

**MUNICIPAL PLANNING COMMISSION AGENDA  
SUMMER VILLAGE OF JARVIS BAY  
SUMMER VILLAGES ADMINISTRATION OFFICE  
APRIL 5 @ 8:45 A.M.**

**A. CALL TO ORDER**

**B. ADOPTION OF AGENDA**

**C. DEVELOPMENT ITEMS**

1) 37 & 35 Jarvis Bay Drive

**D. ADJOURNMENT**

## Summer Village of Jarvis Bay – Municipal Planning Commission

April 5, 2022

### Agenda Item

**37 & 35 Jarvis Bay Drive (Lot 18A & 19A, Block 1, Plan 2122274)**

### Development Permit Application

#### Background:

An application was submitted on behalf the registered owners for a duplex garage with guest house located on the property of 37 & 35 Jarvis Bay Drive (Lot 18A & 19A, Block 1, Plan 2122274) in the Summer Village of Jarvis Bay. This property is located in the R District (Residential) and was subdivided into two lots in July of 2021.

The proposed duplex garage with guest house does not meet the setback requirements for the rear and side yard. However, there is a regulation in the Land Use Bylaw under Part Three: Supplementary Regulations, Buildings 1(1)(b)(v) stating *“an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels”*. The building could therefore be allowed to share the side yard, but the proposed location still does not meet the rear yard setback. The proposed lot coverage would be 25.75% for lot 18A (as there is no principal dwelling currently on the lot) and 49.9% for lot 19A and under the maximum 50%. 5 trees will be removed where the proposed building location would be and will be replaced. The Land Use Bylaw states that accessory building's combined footprints shall be no larger than 8% of the parcels total area, with the proposed development the footprint would be at 9.6% for both lots.

#### Discussion:

This application is before MPC for the following reasons:

- Guest House is listed a discretionary use, therefore the decision must come from the Municipal Planning Commission.
- The rear yard setback of 0.3m (1ft.) does not meet the minimum 3m (9.84ft.) and requires a variance of 2.7m (8.85ft.).
- The side yard setback does not meet the minimum 1m (3.28ft.) setback but could be allowed under Part Three: Supplementary Regulations, Buildings 1(1)(b)(v) as quoted above.
- An accessory building's combined footprints shall be no larger than 8% of the parcels total area and requires a variance of 1.6% for both lots.

March 25, 2022

## Recommendation:

After reviewing the application and all relevant planning documents, it is the recommendation of administration to deny the application. Lot 18A does not have a main use (dwelling) and this application does not provide plans for one. The general purpose of the residential district is to provide an area for low density residential development in the form of detached dwellings and compatible uses. Accessory building(s) means “*a building separate and subordinate to the main building, the use of which is incidental to that main building*” as there is no main building on lot 18A or an approved development permit for one, an accessory building should not be constructed first. Further, a condition of the July 2021 subdivision is that a development permit application for demolition of the garage must be applied for within one year of subdivision approval, with plans for the future dwelling to also be submitted. 1 year from the subdivision decision is July 6, 2022, while this application states the planned timeline for demolition will be in the fall of 2022.

Adjacent landowners have been notified of the proposed development and no response has been received.

## Conditions:

If approved, Administration would recommend the following conditions:

- An accessory building erected or placed on a parcel shall not be used as a dwelling unit.
- Electrical power from the property line to any buildings situated on this parcel to be constructed underground.
- The exterior of an accessory building must be finished to match or compliment the exterior finish of the main building.
- In situations where a detached dwelling is being rented out and there is a guest house on the parcel, the guest house shall not be rented out to a separate party than those renting the detached dwelling.
- Height of the accessory building shall not exceed 7.62m (25ft.).
- Guest house means an accessory building containing sleeping facilities for temporary usage only and may have a bathroom but shall not have a kitchen or other cooking facilities.
- Demolition of the existing garage on lot 18A to demolished.
- Shed to be removed on lot 19A.
- Access Agreement between property owners for the shared driveway to be provided to administration and registered on title.
- Completions Deposit of \$3,000.00.
- Landscaping to be done according to the landscaping plan.

## Authorities:

For a discretionary use in any district:

March 25, 2022

- The Municipal Planning Commission may approve an application for a Development Permit:
  - With or without conditions;
  - Based on the merits of the proposed development, including it's relationship to any approved statutory plan, non-statutory plan, or approved policy, affecting the site;
  - Where the proposed development conforms in every respect to this Land Use Bylaw; or
- May refuse an application for a development permit based on the merits of the proposed development, even though it meets the requirements of the Land Use Bylaw; or
- Subject to 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 the Land Use Bylaw.

The MPC may:

- Grant a variance to reduce the requirements of any use of the LUB and that use will be deemed to comply with LUB.
- Approve application even though the proposed development does not comply or is a nonconforming building if:
  - It would not unduly interfere with the amenities of the neighborhood, or
  - Materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land, And
  - It conforms with the use prescribed for that land or building in the bylaw.
- Consider a Variance only where warranted by the merits or the proposed development and in response to irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements, except there shall be no variance for Parcel Coverage or Building Height.

## **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).

March 25, 2022



February 25, 2022

Attn: Jarvis Bay Development Officer

Re: 37 Jarvis Bay Drive Lot 18A and 19A

"Amended letter of intent"



IMC Construction on behalf of the registered owner is proposing to build a duplex garage (in compliance with the Alberta Building Code) the structure would include a functional space above the parking level to be used as an extension of the associated residences as detailed in the attached drawings.

As additional information see the comments below:

1. It is acknowledged that as a condition of the subdivision authority for the existing garage be demolished. Currently the existing garage is being used to store items that would be relocated to the new proposed garage structure. It is anticipated that if our project is approved that the owner would start construction in the fall (to avoid interruptions during the summer season) and that at that time the existing garage would be removed.
2. The intent of the owner regarding this proposed structure, would be within the low-density requirements for this sub-division, and that all the work would be completed in order to enhance the property and Jarvis Bay.
3. As the lots are within an older development, the intent is to maintain the existing surface drainage, and there would not be any impact on municipal lands nor on the neighboring residences.
4. Though the specific use of the loft space above the garages isn't specifically designed – the intent is to provide for added space to each of the residences (ie an artist's loft or a spare bedroom or additional storage)
5. As these properties are lake frontage it is assumed that the garage will be used for items associated with the enjoyment of the lake (in fact the existing garage currently houses a boat – that will be stored in one of the garage spaces). The area in front of the overhead door will be maintained as green space, with the existing gravel driveway being used for parking.
6. Though this type of structure has not been anticipated in the standard accessory building description for this sub-division, we feel strongly that it will improve the look and functionality of these two lots and along with the renovations of the existing house and the future house (where the existing garage) and will also add to the entire sub-division.

