



Hornby Island Board of Variance Meeting Agenda

Date: January 5, 2026
Time: 11:00 am
Location: Hornby Island Community Hall
Central Road, Hornby Island, BC

Pages

- | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------|
| 1. | CALL TO ORDER | 11:00 AM - 11:05 AM | |
| | “Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.” | | |
| 2. | TERRITORIAL ACKNOWLEDGEMENT | | |
| 3. | APPROVAL OF AGENDA | | |
| 4. | PROCEDURAL BUSINESS | 11:05 AM - 11:10 AM | |
| | 4.1 Election of Chair | | |
| 5. | BUSINESS ITEMS | 11:10 AM - 12:00 PM | |
| | 5.1 Board of Variance Application for Siting of Boathouse PLBOV20250358 (Russell) - Staff Report | | 2 - 29 |
| 6. | ADJOURNMENT | 12:00 PM - 12:00 PM | |

File No.: PLBOV20250358 (Russel)

DATE OF MEETING: January 5, 2026

TO: Hornby Island Board of Variance

FROM: Ian Cox, Planner 2
Northern Team

CC: Renée Jamurat, Regional Planning Manager
Warren Dingman, Bylaw Compliance and Enforcement Manager

SUBJECT: Board of Variance Application for Siting of Boathouse
Applicant: Alex Russel
Location: 5335 Maclean Road, Hornby Island

REPORT SUMMARY

The purpose of this staff report is to present an appeal to the Board of Variance (BOV), requesting that the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) be varied to allow the siting of a boathouse/dinghy shed within the 15-meter setback to the natural boundary of the sea required under section 3.3(2) of the bylaw.

This application is being made under Section 540 (a) (i) of the *Local Government Act* for a variance to a bylaw respecting the siting, size or dimensions of a building or other structure and comes forward in response to bylaw enforcement action.

APPLICANT RATIONALE

As described in the project narrative letter submitted by the applicant and included as **Attachment 1**, rationale for the requested variance is summarized as follows:

- The boat shed is designed to house a 12-foot sailing/rowing dinghy and to allow its launch from the shore of what is known as Pebble Beach.
- The property has waterfront access but there is an embankment approximately 15 meters from the high-water mark that prevents storing and moving the boat from elsewhere on the property.
- The embankment makes it difficult to build fully outside the 15-meter setback without tree removal, excavation, and disturbance of the foreshore.
- This beach is publicly accessed from Tralee Park adjacent to the property and is of community value. A stated priority for the applicant in constructing the boathouse is to minimise impact on the environment visually and physically.

- The space where the boathouse is located remains largely treed and so is not visible from most of Tralee Park beachfront or from the neighbouring property. The applicant states that the adjacent neighbour supports the project.
- Construction materials are locally sourced beach logs and felled trees. A low pitch metal roof presents little visible metal surface to the public using the beach. Siding materials will not be treated or painted so as to appear as natural as possible.
- The boathouse has no constructed concrete footings. It is built on large natural stones bedded on pebbles - no excavation of surface soils. There is no hydro or plumbing hook-up except as required a small rainwater collection cistern.
- A ramp is proposed from the deck of the boathouse to allow launch of the boat onto the beach via a dolly. This ramp is an optional feature, but allows movement of the dolly over the approximate 7-meter distance without disturbing the undergrowth of salal and beach grass.

BACKGROUND

The property is located at 3553 Maclean Road (**Figure 1**) which contains a single-family dwelling and the partially constructed boathouse; the BOV application is retroactive, arising from bylaw enforcement file HO-BE-2025.6.

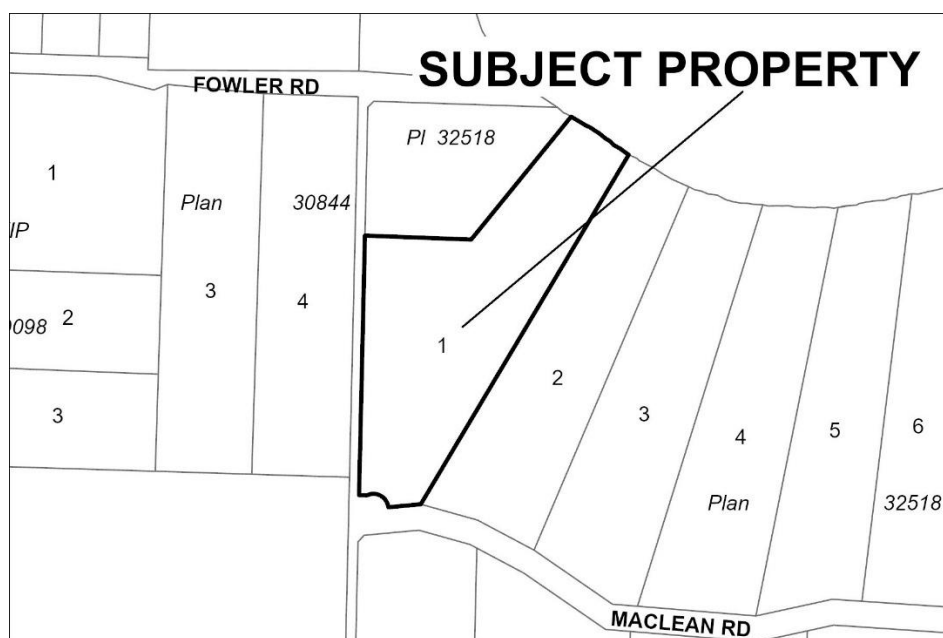


Figure 1 – Subject Property

REQUEST FOR VARIANCE

The purpose of the appeal is to request a variance to the LUB for the boathouse structure shown in **Figure 2** and **3** below and in **Attachments 2 and 3**, to allow the siting of a boathouse used for the storage and launch of a sailing dinghy, specifically Section 3.3, subsection (2), which states:

“no building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.”



Figure 2 - Partially constructed boathouse and ramp, front view from beach



Figure 3 - Partially constructed boathouse and ramp, quarter view

ANALYSIS

Official Community Plan:

The property is designated as **AG (Agriculture)** in the Hornby Island Official Community Plan No. 149, 2014 (OCP). The property does not lie within any mapped development permit areas.

Land Use Bylaw

Attachment 4 provides a full site context review. Below is a summary and analysis of the project considering the LUB zoning regulations.

The property is zoned Agriculture 1 (A1) under the LUB and is 4.73 hectares in size. The marine foreshore area that abuts the property is zoned Marine Conservation (M1) which prohibits all buildings and structures except mooring buoys, chains and anchors under LUB section 8.22.

The proposed boathouse (including the surrounding decking) is located approximately 7.3 meters from the original titled natural boundary as shown on the Site and Survey Plans in **Attachment 3**. The log ramp is shown to extend up to this original titled boundary but is slightly farther (approx. 3 metres) from the 'present natural boundary' as labelled on the survey plans. No part of the structure is proposed to encroach into the M1 zone; however, if that were the case, the applicant would be required to obtain both a rezoning approval for the M1 zone from Islands Trust, and any necessary provincial and/or federal authorizations for structures in the Crown foreshore and marine area.

Statutory Requirements

Legislative Context

A person may apply to the Board of Variance for an order to vary certain zoning bylaw provisions where it may be adequately demonstrated to the satisfaction of the Board, that compliance with the bylaw provisions would cause hardship.

It is up to the Board to determine what constitutes a minor variance and whether or not undue hardship has been proven.

