

**MUNICIPAL PLANNING COMMISSION AGENDA
SUMMER VILLAGE OF SUNBREAKER COVE
SUMMER VILLAGES ADMINISTRATION OFFICE
APIL 12, 2021 @ 9:00 A.M.**

- A. CALL TO ORDER**
- B. ADOPTION OF AGENDA**
- C. DEVELOPMENT ITEMS**
 - 1) 1126 Breakers Way
 - 2) 805 Sunhaven Way
- D. ADJOURNMENT**

Summer Village of Sunbreaker Cove – Municipal Planning Commission**April 12, 2021****Agenda Item****Development Permit Application****Background:**

The registered owner of 1126 Breakers Way (Lot 6, Block 6, Plan 4146RS), in the village of Sunbreaker Cove submitted an application for the operation of a Tourist Home. This property is located in the R1 District (Residential District). The dwelling on the property proposed to be used for the tourist home operation, consists of 3 bedrooms and the proposed maximum amount of people staying overnight is 8. Parking will take place on the existing garage pad and driveway of the property.

Discussion:

This application is before MPC for the following reason:

- Tourist Home is listed as a discretionary use; therefore, the decision must come from the Municipal Planning Commission.

Recommendation:

After reviewing all relevant planning and other statutory documents, it is the recommendation of administration to approve the application. The tourist home is proposed to comply with the regulations. This is the first tourist application for this property.

Conditions:

If approved, Administration would recommend the following conditions:

- The development permit is only valid for 1 year from the date of issuance. A new development approval will be required at the time should the applicant wish to continue with the tourist home use.
- Tourist homes shall be contained within the principle building and therefore garage suites shall not be used.
- Notwithstanding part three, section 2(3) of the Land Use Bylaw, no recreation vehicle shall be used as accommodation for tourist home guests.
- The maximum number of people staying overnight in a tourist home shall be 4.
- The owner/operator of the tourist home is responsible for informing the Summer Village Office of any changes in the alternate owner/operator's information.
- The minimum length of stay shall be no less than 7 days in the peak season between May 1 until September 30. Otherwise, it shall be no less than 3 days.

April 6, 2021

- The tourist home shall always abide by the community standards bylaw regardless of who is occupying the home.
- Tourist homes shall not display any sign advertising the tourist home.
- Parking must be in place on the property or the road allowance in front of the property, of a minimum of one stall.

Authorities:

The MPC may:

For a discretionary use in any district:

- 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.

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*).

APR 01 2021

1126 Breakers Way
Sunbreaker Cove, AB
April 1, 2021

Kara Kashuba
Jr. Development Officer
Village of Sunbreaker Cove
kkashuba@sylvansummervillages.ca

Dear Kara Kashuba:

Please except this letter as my **Letter of Intent for the Tourist Home Permit Application** at 1126 Breakers Way, Sunbreaker Cove.

From time to time, when my family is not using the property, I plan to rent it out to tourists.

As the house plans indicate, there are 3 bedrooms and one living room. This allows up to a maximum of 8 guests.

There is adequate parking on the garage pad for 2 vehicles and in the driveway for another 1-2 vehicles as shown.