IMC Construction LTD.

170 – 106 Queensland Crescent, Red Deer, Alberta

[www.imcbuildit.com](http://www.imcbuildit.com)

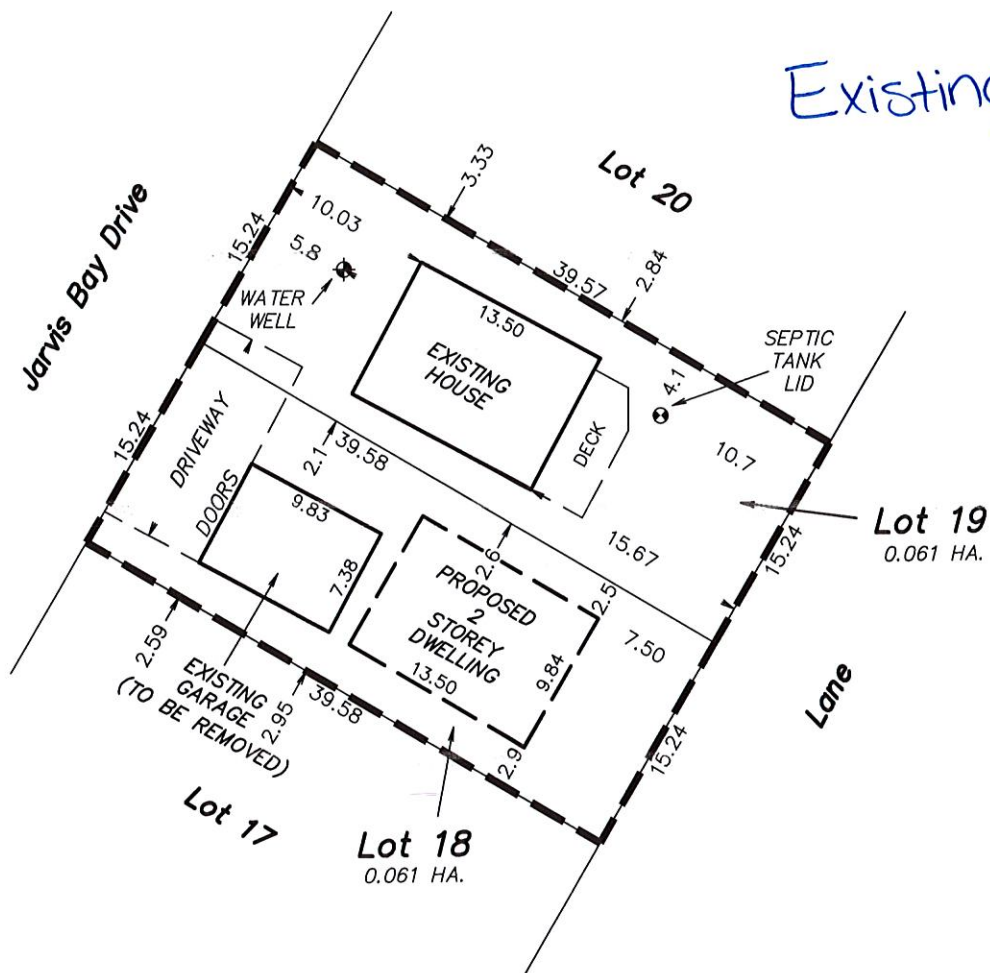
7. The shared driveway will be accompanied with an Access Agreement which will be registered through land titles, as a legal instrument there will not be future issues between the two lots.
8. For the proposed development to proceed we are asking for relaxations of:
  - a. Rear Yard Set Back from 3.0 m to 0.3 m (note there is no development abutting the rear yard and the land is designated as ER),
  - b. Side Yard Set Back from 1.0 m to 0.0 m (party wall between the structures – note the Duplex Garage would be constructed following all the conditions of the Alberta Building Code),
9. In addition, the proposed development is meant to conserve/maximize green space for both lots as part of this development.
10. The development of both properties as currently envisioned will increase the overall property values.
11. Amended development drawings will be submitted by March 4, 2022 – following a survey check of the grades to finalize notes regarding the height of the proposed structure.

Should you have any questions or require additional information please contact the undersigned, we look forward to the opportunity to work with you on this project.

Yours Truly,

Kevin Ede  
1-403-896-3279  
[kevin@imcbuildit.com](mailto:kevin@imcbuildit.com)  
Visit us at: [imcbuildit.com](http://imcbuildit.com)

IMC Construction LTD.  
170 – 106 Queensland Crescent, Red Deer, Alberta  
[www.imcbuildit.com](http://www.imcbuildit.com)



**NOTES:**

- Permanent Buildings are plotted from Real Property Report Dated June 10th, 1998 by George Smith A.L.S. and client changes to deck
- Distances shown are in metres.
- Area dealt with is bounded thus
- Final house plans will be provided for new dwelling, under separate development permit application. Subject to approval of separation of titles.