This application is being made under Section 540 (a) (i) of the LGA where:

A person may apply to a board of variance for an order under Section 542 if the person alleges that compliance with any of the following would cause the person hardship:

- (a) a bylaw respecting*
 - (i) the siting, dimensions or size of a building or structure*

Section 542 establishes that the board of variance may only order that a minor variance be permitted from the requirements of the bylaw, if the board of variance:

- (a) has heard from the applicant and any person notified any person notified under section 541,*
- (b) finds that undue hardship would be caused to the applicant if the bylaw or 531 (1) is complied with, and*
- (c) is of the opinion that the variance or exemption does not do any of the following:*

- i. *result in inappropriate development of the site;*
- ii. *adversely affect the natural environment;*
- iii. *substantially affect the use and enjoyment of adjacent land;*
- iv. *vary permitted uses and densities under the applicable bylaw;*
- v. *defeat the intent of the bylaw;*
- vi. *vary the application of an applicable bylaw in relation to residential rental tenure.*

Further, Section 542 (2) establishes that the board of variance must not make an order that would:

- (a) *be in conflict with a covenant registered under section 219 of the Land Title Act or section 24A of the Land Registry Act, R.S.B.C., c. 208;*
- (b) *deal with a matter that is covered in a land use permit or covered in a land use contract*
- (c) *to (e) deal with matters covered by a phased development agreement; a floodplain specification; or apply to a property with heritage protection applies.*

Considerations

Impact to Neighbouring Properties

The applicant's accompanying project narrative letter (**Attachment 1**) provides an explanation of the visual impact to neighbouring properties and the general public, stating that "The space where the boathouse is located remains largely treed, therefore it is not visible from most of Tralee Park beachfront, nor from the beachfront of our other neighbour, who supports the project." The applicant intends to use natural materials throughout the project and states that, "the most prominent feature will be a sliding door made of cedar which covers most of the front of the house."

Undue Hardship

The *Local Government Act* (LGA) establishes that a Board of Variance may order that a *minor* variance be permitted provided that the Board finds that *undue hardship* would be caused to the applicant if the variance is not granted (see 'Legislative Context' – below). The applicant's rationale with respect to hardship is explained in the letter included as **Attachment 1**.

The Intent of the Regulation being Varied

Section 542 (c) (v) of the LGA states that the Board may grant a minor variance if the Board is of the opinion that the variance does not defeat the intent of the bylaw. Although the Board must form its own opinion, the following non-exhaustive points may assist with understanding the importance and intent of natural boundary setbacks enacted by local governments.

- **Hazard Mitigation:** Setbacks reduce the vulnerability of buildings and infrastructure to damage from coastal or riparian hazards, such as storm surges, wave effects, and changes in the land's character caused by the prolonged action of waves and tides.
- **Environmental Preservation:** Setbacks help preserve the integrity and function of natural ecosystems and shoreline vegetation, which in turn provide natural protection for the land. Retaining natural vegetation and avoiding shoreline hardening are typical goals.

- **Safety Assurance:** To ensure that land is safe for its intended use, typically residential construction, by requiring geotechnical assessments in areas of significant vertical change (like bluffs) to identify safe building sites and prevent exacerbation of erosion or other hazards.
- **Adapting to Future Conditions:** In coastal areas, setbacks are often calculated based on the estimated future natural boundary to account for predicted sea-level rise, ensuring long-term resilience.
- **Maintaining Community Character:** Natural boundary setbacks contribute to maintaining the established scale and character of development on the foreshore and ensuring appropriate privacy between properties.
- **Access and Separation:** Setbacks can also ensure public foreshore access is maintained and provide distance between properties and uses for various reasons, including peaceful enjoyment of the land.

Potential Impacts of Granting the Variance

As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application must be evaluated on its own merits. Granting a variance can potentially create an expectation in the community with regard to future applications.

Notification

Notices were circulated to all adjacent properties (**Attachment 5**). In addition, a copy has been posted in the Islands Trust Northern Office bulletin board at 700 North Road, Gabriola, on the Hornby Island Local Trust Committee Current Applications webpage in accordance with Local Government Act statutory requirements.

At the time of writing, there has been no public correspondence received in response to the notice.

Any submissions received after the agenda is published will be sent directly to the Board and will be presented by staff at the Board meeting on January 5, 2026.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation and the application was shared with K'ómoks First Nation for review in respect of its Cultural Heritage Investigation Permit (CHIP) process. Staff have provided resources and contact information for the K'ómoks Archaeologist and Coordinator and the applicant has indicated their intent to speak with the Nation about the CHIP process.

There is no provincially registered archaeological site within the boundaries of the subject property, but there are recorded sites in the immediate vicinity and the potential is high for discovery of previously unrecorded material during development. At the time the application was submitted, staff provided material on property owners' obligation under the Heritage Conservation Act (HCA), Islands Trust Chance Find Protocol, and necessary procedures if archaeological material protected under the HCA is encountered during development.

Summary

Staff have reviewed the requirements set out in LGA section 542 (1) and (2), and advise the following:

- The statutory notification has been undertaken.
- The variance would not vary permitted uses or densities.
- The variance would not defeat the intent of the bylaw.
- The variance would not vary residential rental tenure.
- The variance would not be in conflict with any covenants, permits, land use contract, phased development agreement, floodplain, or heritage protection provisions.

In considering the appeal, the Board should be satisfied that the following requirements under LGA Section 542 are met:

- That the proposed variance is of a minor nature.
- That the owner would experience a hardship if the appeal is not granted
- That the variance would not result in inappropriate development of the site;
- That the variance would not adversely affect the natural environment;
- That the variance would not substantially affect the use and enjoyment of adjacent land; and
- That the variance would not defeat the intent of the bylaw.

Draft motion for BOV Order

That, having considered the matters set out in s.542 (1)(c) of the Local Government Act, and having found that undue hardship would be caused to the applicant if s.531 (1) of the Local Government Act is complied with, the Hornby Island Board of Variance [approves/denies] application PLBOV20250358 as presented and shown on Schedule A and B of the Statutory Public Notice of Hearing.

Alternative and Next Steps

If the appeal for variance is not granted by the Board, the applicant may submit a Development Variance Permit (DVP) application to the Hornby LTC for consideration, or alter the proposed plan to conform with the LUB setback to the natural boundary. Further appeals to the Board are not permitted by the Local Government Act; its decision is final.

Submitted By:	Ian Cox, Planner 2	December 12, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	December 15, 2025

ATTACHMENTS

1. Applicant Project Narrative Letter
2. Site and Survey Plans
3. Building Plans
4. Site Context
5. Statutory Public Notice

PLBOV20250358 Staff Report

Attachment 1 – Applicant Project Narrative

[Begins on next page]

This structure is designed to house a 12' sailing/rowing dinghy, and allow launch of this dinghy from Pebble beach. Our property allows for ocean access via this beach, however there is a mid-sized embankment approximately 15m from the high tide that prevents us from storing and moving the boat from anywhere else on the property. The embankment also makes it very difficult to build a structure that is fully 15m from the natural boundary, without further tree removal, excavation, and disturbance of the foreshore. This beach is also accessed from Tralee Park adjacent to us, and is precious to many, therefore in constructing this boathouse, the priority is to minimise impact on the environment both visually and physically.

The space where the boathouse is located remains largely treed, therefore it is not visible from most of Tralee Park beachfront, nor from the beachfront of our other neighbour, who supports the project. The construction materials used are logs collected from the beach, some locally felled trees cut into boards, and a (low angle) metal roof that presents little visible metal surface to beach patrons. None of the upright surfaces will be treated or painted in any way, so all materials appear as natural wood and similar to driftwood. The boathouse has no cement foundations of any kind, and sits on large natural stones bedded on pebbles, with no excavation of surface soil. There is no hydro or drainage pipe, aside from a possible tank at the back of the house to manage rainwater from the roof. There is a ramp proposed from the deck of the boathouse to allow launch of the boat onto the beach via a dolly, There are driftwood logs on the beach creating spaces where pebbles naturally accumulate through wave action. Two logs have been located in front of the ramp to create an accumulation of pebbles so that the ramp has minimal profile and no disturbance of the natural contours of the beach. A fringe of beach grass is located immediately in front of the ramp to help keep it visually unobtrusive. This ramp is an optional feature, but allows movement of the dolly over the approximate 7m distance without need for disturbing the undergrowth of salal and beach grass.

