

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2494, 2009

A bylaw to establish a Board of Variance for Electoral Area 'A' Osoyoos Rural; Electoral Area 'C' Oliver Rural, Electoral Area 'D-2' East Skaha, Vaseux, Electoral Area 'D-1' Kaleden-Apex Southwest Sector, Electoral Area 'E' Naramata Area, Electoral Area 'F' Okanagan Lake - West Bench, Electoral Area 'G' Keremeos Rural – Hedley Rural, and Electoral Area 'H' Princeton Rural

WHEREAS division 6 of part 26 of the *Local Government Act* requires a local government that has adopted a zoning bylaw to establish a Board of Variance;

AND WHEREAS Electoral Area 'A' Osoyoos Rural; Electoral Area 'C' Oliver Rural, Electoral Area 'D-2' East Skaha, Vaseux, Electoral Area 'D-1' Kaleden-Apex Southwest Sector, Electoral Area 'E' Naramata Area, Electoral Area 'F' Okanagan Lake - West Bench, Electoral Area 'G' Keremeos Rural – Hedley Rural, and Electoral Area 'H' Princeton Rural have adopted a zoning bylaw;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1. Establishment

A Board of Variance having jurisdiction for Electoral Area 'A' Osoyoos Rural; Electoral Area 'C' Oliver Rural, Electoral Area 'D-2' East Skaha, Vaseux, Electoral Area 'D-1' Kaleden-Apex Southwest Sector, Electoral Area 'E' Naramata Area, Electoral Area 'F' Okanagan Lake - West Bench, Electoral Area 'G' Keremeos Rural – Hedley Rural, and Electoral Area 'H' Princeton Rural of the Regional District Okanagan-Similkameen is hereby established.

2. Membership and term of appointment

- a) The Board of Variance shall consist of three members.
- b) The appointment of members to a Board of Variance shall be by resolution of the Board of the Regional District.
- c) Members of the Board of Variance shall be appointed for a one (1) year term; such term beginning on the date of appointment and ending on the anniversary date of the term.
- d) Members of the Board of Variance may be reappointed for a further term or terms.
- e) In accordance with the *Local Government Act*, employees, directors or alternate directors of the Regional District or members of an advisory planning commission may not be appointed as a member of the Board of Variance, but they may attend meetings in a resource capacity.
- f) All members of the Board of Variance shall serve without remuneration for meeting attendance except for any reasonable and necessary expenses that

arise directly out of the performance of their duties and paid at rates provided for in the Regional District remuneration and expenses bylaw.

- g) Upon resignation, death or removal of a member during his or her term of office, the Board of the Regional District may by resolution appoint a successor who shall hold office during the remainder of the term of the former member.

3. Meetings

- a) Meetings of the Board of Variance shall be called by the chair of the Board of Variance as reasonably required to deal with variance applications.
- b) A majority of the Board of Variance shall be deemed to be a quorum.
- c) In the event that a quorum is not present within 30 minutes after the time appointed for a meeting, the names of those present will be recorded and the meeting shall be adjourned to the same time on the following day or to such other date and time as determined by the chair.
- d) Any person or body with interest in property within the Regional District 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.
- e) Evidence at a hearing may be given orally or in writing.
- f) The Board may view the property affected by the appeal and surrounding properties. The Board may adjourn the hearing from time to time and may reconvene without further notice if the time, date and place of reconvening is announced at the adjournment.
- g) If the appellant or other persons notified do not appear at the hearing or any adjournment thereof, and have not advised the Secretary in advance that they wish to be heard at another date, the board may proceed to decide the appeal in his absence.

4. Chair and secretary

- a) The Board of Variance shall choose, at the first meeting in each and every year, a chair from among its appointed members.
- b) In the event the chair is not in attendance within 15 minutes after the time appointed for a meeting, the Board of Variance shall appoint an acting chair for the duration of the meeting.
- c) The chair may be removed from the position as chair by a majority vote of the Board of the Regional District.
- d) The officer responsible for corporate administration or another person designated by him or her shall act as secretary to the Board of Variance.
- e) The secretary shall be responsible for:
 - i) receiving applications to the Board of Variance;
 - ii) establishing the date of the Board of Variance meeting on direction from the chair;

iii) issuing written notice of the Board of Variance appeal which shall be mailed or otherwise delivered at least 10 days before the date of the meeting to:

- the members of the Board of Variance;
- the applicants; and
- the owners and tenants of adjacent lands.

and the written notice shall state the subject matter of the application and the time and the place where the appeal will be heard;

- f) give written notice of any decision of the board to the appellant;
- g) forward a copy of the minutes of hearings to the Board of the Regional District for their information.

5. Decisions

Decisions of the Board shall be by a majority of its members present and made within 7 days of the meeting.

6. Applications

An application to the Board of Variance shall be completed upon a form acceptable to the Regional District and shall be delivered to the Regional District together with such plans and particulars and application fee paid as may be required.

7. Relation to *Local Government Act* and severability

- a) This bylaw is not intended to conflict with any provision of the *Local Government Act* relating to boards of variance nor to fetter any statutory authority of the Regional District in relation to a Board of Variance or its members
- b) If any section or subsection of this bylaw is found to be invalid it may be severed without affecting the validity of the remainder of the bylaw.

8. Citation and repeal

- a) This Bylaw No. 2494, 2009 may be cited for all purpose as the Regional District Okanagan-Similkameen Board of Variance Bylaw No. 2494, 2009.
- b) Bylaw No. 992, 1987 being 'Board of Variance Bylaw No. 992, 1987' and all amendments thereto are hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME this ____ day of _____, 2009.

ADOPTED this ____ day of _____, 2009

RDOS Board Chair

Chief Administrative Officer