

## BYLAW NO. 4030, 2009

A Bylaw to update provisions for the Board of Variance

The Council of the City of Coquitlam, in meeting lawfully assembled, enacts as follows:

### PART ONE: NAME OF BYLAW

1.1 This Bylaw is cited as “Board of Variance Bylaw No. 4030, 2009.”

### PART TWO: REPEAL OF EXISTING BYLAWS

2.1 “City of Coquitlam Board of Variance Bylaw No. 2722, 1993” is hereby repealed.

### PART THREE: INTERPRETATION

3.1 In this Bylaw, unless the context requires otherwise:

<b>ACTING CHAIR</b>	means the Acting Chair for the Board, as appointed under section 4.4.2 of this Bylaw.
<b>BOARD</b>	means the Board of Variance for the City of Coquitlam.
<b>CHAIR</b>	means the chair of the Board, as appointed under section 4.4.1 of this Bylaw.
<b>CITY</b>	means the City of Coquitlam.
<b>SECRETARY</b>	means the Secretary to the Board.

### PART FOUR: THE BOARD

#### 4.1 Continuation of the Board

4.1.1 The Board, established by previous bylaw of the City in accordance with the provisions of the *Local Government Act*, is continued.

#### 4.2 Jurisdiction of the Board

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

### **4.3 Membership on the Board**

- 4.3.1 The Board consists of five (5) members appointed by Council.
- 4.3.2 Subject to subsections 4.3.3 to 4.3.7, the term of office for members of the Board is three (3) years, but members may be reappointed for further terms.
- 4.3.3 Council may appoint a successor to finish the remainder of a term of office of a member that resigns, is removed from office by Council, or is otherwise unable to complete the term of office.
- 4.3.4 If Council has not approved a successor before or at the end of a member's term of office, that member's term of office continues until Council appoints a successor for that member.
- 4.3.5 In accordance with the *Local Government Act*, no person who is a member of City Council, an officer or employee of the City or a member of the City's planning commission, if one is in existence, is eligible to be appointed or to sit as a member of the Board for the City.
- 4.3.6 If a member of the Board 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.
- 4.3.7 The Council may remove a member from the Board at any time.

### **4.4 Chair to Preside at Meetings**

- 4.4.1 The members of the Board shall elect one of their members as Chair to preside at the Board's meetings.
- 4.4.2 The Chair may appoint another member to preside while the Chair is absent.
- 4.4.3 Where the Chair or Acting Chair are not present, the remaining members shall elect a chair for that meeting.

### **4.5 Quorum**

- 4.5.1 The quorum for the Board is a majority of its members.
- 4.5.2 If a quorum is not present within fifteen (15) minutes after the scheduled time of the meeting, the Secretary shall record the names of the members present, and such meeting is deemed to have been cancelled.

- 4.5.3 Where a Board meeting is deemed to be cancelled due to the lack of a quorum, the Secretary shall advise any applicants and all persons in attendance, and shall reschedule any pending applications to a future Board meeting.

#### **4.6 Reimbursement of Members**

- 4.6.1 Members of the Board shall not receive compensation for their services as members, but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

### **PART FIVE: ADMINISTRATIVE AND TECHNICAL SUPPORT**

#### **5.1 Secretary to the Board**

- 5.1.1 The City Clerk or his or her designate is appointed as the Secretary to the Board.
- 5.1.2 The Board's Secretary shall:
  - a) provide members of the Board with a yearly schedule indicating the dates when appeals will be heard and the dates by which applications are to be submitted to the Clerk's Office for consideration at the next scheduled meeting;
  - b) receive applications;
  - c) ensure that proper notifications are given in accordance with this Bylaw;
  - d) maintain records of the proceedings of the board and make them available to the public; and
  - e) give written notice of the decision of the Board to the applicant in accordance with this Bylaw.