**SUMMER VILLAGE OF JARVIS BAY  
TENTATIVE PLAN**

SHOWING

**PROPOSED SUBDIVISION/  
SEPARATION OF TITLE**

OF

**LOTS 18 & 19, PLAN 2350 EO**

ALL WITHIN

**S.W. 1/4 SEC. 3-39-1-5**



SCALE = 1:500

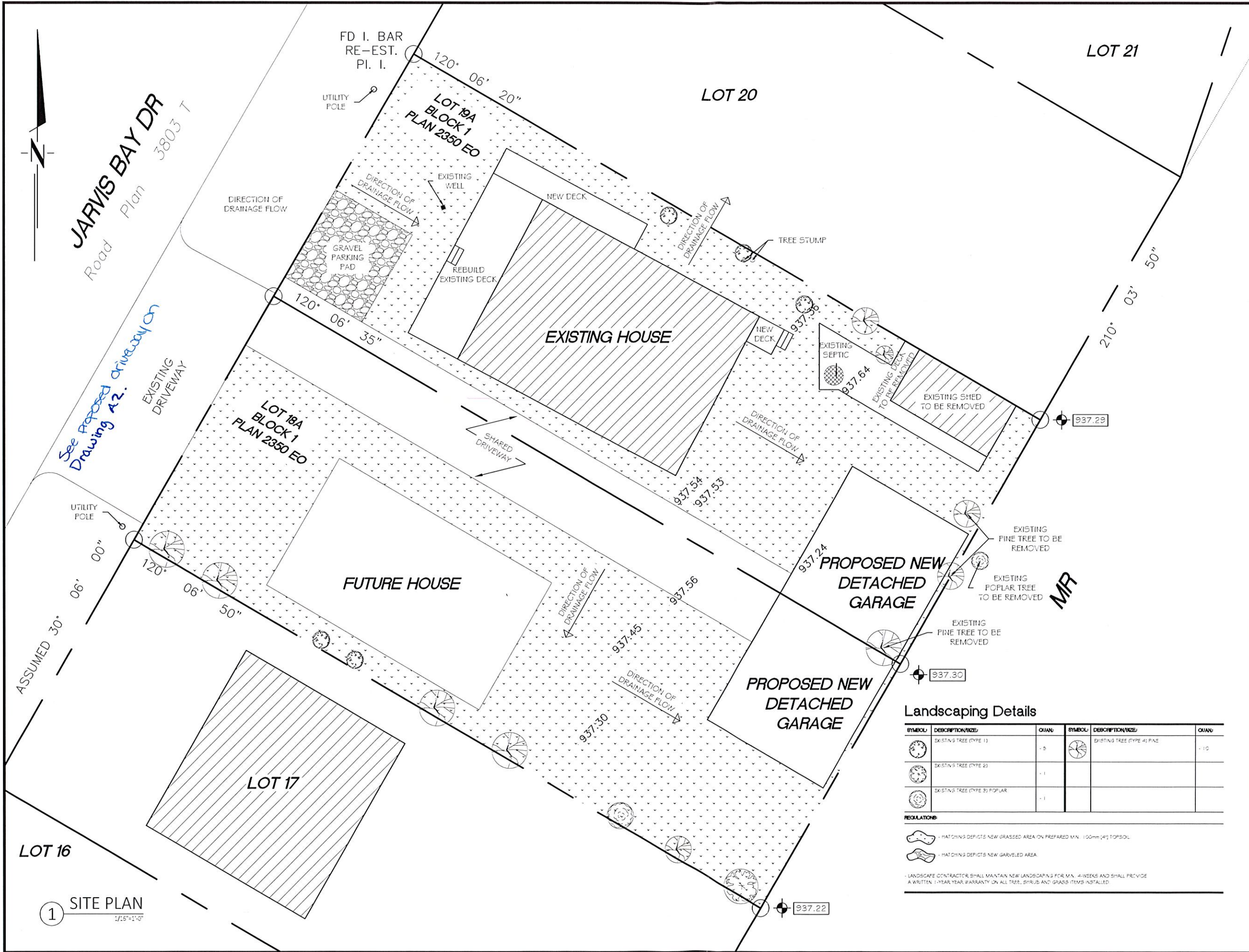
**BEMOCO LAND  
SURVEYING LTD.**

100, 6040-47th AVENUE  
RED DEER, AB., PH. 403-342-2611  
WWW.BEMOCO.COM

REV	DATE	DESCRIPTION
1	JUN 22-21	Revised
0	APR 13-21	Issued

FILE No: S-018-21 tent





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NO. | DATE | REVISION | BY

STAMPS:

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Ph: (403) 588-3880,  
Fax: (403) 309-2129  
Website: www.imcbuildit.com

PROJECT TITLE:  
Proposed  
New Detached Garage

**37 JARVIS BAY**

37 Jarvis Bay Dr  
Jarvis Bay,  
Alberta

DRAWING TITLE:  
**LANDSCAPED PLAN**

DRWN. BY: TY	SCALE: AS SHOWN
CHECKED BY: MH	DATE: MAR 14/22
JOB #	<b>A1</b> DRAWING: REVISION:

Landscaping Details

SYMBOL	DESCRIPTION/SIZE	QUAN.	SYMBOL	DESCRIPTION/SIZE	QUAN.
	EXISTING TREE (TYPE 1)	- 5		EXISTING TREE (TYPE 4) PINE	- 10
	EXISTING TREE (TYPE 2)	- 1			
	EXISTING TREE (TYPE 3) POPLAR	- 1			

REGULATIONS:

