



Provincial Agricultural Land Commission - Staff Report

Application: 52389

Applicant: Wolfgang & Gabrielle Von der Burg
Agent: Betty Barton
Local Government: Kitimat-Stikine

Proposal: Non-farm Use - To permit a new second house in addition to retaining an existing cabin. The new dwelling would consist of a main house and an adjoining guest wing.

BACKGROUND INFORMATION

The existing 430 square foot cabin would be used by the owners during construction. Since the applicants do not currently live on the property, the cabin would be retained as a property caretaker (non-family member) residence upon completion of the second dwelling.

PROPERTY INFORMATION

PID: 004-585-674
Legal Description: District Lot 4117 Range 5 Coast District Except Plans 5500 and 1941
Property Area: 53.3 ha
ALR Area: 51.7 ha
Purchase Date: July 15, 2010
Location:
Owner: Wolfgang & Gabrielle Von der Burg

Total ALR Area:

LAND USE

Current Land Use:

Vacant except for existing log cabin

Surrounding Land Uses:

North: Skeena River
East: ALR/Non-ALR - 50 ha Vacant
South: ALR - 50+ ha
Highway 16
West: Skeena River
Reserve

PROPOSAL DETAILS

Non-Farm Use Area: 0.1 ha
Non-Farm Use Type: Residential: Additional Dwelling(s)

Agricultural Capability:

The majority of the area under application is rated as: Secondary

Source: CLI

Mapsheet: 103I/9

RELEVANT APPLICATIONS

Application ID: 17143

Legacy #: 33883

Applicant: James & Sheilla Goodings

Proposal: requesting second dwelling approval for use by their son - building exists on piles with no basement excavation

Decision:

Resolution #	Decision Date	Decision Description
462/2001	August 2, 2001	Allow as requested

Application ID: 2678

Legacy #: 29363

Applicant: Henry Rosenau

Proposal: When application first made it was for permission to place a double wide mobile home on the property as a second dwelling. the applicant then placed the mobile home on a full basement (concrete foundation)

Decision:

Resolution #	Decision Date	Decision Description
123/1995	February 28, 1995	Allowed subject to the registration of a restrictive covenant being registered as a charge against the title to ensure that the second dwelling is removed 90 days after the mobile home ceases to be occupied by the property owner's mother.

LOCAL GOVERNMENT INFORMATION

Zoning:

Zoning Bylaw Name: Skeena Valley Zoning Bylaw No.73

Zoning Designation: Rural 1

Minimum Lot Size: 8.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

The Regional District Board determined to recommend that the ALC not approve the application for non-farm use to permit a second dwelling on the basis that the applicable zoning bylaw permits only one dwelling per land parcel. The property owners would be able to continue to use the cabin until their new home is built but would be required to convert the cabin for non-residential use or remove it from the property.

Planning Staff

Regional District Planning Staff have no objections provided that no further dwellings are built and the cabin cannot be enlarged or replaced.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- 1) The improved CLI rating of the subject property is 6:4M 4:3W but is not presently used for agriculture. The property is generally flat and comprises of 3 benches down to the Skeena River.
- 2) The applicants indicate that the second dwelling would have minimal impact on agriculture as the proposed new house would be close to the embankment between the two upper benches on part of the land that is not suitable for agricultural use. See attached proposal sketch.
- 3) There are no previous applications on the subject property. There are related applications in the Kitimat-Stikine area, however those applications related to second dwellings for family members and were therefore allowed. See files #17143 and #2678.

ATTACHMENTS

52389_AirphotoMap - Google.jpg

52389_ContextMap50k.pdf

52389_ProposalSketch.pdf

END OF REPORT

Prepared by: Liz Sutton (September 21, 2011)