

**MUNICIPAL PLANNING COMMISSION AGENDA
SUMMER VILLAGE OF HALF MOON BAY
SUMMER VILLAGES ADMINISTRATION OFFICE
AUGUST 16, 2023 @ 9:00 A.M.**

- A. CALL TO ORDER**
- B. ADOPTION OF AGENDA**
- C. DEVELOPMENT ITEMS**
 - 1. 49 Lakeview Drive
- D. ADJOURNMENT**

Summer Village of Half Moon Bay – Municipal Planning Commission

August 16, 2023

Agenda Item

49 Lakeview Road (Lot 6, Block 4, Plan 3741MC)

Development Permit Application

Background:

In August 2021 a dwelling development permit was issued for the property at 49 Lakeview Road (Lot 6, Block 4, Plan 3741MC) in the village of Half Moon Bay. This property is located within the R District (Residential). The development permit was approved by the Municipal Planning Commission and a variance was granted for the dwelling side yard setback. Along with this development permit the property had an existing garage with guest house and an existing shed.

Site inspections that took place in October 2022 and June 2023 verified that a new shed was built on the property, and a cement walkway along the road on the road allowance of the municipal land. Discussions were had with the homeowner about these developments not being within the approved development permit and requiring approval. The applicant is applying to the Municipal Planning Commission for the unapproved and already built lakeside shed, and the roadside cement walkway on municipal land abutting the property.

Any accessory building with a floor area greater than 11.15 m² (120 ft²) requires a development permit and the shed size is 11.56m² (124.53 ft.²). The shed does not meet the minimum setbacks in part three of the Land Use Bylaw as described below, for those reasons a development permit is required. The height is 3.42m (11.25ft.) and is within the maximum 5m (16.40ft.).

The roadside concrete walkway is not within the property lines as shown in the Real Property Report and is requested to keep storm water from running onto the property and to divert water back to the south side of the road into two new culverts the village installed.

Discussion:

This application is before MPC for the following reasons:

- Land Use Bylaw, Part Three 1(1) b (ii) An accessory building on a parcel abutting Sylvan Lake shall be situated so that it is not closer to the front parcel boundary than the front wall of the main building or 15m, whichever is least. The accessory building is 9.54m from the front parcel boundary, therefore requires a variance of 5.46m (36%) from the Municipal Planning Commission.

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- Land Use Bylaw, Part Three 1(1) b (iii) A. The side yard setback to the shed of 0.85m, does not meet the minimum 1m, therefore a variance of 0.15m (15%) is required.
- Land Use Bylaw, Part Three, 4(7) b, The removal of trees and/or shrubs, excavation, grading or drainage alteration on any municipal reserve, environmental reserve or other municipal owned land, without expressed written approval from the municipality, is prohibited. Drainage alterations were made to municipal land, written approval from the municipality is required.
- Land Use Bylaw, Part Three, 4(7) c, Private Development on any municipal reserve, environmental reserve, or other municipal owned land is prohibited. Private development (cement walkway) was done on municipal land, written approval from the municipality is required.

Application Review:

After reviewing the application and all relevant planning documents, administration does not have any reason to recommend the board to approve the variances requested. The shed does not meet the setbacks in the Land Use Bylaw, and a variance shall be considered only where warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements. In this case there are no irregular parcel lines, parcel shapes or site characteristics and therefore there is no reason why the shed can not be placed within the land use bylaw regulations.

The concrete walkway is proposed to stay in order for municipal drainage to be directed away from the property, however the Municipal Planning Commission approved the original application with clear direction for the municipal land adjacent to the property to remain grass only. It is the opinion of the development authority and the public works department that the drainage and directing of surface water can be accomplished by properly grading a natural ditch area, as is the case everywhere else in Half Moon Bay. The approved drainage plan shows water moving from the roadside yard towards the lake and there is options to increase that grade to create more of a ditch along the road. Administration has concerns that the sidewalk will divert water into the neighboring property to the east. A condition in the original approval is a lot grade certificate is required at completion to ensure that proper drainage on the property exists as the Land Use Bylaw states that all drainage maintenance and upkeep shall be the responsibility of the property owner.

While each application is reviewed on its on merits, past direction to administration and developers has been to ensure the carriageway and road right of way consists of vegetation only. Adjacent landowners have been notified of the proposed development and no response has been received.

