

CORPORATION OF THE DISTRICT OF MAPLE RIDGE

BY-LAW NO. 6290 - 2005

A By-law to provide for the establishment of a Board of Variance

WHEREAS the Municipal Council of the District of Maple Ridge has adopted a Zoning By-law:

AND WHEREAS pursuant to Section 899 of the Local Government Act there shall be established by Bylaw a Board of Variance;

NOW THEREFORE, the Municipal Council of the District of Maple Ridge in open meeting assembled, ENACTS AS FOLLOWS:

I. TITLE

1. This By-law may be cited as "Maple Ridge Board of Variance By-law No. 6290 - 2005"

II REPEAL

2. Maple Ridge Board of Variance By-law No. 3416-1984 is repealed in its entirety.

III. COMPOSITION

3. A Board of Variance for the District of Maple Ridge is hereby established and will consist of five persons appointed by the Council.
4. The members of the Board shall elect one of their number as Chair.
5. Each member appointed shall hold office for a term of three years or until his successor is appointed, but a person may be reappointed for further terms.
6. No person who is a member of the Advisory Planning Commission of the Municipality or holds Municipal office or Municipal employment in the Municipality is eligible to be appointed or to sit as a member of the Board of Variance for the Municipality.
7. A majority of the Board is a quorum.
8. The Chair may appoint a member of the Board as Acting Chair to preside in the absence of the Chair.
9. If a member of a Board of Variance ceases to hold office, the remaining members constitute the Board until the appointment of a successor.
10. A Council may rescind an appointment to the Board at any time.

BYLAW NO. 6290 - 2005

IV. APPEALS

11. Any person desiring to appeal to the Board of Variance shall file a written Notice of Appeal with the Secretary to the Board. The application to the Board shall be accompanied by a non-refundable application fee in the amount of Two Hundred (\$200.00) Dollars payable to the District of Maple Ridge.
12. The Board of Variance shall hear and determine an appeal by a person who alleges that
 - (1) compliance with
 - (a) a by-law respecting the siting, dimension or size of a building or structure, or the siting of a manufactured home in a manufactured home park,
 - (b) a by-law under Section 8 (3)(c) of the Community Charter (trees), except where Council has compensated or mitigated hardship,
 - (c) the prohibition of a structural alteration or addition under section 911(5) of the Local Government Act,
 - (d) a subdivision servicing requirement under section 938(1)(c) of the Local Government Act in an area zoned for agricultural or industrial use,would cause him undue hardship, or
 - (2) the determination by a building inspector of the amount of damage under Section 911(8) of the Local Government Act is in error.
13. On an application under section 12(1) herein, where the Board of Variance finds undue hardship, the Board may authorize a minor variance from the applicable provisions of the by-law or from Section 911(5) of the Local Government Act that it believes is desirable for the appropriate development of the site, maintains the general intent and purpose of the by-law, does not substantially affect the use and enjoyment of adjacent properties, and does not vary permitted uses or densities under the applicable by-law. The variance applies to the appellant and subsequent owners of the land or manufactured home park.
14. On an application under section 12 (2) herein, the Board of Variance may set aside the determination of the building inspector and make the determination itself as to the amount of damage.
15. Where the Board of Variance orders a minor variance, it may also order that unless the construction of the building, structure or mobile home is completed within a time fixed in the order, the exemption or allowance, as the case may be, terminates and the relevant by-law applies.
16. The decision of the Board shall be a majority of those members present.

V. MEETINGS

17. Members of the Board of Variance will be provided with a yearly schedule indicating the dates when appeals will be heard and the dates by which all appeals are to be submitted to the Clerk's Department for consideration at the next scheduled hearing.
18. The Board of Variance shall, by resolution, prescribe for the order of business to be conducted at the Hearings.
19. All meetings shall be open to the public.
20. The Board of Variance shall hear from the appellant and also any persons who claim that his property may be affected, and any other person which the Board deems to have an interest in the appeal.
21. Any person or body who is entitled to be heard shall be entitled to be represented by his Solicitor or agent duly appointed in writing.
22. The Board of Variance may adjourn the meeting or table an appeal from time to time to view the property affected and obtain additional information.
23. If the appellant or any person or body entitled to be heard fails to appear, the Board may proceed to decide the appeal in his absence.
24. The Board of Variance shall receive the evidence submitted by the appellant or by any other person or body affected and which is relevant to the hearing, but the Board is not bound by the legal or technical rules of evidence.
25. The Board of Variance may, if it deems a particular appeal to be of sufficient importance, table the appeal to another hearing date and shall order that a public notice of the hearing be published.

VI. THE SECRETARY

26. The Secretary shall prepare an agenda of appeals received prior to the deadline date for submission of appeals and forward it to the members of the Board of Variance and to the appointed representatives from the Planning and Permits departments.
27. The Secretary shall provide notification of appeals to the owners and occupiers of all real property adjacent to the property about which the appeal is being heard.
28. Notification shall be sent by ordinary mail not later than five days before the day of the hearing.
29. The Secretary shall notify, by ordinary mail, the appellant of the decision of the Board of Variance and shall provide a copy of this letter to the departmental representatives.

PAGE 4

30. The Secretary will keep proper records of the Board proceedings and will make them available to the public.

VII. SUNDRY

31. Members of a Board of Variance must not receive compensation for their services, but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
32. The Council shall include in its annual budget the funds necessary to pay for the expenses of the Board.
33. If any section or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

READ a first time the 25th day of January, 2005.

READ a second time the 25th day of January, 2005.

READ a third time the 25th day of January, 2005.

RECONSIDERED and finally adopted the 8th day of February, 2005.

MAYOR

CLERK