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JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **February 17, 2015 at 7:00 p.m.**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

SUPPLEMENTARY AGENDA

1. Correspondence received to be dealt with under the following agenda item:
 - a) Agenda Item 6 a) Development Permit with Variance Application
DP-05-12 - Lot 7, Section 129, Sooke District, Plan VIP67208 (470 Seedtree Road – Stokes)
 - Dev Milwarde-Yates, Metchosin
 - Christine Kunetsky, East Sooke
 - Brad Kunetsky, East Sooke
 - Heather Phillips, Otter Point

VICTORIA BC

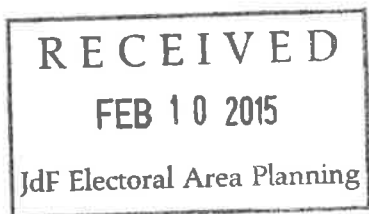
Re: File DP-05-12
470 Seedtree Rd.

Dear Sirs:

I have no objections whatsoever to
this variance application.

Yours truly,

Dev Milwarde-Jates



Wendy Miller

From: Christine Kunetsky
Sent: Sunday, February 15, 2015 9:44 AM
To: jdf info
Subject: DP-05-12 with variance

Dear June:

I received notification for DP-05-12 with variance.
I am in support of this variance application.

Thank-you
Christine Kunetsky

Wendy Miller

From: Brad Kunetsky
Sent: Sunday, February 15, 2015 9:36 AM
To: jdf info
Subject: DP-05-12 with variance

Dear June:

I received notification of file DP-05-12 for a 10% frontage variance for the lot on Seedtree Rd.

I support this application.

Having been through this myself I feel that the 10% frontage issue should be dealt with by the M.O.T. rather than the Land Use Committee.

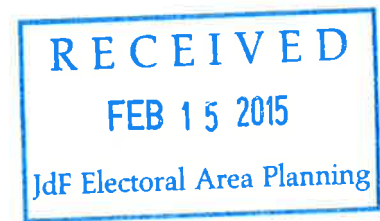
Regards

Brad Kunetsky

Heather Phillips

Sooke, B.C.

February 15, 2015



Re: Development Permit with Variance for proposed subdivision at 470 Seedtree Road.

I can find nothing in the planning reports up to February 2015 that says the owner of the subject parcel at 470 Seedtree Road is or was a strata corporation.

The report to the JdF LUC for February 2015 includes the information that the subdivision will convert a building strata property to three fee simple parcels.

BACKGROUND—last sentence: “The property was the earlier subject of a zoning amendment application (Z-01-12) to rezone the parcel from Rural A, which specified a minimum lot size of 4.0 ha, to RR-2, which permits a minimum parcel size of 1 ha, in order to facilitate the proposed subdivision in place of a 3-lot building strata.”

Please verify this information.

The proposed subdivision was discussed at the JdF LUC meetings in May and September of 2012. The East Sooke APC discussed the proposed subdivision in June 2012.

In my recollection, at the time before the property was rezoned from Rural A to Rural Residential 2, the property owners had three dwelling units on their property and had tenants renting two of them. There were three dwelling units on the property: a “primary dwelling, a “cottage” and a “mobile home”.

The report to the LUC for May 2012 informs the committee that a “mobile home” cannot be part of a building strata conversion. From this, the committee could understand that there was no building strata on the property.

The general public, at the time of the East Sooke APC meeting in June, seemed unclear on the point that this parcel being proposed for subdivision was not held by a strata corporation. In several public discussions of facilitating the conversion of building strata properties to fee simple subdivisions, this parcel on Seedtree has been cited as an example and precedent.

I think it is important for members of the public to begin to understand the “cancellation of a strata plan and winding up of a strata corporation”. This is described in Part 16 of the *Strata Property Act*. (Most of us will need further explanation to really understand how to get from a strata share to a separate fee simple title.) I do not think the re-zoning and subdivision of this parcel on Seedtree Road provides an example or precedent for the process.

Yours sincerely,

Heather Phillips