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Conditions:

If approved, Administration would recommend the following conditions:

- Existing landscaping to remain.
- The height of the accessory building shall not exceed 5m (16.40ft.) in building height measured from grade.
- Copies of all applicable Building, Electrical, and Plumbing & Gas permits shall be provided to the administration office to be kept on file.
- An accessory building erected or placed on a parcel shall not be used as a dwelling unit.
- The exterior of an accessory building must be finished to match or compliment the exterior finish of the main building.
- A lot grade certificate required to be submitted to the Development Authority to ensure proper drainage on the property exists.
- Encroachment Agreement required to be entered into for the concrete walkway.

Authorities:

Variances:

- (1) The Municipal Planning Commission may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with the Land Use Bylaw No. 123/13.
- (2) The Municipal Planning Commission may approve an application for Development Permit even though the proposed development does not comply with this bylaw or is a non-conforming building if, in the opinion of the Municipal Planning Commission;
 - (a) The proposed development would not:
 - (i) Unduly interfere with the amenities of the neighbourhood;
 - or
 - (ii) Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
 - And
 - (b) The proposed development conforms with the use prescribed for that land or building in this bylaw.
- (3) In approving an application for development pursuant to subsections (2)(a) and (2)(b), the Municipal Planning Commission shall adhere to the following:
 - (a) A variance shall be considered only where warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements;
 - (i) Except as otherwise provided in this bylaw, there shall be no variance from the following:
 - A. Parcel coverage; and
 - B. Building height;

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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*).

Kara Hubbard

From: [REDACTED]
Sent: Friday, July 21, 2023 1:15 PM
To: Kara Hubbard
Subject: Shed letter of intent

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kara,

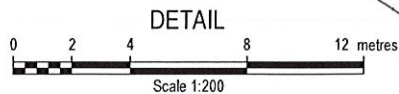
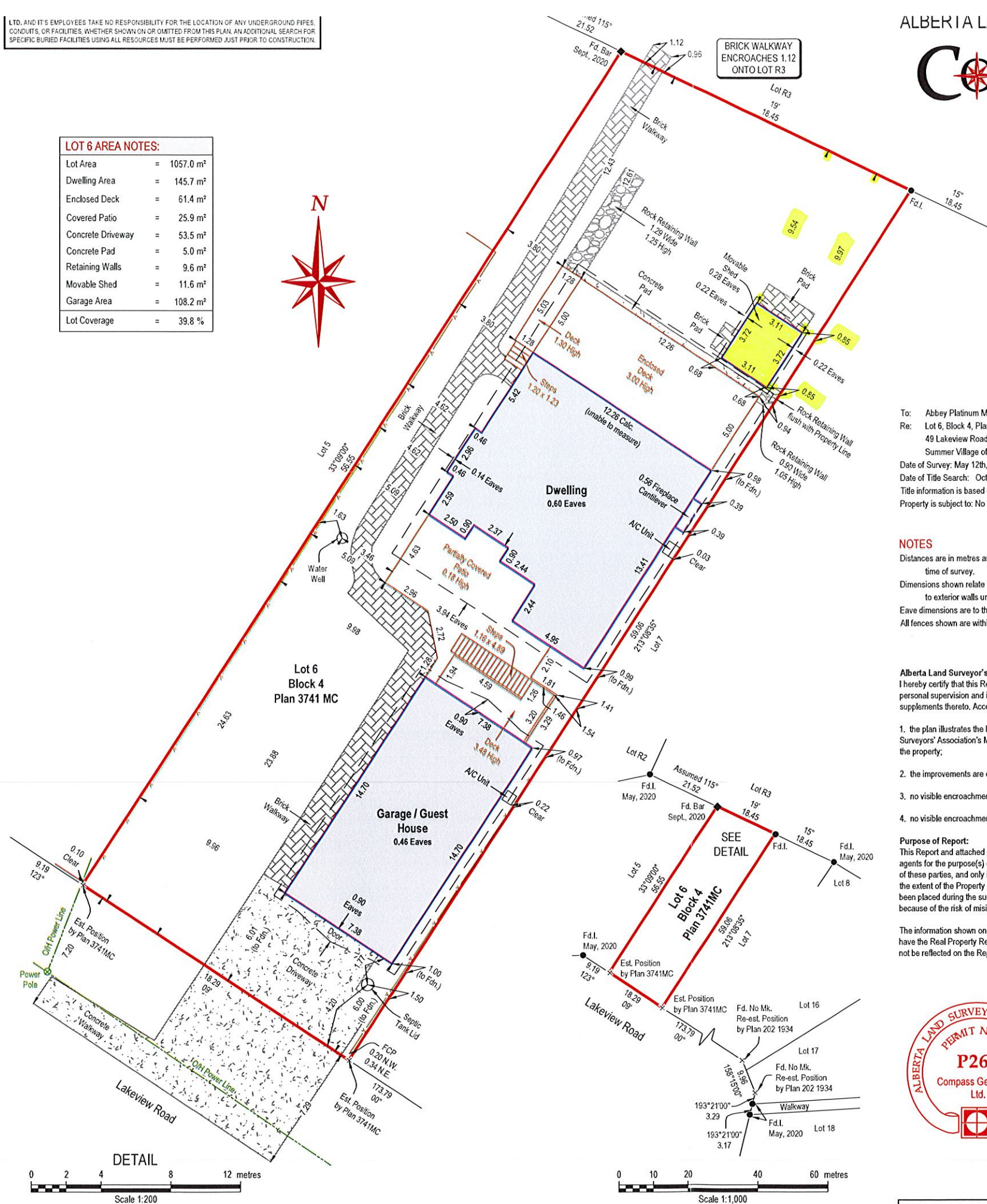
I am writing you in regards to the shed that I have built on my property located at 49 Lakeview Road in Half Moon Bay. My shed happens to be just over the normal shed size by 2.5" long and 2.5" wide. Actual measurements are 12' 2.5" in length and 10, 2.5" in width and 11.3" in height. The shed was built to replace an existing shed in the yard for the purpose of storing all water sports equipment.

