



# THE DISTRICT OF NORTH VANCOUVER

## BOARD OF VARIANCE BYLAW

### BYLAW 5873

Effective Date – July 28, 1972

#### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

#### Original Bylaw

Bylaw 5873

#### Date of Adoption

July 28, 1972

#### Amending Bylaw

#### Date of Adoption

Bylaw 5991

November 23, 1990

Bylaw 6473

September 14, 1992

Bylaw 6708

December 28, 1994

Bylaw 6978

December 1, 1997

Bylaw 7525

December 20, 2004

Bylaw 7758

December 15, 2008

Bylaw 7805

September 28, 2009

Bylaw 7960

December 12, 2012

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Board of Variance Bylaw – Bylaw 5873). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

# **THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER**

## **BYLAW 5873**

A bylaw to establish a Board of Variance pursuant to s.899 of the *Local Government Act*

**(7525)**

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The Council for The Corporation of the District of North Vancouver enacts the following:

### **Title**

1. This bylaw may be cited as "**BOARD OF VARIANCE BYLAW**".

### **Establishment of the Board**

2. The Board of Variance is established pursuant to section 899 of the *Local Government Act*.

**(7525)**

### **Jurisdiction of the Board**

3. The Board of Variance shall hear and determine appeals on the grounds and to the extent set out in subsections 1 to 4 and 7 of s.901 of the *Local Government Act*.

**(7525)**

### **Notice of Appeal**

4. Written notice of the hearing of an appeal to the Board shall be given to all owners and tenants in occupation of the land that is the subject of the application and lands adjacent thereto stating the subject matter of the application and the time and place of the hearing.

**(5991)**

### **Address for Notifications**

5. Any notice pursuant to s.4 shall be deemed to have been validly given if sent by ordinary mail addressed to the owners and tenants in occupation of affected lands and/or premises at such addresses as appear on the last revised Assessment Roll or at such other address or addresses as such affected persons shall specify in writing.

**(5991)**

### **Procedures**

6. The procedures of the Board and the manner in which appeals are to be lodged with the Board shall be as follows:

- (a) The appellant shall deposit with the Secretary of the Board a notice of appeal at least 12 working days prior to the next meeting of the Board, and shall clearly state in the said notice the grounds of the appeal and the address to which the notice of the hearing is to be mailed.

**(6978)**

- (b) Copies of all appeals shall be mailed or otherwise delivered to the Board members at least one week prior to the hearing.

- (c) The Board may require that technical evidence or information be provided in support of the appeal, including but not limited to any or all of the following: certified survey plan, site plan, topographical survey plan or Professional Engineer's report relating to drainage, topography or other pertinent matters.
- (d) The appellant and the owners/tenants in occupation of any adjacent properties shall be given the opportunity to present to the Board any further written or oral evidence, or to express opinions, either in support of, or in opposition to, the appeal.

**(5991)**

- (e) The proceedings before the Board shall be informal and, at the discretion of the Board, evidence given need not be under oath.
- (f) The Board may view the lands and premises in respect of the appeal and the hearing may be adjourned from time to time at the discretion of the Board.
- (g) The Board may limit the number of appeals that will be considered at the hearing.
- (h) The Chairman of the Board is entitled to vote on all matters coming before the Board and, in the event that the number of votes cast by the members is equally divided for and against a question, the motion is defeated.
- (i) Any member of the Board who abstains from voting on a question shall be deemed to have voted in the affirmative.
- (j) The Board's decisions on all appeals shall be transmitted in writing to the appellant and to the Chief Building Inspector.
- (k) A record of the Board's decisions shall be maintained by the Secretary and shall be made available for public inspection during normal business hours.

#### **Application Fee**

- 7. (a) An application fee as prescribed in Schedule "B" of the District of North Vancouver Fees and Charges Bylaw 6481 shall be paid when an application is made to the Board of Variance."
- (b) If the application fee is withdrawn prior to the hearing, a refund of 50% of the fee may be returned to the applicant.
- (c) In the event the application is heard by the Board of Variance, there will be no refund.

**(6978 7525 7758 7805 7960)**

**(6473)**

#### **Repeal**

- 8. The "Board of Variance Bylaw" (Bylaw 3692) is repealed.

**Amended by: 5991 6473 6708 6978 7525 7758 7805**