Regards,



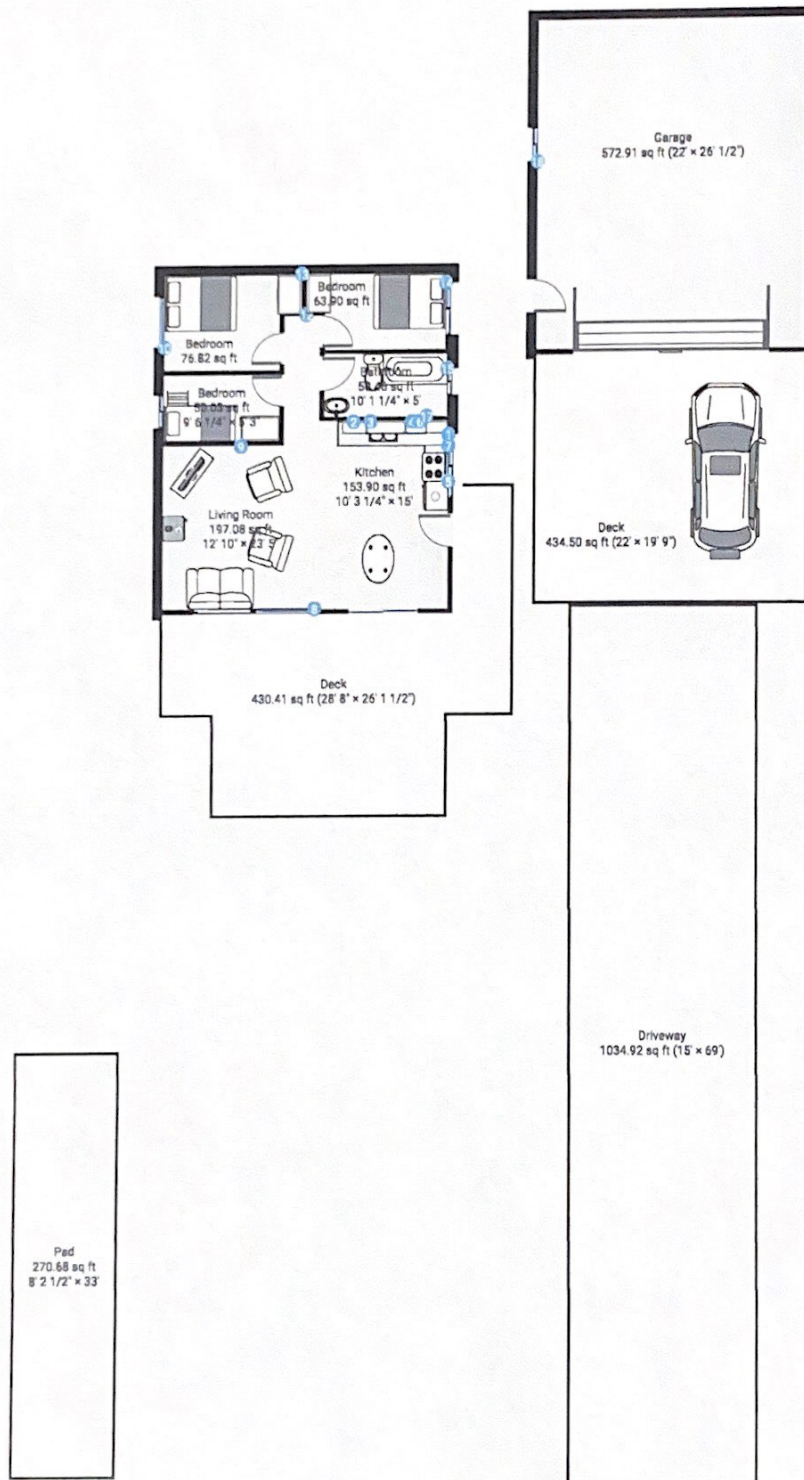
Project 1

1126 Breakers Way, TOMOJO Sunbreaker Cove, AB, Canada

TOTAL AREA: 1362.38 sq ft • LIVING AREA: 728.06 sq ft • FLOORS: 1 • ROOMS: 5

▼ **Ground Floor**

TOTAL AREA: 1362.38 sq ft • LIVING AREA: 728.06 sq ft • ROOMS: 5



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Page 2/10



MAR 24 2021







MAR 24 2021





MAR 24 2021







Summer Village of Sunbreaker Cove – Municipal Planning Commission

April 12, 2021

Agenda Item

Development Permit Application

Background:

An application was submitted on behalf of the registered owners of 805 Sunhaven Way (Lot 10, Block 7, Plan 1823MC), in the village of Sunbreaker Cove for demolition of the existing garage and a new garage with guest house. This property is located in the R1 District (Residential District). The proposed garage with guest house meets the height requirement and the proposed parcel coverage is 23.8% and under the maximum 50%. 2 or 3 trees will be removed, these trees will be replanted on the east side of the proposed driveway and parking area. This will be a side entry garage and the proposed size of the garage will be 57.85m² (622.75ft²), which is permitted. The Land Use Bylaw states that accessory building's combined footprints shall be no larger than 8% of the parcel's total area, with the proposed development this footprint would be at 7.4%.

