

**MUNICIPAL PLANNING COMMISSION AGENDA
SUMMER VILLAGE OF JARVIS BAY
SUMMER VILLAGES ADMINISTRATION OFFICE
FEBRUARY 7, 2023 @ 9:00 A.M.**

A. CALL TO ORDER

B. ADOPTION OF AGENDA

C. DEVELOPMENT ITEMS

1) 44 Jarvis Bay Drive

D. ADJOURNMENT

Summer Village of Jarvis Bay – Municipal Planning Commission

February 7, 2023

Agenda Item

44 Jarvis Bay Drive (SW-3-39-15)

Development Permit Application

Background:

The registered owner of 44 Jarvis Bay Drive (SW-3-39-15), in the village of Jarvis Bay is requesting variances for an existing shed. This property is located in the R District (Residential District) and the property currently has an open development permit for a detached garage. When development takes place, it is then the time we ensure other buildings on the property conform to the Land Use Bylaw regulations. A condition of the development permit for the detached garage, requires that the shed is to be relocated on the property to meet setback requirements or obtain MPC approval. The shed in the location it is currently, requires two setback variances. It is the request of the homeowner to keep the shed in the position it is in to refrain from removing vegetation. There are no previous development permit approvals on file for the shed.

Discussion:

This application is before MPC for the following reasons:

- The side yard setback to the shed of 0.69m does not meet the minimum 1m, therefore requires a variance of 0.31m.
- An accessory building on a parcel abutting Sylvan Lake, shall be situated so that it is located within the minimum rear yard of any parcel. The shed is currently located in the front yard of the parcel.

Recommendation:

It is administrations recommendation to deny the request for the shed variance, in our opinion the shed could be relocated to a different location on the property to be compliant with the Land Use Bylaw regulations, and without tree removal. Adjacent landowners have been notified of the proposed variance request and no response has been received.

Conditions:

If approved, Administration would recommend the following conditions:

- Zero trees to be removed.
- All other conditions on the current development permit #222044 to be complied with.

Authorities:

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:
 - o It would not unduly interfere with the amenities of the neighborhood, or
 - o Materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land, And
 - o 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*).

To Whom It May Concern;

Re: DP222044 Item #15

I am asking for a variance on item #15 of the development permit #222044.

I understand that when a development permit is pulled, it has a stipulation to make the remainder of the property compliant according to the land use bylaws.

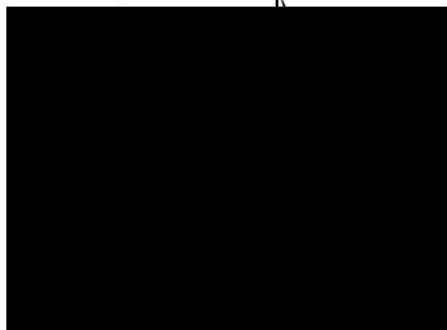
Currently the shed sits between two groups of trees which is past the front building line of the home. I am in the process of applying for a new development permit, through Larkaun Homes, for a covered deck addition and extension of the lake side deck. This will add 16.5 ft from the kitchen wall making the new front building line as shown on the plot plan. Due to the use of piles this has the new line runs right through the east tree boarder of the shed.

Should your decision is for the shed to be moved, it would have to be moved to the southeast corner and many trees will need to be removed to accommodate the size of the shed and maintain parking. We are conscious of the landscaping aspect of the Summer Villages communities and feel like leaving it in the current location is the best option.