HATCHING DEPICTS NEW GRASSED AREA ON PREPARED M.N. 100mm (4") TOPSOIL

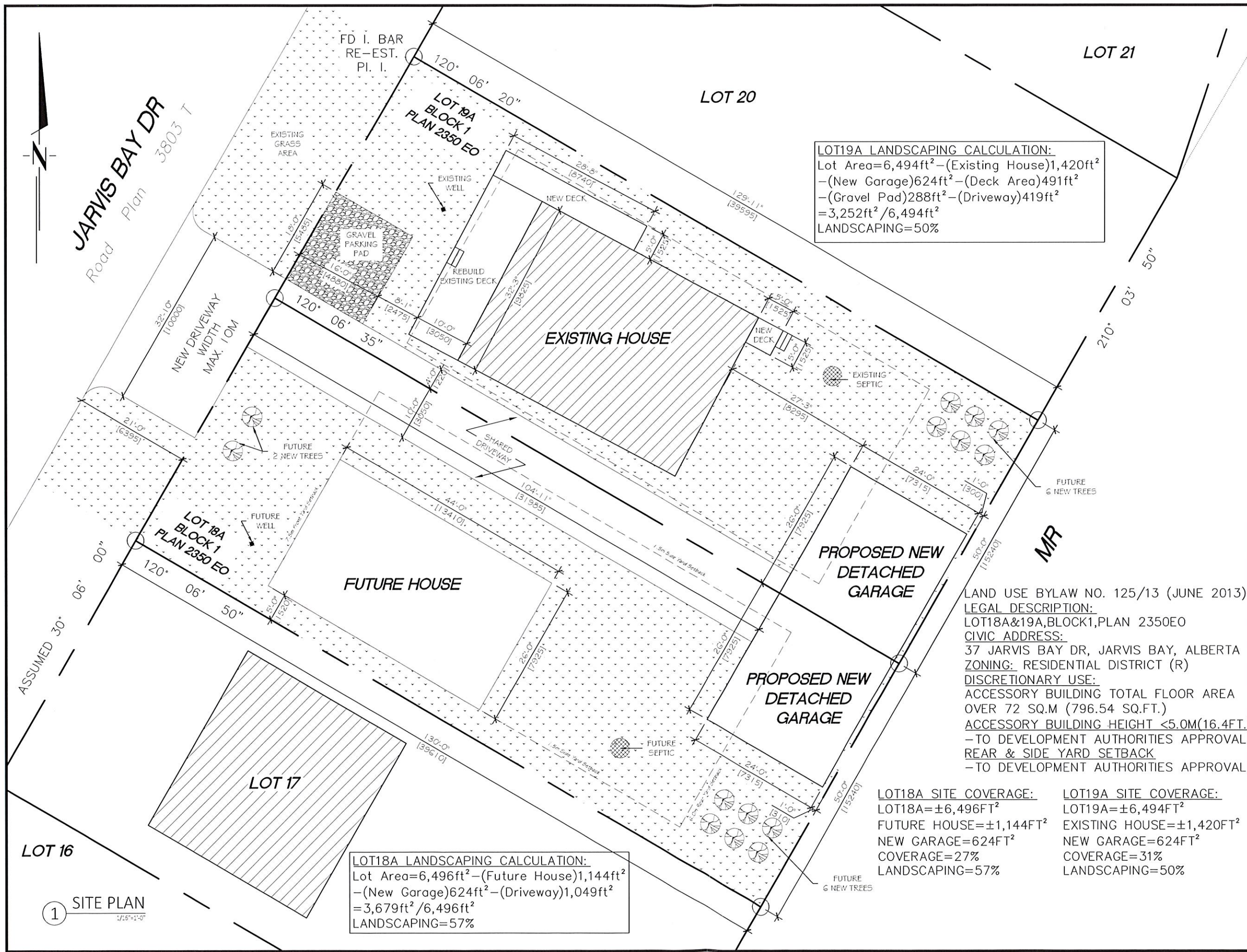
HATCHING DEPICTS NEW GRAVELED AREA

LANDSCAPE CONTRACTOR SHALL MAINTAIN NEW LANDSCAPING FOR M.N. 4 WEEKS AND SHALL PROVIDE A WRITTEN 1-YEAR WARRANTY ON ALL TREES, SHRUBS AND GRASS ITEMS INSTALLED

1 SITE PLAN  
1/8"=1'-0"

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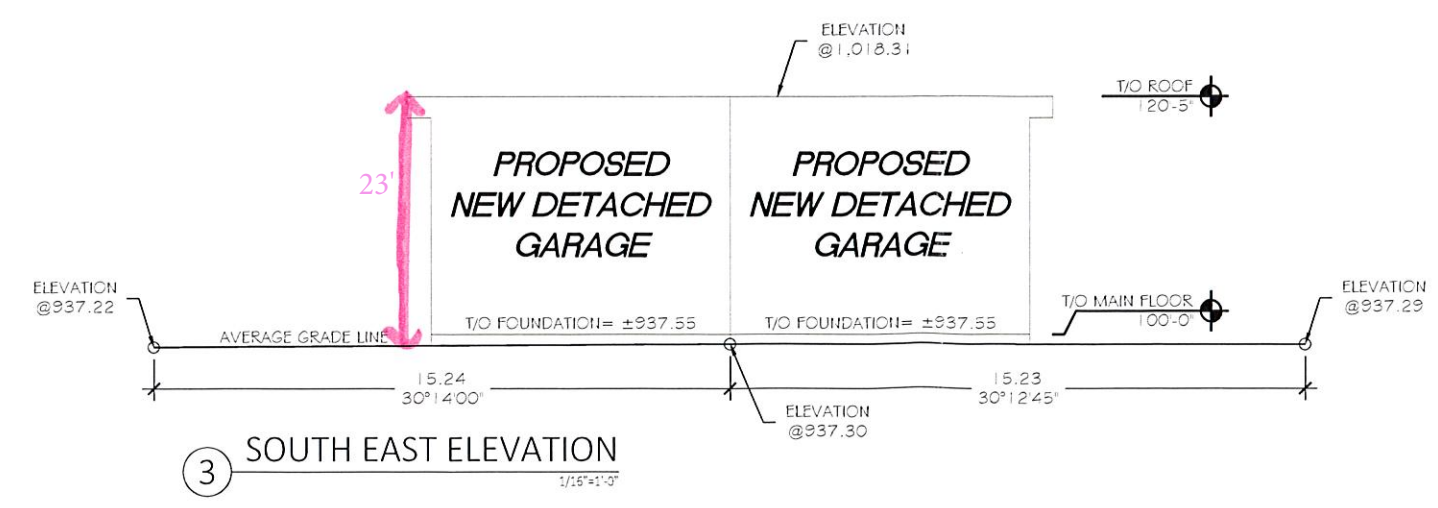
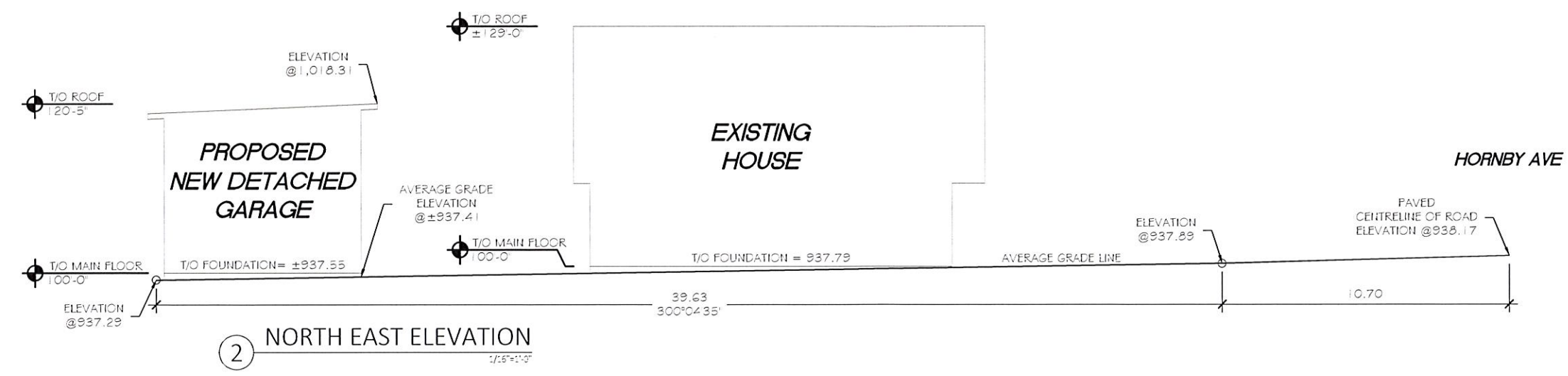
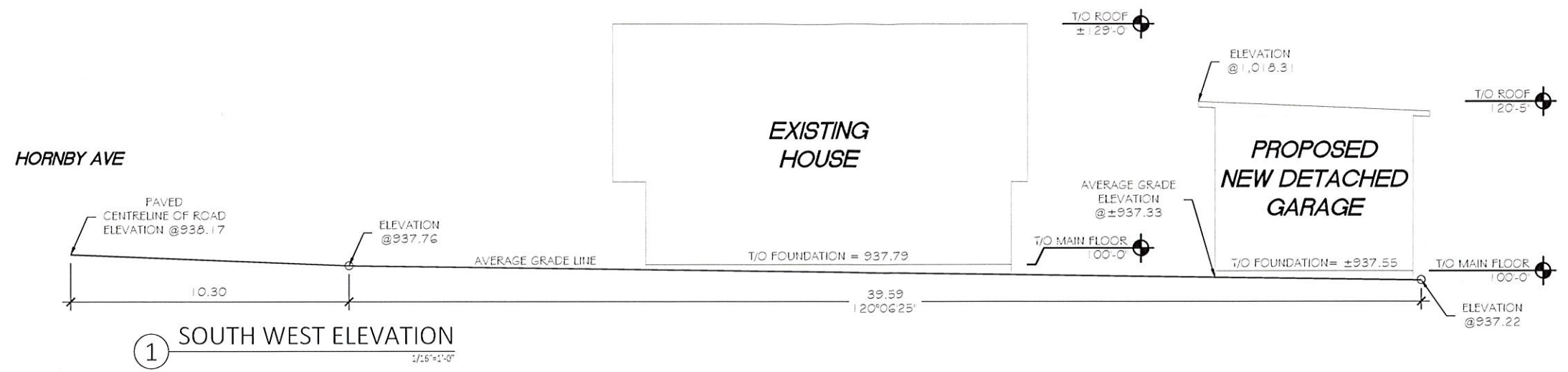
PROJECT TITLE:  
**Proposed New Detached Garage**