The boathouse will of course be visible from the beach when standing immediately in front of it, and the most prominent feature will be a sliding door made of cedar which covers most of the front of the house. There are several possible approaches to this barn-style door. Either a low key V-pattern or similarly constructed board door, a plain cedar wide slab door (probably the most natural option), or a carved door to create an esthetique landmark, possibly featuring a local or first nations artist. If successful, I would welcome input on this.

A word about the boat. It is a non-motorized Whitehall Westcoast Spirit 11.6, built in Victoria, with a gaff rig, tanbark sails, teak trim ...it is a boat that will add an element of grace and beauty to any beach she sails from, but not a boat that I would be happy storing under a tarp, or mooring on a buoy for any length of time. I am aware that this is an option in our location, but our beach has many rocky hazards, and the presence of a buoy is in my opinion a greater visual disturbance to the beachscape, where most peoples' focus is on the sea. One of the appealing aspects of Tralee Park is that, unlike Big Tribune, the beach does not attract anchored boats, so the seaview remains pristine, and the swimming free of impediment.

Thankyou for your consideration of this proposal.

PLBOV20250358 Staff Report

Attachment 2 – Site and Survey Plan

[Begins on next page]

SITE PLAN FOR:
LOT 1, SECTION 10, HORNBY ISLAND,
NANAIMO DISTRICT, PLAN 32518.

BCGS 92F.057.2.4

PID: 000-157-422
OWNER: ALEX & MADHVI RUSSEL
CIVIC: 5335 MACLEAN ROAD

SCALE = 1 : 1000

All distances are in metres and decimals thereof unless otherwise stated
The intended plot size of this plan is 432mm in width by
560mm in height (C-Size) when plotted at a scale of 1:1000.
THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT
AND THE ISLANDS TRUST (HORNBY ISLAND)

OBSERVATION DATE: AUGUST 6, 2025.
DATED: AUGUST 20, 2025.

LEGEND:

- Denotes - Iron Post Found
- Denotes - Stake Set
- ×12.34 Denotes - Spot Elevation
- PNB Denotes - Present Natural Boundary
- - - Denotes - Edge of Driveway
- - - Denotes - Foot of Bank
- - - Denotes - Top of Bank

DATUM:

ELEVATIONS ARE GEODETIC, REFERENCED TO
CANADIAN GEODETIC VERTICAL DATUM 1928
(CGVD28), AND ARE DERIVED FROM DIFFERENTIAL
SINGLE FREQUENCY G.N.S.S. OBSERVATIONS
TO GEODETIC CONTROL MONUMENT No.935754.

BENCH MARK:

ELEVATIONS ARE GEODETIC AND ARE REFER-
ENCED TO IRON POST #156, WITH AN ELEVATION
OF 3.73.

LOT 1, PLAN 32518

(NON-FINANCIAL CHARGES)
STATUTORY RIGHT OF WAY J21086 (BC HYDRO)

NOTE: CHARGES MAY AFFECT THE
POSITIONING OF STRUCTURES ON PROPERTY

NOTES:

LOT DIMENSIONS AND BEARINGS (IF SHOWN) ARE
DERIVED FROM PLAN 32518

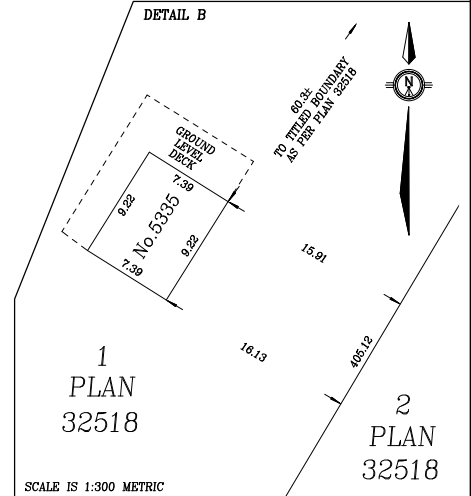
THIS PLAN WAS PREPARED FOR ARCHITECTURAL
DESIGN AND SITE SERVICING PURPOSES, AND IS
FOR THE EXCLUSIVE USE OF OUR CLIENT. THE
SIGNATORY ACCEPTS NO RESPONSIBILITY OR
LIABILITY FOR ANY DAMAGES THAT MAY BE
SUFFERED BY A THIRD PARTY AS A RESULT OF
REPRODUCTION, TRANSMISSION OR ALTERATION
TO THIS DOCUMENT WITHOUT CONSENT OF THE
SIGNATORY

OFFSET MEASUREMENTS ARE TO THE SIDING
OF BUILDING AND ARE PERPENDICULAR TO
PROPERTY LINE

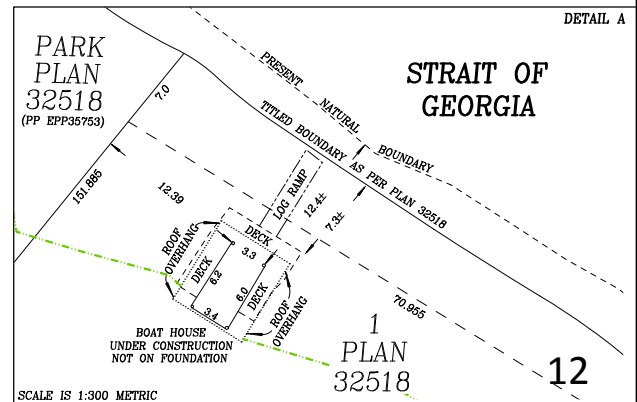
BUILDING OFFSETS SHOWN ON THIS PLAN ARE
NOT TO BE USED TO RE-ESTABLISH PROPERTY
LINES OR CORNERS

LOT DIMENSIONS AND OFFSETS MAY VARY UPON
A FULL LEGAL SURVEY.

DETAIL B



DETAIL A



FRACTIONAL
SOUTH EAST 1/4
SECTION 17
(POSTING PLAN VIP45822)

FOWLER ROAD

STRAIT OF
GEORGIA

PARK
PLAN
32518
(PP EPP35753)

4
PLAN
30844

1
PLAN
32518

2
PLAN
32518

GULL ROAD

MACLEAN ROAD

REM SE 1/4
OF NW 1/4
OF SEC 10

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF STRUCTURES ON: LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 32518

PID: 000-157-422
Address: 5335 MacLean Road
Owner: Alex & Madhvi Russell

LEGEND:

PNB - DENOTES - PRESENT NATURAL BOUNDARY
PP - DENOTES - POSTING PLAN

SCALE = 1 : 2000

50 0 50 100 150

All distances are in metres and decimals thereof unless otherwise stated
PROPERTY LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT
AND THE ISLANDS TRUST (HORNBY ISLAND)



NOTES:

BRUCE LEWIS LAND SURVEYING INC. AND BRUCE V. LEWIS
ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL
OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT
NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSE-
QUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION
WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON
THE PLAN BEYOND ITS INTENDED USE.

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR
AND/OR MORTGAGEE AND IS NOT TO BE USED FOR THE
RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

I HEREBY CERTIFY THAT THE SKETCH BELOW SHOWS THE
REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY
AND THE RELATIVE LOCATION OF THE BUILDINGS THEREON.

LOT 1 IS SUBJECT TO THE FOLLOWING NON-FINANCIAL
CHARGES AND INTERESTS WHICH MAY AFFECT THE POSI-
TIONS OF STRUCTURES ON THE PROPERTY

STATUTORY RIGHT OF WAY J21086 (BC HYDRO)
UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR
CONSIDERED

UNLESS OTHERWISE STATED OFFSET DIMENSIONS ARE TO
EXTERIOR FACE OF SIDING/CORNER CAPS AND ARE
PERPENDICULAR TO PROPERTY LINES

CERTIFIED CORRECT ACCORDING TO LAND TITLE AND
SURVEY AUTHORITY RECORDS.

PARCEL BOUNDARY DIMENSIONS ARE DERIVED FROM
PLAN 32518

Field Survey the 6th day of August, 2025.
CERTIFIED CORRECT this 19th day of August, 2025.

