

District of Chilliwack

Bylaw No. 1682

A bylaw to establish the Board of Variance for the District of Chilliwack

The Council of the District of Chilliwack, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "**Board of Variance Establishment Bylaw 1992, No. 1682**".

2. "Board of Variance Bylaw 1980, No. 67", and any amendments thereto, are hereby repealed.

3. In this bylaw,

"**Board**" shall mean the Board of Variance as established by this bylaw.

"**Building Inspector**" shall mean the person appointed as Chief Building Inspector for the District of Chilliwack.

"**Chairman**" shall mean the person elected as Chairman by the members of the Board of Variance or his designate approved by the members.

"**Council**" shall mean the Council of the District of Chilliwack.

"**District**" shall mean the District of Chilliwack.

4. The appointment, term and condition of office of members of the Board of Variance shall be in accordance with Section 961 of the Municipal Act.

5. A quorum shall be a majority of all the Board members.

6. The Board shall deal with those matters within its jurisdiction as set out in the Municipal Act.

7. Secretary

The Building Inspector shall serve as secretary to the Board and will be responsible to:

- (1) receive notices of appeal;
- (2) notify the Chairman of the receipt of such notices;
- (3) ensure that proper notification is given pursuant to the provisions of this bylaw;
- (4) maintain proper records of the Board's proceedings.

8. Meetings of the Board

- (1) The Board shall meet on the second Tuesday of each month or at other times determined by the Chairman to review appeals and previous decisions of the Board.
- (2) Notwithstanding 8(1), a meeting of the Board shall be held not more than 21 days from the date of receipt of the notice of appeal.
- (3) The Board shall be convened by the Chairman on the date of the hearing and at the time and place set out on the notice.

8. **Meetings of the Board** (continued)

- (4) The Board shall hear all representations made to it.
- (5) The deliberations of the Board shall not be open to the public.

9. **Notices of Appeal**

- (1) Any person desiring an appeal to the Board shall file a written notice of appeal to the Building Inspector.
- (2) The notice shall clearly state the grounds upon which the appeal is based and shall be submitted on the form substantially as shown on Schedule "A" attached to and forming a part of this bylaw and accompanied by the fee specified in Schedule "A".
- (3) Upon receipt of an appeal, the Building Inspector shall immediately notify the Chairman.
- (4) Upon determination of a hearing date by the Chairman, the Building Inspector shall cause notice of hearing to be delivered not less than ten (10) days prior to the date of hearing to:
 - (a) members of the Board;
 - (b) the appellant;
 - (c) owners and tenants in occupation of real property located within 30 meters of the property which is the subject of the hearing. The notices shall be delivered to the last known address of the owner or tenant as shown in the records of the District.
- (5) The notice of hearing shall contain the date, place and time of the hearing and shall include a copy of the notice of appeal.

10. **Conduct of the Hearing**

- (1) A quorum of the Board shall be required at any hearing, and if a quorum is not present the Chairman shall adjourn the hearing to another date.
- (2) Evidence at a hearing may be given orally or in writing.
- (3) The Board may require that oral evidence be given under oath or written evidence to be verified by affidavit.
- (4) Evidence submitted prior to the hearing shall be made available to all interested parties at the hearing or may be reviewed during normal business hours at the office of the Building Inspector prior to the hearing.
- (5) The Board shall only hear oral evidence at the Hearing, and it shall allow all parties in attendance to cross examine witnesses who provide oral evidence, and members of the Board may also question the witnesses.
- (6) The Board shall allow all parties attending the Hearing to cross examine a person who has submitted written evidence, and if the person refuses, his written evidence may not be considered by the Board.
- (7) The Board shall not consider any evidence submitted after the conclusion of the hearing

10. Conduct of the Hearing (continued)

- (8) Any person who has interest in property within the District is entitled to be heard at the hearing and he may be represented by an agent duly appointed in writing.
- (9) The appellant shall be afforded the first opportunity to present his evidence and agreements, and thereafter evidence and agreements shall be presented in such sequence as determined by the Chairman.
- (10) The Board may adjourn the hearing from time to time to inspect the property which is the subject to the hearing and/or the surrounding properties, and to consider issues in camera that are relevant to the hearing.
- (11) If the appellant fails to appear at the hearing, the Board may proceed to decide the appeal in his absence.
- (12) After deciding the appeal, the Board shall cause written notice of its decision to be sent to the applicant and to the Building Inspector and to such other persons as were given notice of the hearing pursuant to this bylaw.