As we now have the actual property surveyed, it appears I am slightly closer to my neighbors yard as seen in the up dated RPR.

I am also asking for approval for the concrete barrier that I had constructed on municipal land. This barrier was constructed to keep the village storm water from running onto my property and flooding me out. The intention is to divert the storm water back the the south side of the road into the two new culverts the village had installed last year directing the water on to the west side of my property into a "dry creek" that I had built to run the village storm water down to the lake.

LTD. AND ITS EMPLOYEES TAKE NO RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND PIPES, CONDUITS, OR FACILITIES, WHETHER SHOWN ON OR OMITTED FROM THIS PLAN. AN ADDITIONAL SEARCH FOR SPECIFIC BURIED FACILITIES USING ALL RESOURCES MUST BE PERFORMED JUST PRIOR TO CONSTRUCTION.

LOT 6 AREA NOTES:	
Lot Area	= 1057.0 m ²
Dwelling Area	= 145.7 m ²
Enclosed Deck	= 61.4 m ²
Covered Patio	= 25.9 m ²
Concrete Driveway	= 53.5 m ²
Concrete Pad	= 5.0 m ²
Retaining Walls	= 9.6 m ²
Movable Shed	= 11.6 m ²
Garage Area	= 108.2 m ²
Lot Coverage	= 39.8 %



11-4508 62nd Street
Red Deer, Alberta T4N 6T3
Office (403) 356-0111 Fax (403) 356-0114
www.compassgeomatics.ca

To: Abbey Platinum Master Built
Re: Lot 6, Block 4, Plan 3741 MC
49 Lakeview Road
Summer Village of Half Moon Bay, Alberta
Date of Survey: May 12th, 2020, September 9th, 2020 and October 18th, 2022
Date of Title Search: October 12th, 2022
Title information is based on title no. 192 153 624
Property is subject to: No registrations affecting the extent of title

LEGEND	
Statutory Iron Post Found	●
Iron Bar Found	◆
Calculated Point	×
Reference Point	+
Countersunk	c.s.
Fence Corner Post	FCP
Found	Fd.
Mark	Mk.
Marker Post	Mp.
Statutory Iron Post	I.
Foundation	Fdn.
Radial	(R)
Fence Line shown thus:	—X—
Power Line shown thus:	—•••—
Power Pole	⊙
Anchor	⌋

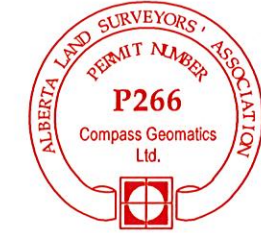
NOTES
Distances are in metres and decimals thereof and are all check measured at the time of survey.
Dimensions shown relate to perpendicular distances from property boundaries to exterior walls unless shown otherwise.
Eave dimensions are to the line of the fascia.
All fences shown are within 0.20 metres of property line unless noted otherwise.