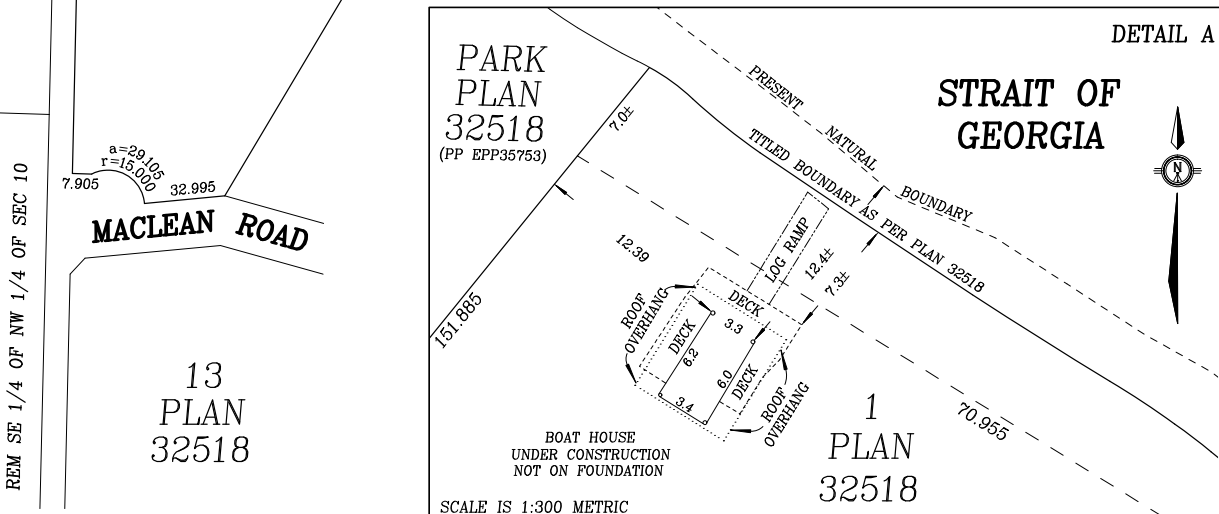
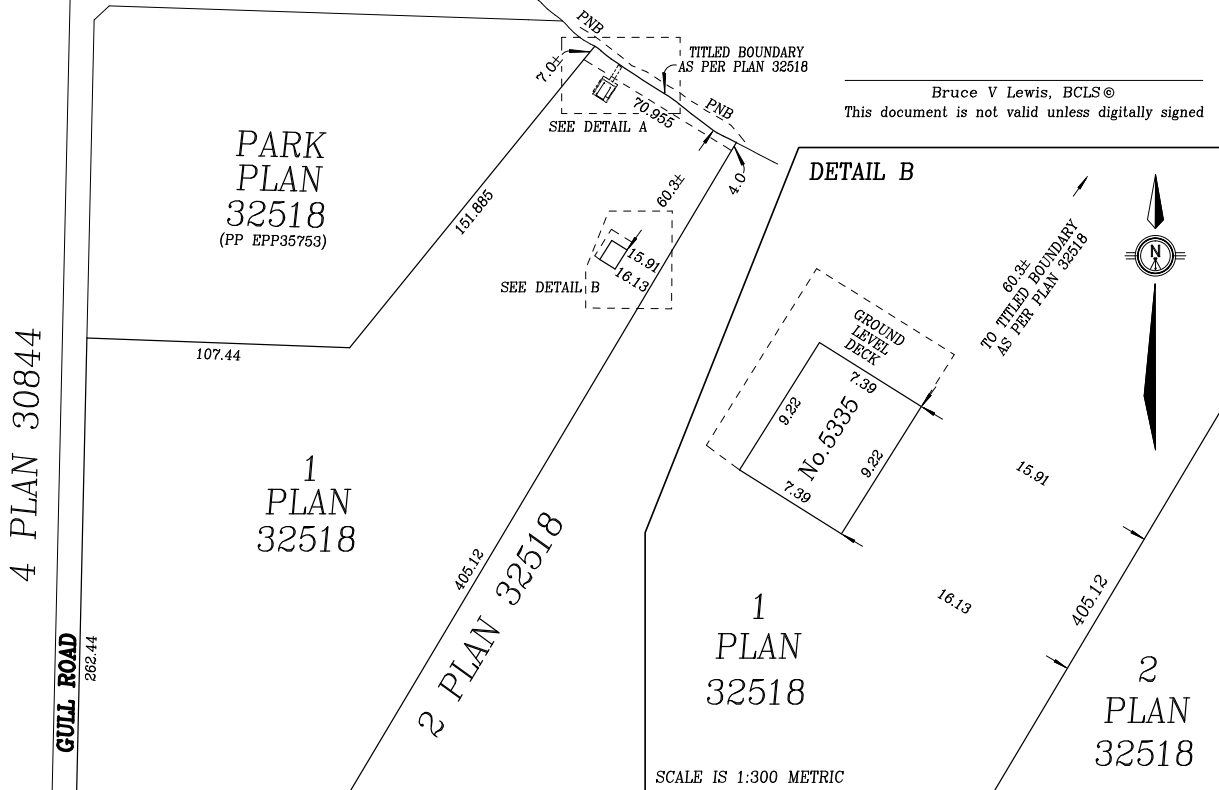
Bruce V Lewis, BCLS®

