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**REPORT TO ELECTORAL AREA SERVICE COMMITTEE
MEETING OF WEDNESDAY, MAY 5, 2010**

SUBJECT **BUILDING CONVERSION STRATA APPLICATION (ST-01-08) FOR LOT A,
SECTION 110, SOOKE DISTRICT, PLAN VIP65208 (6017 and 6019 East
Sooke Road)**

PURPOSE

The applicants are applying for a building conversion strata to allow for the separate title and sale of one of the two existing single family homes. This application is being processed under the building conversion provisions of Section 242(1) of the *Strata Title Act*.

HISTORY/BACKGROUND

The Capital Regional District (CRD) Board is the approving authority for building conversion stratas pursuant to Section 242(1) of the *Strata Title Act*. This section requires that the CRD consider whether the building complies with relevant and applicable bylaws and that the age of the buildings makes the conversion reasonable as well as any other matters considered to be of relevance by the CRD.

The 0.926ha property is located at 6017 and 6019 East Sooke Road (Attachment No. 1) and is zoned Rural Zone A, which permits the construction of three one-family dwellings on lots more than 0.8ha and less than 4ha. The existing property has two one-family dwellings and an accessory building. The applicant has applied for a building conversion strata to create a parcel for each of the one-family dwellings; with yet to be surveyed common property and private yard areas (Attachment No.2). The applicant states that she would like to stay in her home, but finds maintaining the entire 0.926ha property challenging and would like to downsize.

The property has been used as two separate residences. Proposed common property facilities include a driveway and well. There is currently an easement on the property granting it access to a well located on a property to the east. Both homes and the accessory building are currently served by the neighbouring property's well. Each single family dwelling is serviced by a separate septic system (the accessory building shares a septic system with the smaller of the two houses). Presently, there is no potable water on the property and as this is required to be addressed prior to the advancement of this application, individual potable water sources must be confirmed as a condition of final approval of the strata conversion.

An application for a fee simple subdivision of the property under Section 946 of the *Local Government Act* was made in 2007 however this was not approvable as a result of a prior subdivision under Section 946 (residence for relative) and the registration of a covenant restricting further subdivision.

In order for a building conversion strata to take place, the *Strata Property Act* (Section 242(5)) states that the buildings must substantially comply with the applicable bylaw of the CRD and with the British Columbia Building Code referred to in the Building Regulations of British Columbia. Occupancy permits were issued for the larger single family home in 2002 and in 2007 for the second single-family home. Final occupancy for the accessory building was issued in 2006.

The subject property is located within a steep slopes development permit area. A development permit is not necessary for building conversion strata applications.

ALTERNATIVES

1. To tentatively approve the building conversion strata provided that the conditions set in the recommendations, as deemed appropriate by the CRD Board, are met; or
2. To refuse the building conversion strata application.

PLANNING ANALYSIS

This building conversion strata application is being made under Section 242(1) of the *Strata Property Act*. Section 242(5) states that the approving authority must not consider an application unless the building substantially complies with the following:

- (a) The applicable bylaws of the municipality or regional district;*
- (c) The British Columbia Building Code referred to in the Building Regulations of British Columbia...*

Section 242(6) is relevant to this application and states that the approving authority must consider the following:

- (a) The priority of rental accommodation over privately owned housing in the area,*
- (b) Any proposals for the relocation of persons occupying a residential building,*
- (c) The life expectancy of the building,*
- (d) Projected major increases in maintenance costs due to the condition of the buildings,*
and
- (e) Any other matters that, in its opinion, are relevant.*

In conversation with the applicant, it has been explained that the house located on the *proposed lot* (see survey plan) is being rented and that the renters have expressed an interest in purchasing the home if the building conversion strata is completed. A rental unit will be removed from the rental stock in East Sooke if this application is approved. However, this application could be seen to provide an opportunity for an affordable housing option allowing a renter to become a home owner. The relocation of the occupants will not be required if the occupants chose to purchase the home.

The recent issuance of the building permits for all structures on the property is seen to provide evidence of the life expectancy of the building and established the projected major increases in maintenance costs due to the condition of the buildings. As the appropriate permits were recently finalized for the buildings, the life expectancy of the buildings and the maintenance costs obligations could be considered to be satisfied if the Committee supports approval of the application.

The neighbouring properties are zoned Rural Zone A as is the subject property. This property is located outside of the Settlement Containment Area of the East Sooke Official Community Plan and Section 4.2.2 outlines settlement area policies. With respect to the provisions for fee simple or bare land strata subdivision, the applicable minimum parcel size is 4.0 ha. OCP policies

support a minimum parcel size for development outside of the settlement containment area of 2ha however there is no policy provisions for building strata subdivisions or conversions. While the plan encourages future residential growth in one of the designated settlement containment areas, the proposal is to convert existing dwelling units under the *Strata Property Act*. Accordingly, the residential density will not increase with this application as no further houses are proposed as part of the strata conversion.

INTER-DEPARTMENTAL IMPLICATIONS

Building permits have been finalized for the existing structures however a geotechnical assessment was not required at the time of construction. Building inspection staff has conducted a site visit and note the buildings appear to be founded on rock however they are in proximity to areas of fill and steep slopes. Therefore it is recommended that a geotechnical report and covenant saving the CRD harmless be required as a condition of approval.

SUMMARY/CONCLUSIONS

The proposed subdivision is filed as a building conversion strata application in order to permit the two houses on the property to be converted to recognize each house as a separate title. Staff has reviewed the application and recommends approval subject to conditions outlined in the recommendations.