Alberta Land Surveyor's Certification:
I hereby certify that this Report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association's Manual of Standard Practice and supplements thereto. Accordingly, within those standards and as of the date of this Report, I am of the opinion that:

- the plan illustrates the boundaries of the property, the improvements as defined in Part C, Section 6.5 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;
- the improvements are entirely within the boundaries of the property, except brick walkway
- no visible encroachments exist on the property from any improvements situated on an adjoining property,
- no visible encroachments exist on registered easements or rights-of-way affecting the extent of the property,

Purpose of Report:
This Report and attached plan have been prepared for the benefit of the Property owner, subsequent owners, and any of their agents for the purpose(s) of a submittal to the municipality for a compliance certificate. 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 on the attached plan. Unless shown otherwise, property corner markers have not been placed during the survey for this Report. The attached plan should not be used to establish boundaries (e.g., for fencing) because of the risk of misinterpretation or measurement error by the user.

The information shown on this 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 because subsequent development changes on the property will not be reflected on the Report.



Dated at Red Deer, Alberta

July 11th, 2023.

Jordan K. Westera, A.L.S.
COMPASS GEOMATICS LTD. 2023

This document is not valid unless it bears an original signature or digital signature of an Alberta Land Surveyor and a P266 permit stamp.



PLOT PLAN
SHOWING PROPOSED
LOCATION OF BUILDING(S)

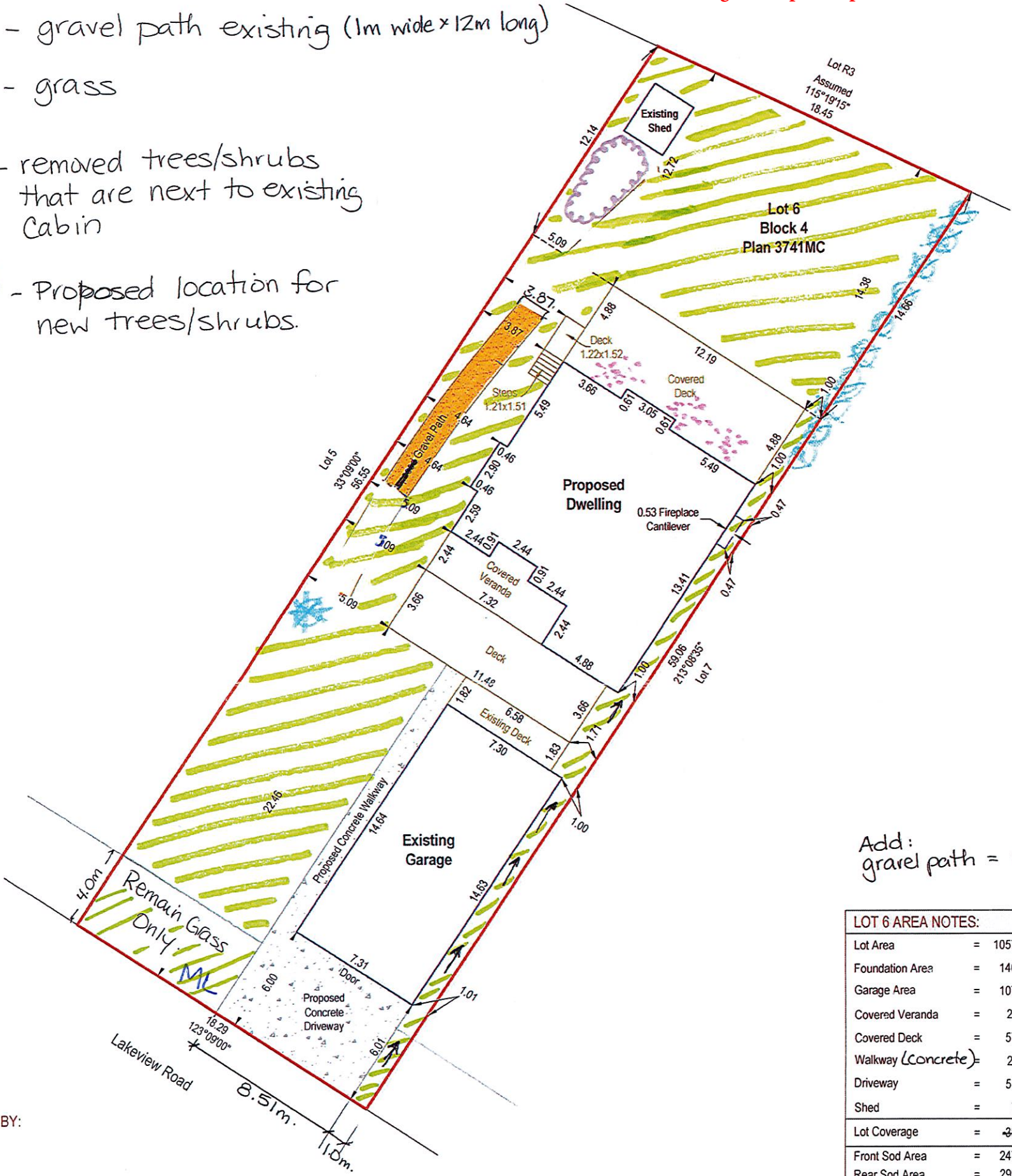
Civic Address: 49 Lakeview Road
Summer Village of Half Moon Bay, Alberta
Legal Description: Lot 6, Block 4, Plan 3741MC