This document is not valid unless digitally signed

FRACTIONAL
SOUTH EAST 1/4
SECTION 17
POSTING PLAN VIP45822

FOWLER ROAD

**STRAIT OF
GEORGIA**



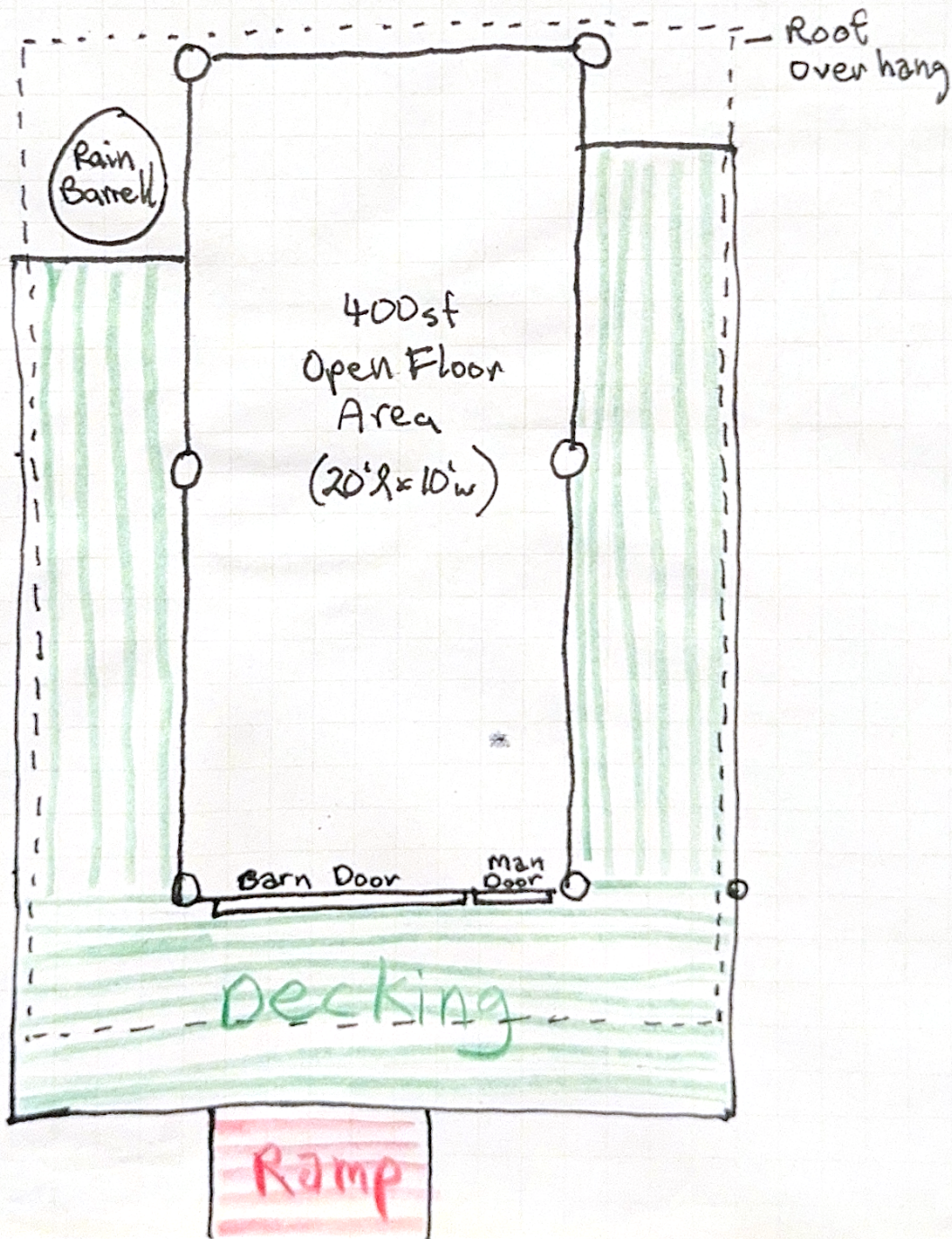
PLBOV20250358 Staff Report

Attachment 3 – Building Plans

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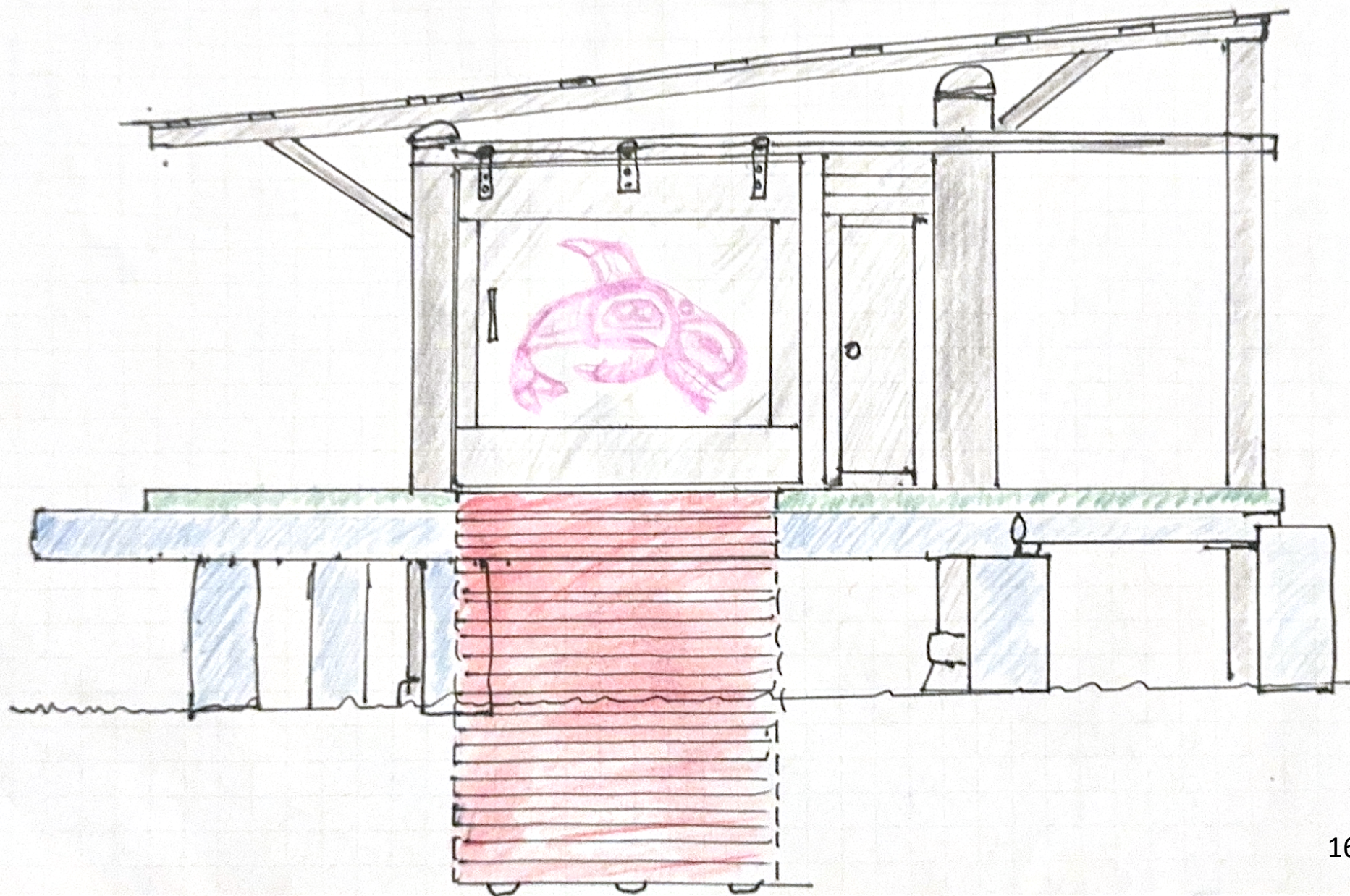
Floor Plan

