

**MUNICIPAL PLANNING COMMISSION AGENDA
SUMMER VILLAGE OF BIRCHCLIFF
SUMMER VILLAGES ADMINISTRATION OFFICE
DECEMBER 2, 2021 @ 9:00 A.M.**

- A. CALL TO ORDER**
- B. ADOPTION OF AGENDA**
- C. DEVELOPMENT ITEMS**
 - 1) 137 Birchcliff Road
- D. ADJOURNMENT**

Summer Village of Birchcliff – Municipal Planning Commission**December 2, 2021****Agenda Item****137 Birchcliff Road (Lot 11, Block 3, Plan 7922124)****Development Permit Application****Background:**

An application was submitted by the registered owner for a home occupation development permit for 137 Birchcliff Road. This property is located in the R1 (Lakeshore Residential) District in the Summer Village of Birchcliff. This is the first time a home occupation development permit has been applied for this property.

The intent of the home occupation would be a small part time business and would provide therapeutic deep tissue and relaxation massages. Services would be offered part time during off season (September through May), there will be limited amount of traffic to the property with parking to take place on the left side of the driveway just before the garage and no signage will be displayed. The approximate area of the dwelling to be used for the services is 280ft², in administrations opinion this is considered a subordinate and secondary use of the dwelling. The definition for Home Occupation in the Land Use Bylaw is “means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building This shall not include any cannabis retail sales or cannabis production and distribution”.

Discussion:

This application is before MPC for the following reason:

1. Home Occupation is listed as a discretionary use and therefore the decision must come from the Municipal Planning Commission.

Recommendation:

A “discretionary use” means a use which may be compatible with other uses in the district, for which a Development Permit may be issued upon an application having been made.

After viewing the application and all relevant planning documents, it is the recommendation of administration to approve the application as a discretionary use as the proposed development complies with the regulations, adjacent landowners have been notified and no comments have been received.

Conditions:

If approved, Administration would recommend the following conditions:

1. The Home occupation commences and continues in the manner applied for and complies with the regulations and specifications of the Land Use Bylaw under which this permit was issued.
2. The development permit is only valid for one (1) year from the date of issuance. A new development approval will be required at that time should the applicant wish to continue with the Home Occupation use.
3. Any change in use or intensification of this home occupation will require a new development permit.
4. There shall be no exterior display or advertisement, except as provided for in section 2.2(11) of the Land Use Bylaw.
5. The applicant is responsible to comply with any other regulations or approvals required by any other provincial or federal agency.
6. No person other than a resident the dwelling unit shall be employed.
7. There shall be no outside storage of materials, commodities, or finished products.

Authorities:

For a discretionary use, the MPC may:

1. Approve an application a development permit:
 - a. With or without conditions,
 - b. Based on the merits of the proposed development, including its relationship to any approved statutory plan, non-statutory plan, or approved policy, affecting the site,
 - c. Where the proposed development conforms in every respect to the Land Use Bylaw; or
2. Refuse an application for a development permit based on the merits of the proposed development, even though it meets the requirements of this land use bylaw; or
3. Subject to the provisions of section 2.4(2), the Municipal Planning Commission shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use Bylaw.

Decision:

In order to retain transparency of the Commission, Administration recommends one of the following:

1. Approve the application with or without conditions (*Section 642 of the MGA*), or
2. Deny the application stating reasons why (*Section 642(4) of the MGA*).

Ohana Massage and Wellness

To Whom it may concern,

I am requesting permission to operate a part time health and wellness business out of my home.

I am a fully registered massage therapist in good standing with the Massage Therapist Association of Alberta (MTAA) I have 6 years experience working in a respected Chiropractic Clinic as well as operating out of my home and doing mobile massage for seniors in care homes. I offer Therapeutic (Deep Tissue) and Relaxation massage.

I have moved permanently to our home at 137 Birchcliff Road, in the Summer Village of Birchcliff and would love to continue to practice on a part time basis. I am proposing to offer my services only during the off season (September through May) and only 2 to 3 days per week to limit the amount of traffic to the property and respect the quiet family atmosphere of the community.

In the past I have found great success in building my business slowly with minimal advertising and mostly through referrals. This enables me to build a solid client base with trusted clients who are also a part of my community.

