



# CORPORATION OF THE DISTRICT OF TOFINO

## **Board of Variance '6 mUk No. 1010, 2005**

### **Consolidated for Convenience Only**

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 1148, 2011	April 26, 2011

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 1010 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 1010 and all amending bylaws must be consulted.

Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.

**THE DISTRICT OF TOFINO  
BYLAW NO. 1010, 2005**

**BOARD OF VARIANCE BYLAW**

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**A Bylaw to Establish a Board of Variance**

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**WHEREAS** the Council of the District of Tofino has adopted a Zoning Bylaw and is required to establish a Board of Variance;

**AND WHEREAS** the population of the District of Tofino is twenty-five thousand or less;

**NOW THEREFORE** the Council of the District of Tofino, in the Province of British Columbia, in an open meeting assembled Hereby Enacts as Follows:

1. **Title**

This bylaw may be known and cited for all purposes as the “District of Tofino Board of Variance Bylaw No. 1010, 2005”.

2. **Establishment**

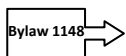
A Board of Variance (the “Board”) is hereby established and shall consist of three (3) people appointed by resolution of Council.

The members of the Board shall elect one of their number as Chair, and the Chair must appoint an acting Chair to preside in his or her absence.

3. **Application Procedures**

The procedures of the Board and the manner in which appeals are to be lodged with the Board shall be as follows:

(a) The applicant shall deposit with the District of Tofino Municipal Planner or designee, an application for a Board of Variance hearing clearly stating the reason for the requested variance, the legal description and civic address of the property where the variance is requested, a site plan indicating the requested variance, and the address to which the notice of the hearing is to be mailed.



(b) The application to the Board shall be accompanied by a non-refundable \$250 application fee.

4. **Notice of Hearing Procedures**

- (a) The Municipal Planner shall after consultation with the Chairperson, prepare the Notice of Hearing that states the date, place, and time of the hearing and states the subject matter of the variance application.
- (b) The Notice of Hearing shall be sent by mail or otherwise delivered not less than seven (7) days prior to the date of the Hearing to:
  - (i) the members of the Board;
  - (ii) the Chief Administrative Officer for the District of Tofino;
  - (iii) the Building Inspector for the District of Tofino;
  - (iv) the applicant; and
  - (v) the registered owners as shown on the last revised assessment roll and all occupiers of the subject property and all real property located immediately adjacent to the parcel which is the subject of the application.

5. **Conduct of Hearing**

- (a) A quorum for the Hearing is two (2) members. If the Chair is absent for a Hearing, the Acting Chair shall preside .
- (b) The applicant shall be afforded the first opportunity to present his/her evidence and arguments, and thereafter, evidence and arguments shall be presented in such sequence as the Chair may direct until all interested persons have been afforded an opportunity to be heard .
- (c) If the applicant or other person notified does not appear at the Hearing and has not advised the Municipal Planner in advance that they wish to be heard at another date, the Board may proceed to decide the appeal in his or her absence.
- (d) The Chair, or in the Chair's absence, the Acting Chair, shall preside at the Hearing and decide all questions of procedure and order.

6. **Decision**

- (a) The decision of the Board shall be by a majority of those members present and made within fourteen (14) days of the Hearing.
- (b) The Municipal Planner shall, within fourteen (14) days of a decision, send by mail or otherwise deliver the written decision of the Board to the applicant, the

registered owner of the subject property, all persons who made representation at the Hearing, all adjacent property owners and occupiers who received the Notice of Hearing, the Chief Administrative Officer and the Building Inspector.

- (c) The Municipal Planner shall ensure that the Board's proceedings are properly recorded and are made available to the public at the District of Tofino Municipal Office during normal business hours.

