

# THE CORPORATION OF THE VILLAGE OF SALMO

## BYLAW #551

### A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF VARIANCE

WHEREAS section 899 of the *Local Government Act* authorizes Council to provide by bylaw for the establishment of a Board of Variance.

NOW THEREFORE the Council of the Village of Salmo, in open meeting assembled, ENACTS AS FOLLOWS:

#### 1. **SHORT TITLE**

- (1) This Bylaw may be cited as the "**BOARD OF VARIANCE BYLAW**"

#### 2. **Repeal**

- (1) This bylaw shall repeal Bylaw #357 – Village of Salmo Board of Variance Establishment Bylaw and Bylaw #429 – Village of Salmo Board of Variance Bylaw.

#### 3. **General**

- (1) A Board of Variance for the Village of Salmo shall consist of three members appointed by Council for a term of three years or until a successor is appointed.
- (2) The members of the Board shall elect one of their number as Chair.
- (3) A person who is a member of an Advisory Planning Commission of the Village of Salmo, a member of Council, or an employee of the Village is not eligible to be appointed to the Board of Variance.
- (4) The Chair may appoint a member of the Board to act as Chair in the absence of the Chair.
- (5) Members of a Board of Variance 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.
- (6) The Village shall provide in its annual budget the necessary funds to cover the costs of the Board of Variance.
- (7) Council may rescind an appointment to the Board at any time.

#### 4. **Appeals**

- (1) Any person seeking an appeal to the Board of Variance shall submit an application as set out in Schedule "A" forming part of this bylaw. This application shall be accompanied by a non-refundable fee of One Hundred (\$100) Dollars payable to the Village of Salmo.
- (2) An appeal to the Board of Variance shall be for those cases set out in Section 901 and 902 of the *Local Government Act*.
- (3) Where the Board permits a variance, it may also order that the allowance be completed within a time fixed in that order. If the order is not completed within the time stated by the Board, the variance is terminated and the relevant bylaw applies.
- (4) The decision of the Board shall be the majority of those present.

#### 5. **Meetings**

- (1) The Board shall, by resolution, prescribe for the order of business to be conducted at a Hearing.
- (2) All meetings are open to the public.

- (3) The Board shall hear from the appellant, or designate, and any person that claims his property may be affected by a variance being granted.
- (4) If an appellant or any other person that is entitled to be heard fails to appear, the Board may proceed to decide the appeal.
- (5) The Board may adjourn the meeting or table an appeal to view the property affected and obtain additional information it deems necessary.
- (6) A majority of the Board is a quorum.

**6. Secretary**

- (1) A secretary shall be provided to the Board. The secretary shall prepare an agenda and deliver it the board with supporting material.
- (2) The secretary shall notify owners and tenants of real property adjacent to the property about which the appeal is being heard. Notification will be by ordinary mail not later than seven days before the appeal is being heard.
- (3) The secretary shall notify the appellant, by ordinary mail, the decision of the Board.
- (4) The secretary shall maintain records of the Board’s decisions and shall ensure that the records are available for public inspection.

**7. ENACTMENT**

- (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on final adoption.

READ A FIRST TIME  
 READ A SECOND TIME  
 READ A THIRD TIME  
 RECONSIDERED AND FINALLY ADOPTED

this 11<sup>th</sup> day of October, 2005  
 this 8<sup>th</sup> day of November, 2005  
 this 8<sup>th</sup> day of November, 2005  
 this 13<sup>th</sup> day of December, 2005

\_\_\_\_\_

Mayor

\_\_\_\_\_

Village Clerk

Certified a true copy of Bylaw #551, as adopted.

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Village Clerk

**SCHEDULE "A"**

**VILLAGE OF SALMO**

**APPLICATION TO BOARD OF VARIANCE**

Name: \_\_\_\_\_

Address of property variance is requested: \_\_\_\_\_

Explanation of why there is a hardship in complying with the Zoning Bylaw:

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Signatures of all Registered Owners of the property:

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Required Documentation:

- Current copy of Land Title
- Detailed sketch or plans showing the lot and all existing structures with appropriate measurements and which clearly identifies the requested variance.

<p>OFFICE USE ONLY:</p> <p><input type="checkbox"/> \$100 Application Fee Paid</p>
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