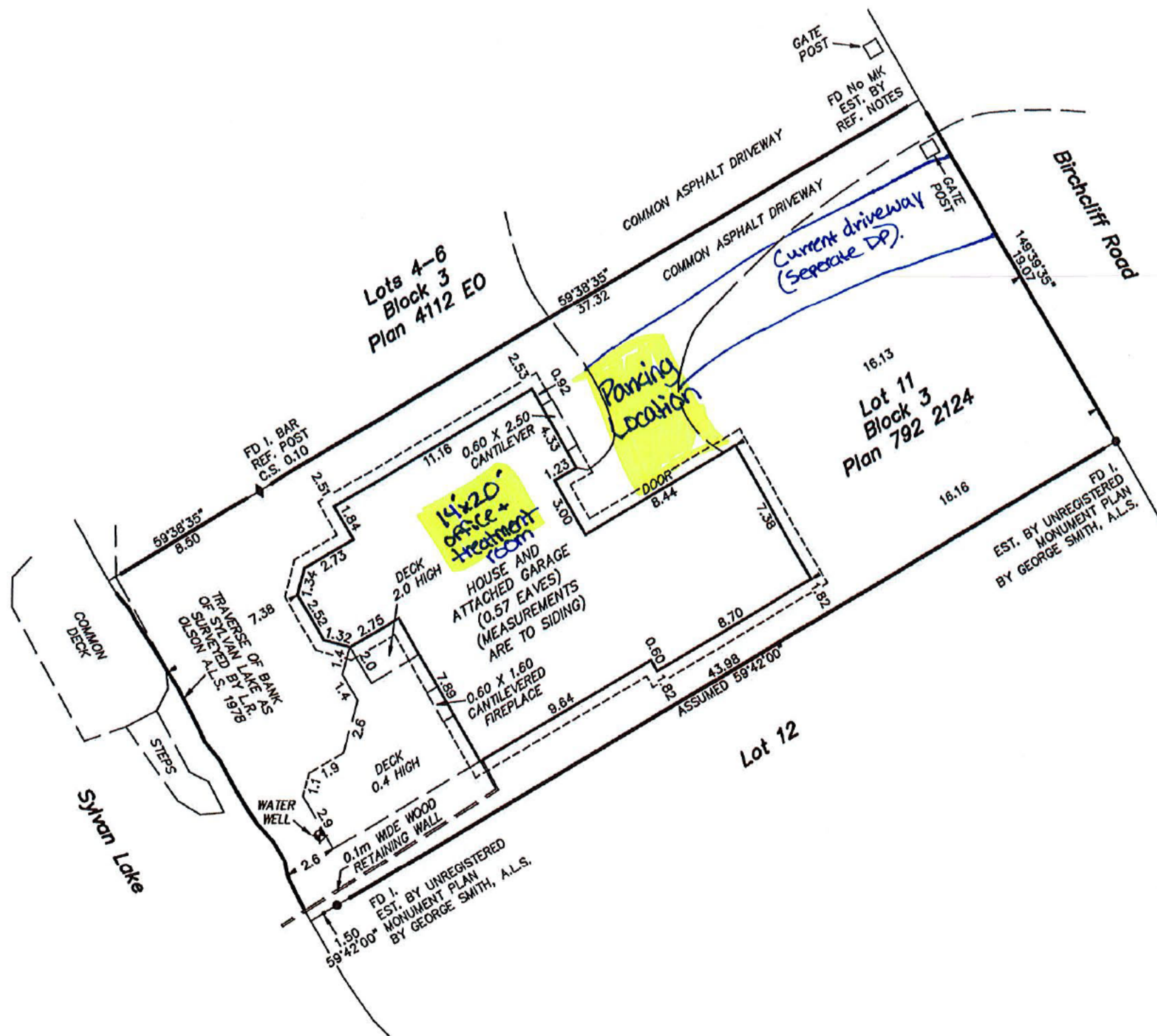
Clients are scheduled with no overlap so there will only ever be one extra vehicle in the drive at a time. This will also help me to facilitate meeting all AHS guidelines regarding Covid safety and protocols.

I have a large office space just off the main entrance that I will use as my treatment room and there is a half bath nearby that will be kept for clients use. The rest of my home will be for my own private use and is where I live full time.

Thank you for your consideration.

Please feel free to contact me for any further clarifications or concerns.

[REDACTED]



Alberta Land Surveyor's Real Property Report

C-1

LEGAL DESCRIPTION

Lot(s) 11 Block 3 Plan 792 2124

CLIENT

MUNICIPAL ADDRESS

BIRCHCLIFF ROAD, SUMMER VILLAGE

OF BIRCHCLIFF, ALBERTA

CERTIFICATION

I hereby certify that this report was prepared and performed under my personal supervision and in accordance with the Manual of Standard Practice of the Alberta Land Surveyors' Association and supplements thereto. Accordingly within those standards and as of the date of this report, I am of the opinion that:

1. The plan illustrates the boundaries of the property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements and rights-of-way affecting the extent of the title to the property;
2. The improvements are entirely within the boundaries of the property, (Except Driveway Common Deck and Steps)
3. No visible encroachments exist on the property from any improvements situated on an adjoining property;
4. No visible encroachments exist on registered easements or rights-of-way affecting the extent of property;

Purpose: This Report has been prepared for the benefit of the Property owner, subsequent owners and any of their agents for the purpose of (a land conveyance, support of a subdivision application, a mortgage application, a submittal to the municipality for a compliance certificate, etc.). Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights of way affecting the extent of the property have been shown. Unless shown otherwise, property corner markers have not been placed during the survey for this report. This report should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

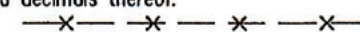



Dated this 19th day of May 2016


Alberta Land Surveyor

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LEGEND

- Distances to building corners are at right angles from property lines, unless shown otherwise.
- Date of Survey: May 16, 2016
- Date of Title Search (A copy of which is attached): May 17, 2016
- Unless otherwise specified, the building dimensions shown relate to the greatest extent of the exterior walls.
- Eaves are dimensioned to the line of the fascia
- Distances are in metres and decimals thereof.
- Fences are shown thus: 
- Statutory iron posts found are shown thus: 
- Iron bars found are shown thus: 
- Unless shown otherwise, fences are within 0.20 metres of the property line
- Area referred to bounded thus: 
- Property is subject to a Utility Right of Way No. 942 180 010 to Gull Lake Deer Creek Gas Co-op, Caveat No. 122 258 617 and Caveat No. 122 274 930 Re: Easement.

Drawn By: DB/TH Chk'd:WS

Date: May 17, 2016

Scale: 1 : 250

File No.: C-090-16

BEMOCO LAND SURVEYING LTD

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Red Deer, Alberta
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