

TOWN OF SIDNEY

BYLAW NO. 2014

A BYLAW TO ESTABLISH A BOARD OF VARIANCE FOR THE TOWN OF SIDNEY.

WHEREAS the Town of Sidney has adopted a Zoning Bylaw;

AND WHEREAS it is a requirement of the *Local Government Act* for a municipality to establish a Board of Variance;

AND WHEREAS the Town of Sidney has enacted *Town of Sidney Board of Variance Bylaw No. 324, 1968* establishing a Board of Variance and now wishes to repeal that bylaw and re-establish a Board of Variance pursuant to the provisions of this bylaw;

NOW THEREFORE the Council of the Town of Sidney in open meeting assembled, enacts as follows:

1. Citation

This Bylaw is to be cited as “**Town of Sidney Board of Variance Bylaw No. 2014, 2012**”.

2. Definitions

In this bylaw,

- a) “Application Fee” means the fee imposed under this bylaw with respect to applications to the Board.
- b) “Board” means the Board of Variance for the Town of Sidney established under this bylaw.
- c) “Chair” means the Chair of the Board appointed in accordance with this bylaw.
- d) “Corporate Administrator” means the Corporate Administrator for the Town of Sidney and includes his or her designate.
- e) “Town” means the Town of Sidney.

3. Establishment of Board of Variance

- a) Pursuant to the *Local Government Act*, a Board of Variance for the Town of Sidney is hereby established.
- b) The Board shall consist of 3 members appointed by Council of the Town.
- c) The members of the Board shall elect one of their number as Chair.
- d) The Chair may appoint a member of the Board as acting Chair to preside in the absence of the Chair.

4. Membership

- a) Any person who is not a member of the Advisory Planning Commission of the Town, a Town council member or an officer or employee of the Town is qualified to be appointed to the Board.
- b) If a member of the Board ceases to hold office, the person's successor is to 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.
- c) An appointment to the Board is for a 3 year term, or if no successor has been appointed at the end of the 3 year period, until the time that a successor is appointed.

5. Jurisdiction

A person may, where permitted under the *Local Government Act*, apply to the Board for an order.

6. Applications and Hearing Date

- a) A person may apply to the Board by providing written notice and paying the Application Fee to the Corporate Administrator setting out the grounds upon which the application is made and the relief sought and including an address to which notices to the applicant respecting the application may be mailed.
- b) The Corporate Administrator shall, within 48 hours of receipt of an application, provide a copy of the application to the Chair.
- c) The Chair shall set a date for a hearing of the application which shall be within 30 days of receipt of the application and Application Fee by the Corporate Administrator.
- d) The Corporate Administrator shall give notice, stating the subject matter of the application and the time and place of the hearing, to the applicant and to all owners and tenants in occupation of the land that is the subject of the application and the land that is adjacent to land that is the subject of the application, by depositing the notice at a Canada Post Office, postage prepaid, for transmission by post at least 7 days before the hearing.

7. Board Meetings and Conduct of Hearing

- a) All hearings shall be conducted at a meeting of the Board.
- b) A quorum for a Board meeting is two Board members.
- c) Meetings of the Board including all hearings shall be open to the public, except that the Board may close to the public all or part of a meeting where permitted under the *Community Charter*.

- d) Proceedings at a hearing shall be informal and evidence at a hearing may be given orally or in writing and need not be given under oath unless the Chair so requires.
- e) Before reaching a decision on any appeal, the Board may require further information from the applicant or other witnesses or may seek advice from other persons including with respect to the interpretation of an enactment and may adjourn a hearing for that purpose.
- f) Before a hearing or during an adjournment of a hearing, the Board may inspect the premises that are the subject of an application as well as the adjacent properties.
- g) If the Board adjourns a hearing, it may reconvene without further notice if the time and place of reconvening is announced at adjournment.
- h) If the applicant or a representative of the applicant does not appear at the hearing or a reconvening of the hearing, and the applicant has not advised the Corporate Administrator in advance that they wish to be heard at another date, the Board may proceed to decide the appeal in the absence of the applicant.

8. Decision of the Board

- a) Within 7 days following the completion of a hearing, the Board shall give its decision in writing to the Corporate Administrator, who shall mail a copy of the decision to the applicant and all persons who made representations at the hearing who requested a copy of the decision by leaving their mailing address with the Corporate Administrator.
- b) The Board must maintain a record of all its decisions at the Town Hall and all records must be available for public inspection during normal business hours.

9. Application Fee

Every person who applies to the Board for an order shall pay an Application Fee to the Town in the amount set out in Schedule A, concurrently with their submission to the Corporate Administrator of a Board application.

10. Repeal

The "Town of Sidney Board of Variance Bylaw No. 324, 1968" is hereby repealed.

Read a first time this 9th day of January, 2012.

Read a second time this 9th day of January, 2012.

Read a third time this 9th day of January, 2012.

Adopted this 23^d day of January, 2012.


MAYOR


CORPORATE ADMINISTRATOR

Schedule A

Application Fee: \$400.00