



Staff Report
Application # Z – 38316
Applicant: David & Lisa Wares

DATE RECEIVED: July 14, 2008

DATE PREPARED: November 13, 2008

TO: Chair and Commissioners – South Coast Panel

FROM: Ron Wallace, Land Use Planner

PROPOSAL: To permit a second pre-existing single family dwelling on the property. The subject dwelling was built in 1996 by the previous owners. A building permit was issued for an auxiliary building only. A permit to convert the auxiliary building to an auxiliary dwelling was denied in 1998 due to the fact that the applicants had not made an application to the ALC. Subsequently, it was converted into a dwelling without authorization from the SCRD or ALC, and continued to be inhabited as a dwelling. The current owners are now applying to legitimize the second dwelling through a non-farm use application.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

This application was received just too late for on-site viewing or other consideration during the 17 June 2008 Commission tour of the Sunshine Coast. Planner Tony Pellett was on the Sunshine Coast on other business on 22 September 2008 and had the opportunity to drive by the subject property and adjacent lands. He observed that the subject property consists of three distinct units:

- the eastern 1.2 ha is partially cleared, with a residence roughly in the centre of it; the adjoining land to the east is treed ALR land; the adjoining land to the north is treed non-ALR land;
- the central 0.5 ha is an electrical transmission corridor 50 m wide, substantially in the ALR, cleared and available to farm;
- the western 0.4 ha is mostly treed except for the residence currently under application; the northern 0.1 ha of this area is not in the ALR; the adjoining land to the north is an informal mobile home park, with mobile homes placed so that the long side immediately adjoins the subject land.

His conclusion was that there are few challenges to eventual development of the eastern and central units for agriculture, but the western triangle has some disadvantages resulting from its shape and the distinct potential for conflict with the adjoining mobile homes.

Local Government:

Sunshine Coast Regional District

Legal Description of Property:

PID: 017-920-426
Lot 3, District Lot 914, Block A, Plan LMP6365

Purchase Date:

2007-02-08

Location of Property:

838 Cemetery Road, West Howe Sound

Size of Property:

2.1 ha (The entire property is in the ALR).

Present use of the Property:

Residential use

Surrounding Land Uses:

WEST: Gilmour Road, outside of the ALR
SOUTH: Cemetery Road, in the ALR
EAST: Residential use, in the ALR
NORTH: Residential use, outside of the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map #
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Agricultural A

Zoning Bylaw and Designation:

Rural 3 (RU3), 4 ha minimum lot size

PREVIOUS APPLICATIONS:

Application #24183-0

Applicant: Trafalgar House Lands Ltd

Decision

Date:

Proposal: To subdivide along the ALR boundary.

Decision: Allow as proposed. The final survey placed the new lot boundary just outside the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Board

The SCR D Board is opposed to the application to recognize the status of a previously existing Second Dwelling as Non-Farm use within the ALR.

Advisory Planning Commission

At its May meeting, the West Howe Sound Area F Advisory Planning Commission agreed that they do not support removing the property from the ALR; however this application is for non-farm use (Second Dwelling) within the ALR. Regarding ALR Application to recognize the status of the previously existing Second dwelling, the APC was not supportive of the application and were unanimous in their recommendation that the auxiliary building is a workshop and not a dwelling.

Local Government Staff

See attached SCR D Staff Report.

STAFF COMMENTS:

See background for comments.

ATTACHMENTS:

1. Context Map
2. Letter from Applicants dated July 9, 2008
3. Map of property
4. Photo of Second Dwelling
5. SCR D Staff Report

END OF REPORT

Signature

Date