**37 JARVIS BAY**

37 Jarvis Bay Dr  
Jarvis Bay,  
Alberta

DRWN. BY: TY	SCALE: AS SHOWN
CHECKED BY: MH	DATE: MAR 14/22
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PROJECT TITLE:  
Proposed  
New Detached Garage  
**37 JARVIS BAY**

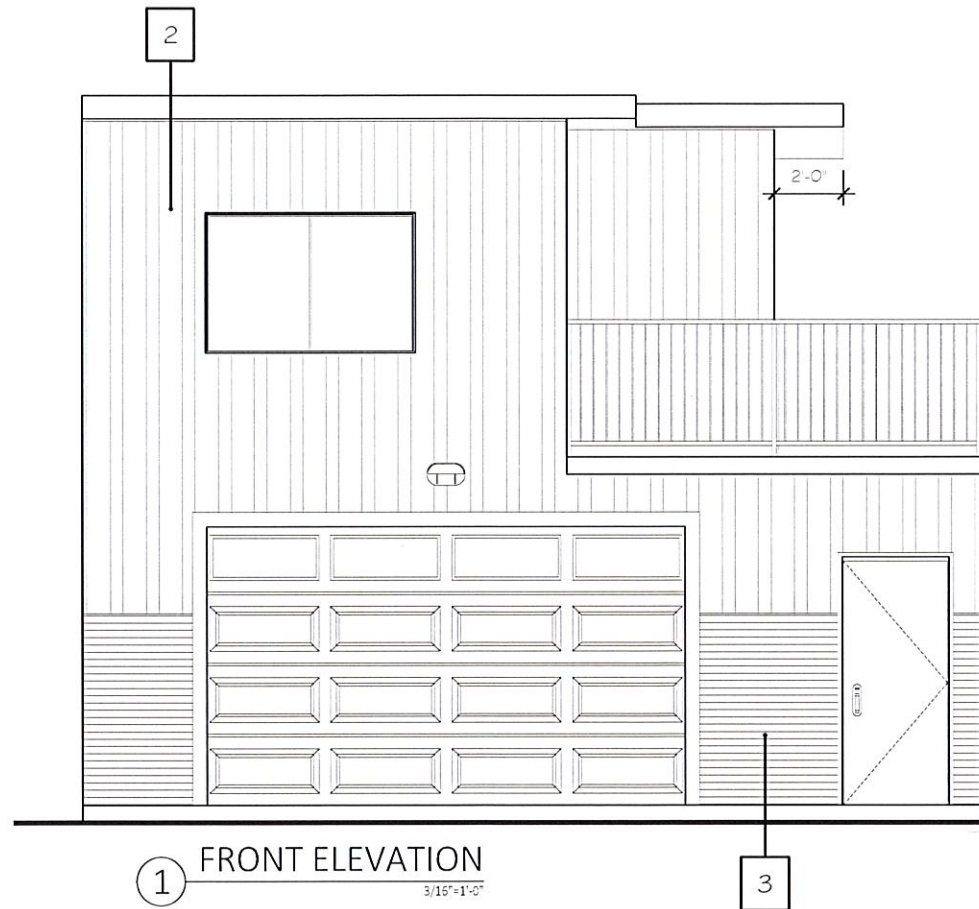
37 Jarvis Bay Dr  
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Alberta

