

**FRASER VALLEY REGIONAL DISTRICT**

**BYLAW No. 0903,2008**

**A bylaw to establish a Board of Variance to serve all Electoral Areas  
of the Fraser Valley Regional District.**

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**WHEREAS** Section of 899 of the *Local Government Act* provides that when a Board has adopted a Zoning Bylaw or Rural Land Use Bylaw they must, by Bylaw, establish a Board of Variance;

**AND WHEREAS** the Fraser Valley Regional District has adopted Zoning, Subdivision and Rural Land Use Bylaws within the Electoral Areas;

**AND WHEREAS** the Regional District wishes to establish one Board of Variance pursuant to Section 899 (4) of the *Local Government Act* and to establish procedures for governance of this Board;

**NOW THEREFORE** the Fraser Valley Regional District Board enacts as follows:

**1. CITATION**

This bylaw may be cited as the “Fraser Valley Regional District Board of Variance Establishment Bylaw No. 0903, 2008”.

**2. REPEAL**

The “Fraser Valley Regional District Board of Variance Establishment Bylaw No. 0212, 1997” and any amendments thereto are hereby repealed.

**3. ENACTMENT**

- a. There is hereby established one Board of Variance which shall have jurisdiction over all Electoral Areas of the Fraser Valley Regional District, save and except for those areas which are exempt from the regulation under Part 26 of the *Local Government Act, RSBC 1996 Ch.323*.
- b. Pursuant to Section 899(5) of the *Local Government Act* the Board shall consist of three appointed members.

- c. Pursuant to Section 900 (1) the members of a board of variance must elect one of their number as chair.

#### 4. PROCEDURAL GUIDELINES

##### NOTICE OF HEARING

- a. A person may make application under Section 901 and/or 902 of the *Local Government Act* for a Board of Variance hearing and the application shall be in writing on a Regional District prescribed form, hereto attached as Schedule A with all relevant maps and other materials. An application fee in the amount of \$300.00 is required to be submitted with the application form.
- b. A hearing on a particular application shall be held within forty-five days of receipt of the said application, unless a circumstance arises to make a timeline impractical. The Secretary may grant an extension of a period of not more than 60 days from the date of application. The Secretary shall inform all of the appropriate parties in writing.
- c. The Secretary to the Board of Variance shall set the date, time and place convenient for the hearing.
- d. Written notice of the Appeal, pursuant to Section 901.4 of the *Local Government Act*, must be delivered or received by the adjacent owners and tenants at least seven calendar days prior to the hearing.
- e. Public Notice of the hearing shall be given, if deemed necessary by the Regional District, by publication in a newspaper circulating in the application's area, not less than two consecutive weeks prior to the hearing.

##### SECRETARY

The Manager of Legislative and Administrative Services or Designate shall be secretary to the Board of Variance.

The Secretary shall be responsible for the following:

- a. Receiving Notices of Application and ensuring that it is a valid application and that it is properly filed.
- b. Providing copies of the application to all appropriate departments for written comments.
- c. Informing appropriate people and organizing the hearing date, time, and place convenient for participants.
- d. Preparing a hearing package for each appeal with copies of all relevant materials, ie. application, maps, surveys, factual reports relevant letters, report from FVRD staff and any other useful information.

- e. Ensuring hearing package and notification of meeting time and date are delivered to the Board of Variance members, to appropriate FVRD departments, and to the applicant.
- f. Ensuring written notices of the Appeal have been received, pursuant to Section 901.6 of the *Local Government Act*, by the adjacent property owners and/or tenants seven days prior to the hearing.
- g. Ensuring advertising requirements, if any, have been met.
- h. Confirming with Members to ensure quorum will be present at meeting.
- i. Ensuring the set up of any equipment/materials needed at meeting.
- j. Reading aloud the Application at the meeting, recording names of persons attending, their status and recording all minutes and motions.
- k. Preparing the Board minutes including the decision, signing and mailing to all attendees and any other applicable parties who did not attend the hearing.
- l. Sending a copy of the minutes and decision to the appropriate departments, and maintaining a permanent record.

#### CHAIRPERSON

The Chairperson shall be responsible for the following:

- a. Calling the meeting to order, and introducing the Board members;
- b. Calling on the Secretary to read the Notice of Appeal statement;
- c. Calling on the Regional District representative for their report;
- d. Calling on the Applicant to make a statement;
- e. Inviting owners or tenants of adjacent properties for comments;
- f. Inviting the Board to ask any questions of the previous speakers.

#### BOARD MEMBERS

The Board members in conducting the hearing:

- a. Shall receive from the Secretary and read all materials included in the Hearing package;
- b. May inspect the property on which application has been made, but must not discuss any matters with the appellant, whatsoever;
- c. Shall not discuss the application, or hear any representation before the formal hearing;

- d. Shall submit all expenses incurred, itemized on a Regional District expense claim form, to the attention of the Secretary within ten days of the hearing.

**5. CONDUCT OF HEARING**

- a. A quorum for the hearing shall be two members. If the Chairperson is absent, those present may select an acting Chairperson for the hearing.
- b. Any person, owner or tenant, from within the adjacent area of the application is entitled to be heard at the hearing and is entitled to be represented by a solicitor or an agent duly appointed in writing.
- c. Evidence at a hearing may be given orally, or in written form, and need not be given under oath.
- d. The Chairperson may exclude from the place of hearing, after due warning has been given, any person, including the applicant and/or their solicitor, whose behavior interferes with the hearing.
- e. The applicant may request adjournment of the hearing if he/she notifies the Secretary of such a request forty-eight hours prior to the hearing, and the Board members give their consent, by 2/3 vote.
- f. The Board may decide an application in the absence of the applicant, if the applicant fails to appear at the hearing or at a scheduled adjournment.
- g. The applicant may withdraw the application at any time orally or in writing before a decision is made on the application.
- h. Fifty percent of the application fee is refundable, ONLY if withdrawal of an application is received within ten days prior to the hearing.