Discussion:

This application is before MPC for the following reasons:

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

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. The proposed size is comparable to other similar developments in the village.

"The Development Authority may approve an application for Development Permit even though the proposed development does not comply with this bylaw, if in the opinion of the Development Authority; 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."

April 6, 2021

Administration feels that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels. The setback variances will allow the existing foundation to be used for the proposed development and will provide an adequate distance between the dwelling and the garage with guest house. After reviewing all relevant planning documents, it is the recommendation of administration to approve the application for the detached garage with guest house as a discretionary use with the side and front yard variance requested.

Conditions:

If approved, Administration would recommend the following conditions:

- 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 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 be rented out to a separate party other than those renting the detached dwelling.

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 non-conforming building if:
 - It would not unduly interfere with the amenities of the neighborhood, or

April 6, 2021

- 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 of 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.

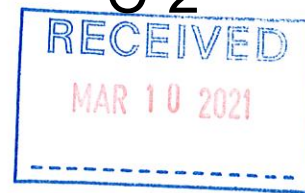
For a discretionary use in any district:

- 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.

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 the attention of the Sylvan Summer Villages Development Authority,

Existing and Proposed uses

We are long time summer residents of Sunbreaker Cove; having owned the property since 1975. In all those years we have always enjoyed spending weekends and time in the summer at the cottage, as well working in our garden and using the lake. We hope to continue using our property in the summer for many years to come with all the wonderful friends and neighbours we have been lucky to meet. Over the years the family has grown from a single family with 3 kids and now includes 5 grandkids and more adults. Our existing structure has 2 bedrooms and 1 bathroom and regularly has a family of 5 plus grandparents there.

There is also a small original uninsulated garage that was built many years ago. Our dream is to replace the old garage with a new structure that would contain a double garage with 2 bedrooms and a bathroom above. This would allow us to spread out our family more and to invite more of the family to stay at one time.

With the proposed site plan, storm water will be diverted into the road allowance to ensure it does not affect the existing property or the neighbouring properties.

Water supply and sewage treatment will be connected to the existing facilities on the property. The septic tank was inspected to ensure it could accommodate the proposed development. Please refer to the "A11 Septic tank inspection report" document

Demolition plan

There is an existing original wooden uninsulated single garage which we would be interesting in replacing with our new double garage. Our intention would be to dismantle it by hand using crowbars and hammers. The roof which is a straight seamed metal roof will be removed first. Then by pulling off each of the existing boards one at a time or in small panels of boards, there should be little to no dust or noise resulting. The floor is only wooden boards as well, so the impact on the existing land is minimal and the land will ultimately be dug up for the new garage structure.

Tree/Shrub removal

When the property was first purchased in 1975 it looked to be farmland as there were no trees on it. We have since planted all the trees and bushes that now exist on the property. To accommodate the new garage structure, we would need to remove two large pine trees (T-10 & T-7 indicated on the "A10 Vegetation Site Map" document).

When they are cut down, they can fall into a short grass area. This will not affect any other trees or bushes. We may have to remove one more pine tree (T-6 on the "10 Vegetation Site Map" document) if we find that it impedes our ability to properly use the driveway, as it is on the outer edge of the proposed shift in the driveway. This pine tree can also be dopped in a short grass area within the property without affecting any other trees or bushes. Once construction is complete, two or three new trees will be planted on the east side of the proposed Driveway & Parking area.