Boatshed 5335 Mclean Rd
Pebble Beach



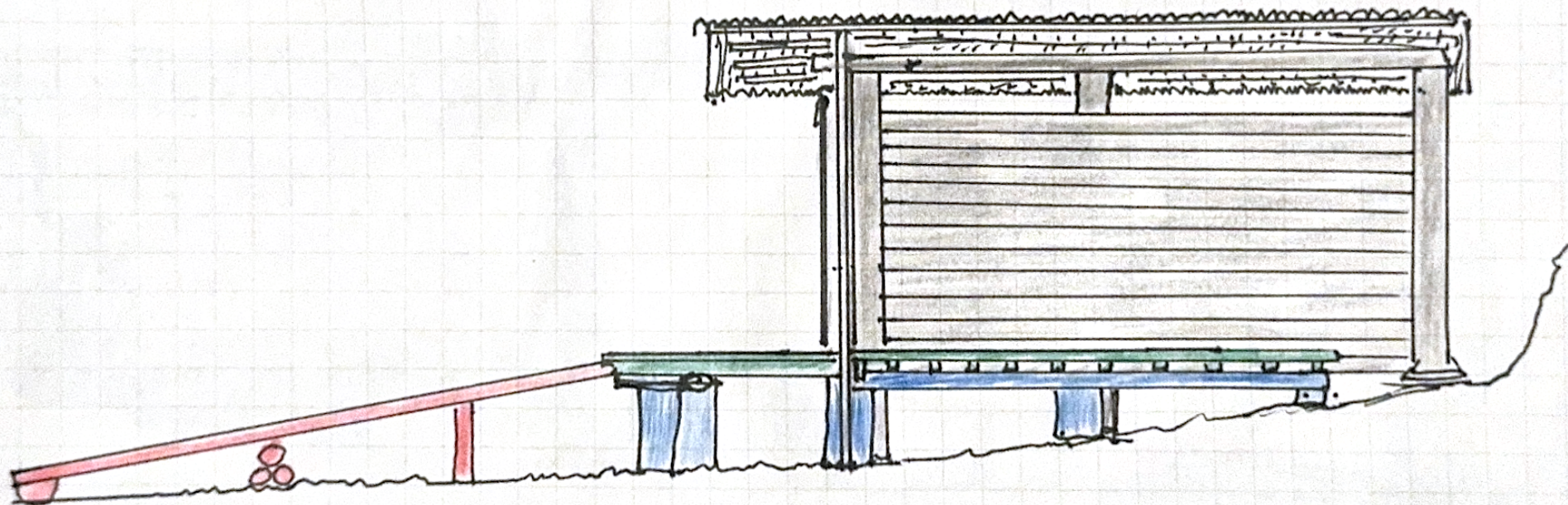
Boatshed 5335 McLean Rd Pebble Beach

North Elevation Scale 1:30

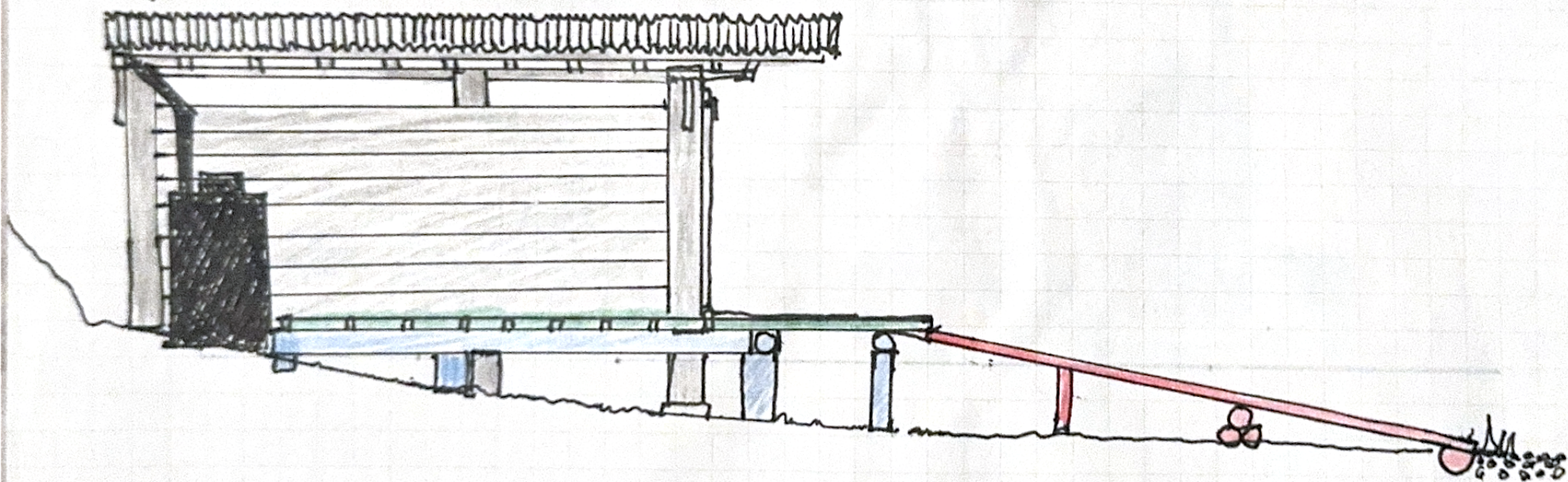


Boatshed 5335 Mclean Rd. Pebble Beach

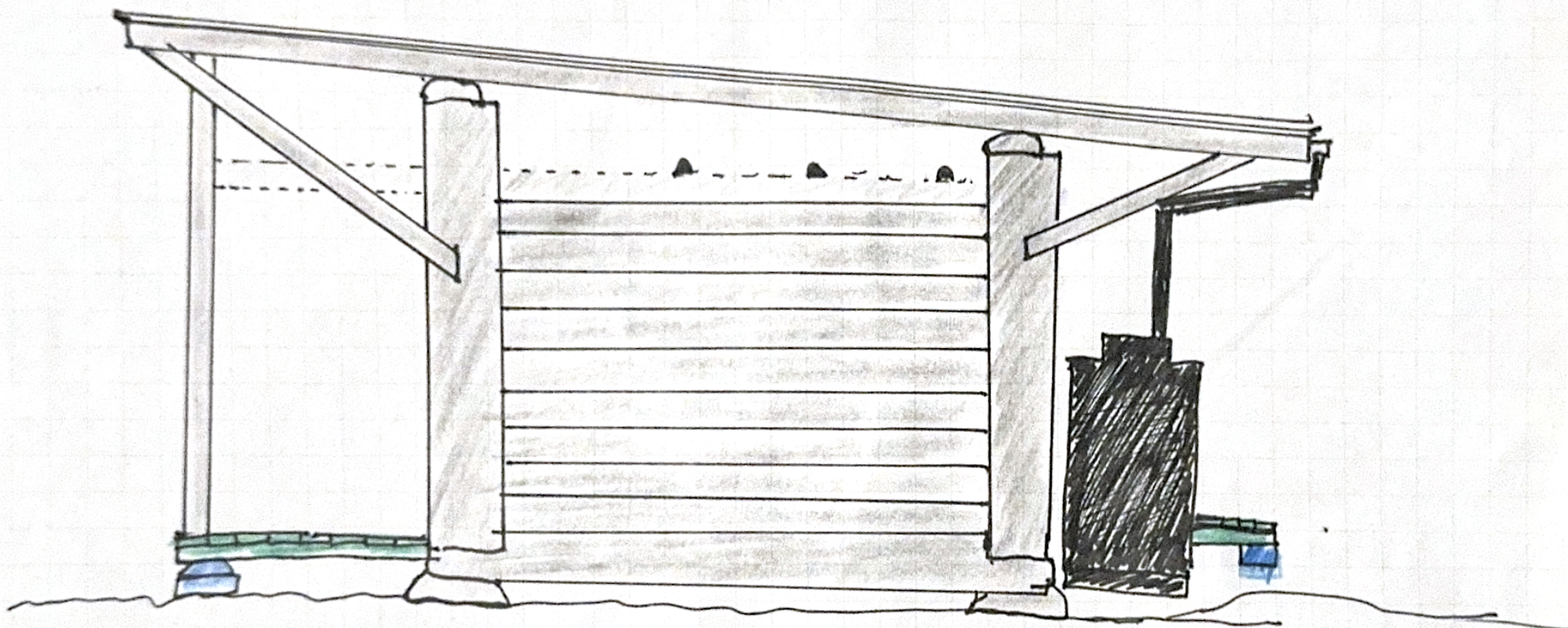
West Elevation Scale 1:60



Boat shed 5335 Mclean Rd. Pebble Beach
East Elevation Scale 1:60



Boatshed 5335 Mclean Rd. Pebble Beach
South Elevation Scale 1:30



PLBOV20250358 Staff Report

Attachment 4 – Site Context

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LOCATION

Legal Description	LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 32518
PID	000-157-422
Civic Address	5335 MACLEAN RD, HORNBY ISLAND, BC V0R 1Z0

LAND USE

Current Land Use	Residential
Surrounding Land Use	North: Oceanfront (Marine 1); East, South, and West: Residential and Agriculture (ALR).

HISTORICAL ACTIVITY

File No.	Purpose
none	n/a

POLICY/REGULATORY

Hornby Island Official Community Plan Bylaw No. 149, 2014	Agriculture (AG) Agricultural Land Reserve (ALR) Designated Development Permit Area: None
Hornby Island Land Use Bylaw No. 150, 2014	Zone: Agriculture (A1) Zone Applicable regulations to this variance request: Siting and Setback Regulations 3.3(2) No <i>building</i> or <i>structure</i> may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea. “ building ” means any structure which is used or intended to be used for the shelter, habitation, support or accommodation of people or animals, or for the storage of goods or chattels, and includes manufactured homes, wood sheds, garages, carports, garden sheds, tool sheds and pit toilets. “ structure ” means any object or construction fixed to, supported by or embedded in land, including <u>retaining walls and stairs</u> and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances.
Other Regulations	n/a
Covenants	J21086 STATUTORY RIGHT OF WAY, BC Hydro, 1980
Bylaw Enforcement	HO-BE-2025.6 (open – reason for BOV application) - Structure(s) in the marine foreshore area.