RECOMMENDATION(S)

That the Electoral Area Services Committee recommends to the CRD Board:

That Building Conversion Strata application ST-01-08 for Lot A, Section 110, Sooke Land District, Plan VIP65208 be approved subject to the following conditions:

- (a) Proof of supply and quantity of potable water for each strata building is provided;
- (b) A geotechnical report be provided to verify that the site is safe for the intended use and development to be registered as part of a restrictive covenant saving the CRD harmless;

Bronwyn Sawyer
Planning Assistant

Robert Lapham, MCIP
General Manager, Planning & Protective Services

Kelly Daniels
Chief Administrative Officer
Concurrence

Attachments: 1. Location map
2. Proposed lot configuration

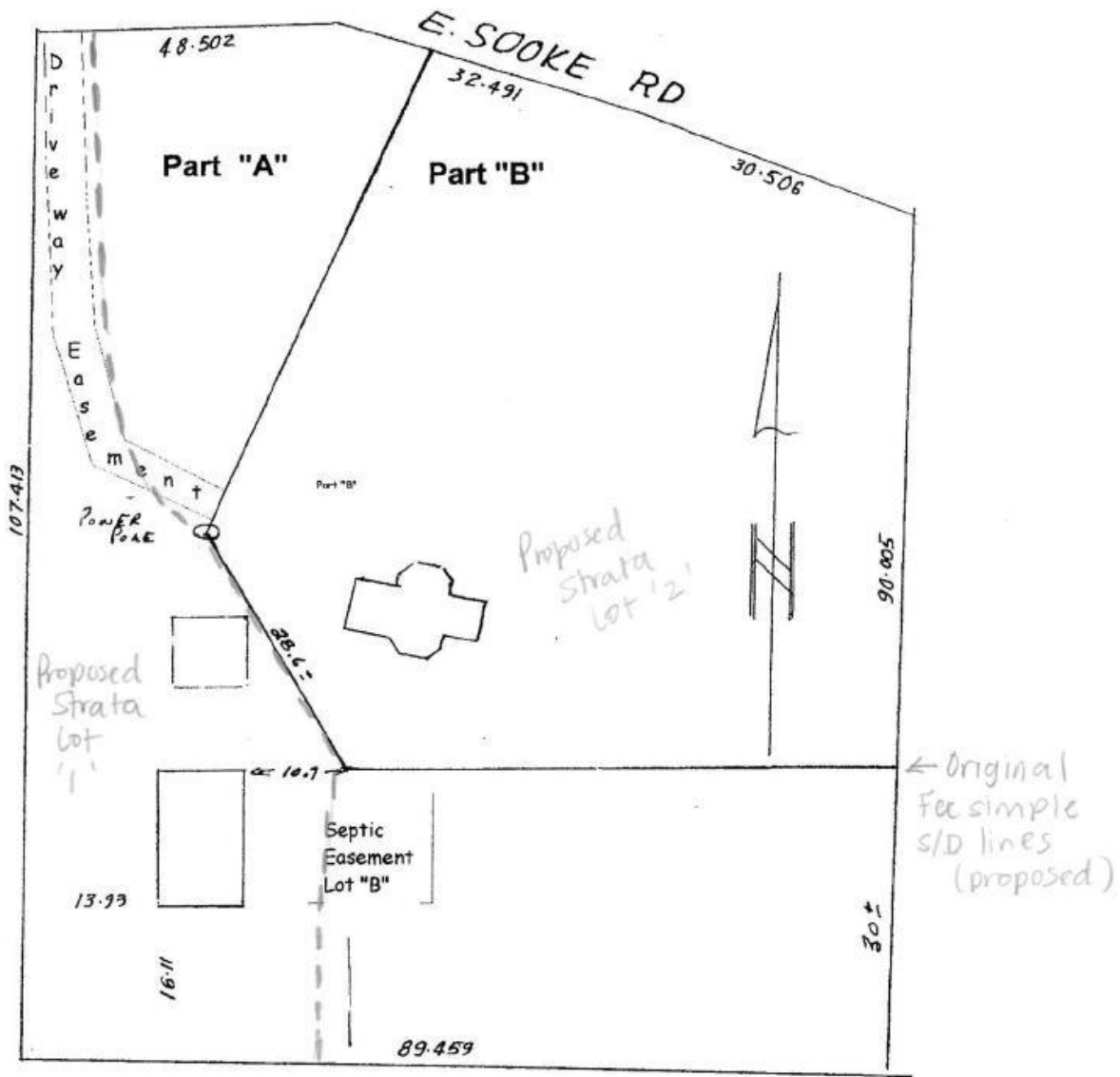
Attachment No. 1 - Location Map

6019/6017 East Sooke Road



<p>Capital Regional District</p> 	<p>Scale: 1:2,446</p>  <p>Disclaimer The Capital Regional District does not warrant the accuracy of this map, nor will it accept responsibility for errors or omissions. The CRD reserves the right to alter or update the information without notice. Maps should not be used as navigation tools.</p>	
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Attachment No. 2 – Proposed Lot Configuration



----- building conversion strata line

RECEIVED
 JAN 26 2010
 E.A. LAND USE PERMIT

TITLE: PLAN		LOCATION ON	
LOT A, SECTION 110, SOOKE		DISTRICT, PLAN VIP 65208	
NAME R. Underwood		SCALE 1:500	