

THE CORPORATION OF THE VILLAGE OF SLOCAN

The Village of SLOCAN BOARD OF VARIANCE BYLAW No. 559, 2006

WHEREAS, pursuant to Sec. 899(1) of the Local Government Act, Council must establish a Board of Variance if it has adopted a Zoning Bylaw,

AND WHEREAS the existing Variance Bylaw (No 436, 1992) is outdated and the Village of Slocan Municipal Council wishes to rescind it and replace it with current legislation

NOW THEREFORE, the Village Council in open meeting assembled enacts as follows:

SECTION 1 - CITATION

1.1 This Bylaw shall be cited as the **Board of Variance Bylaw No. 559, 2006**

SECTION 2 - ADMINISTRATION

- 2.1 In accordance with Sec. 899(2) LGA, the Board of Variance for the Village shall consist of 3 persons appointed by Council.
- 2.2 In accordance with Sec. 899(6) LGA, the appointment to the Board of Variance is for the latter of 3 years, or until the time that a successor is appointed.
- 2.3 In accordance with Sec. 900(1) LGA, the members of the Board of Variance must elect one of their number as chair.

SECTION 3 – APPLICATION

3.1 Variance must relieve hardship – in accordance with Sec. 901 of the LGA, a person may apply to the board if the person alleges that compliance with any of the following would cause the person hardship;

- (a) a bylaw respecting siting, dimensions or size of a building or structure, or the siting of a manufactured home in a manufactured home park;
- (b) a bylaw under section 8(3)(c) fundamental powers (trees)
- (c) the prohibition of a structural alteration or addition to a non conforming use (sec. 911(5))
- (d) a subdivision servicing requirement in an area zoned agricultural or industrial.

SECTION 4 – BOARD AUTHORITY

4.1 Pursuant to Sec. 901(2) the Board may permit a variance from the requirements of a bylaw if

- (a) The Board has heard the applicant and any person notified
- (b) Finds that undue hardship would be caused if the section in the bylaw was complied with
- (c) The Board is of the opinion that that variance does not;
 - Result in inappropriate development
 - Adversely effect the natural environment
 - Substantially effect the use and enjoyment of adjacent land
 - Vary use or density under the applicable bylaw, or
 - Defeat the intent of the bylaw

SECTION 5 – BOARD RESTRICTIONS

5.1 In accordance with Sec. 901(3) LGA, the Board must not make an order that would;

- (a) be in conflict with a covenant registered under Sec. 219 of the Land Titles Act
- (b) deal with a matter that is covered in a permit in a land use contract
- (c) deal with a flood plain specification, or
- (d) apply to property where a heritage agreement is in effect

SECTION 6 – NOTIFICATION

6.1 Pursuant to Sec. 901(4) of the LGA, the Board must notify all owners and tenants in occupation of the land that is subject to the application, and land that is adjacent to the land that is the subject of the application. The notice must state the matter of the application, and the time and place where the application will be heard. Reasonable effort to notify is considered satisfied per Sec. 901(6). Construction must be substantially started within 2 years of the order.

SECTION 7 – SCHEDULES

7.1 The application is attached hereto as **Schedule “A”**

7.2 The check list and procedure is attached hereto as **Schedule “B”**

SECTION 8 – RESCINDING OF EXISTING BYLAW

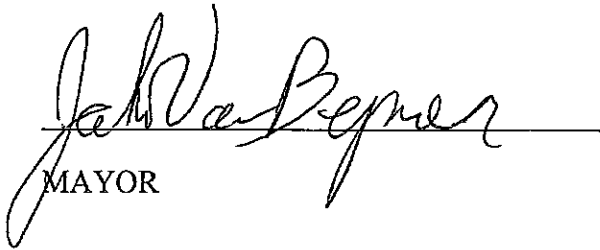
Village of Slocan Board of Variance Bylaw No. 436, 1992 is hereby rescinded

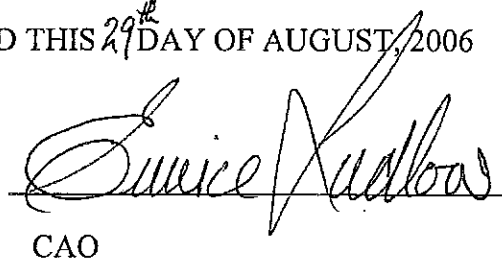
READ A FIRST TIME THIS 12 DAY OF JULY, 2006

READ A SECOND TIME THIS 29 DAY OF AUGUST, 2006

READ A THIRD TIME THIS 29 DAY OF AUGUST, 2006

RECONSIDERED AND FINALLY ADOPTED THIS 29th DAY OF AUGUST, 2006


MAYOR


CAO