



## North Pender Island Board of Variance Minutes of a Hearing

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**Date:** June 19, 2019  
**Location:** Mary Winspear Community Cultural Centre,  
2243 Beacon Avenue, Sidney BC

**Members Present:** Jim Petrie, Chair  
Priscilla Ewbank, BOV Member

**Staff Present:** Phil Testemale , A/Planner 2 – Secretary to the NPI Board of  
Variance  
Shannon Brayford, Recorder

**Applicant Representatives:** Rye Austin (Executive Director Malone Family Land  
Foundation)  
Robert Chase (Finlayson Bonet Architecture)  
Art Finlayson (Finlayson Bonet Architecture)  
Tom Labelle (Superintendent West Terra Projects)

### 1. CALL TO ORDER

Chair Petrie called the meeting to order at 11:19 a.m. introducing the members of the meeting.

Chair Petrie and Priscilla Ewbank recognized the 2019 death of Sara Steil, speaking to her commitment to volunteerism and activism to protect the Gulf Islands.

Planner Testemale noted that a third member will be appointed to the Board of Variance (BOV) at the next Regular Meeting of the North Pender Island Local Trust Committee.

### 2. APPROVAL OF AGENDA

By general consensus the agenda was approved as presented.

### 3. HEARINGS

#### 3.1 NP-BOV-2019.1 (Finlayson)

Chair Petrie invited Planner Testemale to provide an overview of the application, its history, and the relevant regulations being considered. Planner Testemale reviewed the criteria for a BOV application to be approved and the information in the staff report.

Chair Petrie invited representatives of the application to speak to the application. The following representations were made:

- Rye Austin (Executive Director, Malone Family Land Foundation) provided an overview of the Foundation's work and their commitment to sustainable land preservation.
- Art Finlayson (Finlayson Bonet Architecture) provided an overview of the structure being addressed by the application.
- Tom Labelle (Superintendent, West Terra Projects) outlined the rationale for the development and the alternatives that the application seeks to avoid.

Chair Petrie requested that the applicant state, for the record, their perceived hardship.

Tom Labelle responded that the hardship is related to environmental protection of the nearby trees that would have been damaged by blasting per the assessment of an arborist.

Priscilla Ewbank requested and received an overview of the history of the project in order to avoid future situations.

Planner Testemale provided an overview of the Building Permit referral process from the Capital Regional District Building Inspectors. It was recommended and acknowledged that Regional Planning Director Kojima be requested to discuss potential opportunities to improve the process with the CRD.

The BOV requested and received information on the number of lots on the island and the intended use of the dwelling.

Chair Petrie read, for the record, the *Local Government Act* requirements governing the BOV's decision process.

The BOV discussed the options and each member provided a rationale for their decision.

#### **NP-BOV-2019-001**

#### **It was moved and seconded,**

that the North Pender Island Board of Variance approve application NP-BOV-2019.1 (Finlayson) to vary Subsection 3.4 (1) of the North Pender Island Associated Islands Land Use Bylaw 148, 2003 which states that no single family dwelling or cottage may exceed 9.7 metres (32 feet) in height is varied to retroactively permit the construction of a single family dwelling with a maximum height of 11.96 (39.3 feet) in accordance with the plans shown in Schedules 'A', 'B', and 'C' of NP-BOV-2019.1 Notice of Hearing.

**CARRIED**

4. **ADJOURNMENT**

By general consent the meeting was adjourned at 12:02 p.m.

S. Brayford  
Recorder

Oct 6, 2019  
Date