Letter of Intent for Variance Request

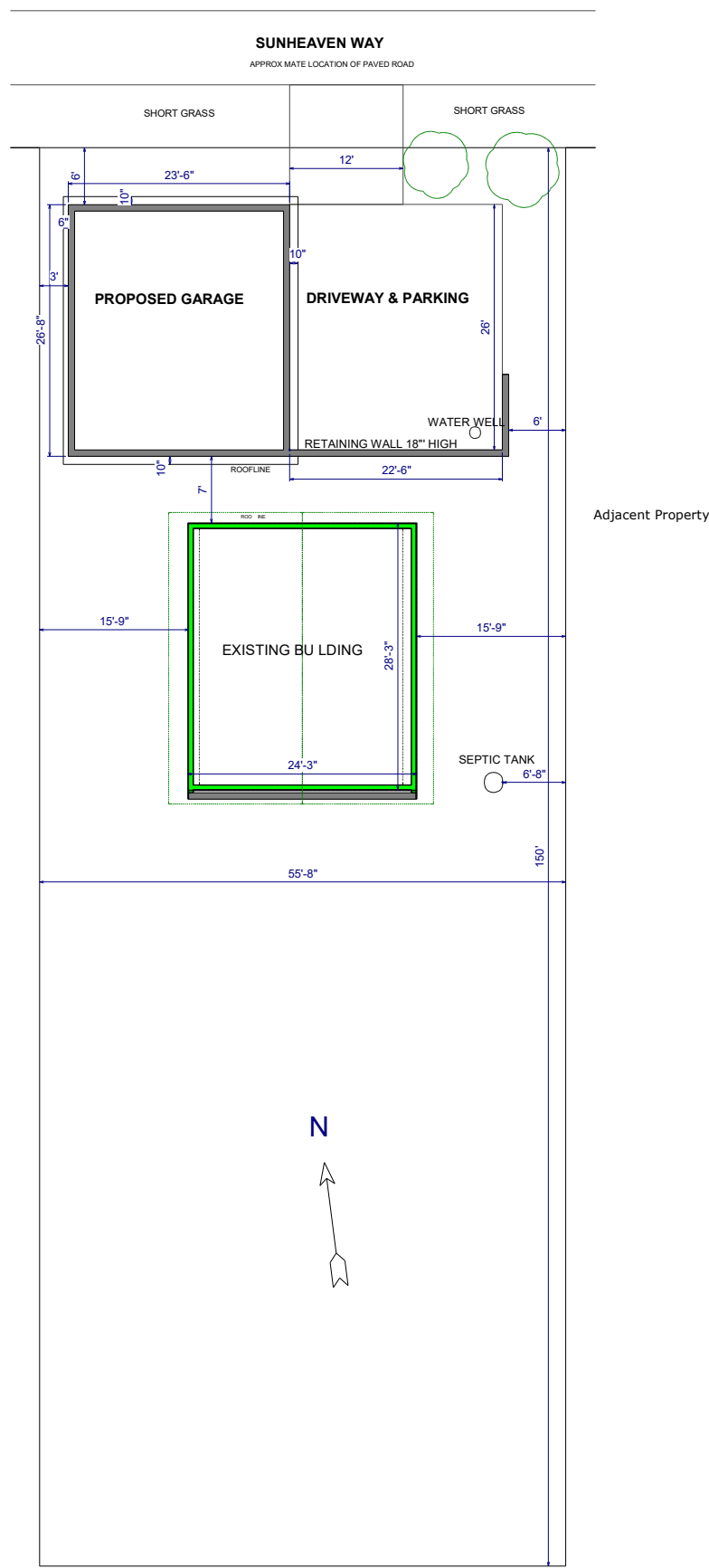
We are kindly requesting the following variance to the existing requirements. The existing garage is 3 feet from the west property line and 4 feet to the property line facing the road. The existing garage is facing the road. We would like to replace the existing garage with a double garage and face it parallel to the road. The variances requested would be

1. To keep the wall distance to the west property at 3 feet. Eves to be 2 $\frac{3}{4}$ feet from the property line
2. The distance to the north property line beside the road to be 6 feet to ensure it remains 8 feet away from the existing cottage.

We will be utilizing stucco for the exterior finish and the roof will also be corrugated metal to increase the fire rating.

