

**THE CORPORATION OF THE CITY OF WHITE ROCK**

**BYLAW NO. 1753**

A Bylaw to provide for the establishment of a Board of Variance

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WHEREAS the CITY COUNCIL of the Corporation of the City of White Rock has adopted a Zoning Bylaw;

AND WHEREAS pursuant to Section 899 of the Local Government Act R.S.B.C. 1996, C. 323, as amended, there shall be established by Bylaw a Board of Variance;

The CITY COUNCIL of the Corporation of the City of White Rock in open meeting assembled, ENACTS as follows:

1. **ESTABLISHMENT OF BOARD OF VARIANCE**

- 1.1. A Board of Variance for the City of White Rock (the "Board") is hereby established.
- 1.2. Council shall appoint members for a three year term.
- 1.3. The members of the Board of Variance shall elect one of their number as Chair.
- 1.4. The Chair may appoint another member to act as chair in the absence of the Chair.

2. **SECRETARY**

A Secretary shall be provided to the Board of Variance by the Director of Development Services. The responsibilities of the Secretary are:

- 2.1. To receive Notices of Appeal.
- 2.2. To notify the Chair and Members of the board of the receipt of Notices of Appeal.
- 2.3. To ensure that proper notifications are given in compliance with this By-law.
- 2.4. To maintain records of the proceedings of the Board.

3. **MEETINGS OF THE BOARD**

- 3.1. Meetings of the Board shall be held at the call of the Chair of the Board.
- 3.2. A hearing on a particular Appeal shall take place at the next meeting of the Board

3. MEETINGS OF THE BOARD

- 3.3. A Notice of Meeting for each regular and special meeting of the Board shall be posted in the City Hall by the Secretary and the Board shall be convened by the Chairperson on the date and at the time and place set out in the Notice of Meeting.
- 3.4. All meetings shall be open to the public and the Board shall hear all representations made to the Board at a meeting.

4. APPLICATION FEE

- 4.1. Pursuant to the City of White Rock Rates and Fees Bylaw, at the time of application to the Board the applicant shall pay to the City of White Rock an application fee.
- 4.2. No such application shall be considered and dealt with by the Board until payment of such application fee is made.
- 4.3. Payment of the application fee shall not obligate the Board to give any special consideration to the subject of the application, and where the Board decides not to grant an application, the application fee paid by the applicant shall not be refunded by the City.

5. NOTICE OF APPEAL

- 5.1. Every person exercising a right of appeal to the Board shall file a written Notice of Appeal with the Secretary of the Board.
- 5.2. The Notice shall state clearly the relevant statutory provision, the grounds upon which the Appeal is based and the relief sought, and shall give an address to which all notices respecting an Appeal Hearing may be mailed or otherwise delivered.
- 5.3. Where the Appeal is based upon a determination of the amount of damage made pursuant to Section 911(8) of the Local Government Act the Notice of Appeal shall be filed with the Secretary of the Board within twenty (20) days of the making of determination.
- 5.4. The Secretary, upon the filing of the Notice of Appeal, shall forthwith notify the Chair and Members of the Board of the Appeal.
- 5.5. The Secretary shall, upon receipt of any Notice of Appeal or of any written evidence entered before the Hearing, permit all such documents to be inspected at the Secretary's office during regular office hours.

## 6. NOTICE OF HEARING

- 6.1. Upon receipt of the Notice of Appeal by the Secretary, and the determination of the Hearing date, the Secretary shall send by registered mail or otherwise deliver, not less than ten (10) days prior to the date of the Hearing, Notice of the Hearing to:
  - 6.1.1. all Members of the Board;
  - 6.1.2. the Appellant;
  - 6.1.3. the registered owners as shown on the last revised Assessment Roll and occupiers of all real property located adjacent to the parcel which is the subject to the Appeal; and
  - 6.1.4. an official whose interpretation is being appealed under Section 902.(1).
- 6.2. The Notice of Hearing shall state the date, place and time of the Appeal Hearing and shall include a copy of the Notice of Appeal.
- 6.3. Public Notice of a Hearing, if ordered by the Board, shall be posted at City Hall stating the time and place of the Hearing and the general nature of the Appeal. The posting shall be not less than three (3) days nor more than ten (10) days prior to the date of the Hearing.

## 7. CONDUCT OF HEARING

- 7.1. A quorum for the Hearing is a majority of the members.
- 7.2. Any person or body residing or with an interest in property in the City is entitled to be heard at the Hearing and is entitled to be represented by a solicitor or by an agent duly appointed in writing.
- 7.3. Any person represented in accordance with Subsection 8.2, whether or not also attending in person, shall be deemed to be a party attending the Hearing.
- 7.4. Evidence at a Hearing may be given orally or in writing.
- 7.5. The Appellant shall be afforded the first opportunity to present evidence and arguments, and thereafter, evidence and arguments shall be presented in such sequence as the Chairperson may direct until all persons interested in the Appeal have been afforded an opportunity to present their evidence and arguments.
- 7.6. The Board may adjourn a Hearing from time to time and may examine the property affected by the Appeal and surrounding properties.
- 7.7. The Board and its members shall not receive representations or evidence except at a properly constituted Hearing.

7. CONDUCT OF HEARING

- 7.8. No member of the Board shall discuss the merits of the Appeal other than with a member of the Board, the Secretary, or a legal advisor to the Board, before the Board has reached a decision.
- 7.9. If the Appellant fails to appear at the Hearing or any adjournment thereof, the Board may proceed to decide the Appeal in the Appellant's absence.

8. DECISION OF THE BOARD

- 8.1. The decision of the Board shall be by a majority of those members present and made within seven (7) days of the Hearing.
- 8.2. The Secretary shall:
  - 8.2.1. Within seven (7) days of the Board making its decision on an Appeal, send by registered mail or otherwise deliver the written decision of the Board to the Appellant, all persons who made representation at the Hearing, and the Manager of Building, Bylaws and Licensing.
  - 8.2.2. Maintain a record of all variances and decisions given by the Board.
  - 8.2.3. Ensure that the decisions shall be available for viewing by the public at all times during normal office hours.

9. COMPENSATION

- 9.1. Members of the Board must not receive compensation for their services as members but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

10. REPEAL

- 10.1. "Zoning Board of Appeal Bylaw, 1966, No. 248" and amending Bylaw Nos. 319, 371 and 1329 are hereby repealed.

11. CITING

11.1. This Bylaw may be cited as the "White Rock Council Board of Variance Bylaw, 2004, No. 1753".

RECEIVED FIRST READING on the	26 <sup>th</sup>	day of July	, 2004
RECEIVED SECOND READING on the	26 <sup>th</sup>	day of July	, 2004
RECEIVED THIRD READING on the	26 <sup>th</sup>	day of July	, 2004
RECONSIDERED AND FINALLY ADOPTED on the	13 <sup>th</sup>	day of September,	2004

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Mayor

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Director, Corporate Services