DRAWING TITLE:  
**GRADING ELEVATION**

DRWN. BY: TY | SCALE: AS SHOWN  
CHECKED BY: MH | DATE: MAR 14/22

JOB #: | **A4** |  
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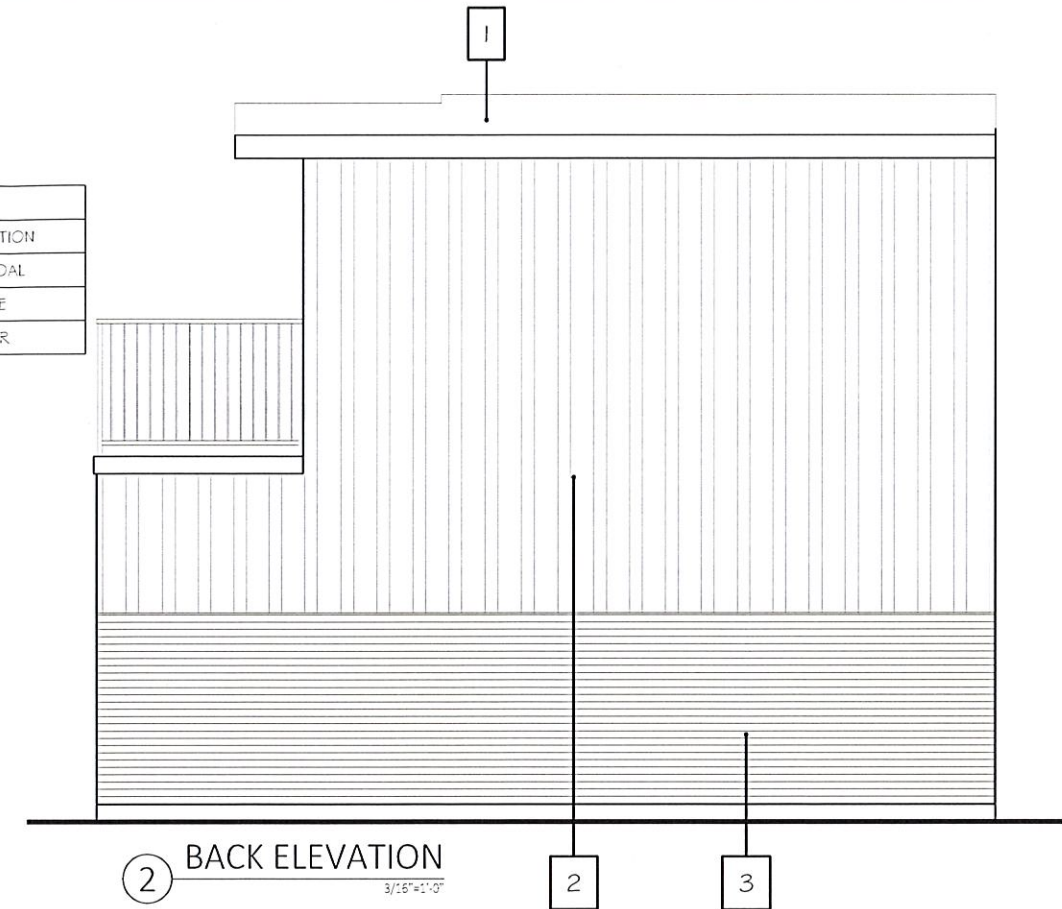
LEGEND		
NO.	NAME	DESCRIPTION
1	STANDING SEAM METAL ROOF	CHARCOAL
2	BOARD & BATTEN SIDING	WHITE
3	CORRUGATED METAL PANEL	SILVER

T/O ROOF  
120'-5"

T/O 2ND FLOOR  
110'-0"

T/O MAIN FLOOR  
100'-0"

T/O GRADE  
99'-6"



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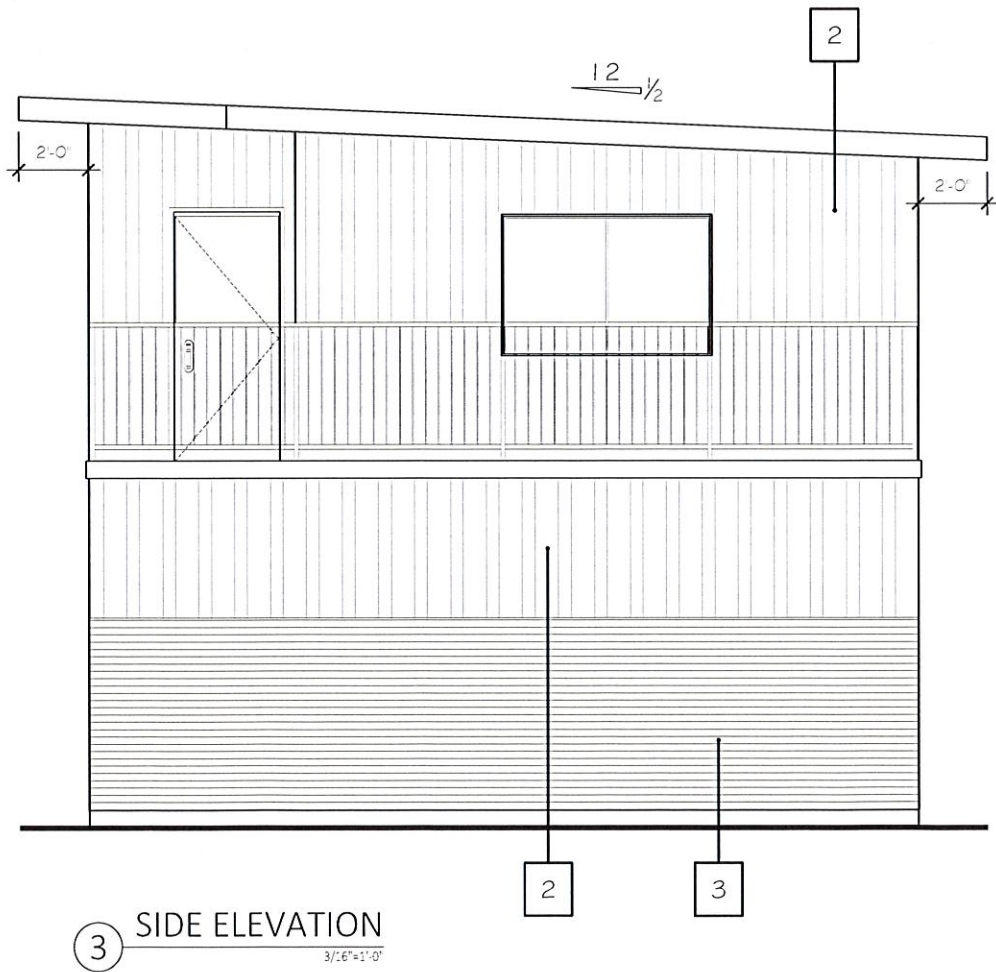
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PROJECT TITLE:  
Proposed  
New Detached Garage  
**37 JARVIS BAY**  
  