SITE INFLUENCES

Islands Trust Conservancy	N/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC as per Policy 3.3.ii for comment is not required.
ITC Regional Conservation Strategy	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM-HIGH . This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	<p>SAR Critical Habitat: Northern Myotis and Little Brown Myotis. See the Little Brown Myotis (Myotis lucifugus), the Northern Myotis (Myotis septentrionalis), and the Tri-colored Bat (Perimyotis subflavus): recovery strategy 2018 for more information.</p> <p>SAR (Public) Ecological Community: Coastal Douglas-Fir/Dull Oregon Grape ecosystems identified adjacent to the subject property. Threats to this public Species at Risk include urban and semi-rural development, small-scale but intensive agriculture, forest harvesting, livestock (sheep and goats) grazing, the introduction and spread of invasive species (e.g., daphne laurel, Scotch broom in early seral stages), and probably climate change.</p>
Sensitive Ecosystems	<p>Sensitive Ecosystem Inventory: None Currently Mapped Heron Rookery/Raptor Nest/Sea Bird Colony: None Currently Mapped RAR Watercourse: None Currently Mapped</p> <p>Environmentally Sensitive Areas:</p> <ol style="list-style-type: none"> 1. Wetland/Swamp Primary Class Ecosystem identified on the subject property. 2. Mature Forest Secondary and Tertiary Class Ecosystem identified on the property and approximately 126m east and 104m west of subject property. <p>See Schedule D1 of the Hornby Island Official Community Plan Bylaw No. 149: https://islandstrust.bc.ca/document/hornby-island-schedule-d1-map-ocp-bylaw-149/ (See TAPIS map of subject property outlined in yellow, below)</p>
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping indicates that subject property does not contain archaeological sites within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act

	permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	This application seeks to lawfully site structures on the property and as such does not propose any additional intensity of use or development beyond what is currently permitted by zoning. GHG emissions can be expected to be commensurate with normal levels associated with Single Family Residential development patterns and use, including the use of personal vehicles for transport on and off island. In consideration of the existing development's close proximity to the natural boundary of the sea, there may be potential for future impacts by sea level rise or other climate change induced hazards. King tides and storm surges have impacted and eroded parts of the existing shoreline in the past and may continue to erode the bank in the future. The subject property ranges in elevation from approximately 2.0 to 17.0 metres. The proposed boathouse development occurs within < 2 metres of sea level.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	<p>Marine Ecosystems</p> <ol style="list-style-type: none"> 1. Forage Fish (Surf Smelt) mapped in foreshore/marine area abutting subject property; 2. Eel Grass 90 meters from property shoreline boundary 3. Sea Duck habitat – mapped for general shoreline/marine area of Hornby entirety. 4. Dune grass, forest, salal

PLBOV20250358 Staff Report

Attachment 5 – Statutory Public Notice

[Begins on next page]

HORNBY ISLAND BOARD OF VARIANCE
NOTICE OF HEARING
PLBOV20250358

NOTICE is hereby given pursuant to Section 541 of the *Local Government Act* to the persons who deem that their interest in property is affected that there will be a hearing of the Hornby Island Board of Variance at the Hornby Island Community Hall, 4305 Central Rd, Hornby Island on **January 5, 2026 starting at 11:00 a.m.**

The Board will consider the following appeal for the subject property described as:

- 5335 Maclean Point Road, Hornby Island
- PID: 000-157-422
- LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 32518
- Application PLBOV20250358

The purpose of the appeal is to request a variance to the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) as shown on the attached Schedules, specifically:

- 1) Section 3.3 Siting and Setback Regulations, subsection (2), which states that “no building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.”,

is requested to be varied as shown in Schedule A and Schedule B to allow the siting of a boathouse used for the storage and launch of a sailing dinghy.

The general location of the subject property is shown on the sketch below:

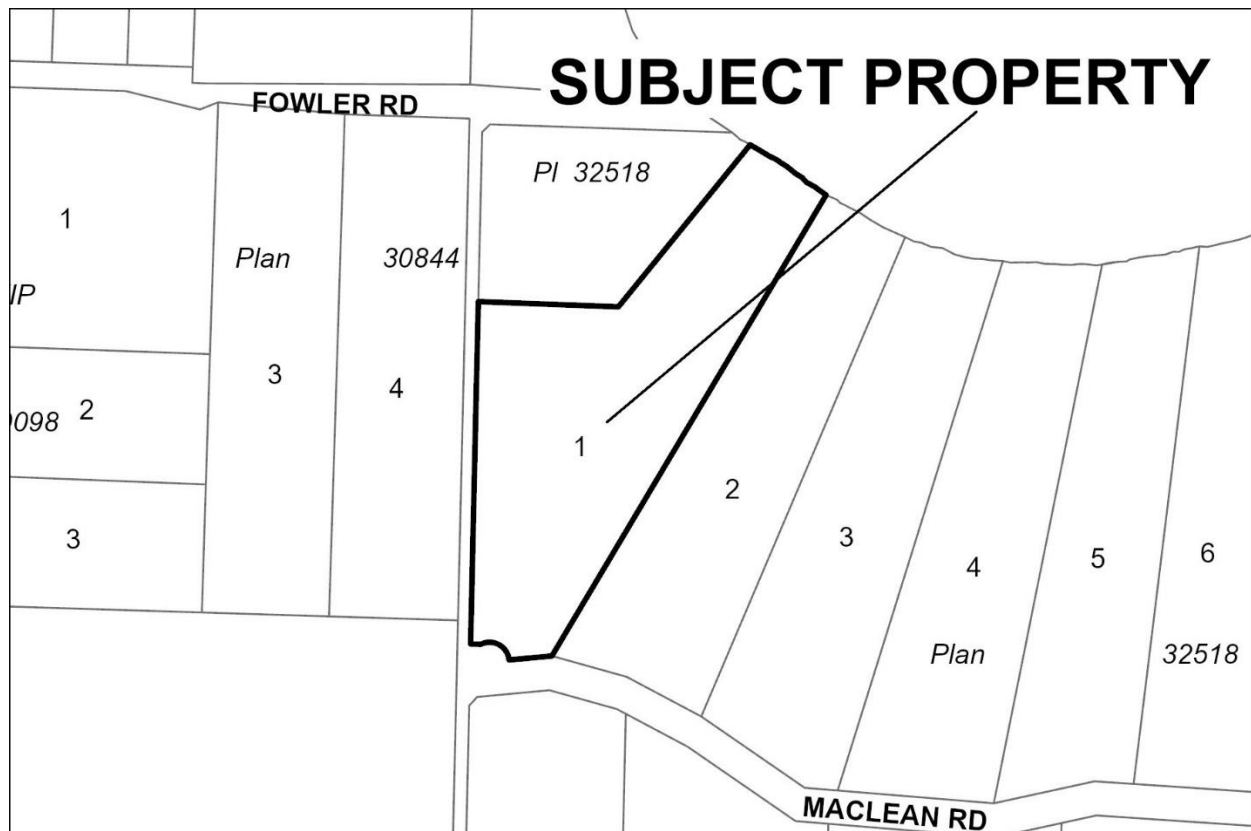


Figure 1 - subject property location



HORNBY ISLAND BOARD OF VARIANCE
NOTICE OF HEARING
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Any person whose property may be affected by an appeal to the Board has the right to be heard and give evidence at the hearing, or to be represented by some other person authorized by them in writing to do so.

Written submissions may be delivered as follows:

1. To the Secretary to the Hornby Island Board of Variance, at the office of Islands Trust 700 North Road, Gabriola, BC V0R 1X3, or by email to northinfo@islandstrust.bc.ca before **4:30 p.m. Friday, January 2, 2026**.
2. After **4:30 p.m. January 2, 2026**, by attending the hearing on **January 5, 2026** and making a representation to the Hornby Island Board of Variance.