This property is on the outside of a curve of Sunhaven Way and would not impede any sight lines for drivers. We are directly across from a farmer's field so there is no impact on access or views from adjacent residents, as there are none. The property to the east is our own unimproved property and, on a corner, so there is no impact there. We have already spoken to the owners to the property to the west of us and they have no concerns about our plans. We feel that by your discretion and permission for the above requested variance we will be able to build the structure we would like and not have it sitting so close to our existing cottage. We believe that there will be little impact to the community as we realistically only have one neighbour and the proposed structure would not affect traffic on Sunhaven Way. Thanks for kindling considering our request.





Notes:

Lot Area	8,325.00 sq ft
Garage with Loft	622.75 sq ft
Existing Cottage	685.06 sq ft
Combined building Area	1,307.81 sq ft
Lot Coverage	15.7%
Driveway & Parking	670.00 sq ft
Lot Coverage	8.0%
Total Lot Coverage	23.8%

NO.	DESCRIPTION	BY	DATE
SHEET TITLE: New Site Plan			
Project: Garage			
Address: 805 Sunheaven Way Sunbreaker Cove, Alberta Block 3 Lot 10			
SCALE: 1/8" = 1'			
SHEET: A-1			

RECEIVED
MAR 10 2021

SITE PLAN

#805 Sunhaven Way

MUNICIPAL ADDRESS:
805 Sunhaven Way
Sunbreaker Cove, Alberta

LEGAL DESCRIPTION:
Lot 10
Block 7
Plan 1823 MC

PREPARED FOR:

DATE OF SURVEY: May 22nd, 2019.

