
CITY OF KELOWNA

MEMORANDUM

Date: March 4, 2009
File No.: BL10136
To: City Manager
From: City Clerk
Subject: Amendment No. 1 to the Board of Variance Bylaw No. 9817

Report Prepared by: *Corinne Boback, Legislative Coordinator/Secretary to the Board of Variance*

RECOMMENDATION:

THAT Council receive the Report from the City Clerk dated March 4, 2009 to approve process changes to the Board of Variance Bylaw No. 9817;

AND THAT Council give reading consideration to Bylaw No. 10136 being Amendment No. 1 to the Board of Variance Bylaw No. 9817.

BACKGROUND:

Staff met recently to discuss the internal procedures of an appeal to the Board of Variance. At this meeting, staff determined that once a complete appeal has been submitted to the Office of the City Clerk, the Secretary of the Board will arrange a meeting with the Chief Building Officer and the applicant to discuss whether or not the project may have further implications then just a minor hardship. The Chief Building Officer will determine if internal circulation to other city departments is required and a date for the appeal will be set.

The Chair to the Board of Variance has no objections to these recommended changes.

Staff is asking that Council allow for this amendment to bylaw by:

- a) changing the title of Manager of Inspection Services to Chief Building Official;
- b) changing the title of Director of Planning and Development Services to Director of Development Services;
- c) Section 8 A. Meetings be deleted and replaced with the following:

“A. Meetings

- 1. A meeting of the Board of Variance shall be called when a complete notice of appeal is deposited with the Secretary to the Board.”;



2. A special meeting of the Board of Variance may be held at any time as determined by the Chairperson of the Board in consultation with the Secretary and all available members of the Board of Variance."

d) Section 8. B Notice be deleted and replaced with the following:

"3. Upon filing a complete notice of appeal with the Secretary, the Secretary shall set a date and time to meet with the applicant and the Chief Building Official to review the appeal. The Chief Building Official and Secretary shall set the date and time for the Board to convene based on the nature of the application and the extent of internal circulation required of the application."

e) deleting the words "Upon the filling of an appeal, the" in sub-section 4 and replacing it with the word "The"; and

f) deleting sub-section 6.(vi) and 6.(vii) in it's entirety and adding the following:

"(vi) the Chief Building Official;
(vii) the Director of Development Services."

LEGAL/STATUTORY AUTHORITY:

*Local Government Act, Part 26 –Division 6 Board of Variance
Board of Variance Bylaw No.9817*

Considerations that were not applicable to this report:

INTERNAL CIRCULATION TO: N/A

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

EXISTING POLICY:

FINANCIAL/BUDGETARY CONSIDERATIONS:

PERSONNEL IMPLICATIONS:

TECHNICAL REQUIREMENTS:

EXTERNAL AGENCY/PUBLIC COMMENTS:

ALTERNATE RECOMMENDATION:

COMMUNICATIONS CONSIDERATIONS:

Submitted by:


S. Fleming, City Clerk

Approved for Inclusion:



R. Mayne, Director Corporate Services

Cc: Revenue Manager