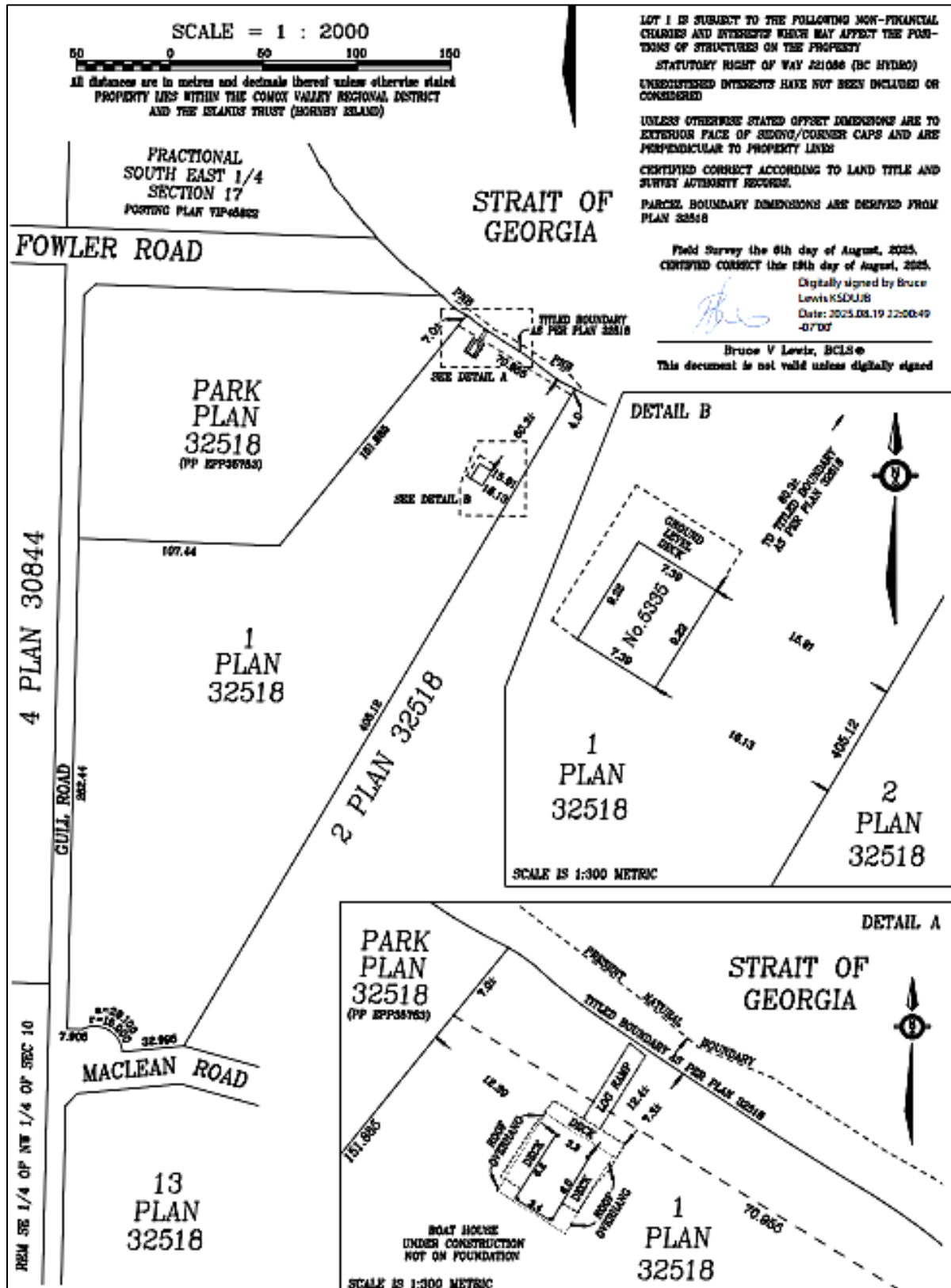
Enquiries or questions should be directed to Planner Ian Cox at (250) 247-2207. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by email to: icox@islandstrust.bc.ca.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review. A copy of the notice and additional information can also be viewed on the Islands Trust webpage www.islandstrust.bc.ca by following the links to the Hornby Island LTC applications webpage.

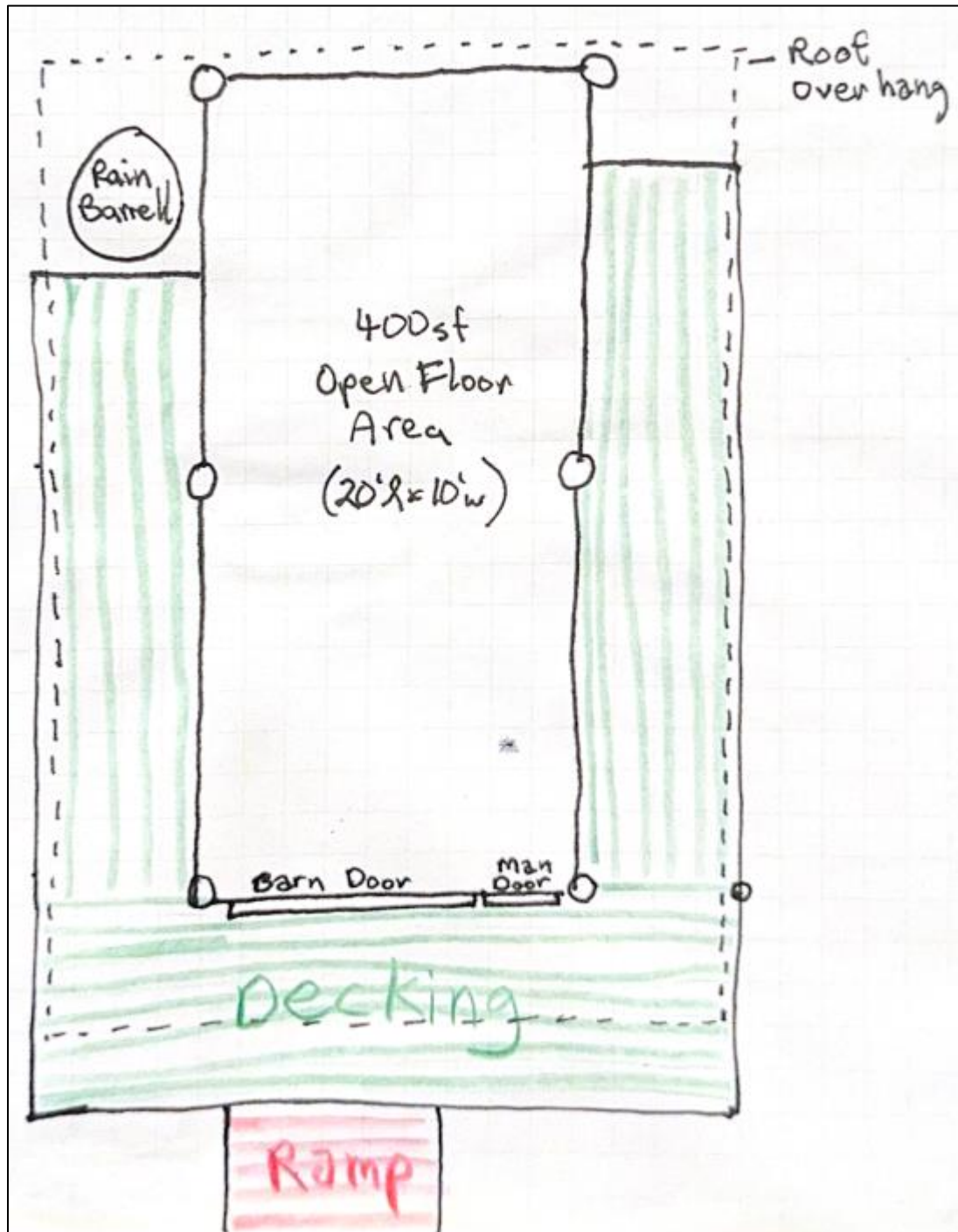
Nadine Mourao
Secretary to the Hornby Island Board of Variance

HORNBY ISLAND BOARD OF VARIANCE
NOTICE OF HEARING
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Schedule A - Site Plan Survey



Schedule B – Building Plans



HORNBY ISLAND BOARD OF VARIANCE
NOTICE OF HEARING
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