Landscaping Plan
July 13, 2021.
(CS)
July 16, 2020 - revision



Landscaping Plan approved for the property under dwelling development permit.

- Trees- existing - to remain
- gravel path existing (1m wide x 12m long)
- grass
- removed trees/shrubs that are next to existing Cabin
- Proposed location for new trees/shrubs.



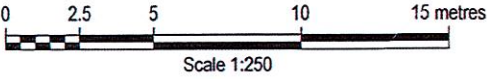
Add:
gravel path = 12m²

LOT 6 AREA NOTES:	
Lot Area	= 1057.0 m ²
Foundation Area	= 146.6 m ²
Garage Area	= 107.0 m ²
Covered Veranda	= 20.1 m ²
Covered Deck	= 57.6 m ²
Walkway (Concrete)	= 20.1 m ²
Driveway	= 51.2 m ²
Shed	= 7.4 m ²
Lot Coverage	= 38.8% 40.0%
Front Sod Area	= 247.9 m ²
Rear Sod Area	= 299.6 m ²
Landscape Area	= 547.5 m ²
	= 51.8 %

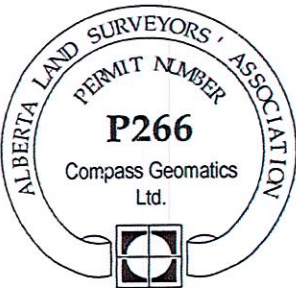
APPROVED BY:

Print Name & Signature

- NOTES:
- Distances are in metres and decimals thereof. Measurements are shown to the outside face of the proposed building foundation wall at ground level.
 - The above ground and buried facilities have not been located and are not shown on this plan. It is the responsibility of the owner(s) and contractor to have the facilities located prior to construction.
 - Lot boundaries have been calculated from Sketch Plan by Compass Geomatics Ltd. Job# 00719-20-RPR-R0.
 - Proposed Deck and Steps are scaled from house drawings and actual dimensions need to be verified by builder.
 - Existing Improvements are from Site Plan provided by Abbey Platinum Master Built.
 - All improvements are proposed unless specified.



11-4608 62nd Street
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www.compassgeomatics.ca



