



**VILLAGE OF BELCARRA
Board of Variance
Bylaw No. 636, 2025**



A bylaw to establish and set the procedure for a Board of Variance

WHEREAS the Council of the Village of Belcarra has adopted "Village of Belcarra Zoning Bylaw No. 510, 2018" as amended from time to time;

AND WHEREAS pursuant to section 356 of the Local Government Act, there shall be established, by bylaw, a Board of Variance;

NOW THEREFORE, the Council of the Village of Belcarra in open meeting enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as the "Village of Belcarra Board of Variance Bylaw No. 636, 2025."

2. Repeal

Bylaw No. 399, cited as "Board of Variance Bylaw No. 399, 2007" and all amendments is hereby repealed.

2. Definitions

In this bylaw;

"**Board**" means the Board of Variance;

"**Chair**" means the Chair of the Board, as appointed under section 8.1 of this bylaw;

"**Council**" means the Council of the Village of Belcarra;

"**Hearing**" means a Board of Variance meeting;

"**Municipal Hall**" means the Village of Belcarra Municipal Hall located at 4084 Bedwell Bay Road, Belcarra, BC V3H 4P8; and

"**Secretary**" means the person appointed as the Secretary to the Board pursuant to this bylaw; and

"**Staff Liaison**" means the Village employee responsible for providing technical support to the Board and applications.

2. Continuation and Jurisdiction

- 2.1 The Board of Variance for the Village of Belcarra, established by previous bylaws of the Village, is continued and will operate in the manner and to the extent set out in the *Local Government Act* and this Bylaw.
- 2.2 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*.

3. Establishment

- 3.1 The Board is established pursuant to the *Local Government Act* and consists of three (3) members appointed by Council, for a term of three (3) years. Members may be reappointed for further terms, without limitation.
- 3.2 The Board is established to hear and determine applications on the grounds and to the extent set out in the *Local Government Act*.
- 3.3 The members of the Board shall elect one of their number to preside as Chair in January of each year. The Chair may appoint a member of the Board to act as Acting Chair to preside in the absence of the Chair. When the Chair or Acting Chair are not present, the remaining members shall elect a chair for that meeting.
- 3.4 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.
- 3.5 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.
- 3.6 No person who is a member of Village Council, an officer or employee of the Village or a member of any Village committee is eligible to be appointed or to sit as a member of the Board.
- 3.7 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 of Variance.
- 3.8 Council may rescind an appointment to the Board at any time.
- 3.9 Members of the Board must not receive compensation for their services as members but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

4. Administrative and Technical Support

4.1 Secretary to the Board

- 4.1.1 The Corporate Officer or their designate is appointed as the Secretary to the Board.

4.1.2 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 Corporate Officer for consideration at the next scheduled meeting;
- b) receive applications and notify members of the Board of the receipt of applications;
- c) cause notices of applications and Hearings of the Board to be delivered to the members of the Board as directed by the Board or its Chair at proper notifications are given in accordance with this Bylaw;
- (d) ensure proper notification is given to the applicant and all affected persons be it owners or tenants in accordance with the *Local Government Act* and this Bylaw;
- (e) prepare agendas of all applications to be considered at a Board Hearing, and mail or otherwise deliver the agendas to each member of the Board at least one week prior to the Hearing;
- (f) record the decisions of the Board and maintain minutes of Hearings and orders of the Board and ensure that after their adoption by the Board, the Hearing minutes are signed by the Chair and Secretary;
- (g) notify applicants and the Staff Liaison in writing of the decisions of the Board; and
- (h) maintain a record of the Board Hearing minutes which must be available for public inspection during normal Municipal Hall business hours.

4.2 Technical Support

4.1.1 Technical support shall be provided by the Building Official and/or other staff appointed by the Chief Administrative Officer.

4.1.2 The Building Official and/or other technical support representative(s) 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.

5. Application and Fee

5.1 A person may apply to the Board for a minor variance or an exemption to relieve hardship by submitting the following:

5.1.1 a completed application including:

- a) the minor variance or exemption requested;
- b) the grounds of hardship on which the application is brought; and
- c) the address to which all notices for the applicant may be mailed or otherwise delivered;

- 5.1.2 the required supporting documentation specified in the application form; and
- 5.1.3 the non-refundable application fee set out in Schedule 8 of Village of Belcarra Fees and Charges Bylaw No. 517, 2018. No application shall be received by the person duly authorized until payment of the fee is made.

- 5.2 All applications to the Board will be reviewed by the Staff Liaison. The Staff Liaison may request applicants to furnish further information as may be necessary for the proper understanding of the nature of the application.