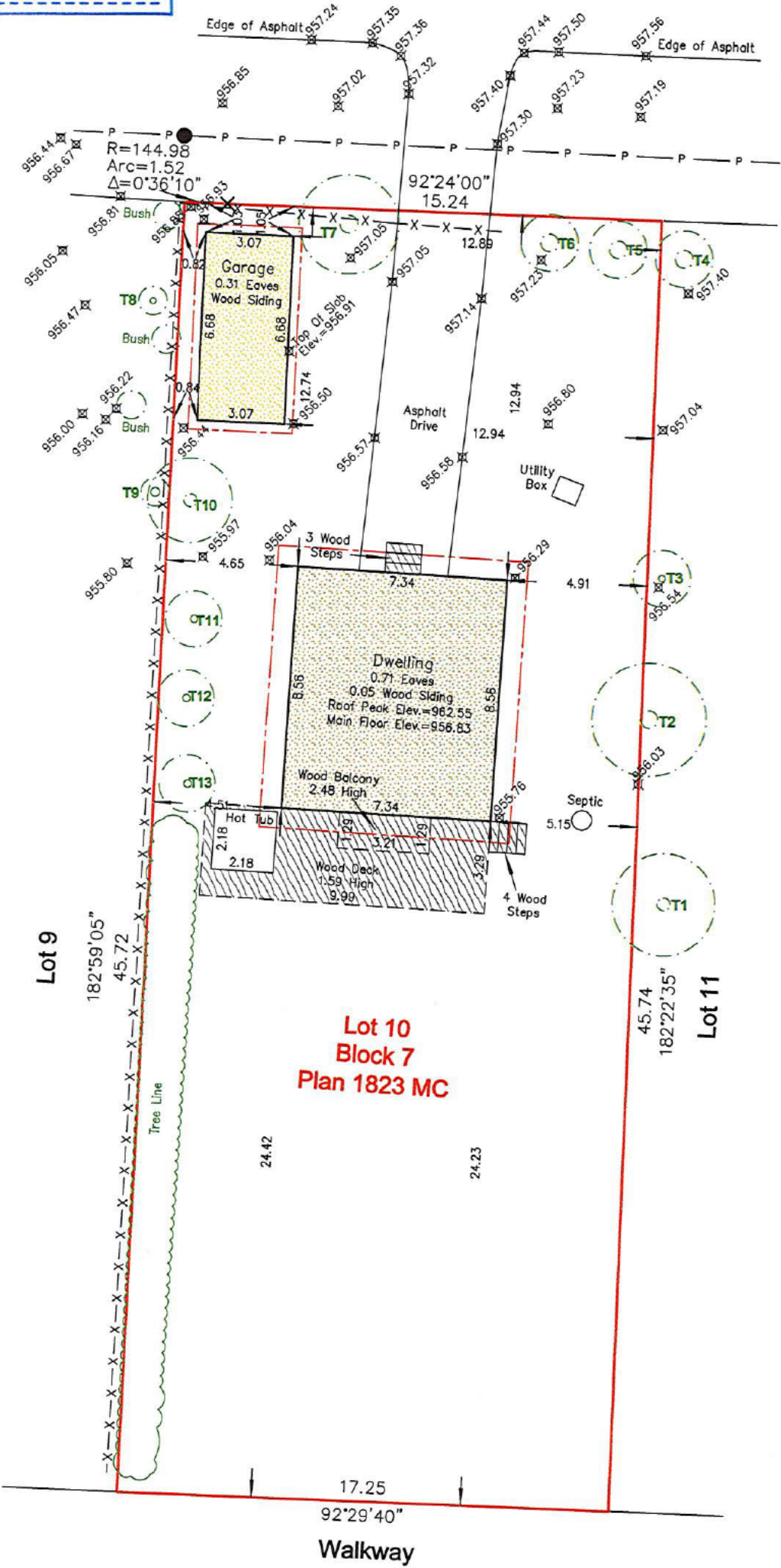
SCALE: 1:200

LEGEND:

- Property Line
- Right of Way Line
- Eave Line
- Fence Line
- Electrical Line
- Manhole
- Catch Basin
- Tree
- Power Pole
- Calculation points
- Main Building Hatch
- Detached Garage Hatch
- Shed Hatch
- Wood Hatch
- Roof Hatch
- Elevation (None Geodetic)
- 'BC' . . . Back of Curb
- 'BOW' . . . Bottom of Wall
- 'BW' . . . Back of Walkway
- 'Cant.' . . . Cantilevers
- 'Conc.' . . . Concrete
- 'Enc.' . . . Encroach(es)
- 'LOG' . . . Lip of Gutter
- 'Ret.' . . . Retaining
- 'TOW' . . . Top of Wall

NOTE:

- 1. Distances are in Ground and Are Shown in Metres and Decimals Thereof
- 2. Distances Along Curves are Arc Distances
- 3. the Certificate of Title 752 187 717 was Searched on the 23rd day of May, 2020, and includes the following instruments:
No Registrations.



TREE SCHEDULE:

Tree No.	Variety	Calliper (±)	Canopy (±)	Height (±)	Location	Disposition
T1	Coniferous Tree	0.23	1.50	3.60	in Adjacent Property	to Stay
T2	Coniferous Tree	0.31	2.00	7.20	in Adjacent Property	to Stay
T3	Deciduous Tree	0.12	1.00	3.60	in Adjacent Property	to Stay
T4	Coniferous Tree	0.31	1.00	10.00	in Adjacent Property	to Stay
T5	Coniferous Tree	0.31	1.00	10.00	in Subject Property	to be Decided
T6	Coniferous Tree	0.31	1.00	10.00	in Subject Property	to be Decided
T7	Coniferous Tree	0.31	1.80	10.00	in Subject Property	to be Decided
T8	Deciduous Tree	0.11	0.50	7.20	in Adjacent Property	to Stay
T9	Deciduous Tree	0.16	0.50	4.50	in Adjacent Property	to Stay
T10	Coniferous Tree	0.23	1.50	9.00	in Subject Property	to be Decided
T11	Coniferous Tree	0.13	1.00	7.20	in Subject Property	to be Decided
T12	Coniferous Tree	0.13	1.00	7.20	in Subject Property	to be Decided
T13	Coniferous Tree	0.13	1.00	7.20	in Subject Property	to be Decided