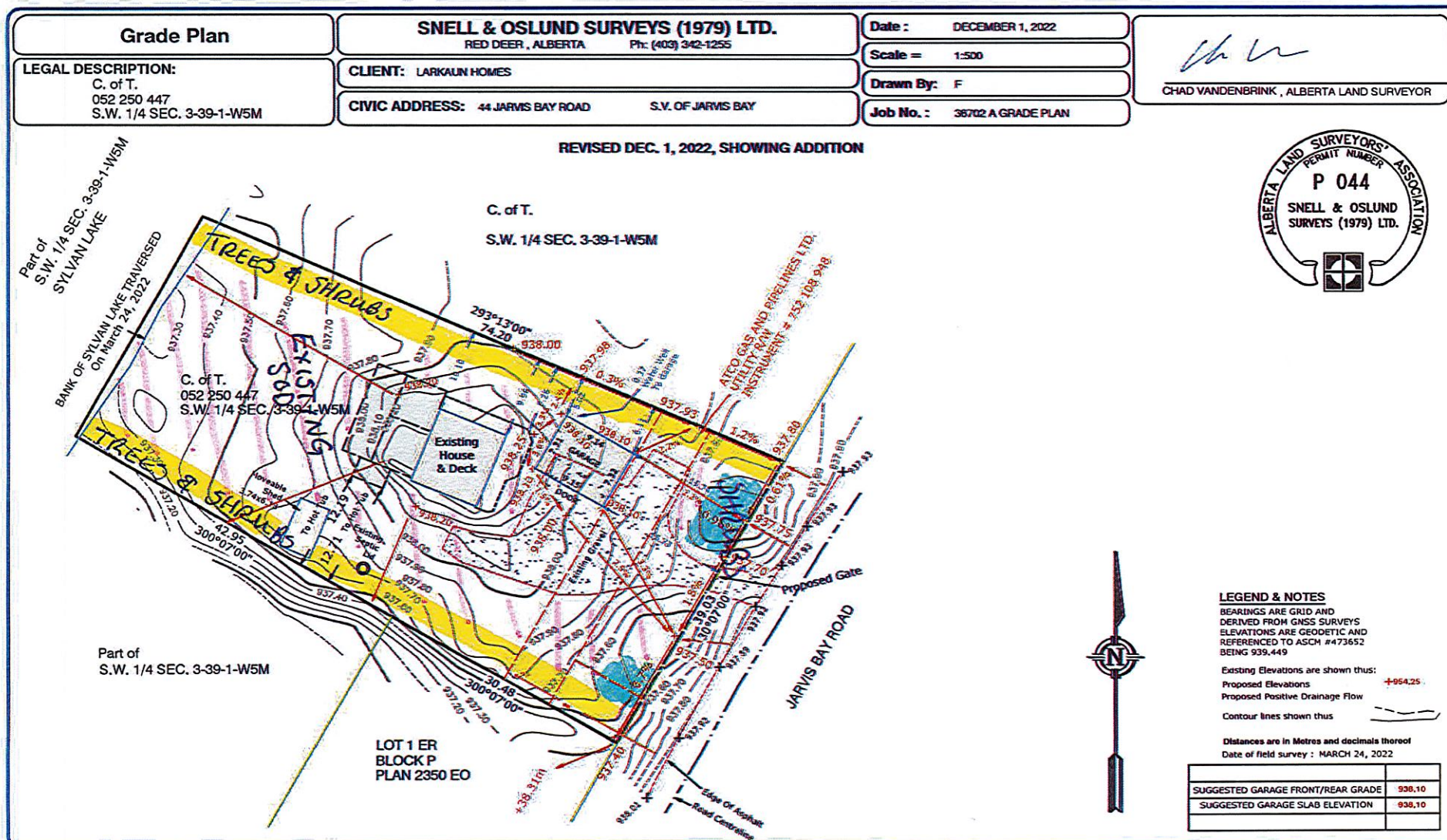
Unfortunately the shed isn't able to fit on the south side of the home due to the septic tank location.