Received first reading on the 3rd day of February, 1992.

Received second reading on the 3rd day of February, 1992.

Received third reading on the 3rd day of February, 1992.

Reconsidered, finally passed and adopted on the 10th day of February, 1992.

....."John Les".....
Mayor



....."E. J. Tisdale".....
Clerk

Board of Variance Establishment Bylaw 1992, No. 1682

SCHEDULE 'A'

Owner's Name: _____

Mailing Address: _____

Phone No.: _____

Date: _____

TO: Chairman,
Board of Variance
c/o District of Chilliwack

Dear Sir:

Re: Site Address - _____

I hereby appeal under the provisions of Section 962 of the Municipal Act as follows:

Details of Appeal:

Yours truly,

Signature of Appellant

FOR OFFICE USE ONLY:

Roll No.: _____ Zone: _____ Map No.: _____

Forwarded to Chairman: _____

Board of Variance decision: _____

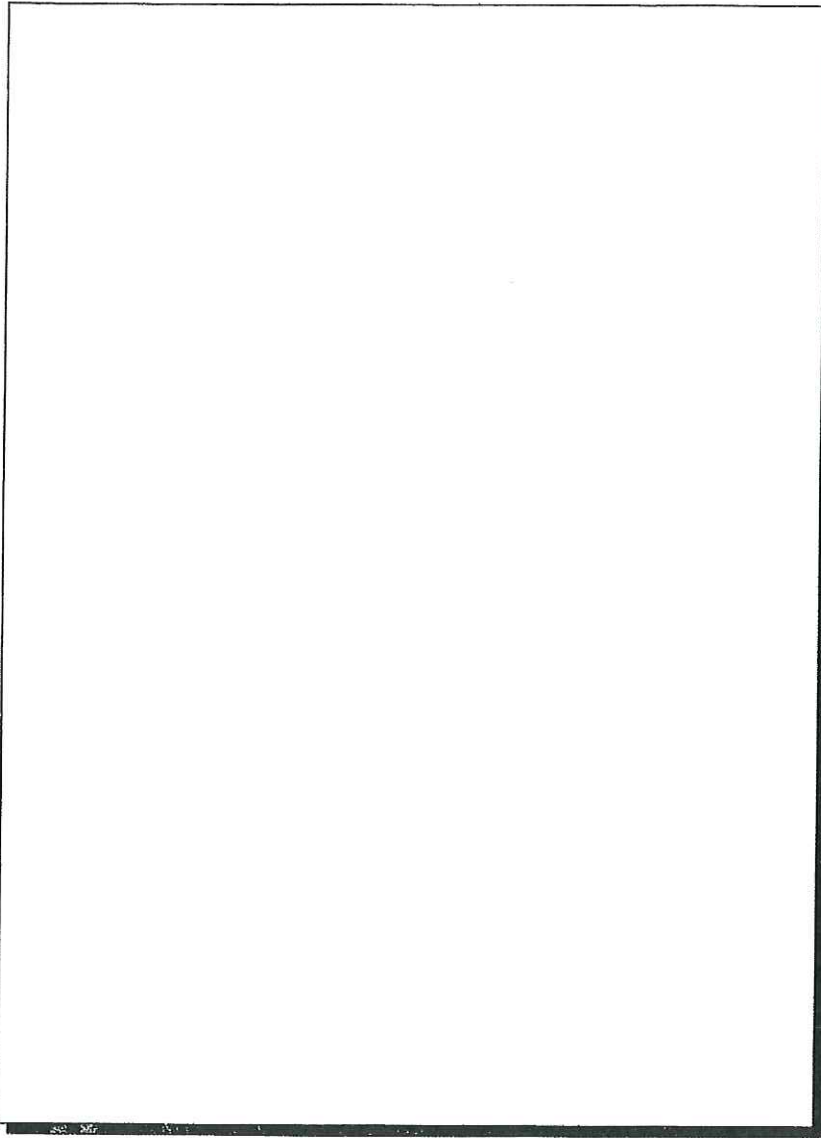
Application Fee: \$200.00

Receipt No.: _____

Received By: _____

Receipt Date: _____

APPEAL SKETCH:



OWNER: _____

SITE ADDRESS: _____