



**DISTRICT OF SOOKE
BOARD OF VARIANCE BYLAW
BYLAW No. 919**

A bylaw to establish a Board of Variance for the District of Sooke.

WHEREAS the Local Government Act requires a local government that has adopted a zoning bylaw to establish, by bylaw, a board of variance;

AND WHEREAS the Local Government Act requires the bylaw establishing a board of variance to set out the procedures to be followed by the board of variance;

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. Citation

1.1. This Bylaw is cited as *Board of Variance Bylaw No. 919, 2024*.

2. Definitions

2.1. The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Local Government Act* and the *Community Charter*.

"Board Member" means a person appointed to the Board of Variance under the *Local Government Act*.

"Code of Conduct Policy" means the District of Sooke's *Code of Conduct Bylaw No. 889, 2024* as amended or superseded.

"Community Charter" means the *Community Charter S.B.C. 2003, c. 36*.

"Corporate Officer" means the District's Corporate Officer, or their delegate, that has been appointed the Corporate Officer under section 148 of the *Community Charter*.

"Council Procedure Bylaw" means the District of Sooke *Council Procedure Bylaw No. 728, 2019*, as amended or superseded.

"District" means the Corporation of the District of Sooke.

"Local Government Act" means the *Local Government Act, RSBC 2015*.

"Staff" means an officer or employee of the District but does not include contractors.

3. Board Membership

- 3.1. There is hereby established pursuant to the provisions of the *Local Government Act* a Board of Variance for the District of Sooke consisting of three (3) persons appointed by Council.
- 3.2. An appointment under section 2 is for a maximum term of:
 - 3.2.1. Three (3) years, or
 - 3.2.2. If no successor has been appointed at the end of the three (3) year period, until the time that a successor is appointed.
- 3.3. A person is not eligible to be appointed to the Board of Variance who is:
 - 3.3.1. a member of the Council, or
 - 3.3.2. an officer or employee of the District of Sooke
- 3.4. Council may rescind an appointment to the Board of Variance at any time.
- 3.5. All Board Members must adhere to the District Code of Conduct Bylaw.
- 3.6. The members of the Board of Variance shall elect one of their members as Chair and the Chair may appoint a member of the Board of Variance as Acting Chair to preside in their absence.
- 3.7. Where a member of the Board of Variance ceases to hold office, the person's successor shall 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. A member of the Board of Variance shall not receive compensation for services as a member but shall be paid reasonable and necessary expenses that arise directly out of the performance of his or her duties.

4. Board Meetings

- 4.1. Prior to each Board meeting, the Corporate Officer must prepare an agenda setting out the items for consideration at that meeting.
- 4.2. The Corporate Officer must make the agenda available in accordance with the *Council Procedure Bylaw*.
- 4.3. The Corporate Officer shall cause minutes of the boards proceedings to be kept, such minutes to be in accordance with *Community Charter*.

- 4.4. At its first meeting of each term, in coordination with District staff, the Board shall establish a meeting schedule for the term, setting regular meetings to occur every other month during business hours.
- 4.5. Meetings of the Board of Variance may be adjourned from time to time and no further notification is required if the date, time and place of reconvening are stated to those present at the time of adjournment.
- 4.6. If there is no completed application ready for the Board's consideration 10 days prior to the next scheduled meeting, the meeting must be cancelled.
- 4.7. The Board of Variance shall hear and determine any application with respect to matters mentioned in Division 15 – Board of Variance of Part 14, Planning and Land Use Management of the *Local Government Act*, as amended from time to time.
- 4.8. Any person may apply to the Board of Variance in accordance with Division 15, Board of Variance, of the Local Government Act by fulfilling all the requirements as set out in the District's *Development Procedures Bylaw No. 900, 2024*.
- 4.9. Public Notices for Board of Variance applications are set out in the *Districts Development Procedures Bylaw No. 900, 2024*.
- 4.10. All hearings by the Board of Variance shall be open to the public except that the Board may close to the public all or part of a meeting in accordance with the *Community Charter*.
- 4.11. Any individual or organization with an ownership, tenancy or business interest in the property, or their authorized agent, is entitled to make representations to the Board at the hearing prior to Board consideration.
- 4.12. Following the Board's decision, the District of Sooke must provide a copy of the decision to the applicant.
- 4.13. The District of Sooke must maintain a record of the Board's decisions for public inspection.
- 4.14. The decision in writing of all or of a majority of the members of the Board of Variance is the decision of the Board.
- 4.15. A decision of the Board of Variance under this bylaw is final.
- 4.16. The applicant or the local government may appeal a decision of the Board of Variance under the *Local Government Act* to the Supreme Court.

5. Severability

- 5.1. If any section, subsection, paragraph, clause, phrase or word within this Bylaw is for any reason held to be invalid by the decision of a court or competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

6. Repeal

- 6.1. Bylaw No 311, *Board of Variance Bylaw, 2009* is hereby repealed.

READ a FIRST, SECOND AND THIRD time the 9th day of December, 2024.

ADOPTED this 13th day of January, 2025.



Maja Tait
Mayor



Jessica Bagnall
Corporate Officer