

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 16, 2022

RE: Request to Re-submit a Refused Temporary Use Permit Application – Electoral Area “D” (D2022.005-TUP)

Administrative Recommendation:

THAT S. 3.12 of the Development Procedures Bylaw be waived to permit the re-application for a Temporary Use Permit (TUP) for a Vacation Rental at 3136 Vaseux Lake Cr.

Reference:

Administrative Report 5 May 2022
Minutes of the 5 May 2022 Board of Directors Meeting
Procedure Bylaw 2789, 2021
Planning Procedure Bylaw 2500, 2011, S. 3.12

Background:

The Regional District received an application to allow the operation of a short-term vacation rental in the principal dwelling at 3136 Vaseux Lake Cr. through the issuance of a TUP and the matter was discussed at the May 5th meeting of the Board of Directors. The application was denied.

May 5th - The applicant was present at the meeting and, because it was a negative motion, was allowed to present to the Board in defence of his application.

May 26th – The applicant called to confirm the rejection of his application for a TUP for a Vacation Rental on Vaseux Lake and requested that it be brought back to the Board for reconsideration on the basis of procedural abnormalities at the first hearing. The applicant was advised that under Bylaw 2500 the application for reconsideration would have had to have been brought back at the next meeting, May 19th, by the Chair. The applicant was also advised that under S. 3.12 of Bylaw 2789 re-application for a permit that has been refused by the Board shall not be considered within a twelve (12) month period immediately following the date of refusal; but, an applicant may appeal to the Board to vary the time limit set.

May 26th – The Applicant submits his written appeal to the 12 month re-application period, among other requests, along with the rationale for re-hearing the application.

Analysis:

S. 460 (3) of the Local Government Act provides that if a bylaw establishes a time limit for reapplication, the time limit may be varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication. The applicants argument for waiving the waiting period for re-application of a TUP is addressed in a letter from his

counsel, Ian Aikenhead, attached hereto and the applicant would be in attendance to elaborate and answer any questions, if permitted by the Board.

Alternatives:

1. That the appeal to waive S. 3.12 of the Development Procedures Bylaw for the re-application for a TUP for a Vacation Rental at 3136 Vaseux Lake Cr. be denied.

Attachment: Applicant's rationale for waiving the one-year re-application period.

Attachment No. 1 – Context Maps



