

**CITY OF TERRACE**  
**CONSOLIDATED**  
**BYLAW NO. 1721-2000/1791-2003/1815-2004**

**"A BYLAW OF THE CITY OF TERRACE TO ESTABLISH A BOARD OF VARIANCE PURSUANT TO SECTION 899(1) OF THE LOCAL GOVERNMENT ACT."**

*WHEREAS the City of Terrace has adopted Zoning Bylaw No. 1431-1995, and Section 899(1) of the Local Government Act, R.S.B.C. 1996, and amendments thereto (the "Act"), provides that "A local government that has adopted a zoning bylaw or a rural land use bylaw must, by bylaw, establish a Board of Variance";*

*AND WHEREAS the population of the City of Terrace is twenty-five thousand or less;*

*NOW THEREFORE, the Municipal Council of the City of Terrace, in open meeting assembled, hereby enacts as follows:*

**1.0 ESTABLISHMENT**

*Replaced by  
#1791-2003*

*Pursuant to the Local Government Act, a Board of Variance (the "Board") is hereby established. The Board shall consist of those persons appointed in accordance with Section 899 of the Local Government Act as follows:*

*Amended by  
#1815-2004*

*(a) Three people appointed by resolution of Council of the City of Terrace.*

*The members of the Board shall elect one of their number as Chair.*

**2.0 JURISDICTION OF THE BOARD**

*The Board shall hear and determine appeals on the grounds and to the extent set out in Sections 901 and 902 of the Act.*

### **3.0 APPLICATION PROCEDURES**

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

- (a) The applicant shall deposit with the Secretary of the Board, the City of Terrace Director of Development Services or their designee, an application for a Board of Variance hearing clearly stating the reason for the requested variance, the legal description and civic address of the property where the variance is requested, a site plan indicating the requested variance, and the address to which the notice of the hearing is to be mailed.*
- (b) The application to the Board shall be accompanied by a non-refundable \$100.00 application fee.*
- (c) The Secretary shall refer the application to the Board of Variance Chairman to establish if the application for variance is within the Board's jurisdiction.*
- (d) If the Chairman accepts the application a hearing date is set.*

### **4.0 NOTICE OF HEARING PROCEDURES**

- (a) The Secretary shall prepare the Notice of Hearing that states the date, place, and time of the hearing and states the subject matter of the application.*
- (b) The Notice of Hearing shall be sent by mail or otherwise delivered not less than seven (7) days prior to the date of the Hearing to:*
  - i) the members of the Board;*
  - ii) the Chief Administrative Officer for the City of Terrace;*
  - iii) the Senior Building Inspector of the City of Terrace;*
  - iv) the Applicant; and*
  - v) the registered owners as shown on the last revised assessment roll and any occupiers of the subject property and all real property located immediately adjacent to the parcel which is the subject of the application.*

**5.0 CONDUCT OF HEARING**

(a) *A quorum for the Hearing is two (2) members. If the Chair is absent for a Hearing, the remaining two members present may appoint an Acting Chair for the duration of the Hearing.*

*Amended by  
#1815-2004*

(b) *The Applicant shall be afforded the first opportunity to present his evidence and arguments, and thereafter, evidence and arguments shall be presented in such sequence as the Chair may direct until all parties to the application have been afforded an opportunity to present their evidence and arguments.*

(c) *If the Applicant or other persons notified do not appear at the Hearing 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.*

**6.0 DECISION**

(a) *The decision of the Board shall be by a majority of those members present and made within seven (7) days of the Hearing.*

*Amended by  
#1815-2004*

(b) *The Secretary shall, within fourteen (14) days of a decision, send by mail or otherwise deliver the written decision of the Board to the Applicant, the registered owner of the subject property, all persons who made representation at the Hearing, all adjacent property owners and occupiers who received the Notice of Hearing, the Chief Administrative Officer, and the Senior Building Inspector.*

(c) *The Secretary shall ensure that the Board's proceedings are properly recorded and are made available to the public at the local City of Terrace Public Works Office during normal business hours.*

**7.0 This Bylaw may be cited, for all purposes, as "*Establishment of a Board of Variance Bylaw No. 1721-2000*".**

***This Bylaw is consolidated for convenience only. If discrepancies exist between this consolidation and the original bylaws, the original bylaws shall prevail.***

***BYLAW #1721-2000 READ a first time this 27<sup>th</sup> day of November, 2000.***

***BYLAW #1721-2000 READ a second time this 27<sup>th</sup> day of November, 2000.***

***BYLAW #1721-2000 READ a third time this 27<sup>th</sup> day of November, 2000.***

***BYLAW #1721-2000 ADOPTED this 11<sup>th</sup> day of December, 2000.***

**ORIGINAL SIGNED BY "J. TALSTRA"**  
***Mayor***

**ORIGINAL SIGNED BY "D. FISHER"**  
***Clerk***