

**SUMMER VILLAGE OF SUNBREAKER COVE  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
MAY 28, 2021  
RECORD OF HEARING AND DECISION**

<b>PRESENT</b>	Chair Member-at-Large Development Officer ICAO Recording Secretary Applicant	Teresa Beets Linda McLevin Kara Kashuba Tanner Evans Teri Musseau Rob Christen
<b>CALL TO ORDER</b>	Chair Beets called the hearing to order at 10:00 a.m.	
<b>PURPOSE OF HEARING</b>	The purpose of the hearing is to hear an appeal received on April 30, 2021, from Rob Christen appealing the April 12, 2021, decision of the Municipal Planning Commission, to deny a development permit for a detached garage with guest house for the property located at 805 Sunhaven Way, Lot 10, Block, 7, Plan 1823MC, in the Summer Village of Sunbreaker Cove.	
<b>APPEAL FILED AND NOTICE GIVEN</b>	Pursuant to Section 686(1) of the Municipal Government Act, the appeal was filed within the 21-day appeal period and notice was given by letter to the applicant and owners of property located within a 200' radius of the proposed development. The hearing is being convened 28 days after receipt of the letter of appeal and within 30 days as outlined in Section 686(2) of the Municipal Government Act.	
<b>DEADLINE FOR DECISION</b>	Pursuant to Section 687(2) of the Municipal Government Act, the Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing.	
<b>OBJECTIONS TO MEMBERS OF THE APPEAL BOARD</b>	<p>The Members of the Subdivision and Development Appeal Board are appointed in accordance with the Subdivision and Development Appeal Board Bylaw #124-18.</p> <p>Members of the Subdivision and Development Appeal Board were asked if they felt they should disqualify themselves from hearing the appeal before them and no one felt they needed to disqualify themselves.</p> <p>Mr. Christen was asked if he had any objection to any of the members of the Subdivision and Development Appeal Board present hearing the case. He had no objection to any of the members hearing his case.</p>	
<b>DISCLOSURE OF EVIDENCE FINDING OF FACTS</b>	<p>The members of the Subdivision and Development Appeal Board were asked if they had sought, been given or reviewed any evidence prior to the hearing.</p> <p>Other than the agenda package that was sent to members a few days prior to the hearing, none of the members had sought, been given or reviewed any evidence prior to the hearing.</p>	

**APPEAL LETTER READ** Teri Musseau, Secretary of the Subdivision and Development Appeal Board read the appeal letter received from Mr. Christen on April 30, 2021, into record.

**HEARING PROCEDURES** Chair Beets reviewed the procedures to be followed for the hearing.

**BACKGROUND OF APPEAL** Kara Kashuba, Development Officer, provided the Subdivision and Development Appeal Board the background of the appeal.

In March 2021, a development permit was applied for, for demolition of an existing detached garage and a new detached garage with guest house for the property of 805 Sunhaven Way. The application was presented to the Municipal Planning Commission for the following reasons:

1. Guest House is listed as a discretionary use; therefore, the decision must come from the Municipal Planning Commission.
2. The proposed side yard setback of 0.91m (3ft.) does not meet the minimum requirement of 1m (3.28ft.) and required a 0.08m (0.28ft.) variance.
3. The proposed front yard setback of 1.82m (6ft.) does not meet the minimum requirement of 3.65m (12ft.) and required a 1.82m (6ft.) variance.

The Commission reviewed the application and decided the following:

Deny the discretionary use/variance application for the construction of the detached garage and guest house for the following reasons:

1. The proposed development is in contravention of the setbacks as defined in the Land Use Bylaw.
2. The proposed 50% reduction of the front yard setback in combination with the proposed building height is considered to be excessive and may cause sightline issues along Sunhaven Way.

On April 30, 2021, Administration received a letter of appeal from the Mr. Christen, which was submitted within the required timeframe set in the Municipal Government Act.

**APPLICANT PRESENTATION** Rob Christen addressed the board with the reasons for requesting a development permit for a side entry garage with guest house.

**IN FAVOUR OF THE APPEAL** No written submissions were received. No one was present to speak in favour of the appeal.

**AGAINST THE APPEAL** No written submissions were received. No one was present to speak in opposition of the appeal.

**SUMMARY FROM APPELLANT** Mr. Christen had nothing additional to add.

**DEVELOPMENT  
OFFICER  
SUMMARY**

Kara Kashuba summarized her case stating the facts.

Discretionary Uses/Variance request applications are appealable to the Subdivision and Development Appeal Board, as provided in part 17 of the Municipal Government Act along with written statements relevant to the development and reasons for appeal. The Subdivision and Development Appeal Board may deny the appeal and refuse the permit or allow the permit and approve the application with variations to the permit.

**OPPORTUNITY  
FOR A FAIR  
HEARING  
HEARING  
CLOSED**

Chair Beets asked Mr. Christen if he felt he had an opportunity to state his case. Mr. Christen acknowledged he had.

Chair Beets thanked everyone for their attendance and presentations. A written decision of the Board will be made within 15 days. The hearing was declared closed at 10:45 a.m. No further submissions will be entertained by the board.

**FINDINGS  
OF THE BOARD**

Upon hearing and considering the representations and the evidence of the parties concerned the Board find the facts in the matter to be as follows:

1. The proposed development would not interfere with sightlines.
2. The proposed development would not:
  - a. unduly interfere with the amenities of the neighborhood, or
  - b. materially interfere with or affect the use prescribed for that land or building in the land use bylaw.
3. The variance is warranted by the merits of the proposed development in response to site characteristics which create difficulties in sitting the structure within the required setbacks.

**DECISION**

The Subdivision and Development Appeal Board grants approval for a detached side entry garage with a guest house subject to the following conditions being met to the satisfaction of the Development Officer:

- All parcels shall be graded to ensure that storm water is directed to a drainage ditch without crossing adjacent land, except as permitted by the Development Authority. All maintenance and upkeep shall be the responsibility of the property owner. A post construction lot grade certificate may be required at completion to ensure that proper drainage on the property exists.
- Exterior of the garage to be finished to match or compliment the finish of the existing dwelling.
- Completions Deposit of \$5,000.00.
- 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.
- Trees to be replanted according to landscaping plan.
- Height of the garage with guest house shall not exceed 25ft.
- Footing check survey required from an Alberta Land Surveyor at the time of footings prior to continuation of construction to ensure compliant with setbacks.
- The guest house shall not have a kitchen or other cooking facilities.
- In situations where a detached dwelling is being rented out and there is a guest house on the parcel, the guest house shall not to be rented out to a separate party other than those renting the detached dwelling.
- A post construction plan must be submitted to the Development Officer.
- Applicant must tie into the septic system when available.
- Side yard setback to comply with the 3.28 ft. setback as per the Land Use Bylaw.

**DATED AT THE TOWN OF SYLVAN LAKE THIS 28<sup>TH</sup> DAY OF MAY 2021.**

**THE SUMMER VILLAGE OF  
SUNBREAKER COVE SUBDIVISION AND  
DEVELOPMENT APPEAL BOARD**

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**Teresa Beets  
SDAB Chair**

