



Corporation of the City of  
**NEW WESTMINSTER**

BYLAW NO. 7226, 2008

A Bylaw to provide for the establishment of a Board of Variance

WHEREAS the city Council has adopted a Zoning Bylaw;

AND WHEREAS pursuant to the “*Local Government Act*,” there shall be established by bylaw, a Board of Variance (hereinafter called the ‘Board’);

NOW, THEREFORE, the City Council of the City of New Westminster (hereinafter called ‘Council’) ENACTS AS FOLLOWS:

**1. NAME OF BYLAW**

This Bylaw may be cited for all purposes as “New Westminster Board of Variance Bylaw No. 7226, 2008”

**2. ESTABLISHMENT**

- a. The Board is hereby established and shall consist of five (5) members appointed by Council.
- b. Each member of the Board shall hold office for a term of three (3) years or until his or her successor is appointed, and members may be reappointed for further terms. However, the first term will be from June 30, 2008 to January 31, 2012. Council may rescind an appointment to the Board at any time.
- c. Quorum consists of three (3) members, subject to #d below.
- d. In the event of the death, resignation or removal from office of a member(s) of the Board, the remaining members shall constitute the Board until the appointment of a successor(s). In the event of the death, resignation or removal of a Board member(s), quorum shall consist of at least 50% of the remaining Board members.
- e. The members of the Board must elect one of their members as Chair. At the first meeting of the year, voting members shall elect an acting chair from its membership to preside over meetings when the Chair is absent.

**3. ADMINISTRATIVE SUPPORT**

The Corporate Officer shall appoint a Secretary (the “Secretary”) to the Board of Variance.

The Secretary shall:

- a. Receive applications for variances and present them to the Board.
- b. Arrange for all public notification required in accordance with this Bylaw.
- c. Prepare, maintain and preserve the records of the Board and all other business of the Board.
- d. Notify applicants and City officials, in writing, of the decisions of the Board within a maximum of 30 days from the hearing.
- e. Perform other duties as are customary to the office of the Secretary.

Technical support will be provided by the Development Services Department. The representative of the Development Services Department shall:

- a. Provide written comments to the Board on each application, addressing such matters as the intent of the Bylaw for which the variance is requested, site specific considerations, the degree of the proposed variance, other considerations under Section 901 (2) of the Local Government Act and changes in Planning matters or regulations which may affect the Boards consideration of the variance request.
- b. Attend the Board meeting and respond to any questions from the Board.
- c. Present the information and position taken by the City in respect of variance requests.

#### **4. APPLICATION FOR A VARIANCE**

All applications for a variance to be considered by the Board shall include:

- a. An up-to-date Statement of Title Certificate and copies of any Section 219 Covenants related to the property.
- b. A fully completed Application to the Board of Variance.
- c. The application fee, as required in the Development Approval Procedures Bylaw No. 5658, 1987.
- d. Sufficient development plans to fully show the effect of the proposed variance, the context of the proposed variance in terms of existing and proposed development on the subject site and adjacent properties; to the satisfaction of the Secretary and the representative of the Development Services Department.

#### **5. PUBLIC NOTIFICATION AND PROCESSING OF APPLICATION**

- a. All applications shall be processed in accordance with the schedule established by the Secretary, the representative of the Development Services Department, and as agreed to by the Chair.
- b. Notice of all applications to be heard by the Board will be sent out a minimum of 14 days prior to the date of the hearing. Notices will be sent to all owners and occupants of land that is the subject of the application and to all owners and occupants of land that is located within 100 feet of the subject site.