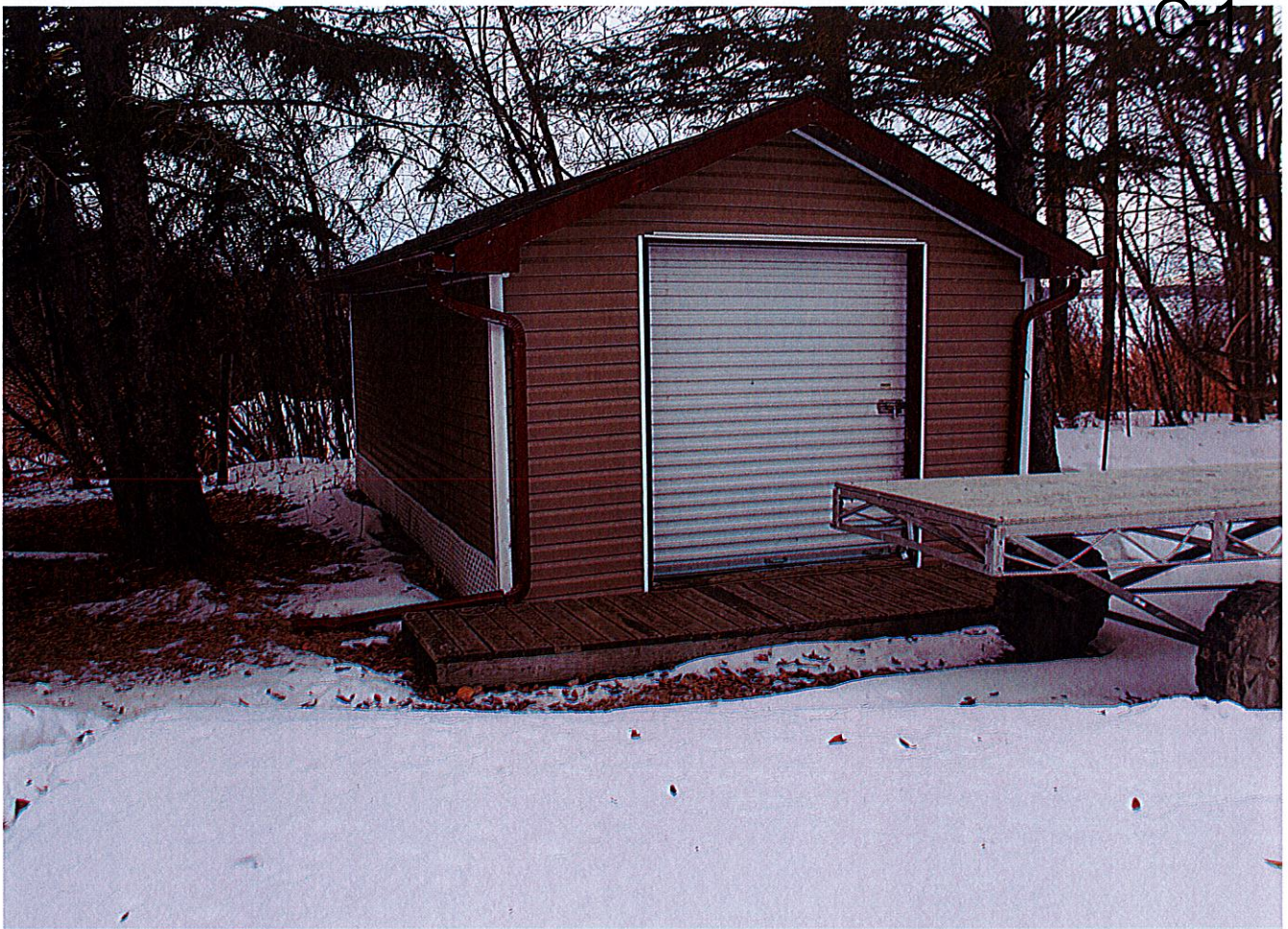
I appreciate your consideration on this item and look forward to your questions and/or response.

Sincerely,



Landscaping Plan.