#### **5.2 Technical Support**

- 5.2.1 Technical support shall be provided by the Planning and Development Department.
- 5.2.2 The representative(s) of the Planning and Development Department may:
  - a) provide written comments to the Board on each application, which may address 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 Board's consideration of the variance request; and

- b) attend the Board meetings and respond to any questions from the Board.

#### **PART SIX: APPLICATION TO THE BOARD**

- 6.1. Any person wishing to apply to the Board as provided in the *Local Government Act* must complete an application which is available from the City's Planning and Development Department and/or the City Clerk's Office.
- 6.2. The completed application, together with:
  - a) the required attachments specified in such application; and
  - b) the non-refundable application fee, as set out in the City's Fees and Charges Bylaw, as amended from time to time

must be submitted to the Secretary, who, in consultation with the Planning and Development Department, shall determine whether or not the application is within the jurisdiction of the Board.

#### **PART SEVEN: NOTICES**

- 7.1. Not less than ten days before the date set for a Board Meeting, notice of the Meeting shall be mailed or otherwise delivered to:
  - a) The applicant requesting the variance(s);
  - b) The owner(s) of the property that is the subject of the application, if different than the applicant; and
  - c) The owners and occupants of the lands adjacent to the land that is the subject of the application.
- 7.2. A notice given in relation to an application shall state the subject matter of the application and the time and place where the appeal shall be heard.
- 7.3. At least seven days prior to the date set for a Board Meeting, the Secretary shall prepare an agenda of all applications to be considered at the meeting and mail or otherwise deliver such Agenda to the Board members.

## **PART EIGHT: CONDUCT OF MEETING**

- 8.1** All meetings of the Board dealing with applications for variances shall be open to the public.
- 8.2** The Chair or Acting Chair shall open the Meeting.
- 8.3** As each application is heard, the Applicant shall be afforded the first opportunity to present his or her 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.
- 8.4** Any person or body who is entitled to be heard shall be entitled to be represented by his or her solicitor or agent duly appointed in writing.
- 8.5** Evidence at a meeting may be given orally or in writing.
- 8.6** The Board shall not hear oral evidence except at a regularly constituted meeting of the Board at which the subject matter of that evidence is being heard.
- 8.7** Any Board member may view any property which is the subject of, adjacent to, or which in their opinion, is affected by an application, and may enter such property with the permission of the owner.
- 8.8** The Board may adjourn the meeting from time to time to view the property affected and /or obtain additional information and may reconvene without further published notice if the time, date and place of the reconvening is announced at adjournment.
- 8.9** If the Applicant or other persons notified do not appear at the Meeting or any adjournment thereof, 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 or her absence.

## **PART NINE: DECISION OF THE BOARD**

- 9.1** The decision of the Board shall be by a majority of those members present.
- 9.2** The Secretary shall send by mail or otherwise deliver the written decision of the Board to the Applicant.
- 9.3** A decision of the Board under section 901(2) of the *Local Government Act* is final.
- 9.4** The Board shall not, within one (1) year of the date of the decision of the Board, re-hear an appeal previously denied covering the identical grounds or principles upon which the Board has already rendered a decision.

**PART TEN: SEVERABILITY**

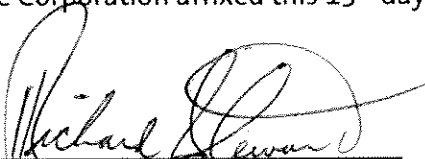
**10.1** If any part, section, subsection, clause or sub-clause, of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

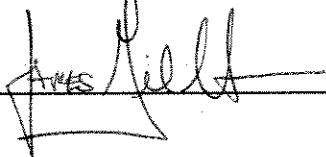
READ A FIRST TIME this 1<sup>st</sup> day of June, 2009.

READ A SECOND TIME this 1<sup>st</sup> day of June, 2009.

READ A THIRD TIME this 1<sup>st</sup> day of June, 2009.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 15<sup>th</sup> day of June, 2009.

  
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MAYOR

  
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CLERK