

**DISTRICT OF WELLS
BYLAW NO. 86, 2007**

TO CONSTITUTE A BOARD OF VARIANCE

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 District of Wells has adopted a Zoning Bylaw;

NOW THEREFORE the Council of the District of Wells enacts as follows:

1. There is hereby established pursuant to the provisions of the *Local Government Act* a Board of Variance for the District of Wells consisting of three (3) 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 District of Wells, is not eligible to be appointed to the Board of Variance.
4. The members of the Board of Variance shall elect one of their number as Chair and the Chair may appoint a member of the Board of Variance as Acting Chair to preside in his or her absence.
5. The Council may rescind an appointment to the Board of Variance at any time.
6. 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.
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 Board of Variance shall hear and determine any appeal with respect to matters mentioned in Sections 901 and 902 of the *Local Government Act*.
9. Any person may appeal to the Board of Variance by filing with the Chief Administrative Officer of the District of Wells a written notice of appeal stating the

grounds of the appeal, together with accurate site plans, elevation plans (if applicable), an address to which notices may be mailed, and any other information necessary to support the application.

10. The application to the Board shall be accompanied by a \$100.00 non-refundable application fee.
11. Upon receipt of a notice of appeal the Chief Administrative Officer or his or her delegate shall schedule the appeal for a Board of Variance Hearing. Notice of the hearing shall be mailed or otherwise delivered by the Chief Administrative Officer 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 the land that is adjacent to the land that is the subject of the application, at least ten days before the date set for the hearing.
12. 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 Division 3 of the *Community Charter*.
13. 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.
14. A quorum of the Board of Variance will consist of two (2) members.
15. The Board of Variance shall cause minutes of its proceedings to be kept, such minutes to be in accordance with the Council Procedure Bylaw.
16. Meetings of the Board of Variance may be adjourned from time to time.
17. Persons whose property is affected by an appeal 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 person authorized to represent them.
18. The decision in writing of all or of a majority of the members of the Board of Variance is the decision of the Board.
19. Every decision of the Board of Variance shall be filed with the Chief Administrative Officer, or his or her delegate, who shall give notice thereof to the appellant.
20. A decision of the Board of Variance under Section 9 of this bylaw is final.
21. 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.

22. 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.
23. 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.
24. This bylaw may be cited for all purposes as the "**BOARD OF VARIANCE BYLAW, NO. 86, 2007.**"

READ A FIRST TIME THIS 19th DAY OF JUNE, 2007.
READ A SECOND TIME THIS 19th DAY OF JUNE, 2007.
READ A THIRD TIME THIS 19th DAY OF JUNE, 2007.

FINALLY READ AND ADOPTED BY UNANIMOUS VOTE OF COUNCIL MEMBERS
THIS 3RD DAY OF JULY, 2007.

John P.S. Vermette, Mayor

Gary Champagne, CAO