

**FRASER VALLEY REGIONAL DISTRICT
BYLAW NO. 1704, 2023**

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

WHEREAS the Board of Directors of the Fraser Valley Regional District wish to establish a Board of Variance pursuant to the *Local Government Act* (“the Act”) and to establish procedures for this Board of Variance;

THEREFORE the Board of Directors of the Fraser Valley Regional District enacts as follows:

1) CITATION

This bylaw may be cited as *Fraser Valley Regional District Board of Variance Establishment Bylaw No. 1704, 2023*.

2) ESTABLISHMENT

- a. There is hereby established one Board of Variance (“the Board”) which will have jurisdiction over all Electoral Areas of the Fraser Valley Regional District, except for those areas excluded from zoning regulations.
- b. The Board will consist of 3 appointed members, each appointed for 3 year terms or until their successor is appointed
- c. A person is not eligible to be appointed to the Board if the person is:
 - i. A member of the local government or its advisory planning commissions; or
 - ii. an officer or employee of the local government.
- d. The members of the Board must elect one member as chair.

3) APPLICATION AND NOTICE OF HEARING

- a. Each Board of Variance hearing application must include:
 - i. A completed application form;
 - ii. Complete set of relevant maps, construction drawings and site plan;
 - iii. The application fees as set out in the applicable Fees and Charges Bylaw;
 - iv. Other relevant materials.

- b. Public notice of the hearing will be provided to the adjacent property owners prior to the hearing in accordance with the Act.

4) CHAIR

- a. The members of the Board must elect one member as Chair in accordance with the Fraser Valley Regional District Board and Committee Procedures Bylaw and amendments hereto;
- b. The Chair may appoint a member as Acting Chair to preside in the Chair's absence
- c. The Chair is responsible for:
 - i. Calling the meeting to order;
 - ii. Calling on the Regional District representative for their report;
 - iii. Calling on the applicant to make a statement;
 - iv. Inviting owners or tenants of adjacent properties for comments;
 - v. Inviting the Board to ask any questions of the previous speakers.

5) BOARD MEMBERS

- a. Must receive and read all materials included in the hearing package;
- b. Must not discuss the application, or hear any representation before the hearing.

6) CONDUCT OF HEARING

- a. Quorum for the hearing is two members;
- b. Any person, owner or tenant, from within the adjacent area of the application is entitled to be heard at the hearing;
- c. Evidence at a hearing may be given verbally or in written form;
- d. The Chair may exclude any person, whose behaviour interferes with the hearing;
- e. The applicant may request postponement of the hearing by notifying the Clerk in writing, at least forty-eight hours prior to the hearing. The Board members must give consent, by 2/3 vote;
- f. If the applicant fails to appear at the hearing the Board may decide on the application in the absence of the applicant;
- g. The applicant may withdraw the application at any time in writing or verbally during the hearing, before a decision is made.

7) DECISION OF THE BOARD

- a. The decision of the Board must be by a majority of members present at the hearing;
- b. A decision of the Board is final and binding;
- c. The Board will not rehear an application within 6 months on the same aspects or principals on a property that the Board decision was previously rendered.

8) SEVERABILITY

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

9) REPEAL

Fraser Valley Regional District Board of Variance Establishment Bylaw No. 0903, 2008 is hereby repealed.

10) READINGS AND ADOPTION

READ A FIRST TIME THIS	22 nd	day of June, 2023
READ A SECOND TIME THIS	22 nd	day of June, 2023
READ A THIRD TIME THIS	22 nd	day of June, 2023
ADOPTED THIS	22 nd	day of June, 2023



Chair/Vice-Chair



Corporate Officer/Deputy

11) CERTIFICATION

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Board of Variance Establishment Bylaw No. 1704, 2023* as adopted by the Board of Directors of the Fraser Valley Regional District on June 22, 2023.

Dated at Chilliwack, B.C. on June 23, 2023



Corporate Officer/Deputy