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PART 1 - GENERAL PROVISIONS  
Division 9 - Board of Variance

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Subdivision 1 - The Board of Variance

- 1.9.1. 1. A Board of Variance is hereby established for the District of Kitimat.

Subdivision 2 - Appointments

- 1.9.2. 1. The Board appointments shall be as per the Local Government Act.

Subdivision 3 - Jurisdiction

- 1.9.3. 1. Jurisdiction of the Board shall be pursuant to the Local Government Act.

Subdivision 4 - Board Secretary

- 1.9.4. 1. The Chief Administrative Officer shall appoint a Board Secretary who shall:
- a. receive notices of appeal;
  - b. determine whether the appeal involves a matter within the jurisdiction of the Board of Variance;
  - c. if the appeal is outside the jurisdiction of the Board of Variance, notify the appellant;
  - d. if the appeal is within the jurisdiction of the Board of Variance, notify the Chairman of the Board of Variance and arrange for a meeting of the Board, such meeting to be held not more than THIRTY (30) days after receipt of the application, unless an extension is allowed by the written consent of the appellant;
  - e. ensure that proper notification of the meeting is given in compliance with Local Government Act requirements;
  - f. keep proper records of the Board of Variance proceedings; and
  - g. maintain a record of all decisions of the Board which will be available for public reference at the Municipal Offices during regular business hours.

Subdivision 5 - Applications

- 1.9.5. 1. The registered owner(s) of a property, or a person authorized in writing by the owner(s), may make application to the Secretary for a Board of Variance ruling. The application procedure is as follows:
- a. the applicant, or the Secretary on behalf of the applicant, completes an appeal for hearing application form;
  - b. the application form may include, but may not be limited to, the following information:
    - (i) name, address, and telephone number of applicant and registered owner(s);
    - (ii) copy of title certificate;
    - (iii) legal description of property;
    - (iv) location or map of property;
    - (v) present zoning of property;
    - (vi) description of existing development;
    - (vii) description of proposed development;
    - (viii) description of existing Municipal Code regulations;
    - (ix) description of nature and extent of relief applied for;
    - (x) reasons and/or comments may be attached to, and form part of, the application.

Subdivision 6 - Notice of Hearing

- 1.9.6. 1. Notice of the hearing stating date, place, time of appeal and indicating nature of the appeal shall be mailed or otherwise delivered, by the Secretary not less than SEVEN (7) days prior to the date of the hearing, to:
- a. members of the Board of Variance;
  - b. the Appellant;

Subdivision 6 - Notice of Hearing (Continued)

- 1.9.6. 1. c. registered owner(s) as shown on the last revised assessment roll and all occupiers of the properties located adjacent to the parcel subject of the appeal, including properties separated by private or public rights-of-way.

Subdivision 7 - Chairman

- 1.9.7. 1. The Board of Variance shall be convened by the Chairman on the date of hearing and at the time and place set out in the notice. If the Chairman is absent for a hearing, those members present, may appoint an Acting Chairman for the duration of the hearing.

Subdivision 8 - Quorum

- 1.9.8. 1. A quorum for a hearing is TWO (2) members.

Subdivision 9 - Representation

- 1.9.9. 1. The Board of Variance shall receive or hear all representations made to the Board. Any person or body with property interests within the municipality is entitled to be heard at the hearing. The appellant shall, however, be afforded first opportunity to present evidence and arguments.

Subdivision 10 - Decision

- 1.9.10. 1. The decision of the Board shall be by a majority of those members present and shall be made within SEVEN (7) days of completion of the hearing. Within SEVEN (7) days of the decision, the Secretary shall enter the decision into the record and mail or otherwise deliver notice of the decision to the appellant, all persons who made representation at the hearing and the local Building Inspector.