37 Jarvis Bay Dr  
Jarvis Bay,  
Alberta

DRAWING TITLE:	
GARAGE ELEVATION & BUILDING SECTION	
DRWN. BY: TY	SCALE: AS SHOWN
CHECKED BY: MH	DATE: MAR 14/22
JOB #:	REVISION:

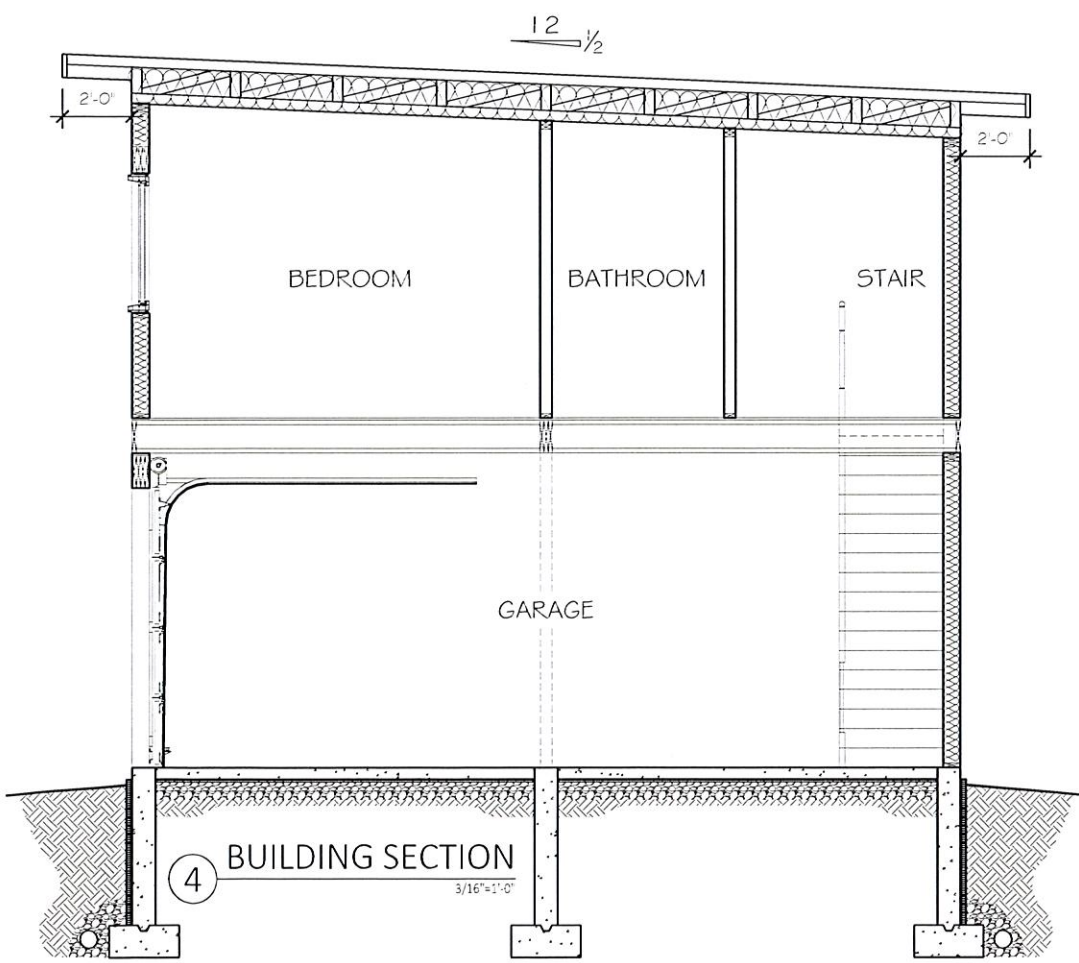


T/O ROOF  
120'-5"

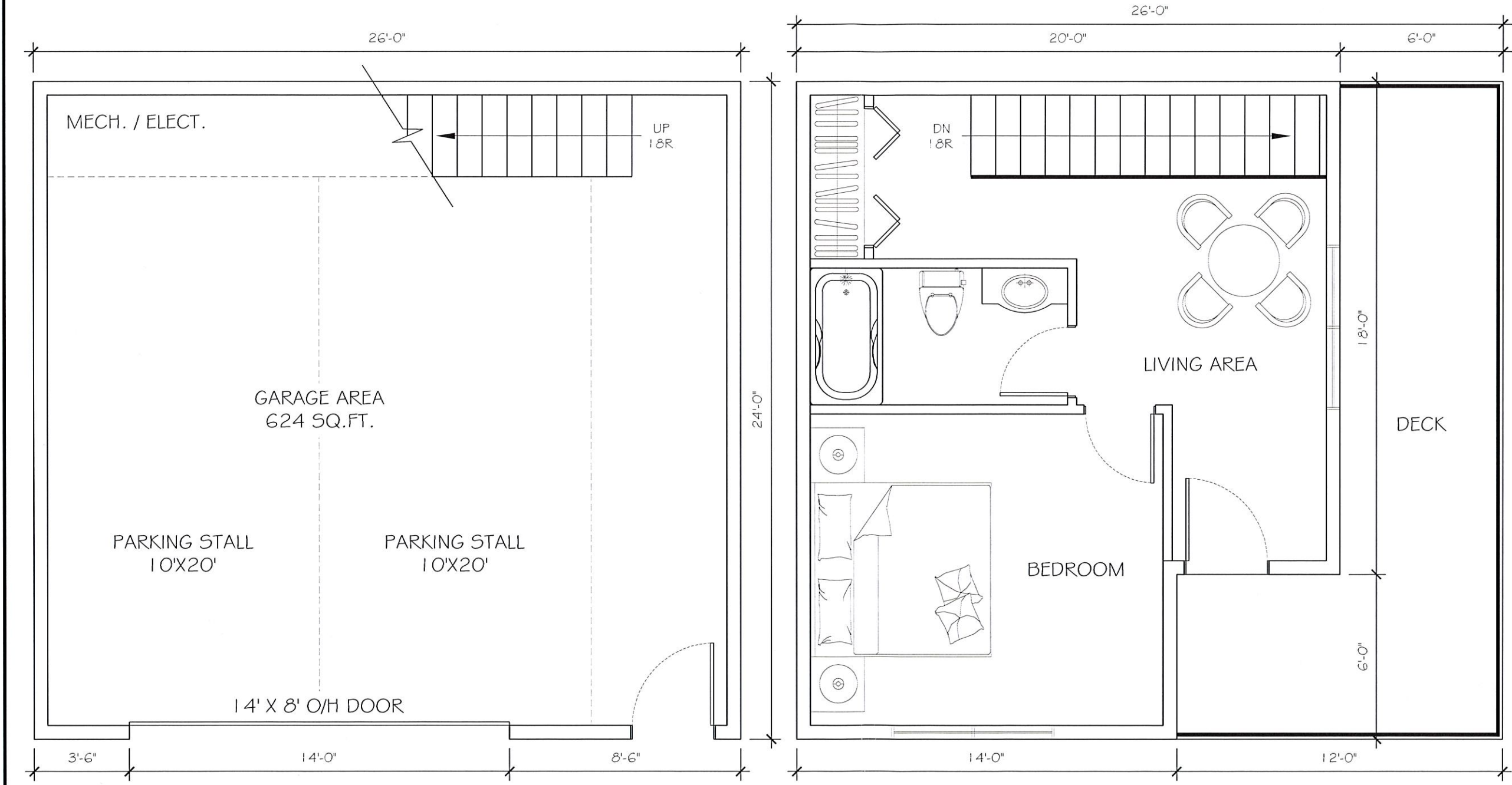
T/O 2ND FLOOR  
110'-0"

