

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #657

A BYLAW TO CONSTITUTE A BOARD OF VARIANCE

WHEREAS section 899 of the *Local Government Act* provides that where Council has adopted a Zoning Bylaw, there shall be established a Board of Variance by bylaw, and

WHEREAS the Council of the Village of Montrose has previously adopted a Zoning Bylaw,

BE IT THEREFORE RESOLVED that the Council of the Village of Montrose in open meeting assembled, enact as follows:

SHORT TITLE

1. (1) This Bylaw may be cited as the **“BOARD OF VARIANCE BYLAW (2007).”**

GENERAL

2. (1) A Board of Variance for the Village of Montrose shall consist of three members appointed by Council for a term of three years or until a successor is appointed.
- (2) The Village of Montrose shall provide a Secretary to the Board of Variance whom shall be a current employee of the Village.
- (3) A person who is a member of Council, or an officer or employee of the Corporation of the Village of Montrose, is not eligible to be appointed to the Board of Variance.
- (4) The members of the Board of Variance shall elect one of their numbers 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) Members of the Board of Variance 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.
- (6) The Village shall provide in its annual budget the necessary funds to cover the costs of the Board of Variance.
- (7) Where a member of a Board of Variance 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.
- (8) Council may rescind an appointment to the Board at any time.

APPEAL

3. (1) Any person seeking an appeal to the Board of Variance shall submit an application to the Village, as set out in Schedule 'A' forming part of this bylaw. The application shall be accompanied by a non-refundable fee of ONE HUNDRED dollars (\$100) payable to the Village of Montrose.
- (2) A Secretary shall then be appointed by the Chief Administrative Officer. The Secretary shall refer the application to the Board of Variance Chairman to establish if the application for variance is within the Board's jurisdiction. If the Chair accepts the application, a hearing date is set.
- (3) The Secretary shall notify owners and tenants of real property adjacent to the property about which the appeal is being heard. Notification will be by ordinary mail not later than seven days before the appeal is being heard.
- (4) An appeal to the Board of Variance shall be for those cases set out in Sections 901 and 902 of the *Local Government Act*.

- (5) Where the Board permits a variance, it may also order that the allowance be completed within a designated time period. If the order is not completed within the time period stated by the Board, the variance is terminated and the relevant bylaw applies.
- (6) The decision of the Board shall be the majority of those present.
- (7) The Secretary shall notify the appellant of the Boards decision within seven days, by ordinary mail.
- (8) The Village shall maintain all records of the Board’s decisions and shall ensure that the records are available for public inspection.

MEETINGS

- 4. (1) The Secretary shall prepare an agenda and deliver it to the Board with all received supporting material.
- (2) The Board shall, by resolution, prescribe for the order of business to be conducted at a hearing.
- (3) The Board shall hear from the appellant, or designate, and any person that claims his property may be affected by a variance being granted.
- (4) If an appellant or any other person that is entitled to be heard fails to appear, the Board may proceed to decide the appeal in their absence.
- (4) The Board may adjourn the meeting or table an appeal to view the property affected and obtain additional information it deems necessary.
- (5) The Board may, at any time during the process, refer the matter to Village Council with or without recommendation.
- (6) A majority of the Board is a quorum.
- (7) All meetings are open to the public.

ENACTMENT AND REPEAL

- 4. (1) If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.
- (3) Bylaw #177 is hereby repealed.

READ A FIRST TIME	this 4 th day of June, 2007
READ A SECOND TIME	this 4 th day of June, 2007
READ A THIRD TIME	this 4 th day of June, 2007
RECONSIDERED AND FINALLY ADOPTED	this 18 th day of June, 2007

Mayor

Corporate Officer

Certified a true copy of Bylaw #657, as adopted

Corporate Officer

BYLAW #657

SCHEDULE "A"

APPLICATION TO VILLAGE OF MONTROSE BOARD OF VARIANCE

Name: _____

Address of requested property variance: _____

Explanation of why there is a hardship in complying with the Zoning Bylaw:

Required Documentation

- Current copy of Land Title
- Detailed sketch or plans showing the lot and all existing structures with appropriate measurements and which clearly identifies the requested variance.

Signatures of all Registered Owners of the property:

OFFICE USE ONLY	Received By
<input type="checkbox"/> \$100 Application Fee Paid	_____