C-1



JAN 23 2023



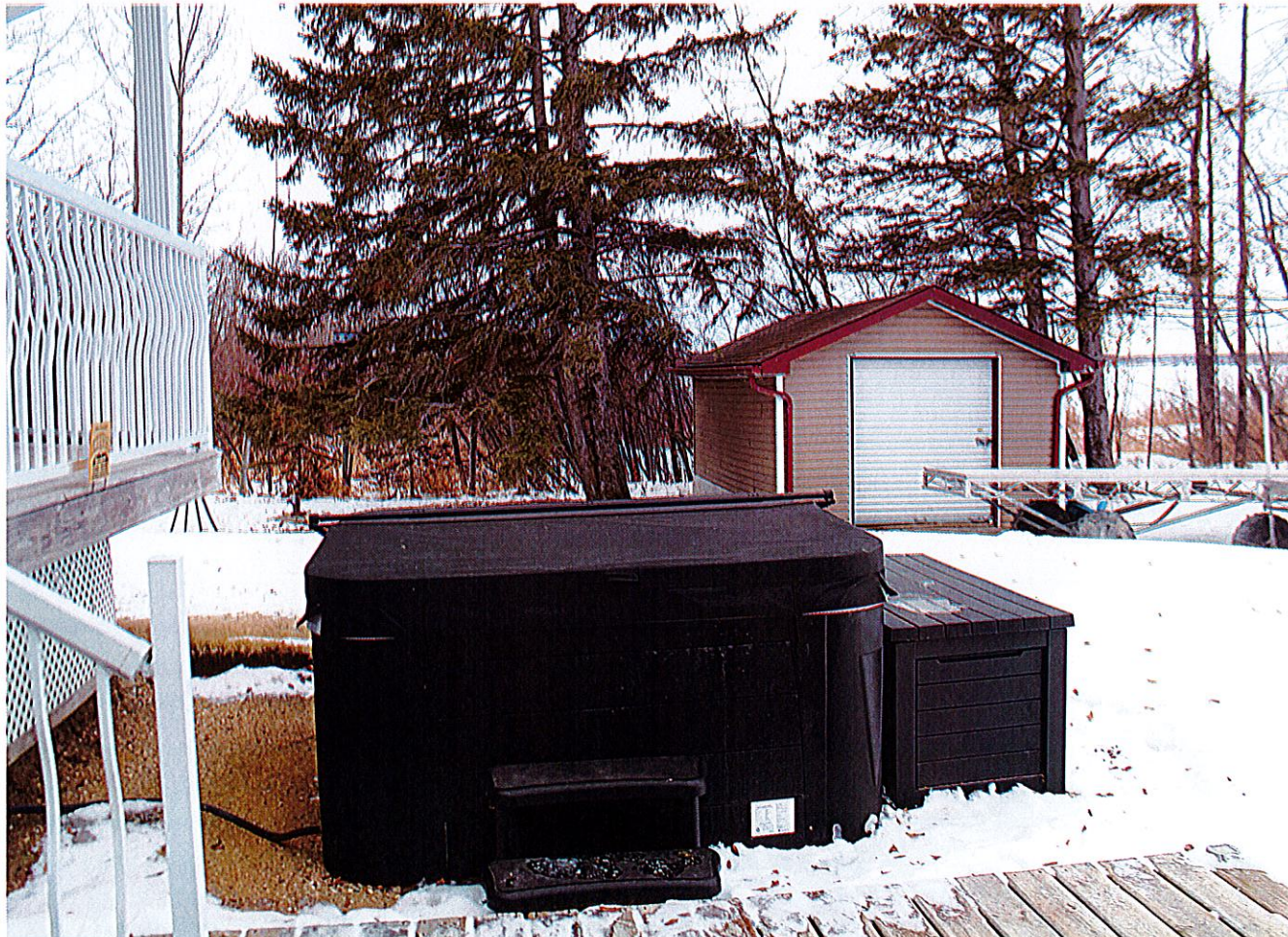


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