**6. DECISION OF THE BOARD**

- a. The decision of the Board shall be by a majority of those members present at the hearing, and shall be made within seven days of the said hearing.
- b. The Board decision must be issued in writing, with reasons, within ten working days of the hearing.
- c. Pursuant to Section 901.8 of the *Local Government Act*, a decision of the Board of Variance is final and binding.
- d. In accordance with Section 902.3 of the *Local Government Act*, the decision of the Board of Variance may only be appealed, under 902.2 of the *Local Government Act*, by the applicant or the Regional District by application to the Supreme Court.

- e. The Board shall not within twelve months rehear an application covering the same aspects or principals on a property upon which the Board decision was previously rendered.

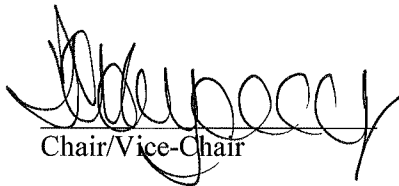
**7. READINGS AND ADOPTION**

READ A FIRST TIME this 28<sup>th</sup> day of October, 2008

READ A SECOND TIME this 28<sup>th</sup> day of October, 2008

READ A THIRD TIME this 28<sup>th</sup> day of October, 2008

**ADOPTED** this 28<sup>th</sup> day of October, 2008

  
Chair/Vice-Chair

  
Chief Administrative Officer/Deputy

**8. CERTIFICATION**

I hereby certify that this a true and correct copy of Bylaw No 0903,2008 adopted by the Board of Directors of the Fraser Valley Regional District on the 28<sup>th</sup> day of October, 2008. Dated at Chilliwack, B.C. this 29<sup>th</sup> day of October, 2008.

  
Chief Administrative Officer/Deputy



**Fraser Valley Regional District**

45950 Cheam Avenue, Chilliwack, BC V2P 1N6

Tel: (604)702-5000 or 1-800-528-0061

Fax: (604) 792-9684

SCHEDULE AApplication to Board of Variance

I / We hereby apply to the Fraser Valley Regional District Board of Variance for:

- A minor variance from bylaw requirements due to hardship [LGA s. 901(1)(a)]\*
- Structural alteration or addition to non-conforming structure [LGA s. 901(1)(c) and 911(5)]\*
- Other (describe) \_\_\_\_\_ LGA\* s. \_\_\_\_\_

\* LGA means Local Government Act

An Application Fee in the amount of \$ \_\_\_\_\_ as stipulated in FVRD Board of Variance Establishment Bylaw No. 0903, 2008 must be paid upon submission of this application.

**Address of Subject Property**

\_\_\_\_\_

**Legal Description**

Lot \_\_\_\_\_ Block \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Plan \_\_\_\_\_

\_\_\_\_\_ PID \_\_\_\_\_

*The property described above is the subject of this application and is referred to herein as the 'subject property'*

*This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.*

**Owner's Declaration**

Name of Owner (print)	Signature of Owner	Date
Name of Owner (print)	Signature of Owner	Date

**Owner Contact Information**

Please print clearly.

Address	City
Email	Postal Code
Phone	Cell
	Fax

**Office Use Only**

	Date	File No.
Received	Received By	Folio No.
Complete Application	Receipt No.	Fees
Required Documents		\$

**Agent** *I hereby give permission to \_\_\_\_\_ to act as my/our agent in all matters relating to this application.*

*Only complete this section if the applicant is NOT the owner.*

Signature of Owner	Date
Signature of Owner	Date

*Agent's contact information and declaration*

Name of Agent		Company	
Address		City	
Email		Postal Code	
Phone	Cell	Fax	

***I declare that the information submitted in support of this application is true and correct in all respects.***

Signature of Agent	Date
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**Variance Details**

**Property Size** \_\_\_\_\_ **Present Zoning** \_\_\_\_\_  
 (m<sup>2</sup> or ha)

**Existing Use** \_\_\_\_\_

**Proposed Development** \_\_\_\_\_

**Proposed Variance** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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*(use separate sheet if necessary)*

**Reasons in Support of Application**

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*(use separate sheet if necessary)*

**Supporting Information**  
*(check applicable boxes)*

- Location map
  - Site plan showing dimensions of property, easements and location of existing buildings
  - Location of proposed buildings, alterations or additions, including any proposed variances
  - Location of any watercourses, streams, or ponds
  - Location of existing or proposed water supplies, septic systems or other services
  - Letters of support if applicable
  - Other supporting information or reports (describe) \_\_\_\_\_
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In accordance with the *Freedom of Information and Protection of Privacy Act*, the personal information on this form is being collected under the authority of Part 26 of the *Local Government Act* and will be collected, used or disclosed only in a manner consistent with the administration of the Management of Development of the Fraser Valley Regional District. If you have any questions about the collection, use or disclosure of this information, please contact the Information Officer of the Fraser Valley Regional District at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel 604.702.5000 or 1.800.528.0061.