

Attention South Pender Trustees and Chair:

Firstly I would like to thank the Trustees for their patience and dedication to finding solutions that will help unite our beautiful community. I would also like to thank the APC for volunteering their time, experience and commitment to tackling the subject project.

I accept the recommendations of our APC but find myself *changing* position regarding side setbacks. I reside on a narrow lot on [REDACTED] (so indeed you would be quite justified in thinking this is a selfish view on my part), but please ask yourself, would forty feet between you and your neighbour not be preferable to a mere 20 feet????? A twenty foot setback from each home (inclusive of auxiliary buildings and the like) would allow, a safer and more pleasing “green” screen (we should not have trees and shrubs directly against our homes due to fire hazards), easier access for emergency vehicles, and lend a modest privacy. I also believe that this might encourage smaller homes .

The smaller the lot size, clearly the more important are the side set backs. Assigning a special permit to areas is an idea that has been brought forward for long narrow lots, but I think that a set back that is reasonable, in the first instance, is more practical and treats folks the same.

*I believe that the resistance to new setbacks is primarily due to many in our community, being fearful of becoming “legal nonconforming”. I completely appreciate this legitimate concern (I sense that our community has generally accepted the 50 ft setback from the sea - because it will only affect a few of our community members and or environmental rational is obvious? Our community is capable of change!)*

The current wording in Bylaw 122 (3.3) strives to address the thorny issue of “legal nonconforming”. Is a homeowner able to rebuild on the same site, pursuant to destruction by a fire? Our community requires a legal opinion on the new wording in 3.3 on the this issue and our questions answered : ie who drafted the current provisions in this regard, has it been tested by the Courts, is this common language in jurisdictions where like bylaws have changed and has it been reviewed by insurers and mortgagers alike? The community has sought a legal opinion on many occasions over the years to no avail.

The Board of Variance is available to address setbacks when new homes and or auxiliary buildings are constructed. Auxillary buildings that are currently within a 20 ft setback ought to be “grandfathered” in but unlike houses I would suggest that they ought to comply with new setbacks if they are “rebuilt”.

Thank you for your attention and ongoing efforts to find solutions for our community.

Sincerely - Shelley Henshaw (March 25/2025)