T/O MAIN FLOOR  
100'-0"

T/O GRADE  
99'-6"







① MAIN FLOOR PLAN  
1/4"=1'-0"

② 2ND FLOOR PLAN  
1/4"=1'-0"

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10	01/01/22	10	TY

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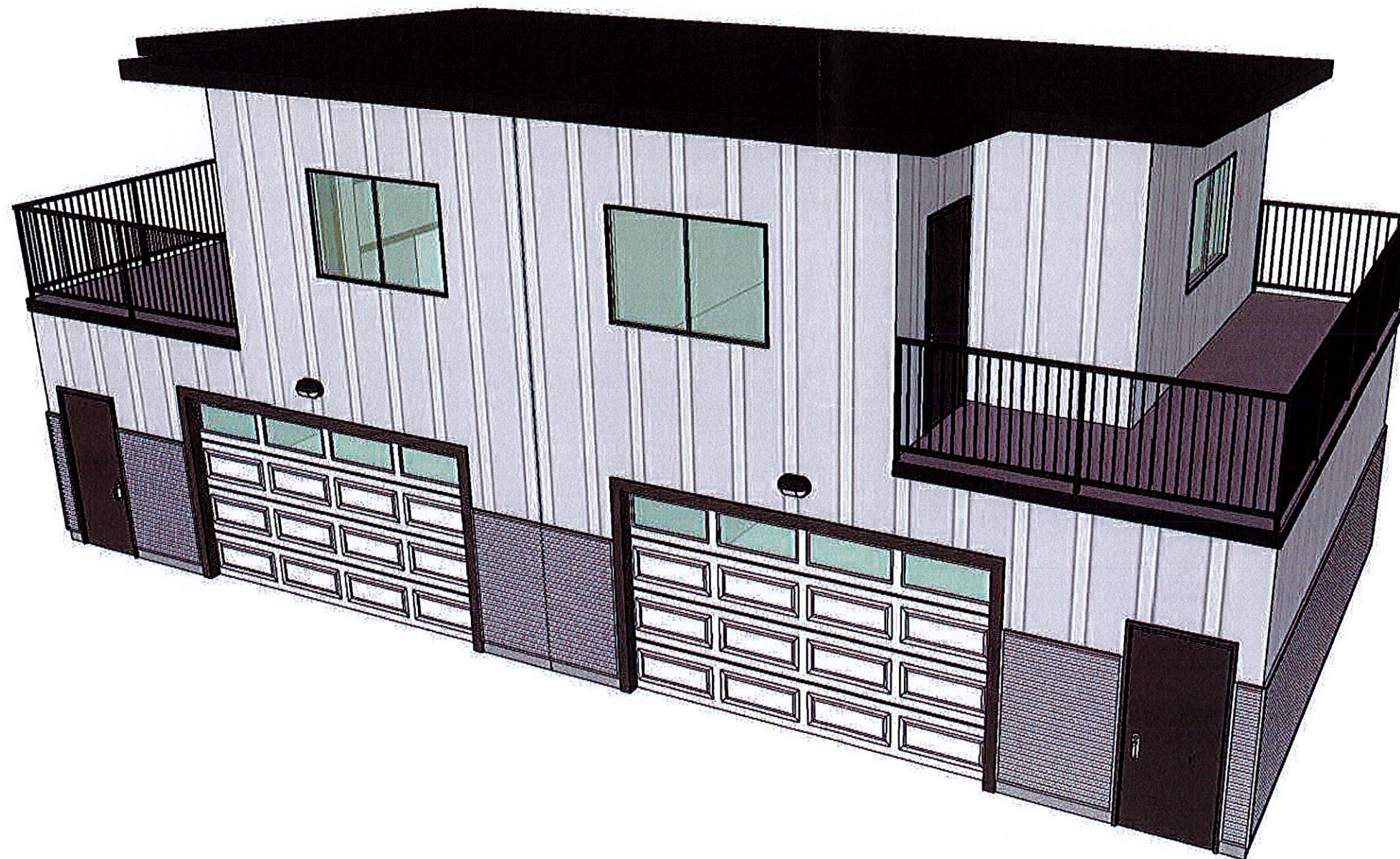
PROJECT TITLE:  
Proposed  
New Detached Garage

**37 JARVIS BAY**

37 Jarvis Bay Dr  
Jarvis Bay,  
Alberta

DRAWING TITLE: DETACHED GARAGE FLOOR PLAN	
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PROJECT TITLE:  
Proposed  
New Detached Garage  
**37 JARVIS BAY**  
  
37 Jarvis Bay Dr  
Jarvis Bay,  
Alberta

DRAWING TITLE:  
**PRELIMINARY  
CONCEPT**

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JOB #: **A6** | DRAWING: | REVISION: 

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MAR 28 2022







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