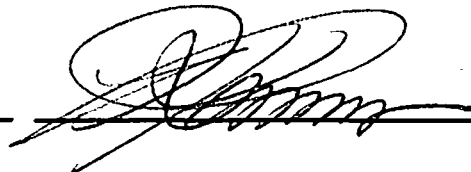
READ A SECOND TIME THE 25th DAY OF JUNE 2007

READ A THIRD TIME THE 25th DAY OF JUNE 2007

ADOPTED THE 13th DAY OF AUGUST 2007



Director of Corporate Services



Mayor