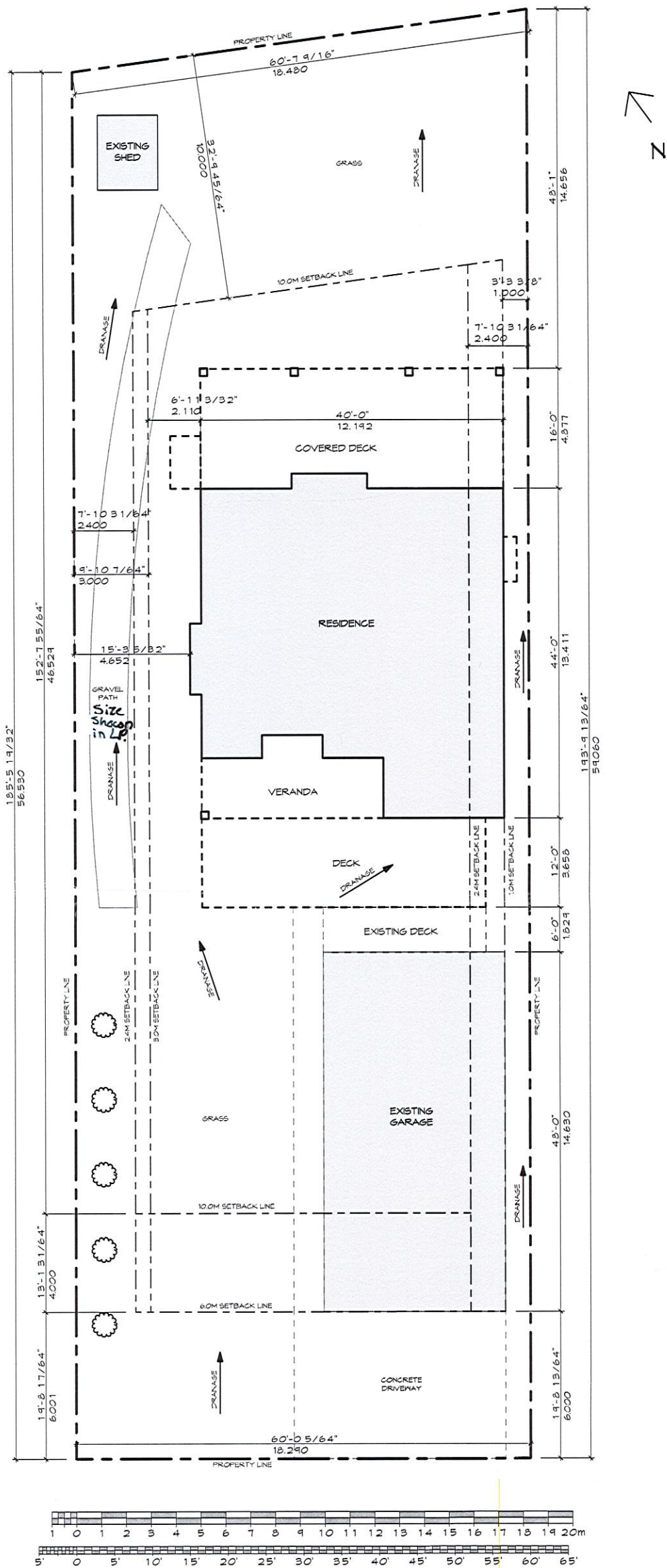
LAND USE DISTRICT
R -Residential District

REVISION SUMMARY
Original Issue (05/12/21) KF/PC

CLIENT
Abbey Platinum Master Built

REV. 0
PAGE 1 of 1

Drainage Plan approved for the property under dwelling development permit.



SITE PLAN

ALL SPECIFICATIONS FOR THE NBC 2019 (AE). 9.36. ENERGY CODE TO BE SUPPLIED BY OTHERS. DRAWINGS TO BE REVIEWED & APPROVED BY THE LOCAL MUNICIPALITY OR PERMITTING AUTHORITIES.	LEGAL ADDRESS: LOT: 6, BLOCK: 4, PLAN: 3741 MC	CIVIC ADDRESS: 49 LAKEVIEW RD, SV OF HALF MOON BAY, AB	CLIMATE ZONE: 7A	BUILDING AREA: 224 SQ M	AIRTIGHTNESS 2.5
MAIN FLOOR : 1589 SF DEV LOWER FLOOR : 1205 SF TOTAL LOWER FLOOR : 1488 SF TOTAL DEVELOPED : 2794 SF	CLIENT CONTACT INFO: 	DRAFTED BY:  KAREN RICHINSKI ARCHITECTURAL TECHNOLOGIST CELL: 403.396.0354 EMAIL: KAREN@KORD.CA WEB: WWW.KORD.CA	PROJECT NAME: WANDER INN	PROJECT NUMBER: AP-2021-02	SCALE: 1:200
			SHEET TITLE: SITE PLAN	DATE: 29-04-2021	SHEET: A 13

C-1

Aug 9, 2023 at 15:04:20

47 Lakeview Rd

Half Moon Bay AB T4S 1S1

Canada



C-1
Aug 9, 2023 at 15:04:25
47 Lakeview Rd
Half Moon Bay AB T4S 1S1
Canada