6. Notice of Application Hearing

- 6.1 Notice of the Hearing of an application to the Board must be mailed or otherwise delivered no later than ten (10) calendar days prior to the date of the Hearing to the last known address of the following persons:
 - 6.1.1 the applicant requesting the variance(s)
 - 6.1.2 the owner(s) of the property that is the subject of the application, if different than the applicant; and
 - 6.1.3 The owner(s) and occupants of the lands adjacent to the land that is the subject of the application, including those across dedicated rights-of-way and highways.
- 6.2 The notice referred to in subsection 6.1 must include the following information:
 - 6.2.1 the location of the property including the street address of the land which is the subject of the application;
 - 6.2.2 the subject matter of the application;
 - 6.2.3 the time, date and place of the Hearing where the application will be heard;
 - 6.2.4 the place where, and the times and dates when copies of the application package may be inspected;
 - 6.2.5 instructions for submitting written comments regarding the application as well as for attendance at the Hearing in order to provide a verbal response to the application.
- 6.3 Any notice pursuant to this Part is deemed to have been validly given if sent by ordinary mail or otherwise delivered to the owners and tenants in occupation of affected lands at such addresses as appear on the last revised Assessment Roll or at such other addresses as such affected person may specify in writing.

7. Board Agenda

- 7.1 Not less than 7 days before the date set for the meeting of the Board, the Secretary shall:
 - 7.1.1 prepare an agenda package of all applications to be considered at the hearing, including
 - (a) the complete application packages, and
 - (b) any written comments submitted regarding the applications;

7.1.2 mail or email or otherwise make available a copy of the agenda to:

- (a) each Board member;
- (b) the Staff Liaison;
- (c) the applicants whose applications will be heard at the hearing

7.2 Any written comments received after the publication of the agenda, up until 7 days prior to the Hearing will be forwarded to those persons identified in subsection 7.1.2.

8. Board Hearing Procedures

8.1 At the first Hearing of each year the Board must elect one of their members as Chair for a one year period.

8.2 The Chair may appoint a member of the Board as Acting Chair to preside in the Chair's absence either for a single meeting or for a set period of time.

8.3 The Board may annually establish a schedule of Hearings, or hearings may be held at the Call of the Chair.

8.4 The Board may amend the schedule of Hearings by resolution.

8.5 The quorum of the Board is any two (2) members of the Board.

8.5.1 If a quorum is not present within fifteen minutes after the scheduled time of the meeting, the Staff Liaison will:

- a) Cancel the Hearing; and
- b) Reschedule the Hearing to hear the applications as soon as practicable, either by:
 - i. prior to cancelling the meeting, announcing the new hearing date, time, and location; or
 - ii. providing notice of the new hearing date as per section 6.

8.6 The Chair of the Board is entitled to vote on all matters coming before the Board.

8.7 Any Board member who abstains from voting is deemed to have voted in favor of the motion.

9. Conduct of Hearing

9.1 All Hearings of the Board are open to the public.

9.2 The Chair or Acting Chair shall open the Hearing.

9.3 The applicant and any other person who believes that their interest in property is affected by the application may make either oral or written submissions, or both, at the Hearing of the application and may be represented by a solicitor or agent.

- 9.4 The Applicant shall be afforded the first opportunity to present his evidence and arguments, and thereafter, evidence and arguments shall be presented in such sequence as the Chair may direct, until all parties have been afforded an opportunity to present their evidence and arguments.
- 9.5 Evidence given at a Hearing of the Board does not need to be under oath.
- 9.6 The Board shall not hear oral evidence, except at a regularly constituted Hearing of the subject matter of that evidence.
- 9.7 Before reaching a decision on an application, the Board may require that further information be supplied by the applicant and may adjourn the Hearing from time to time as the Board deems advisable.
- 9.8 Any Board member may view the property affected by the application and surrounding properties, which in their opinion are affected the application, and may enter such property with the permission of the owner.
- 9.9 The Hearing may be adjourned from time to time, as the Board may deem appropriate, to view the property or obtain additional information, and may be reconvened without further notice if the date, time, and location of the reconvened meeting is announced at adjournment. Failing an announcement of a reconvened meeting at adjournment, notice of the reconvened hearing must be given in accordance with Section 6 of this bylaw.
- 10. Decision of Board**
- 10.1 At the conclusion of a Hearing, the Board may render its decision or may adjourn the application and render its decision at a subsequent Hearing. The decision of the Board shall be by a majority of those members present.
- 10.2 If the applicant or applicant's solicitor or agent is not present at the Hearing of the application, the Board may grant or deny an order in the absence of such person.
- 10.3 If an application is granted, the Board may set a time within which the lawful construction must be completed, failing which the exemption granted by the Board shall terminate and the provisions of the applicable bylaw or the Local Government Act, as applicable will apply.
- 10.4 Within 7 days, each decision of the Board must be mailed or otherwise delivered to the applicant, owner of the subject land; persons who provided written submissions to the Board and to the Village staff responsible for Building Inspection.
- 10.5 The Secretary will maintain a record of the Board's decisions which must be available for public inspection during normal Municipal Hall business hours.
- 10.6 A decision of the Board whether to grant a minor variance under section 542 of the *Local Government Act* is final.
- 10.7 The Board shall not, within six (6) months of the date of the decision of the Board, re-hear an application previously denied covering the identical grounds or principles upon which the Board has already rendered a decision

11. Severability


- 11.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

READ A FIRST TIME on December 15, 2025


READ A SECOND TIME on December 15, 2025

READ A THIRD TIME on December 15, 2025

ADOPTED by the Council on January 12, 2026



Jamie Ross
Mayor



Amanda Seibert
Corporate Officer

This is a certified a true copy of
Village of Belcarra Board of Variance Bylaw No. xxx, 2025

Chief Administrative Officer