

Village Of Port Clements

BOX 198 · PORT CLEMENTS, B.C. V0T 1R0 · PHONE 557-4295 or 4296

BY-LAW 126

WHEREAS, Section 726 of the Municipal Act requires that a Municipality that has a Zoning By-Law in effect shall establish a Board of Variance.

THEREFORE, the Council of the Village of Port Clements in open meeting assembled enacts as follows:

1. There is hereby established a Board of Variance for the Municipality;
2. Membership on the Board of Variance shall be in accordance with Section 726 of the Municipal Act;
3. A Chairman shall be elected from the members of the Board;

Duties of the Board of Variance shall be as outlined in Section 727 of the Municipal Act;

5. Expenses of the Board shall be in accordance with Section 728 of the Municipal Act;
6. Procedures: Any person wishing to appeal to the Board of Variance under Section 727 of the Municipal Act shall notify the Clerk, in writing, setting out:
 - a) the decision appealed from;
 - b) what section of the By-Law in question, he wishes to appeal;
 - c) the official who made the decision appealed from, or
 - d) what provision of the By-Law related to siting, size or shape of building or structure, or siting in a Mobile Home Park under Section 734 (i) of the Municipal Act, is alleged to have caused hardship, or
 - e) what building or structure he wishes to extend use in and what structural alterations he wishes to make to the building under Section 722(3) of the Municipal Act, or
 - f) what provision of the By-Law he wishes relaxed under Section 729(7) of the Municipal Act.
7. The Clerk shall, within 48 hours of receipt of a notice of appeal, notify the Chairman of the Board of Variance.
8. The Board of Variance shall set a date for the hearing of the appeal, which shall be held within 30 days of the date of application for the appeal.
9. The Clerk shall give 7 days notice, under Section 727(3) of the Municipal Act, by Double registered mail, to the owners, as shown on the last revised assessment roll, of the real property located adjacent to the property about which the appeal is being heard, and by regular mail to the occupiers of such property. The notice shall state the date, place and time of the appeal hearing and shall include a copy of the notice of appeal. Public notice of the hearing shall be given if the matter is deemed by the Board to be of sufficient importance.

9. The Board of Variance shall be convened by the Chairman on the date of hearing, at the time and place set out in the notice, and the Board of Variance shall hear all representations made to the Board.

10. The Board shall, subject to the provision of Section 727 of the Municipal Act, give its decision in writing to the Municipal Clerk, who shall send the decision by double registered mail to the applicant and all persons who made representations at the hearing.

11. The Clerk shall serve as the Secretary to the Board of Variance.

12. This By-Law may be cited as "The Village of Port Clements Board of Variance By-Law No. 126".

READ A FIRST TIME THIS 20th. DAY OF September, 1982.

READ A SECOND TIME THIS 20th. DAY OF September, 1982.

READ A THIRD TIME THIS 13th. DAY OF December, 1982.

RECONSIDERED AND ADOPTED THIS 20th. DAY OF December, 1982.

I hereby certify that this is a true copy of By-Law No. 126, of the Village of Port Clements, cited as "The Village of Port Clements Board of Variance By-Law No. 126, 1982"

B S Baswell
B S Baswell
CLERK

S. J. Johnson
S. J. Johnson
MAYOR

B S Baswell
B S Baswell
Clerk