

**CITY OF LANGFORD**

**BYLAW NO. 1413**

**A Bylaw to establish a Board of Variance  
and  
Procedures for Board of Variance Applications**

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WHEREAS the “*Local Government Act*” provides that where a Council has adopted a Zoning Bylaw there shall be established by bylaw a Board of Variance;

AND WHEREAS the Council of the City of Langford has adopted a Zoning Bylaw;

NOW THEREFORE the Council of the City of Langford enacts as follows:

1. There is hereby established pursuant to the provisions of the *Local Government Act* a Board of Variance for the City of Langford consisting of five (5) persons appointed by Council.
2. An appointment under Section 1 is for a maximum term of:
  - a) three (3) years, or
  - b) if no successor has been appointed at the end of the three (3) year period, until the time that a successor is appointed.
3. A person who is:
  - a) a member of the Council, or
  - b) an officer or employee of the City of Langford, is not eligible to be appointed to the Board of Variance.
4. The Council may rescind an appointment to the Board of Variance at any time.
5. Where a member of the Board of Variance ceases to hold office, the person’s successor shall be appointed in the same manner as the member who ceased to hold office, and, until the appointment of the successor, the remaining members constitute the Board of Variance.
6. The members of the Board of Variance shall elect one of their numbers as Chair and the Chair may appoint a member of the Board of Variance as Acting Chair to preside in his or her absence.
7. A member of the Board of Variance shall not receive compensation for services as a member but shall be paid reasonable and necessary expenses that arise directly out of the performance of his or her duties.
8. The Council shall in its annual budget provide for the necessary funds to pay for the costs of the Board of Variance.
9. The Chief Building Inspector, or his or her delegate, shall serve as the Secretary to the Board of Variance. The responsibilities of the Secretary are:
  - a) to receive applications to the Board of Variance;

- b) to determine whether the application seeks to vary a matter that is within the jurisdiction of the Board of Variance as outlined in the *Local Government Act*;
    - i) if the application is outside the jurisdiction of the Board of Variance to notify the applicant;
    - ii) if the application is within the jurisdiction of the Board of Variance to notify the Chair of the Board of Variance of the receipt of the application; and
    - iii) to ensure that proper notification is given in compliance with this Bylaw;
  - c) to keep records of the Board of Variance proceedings; and
  - d) to maintain a record of all decisions of the Board of Variance and make it available for public inspection during normal business hours.
10. The Board of Variance shall hear and determine any application with respect to matters mentioned in Sections 901, 901.1, and 902 of the *Local Government Act*.
11. Any person may apply to the Board of Variance by filing with the Chief Building Inspector, or his or her delegate:
- a) an application in the form provided from time to time,
  - b) a clear written statement of the grounds on which the appeal is based and the relief sought,
  - c) accurate site plans and elevations plans (if applicable),
  - d) an address to which notices may be mailed, and
  - e) any other information necessary to support the application.
12. Upon receipt of the application the Chief Building Inspector, or his or her delegate, shall schedule the application for a Board of Variance hearing.
13. a) A meeting of the Board of Variance shall be held on the last Wednesday of each month, unless otherwise determined by the Chair of the Board of Variance in consultation with the Secretary and a majority of members of the Board of Variance.
- b) In the event that no applications are received by the Secretary to the Board of Variance at least fourteen (14) calendar days prior to the date of the next meeting, then no meeting need be held.
  - c) A meeting of the Board of Variance on a particular application shall be held not more than forty (40) days after the date of receipt of the application unless an extension is allowed by written consent of the applicant.
14. Notice of the hearing shall be mailed or otherwise delivered by the Chief Building Inspector, or his or her delegate, addressed to the applicants and/or owners and occupiers of the land that is the subject of the application, and mailed or otherwise delivered to the owners and occupiers of any land that is adjacent to the land that is the subject of the application, at least six (6) clear days before the date set for the hearing.
15. All hearings by the Board of Variance shall be open to the public except that the Board may close to the public all or part of a meeting in accordance with Part 4, Division 3 of the *Community Charter*.
16. Proceedings before the Board of Variance shall be informal. The Board may admit any evidence, whether on oath or not and whether written or oral, and may inspect the premises which are the subject of the appeal.

17. a) A quorum of the Board of Variance will consist of three (3) members.
  - b) A decision of the Board shall be by a majority of those members in attendance at a hearing.
  - c) In all cases where votes of the members of the Board then present, including the vote of the Chair, are equal for and against the appeal, the appeal shall be defeated and it shall be the duty of the Chair to so declare.
  - d) A Board member may abstain from voting. Any member of the Board then present who abstains from voting shall be deemed to have voted in the affirmative.
18. Meetings of the Board of Variance may be adjourned from time to time and may reconvene without a further notification process if the time, date, and place of the reconvening is announced at the time of adjournment.
19. Persons whose property is affected by an application to the Board of Variance have a right to be heard and to give evidence at the hearing or may be represented by some other authorized person.
20. If the applicant or other persons notified do not appear at the hearing or adjournment thereof, and have not advised the Board in advance that they wish to be heard at another date, the Board may proceed to decide the appeal in his or her absence.
21. A decision of the Board of Variance, made pursuant to *Local Government Act* Sections 901 or 901.1, is final.
22. A person may apply to a Board of Variance for an order under Section 902(1) of the *Local Government Act* if the person alleges that the determination by a building inspector of the amount of damage under Section 911(8) of the *Local Government Act* is in error.
23. On an application under Section 902(2) of the *Local Government Act*, the Board of Variance may set aside the determination of the building inspector and make the determination under Section 911(8) of the *Local Government Act* in its place.
24. The applicant or the local government may appeal a decision of the Board of Variance under subsection 902(3) of the *Local Government Act* to the Supreme Court.
25. This Bylaw may be cited as "City of Langford Board of Variance Bylaw No. 1413, 2015".
26. "Board of Variance Bylaw, 1992" and amendments thereto are hereby repealed.

READ A FIRST TIME this 1<sup>st</sup> day of June, 2015.

READ A SECOND TIME this 1<sup>st</sup> day of June, 2015

READ A THIRD TIME this 1<sup>st</sup> day of June 2015.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 15<sup>th</sup> day of June 2015.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
(Certified correct)  
Corporate Officer

