

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1373

A BYLAW TO ESTABLISH A BOARD OF VARIANCE

WHEREAS the City of Enderby has adopted the "Corporation of the City of Enderby Zoning Bylaw No. 966, 1987";

AND WHEREAS Section 899(1) of the *Local Government Act*, R.S.B.C. 1996, and amendments thereto (the "Act") provides that a local government that has adopted a zoning bylaw must, by bylaw, establish a board of variance;

NOW THEREFORE The Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Board of Variance Bylaw No. 1373, 2005".
2. There is hereby established a Board of Variance for the City of Enderby.
3. The Board of Variance shall be comprised of three (3) members to be appointed at large.
4. Each member shall hold office for a period of three (3) years or until his successor is appointed. A member may be appointed for a further term.
5. Council may rescind an appointment to the Board of Variance at any time.
6. The members of the Board of Variance shall elect one of their number as Chair.
7. The Chair of the Board of Variance may appoint a member of the Board of Variance as Acting Chair to preside in the absence of the Chair.
8. In the event of the death, resignation or removal from office of a member of the Board of Variance, his successor shall be appointed in the manner in which the member was appointed. Until the appointment of his successor, the remaining members constitute the Board of Variance.
9. An appeal shall lie to the Board of Variance in those cases provided for in Section 901 and 902 of the *Local Government Act*.
10. Any person exercising the right of appeal to the Board of Variance shall file with the Chief Administrative Officer, or designate, a written notice of Appeal which shall state clearly the grounds upon which the Appeal is made, the legal description and civic address of the property where the variance is requested, a site plan indicating the requested variance, and the address to which correspondence is to be mailed.
11. A person applying to the Board of Variance shall pay to the City at the time such application is filed a fee as set out in "City of Enderby Schedule of Fees Bylaw No. 1280, 2000" as may be amended or replaced from time to time. No fees paid to the City pursuant to the provisions of this Bylaw shall be refunded.
12. The Chief Administrative Officer shall refer the application to the Board of Variance to determine if the application is within the Board's jurisdiction.
13. If the Chair accepts the application a hearing date is set.

14. Notice of Hearing shall be mailed by regular mail or otherwise delivered, a minimum of five (5) days before the date of the Hearing, to the appellant and owners and occupiers of all real property located adjacent to the property with respect to which the appeal is being heard. Public Notice shall be given if the matter is deemed by the Board of Variance to be of sufficient importance.
15. Any person who deems their property to be affected by any such Appeal shall have the right to be heard or to give evidence at the Hearing or may be represented by some other person on his behalf.
16. In the event that the decision of the Board of Variance is equally divided, the Appeal shall be disallowed.
17. The decision of the Board of Variance shall be filed with the Chief Administrative Officer, who shall forward a copy thereof to the appellant and to all officials concerned in the enforcement of this Bylaw.
18. No member of a Board of Variance shall receive compensation for services other than an allowance for actual expenses necessarily incurred in the discharge of his official duties.
19. "The Corporation of the City of Enderby Board of Variance Bylaw No. 1205, 1997" is hereby repealed.

READ a FIRST time this 6th day of September, 2005.

READ a SECOND time this 6th day of September, 2005.

READ a THIRD time this 6th day of September, 2005.

RECONSIDERED and ADOPTED this 19th day of September, 2005.

MAYOR

ADMINISTRATOR