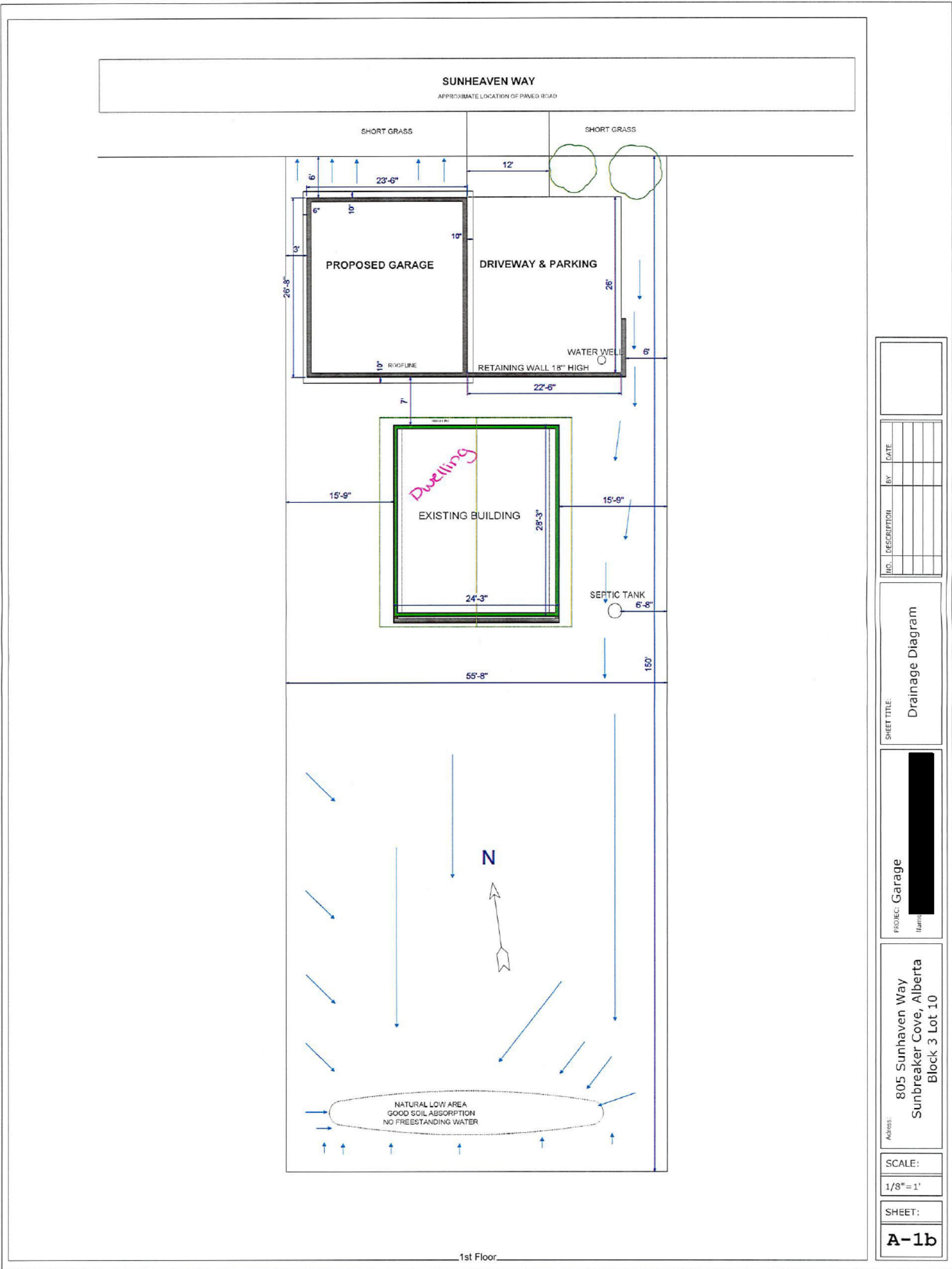
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File No.: 201144 Date: 22/May/2020
Surveyed: AJ Drawn: SZ

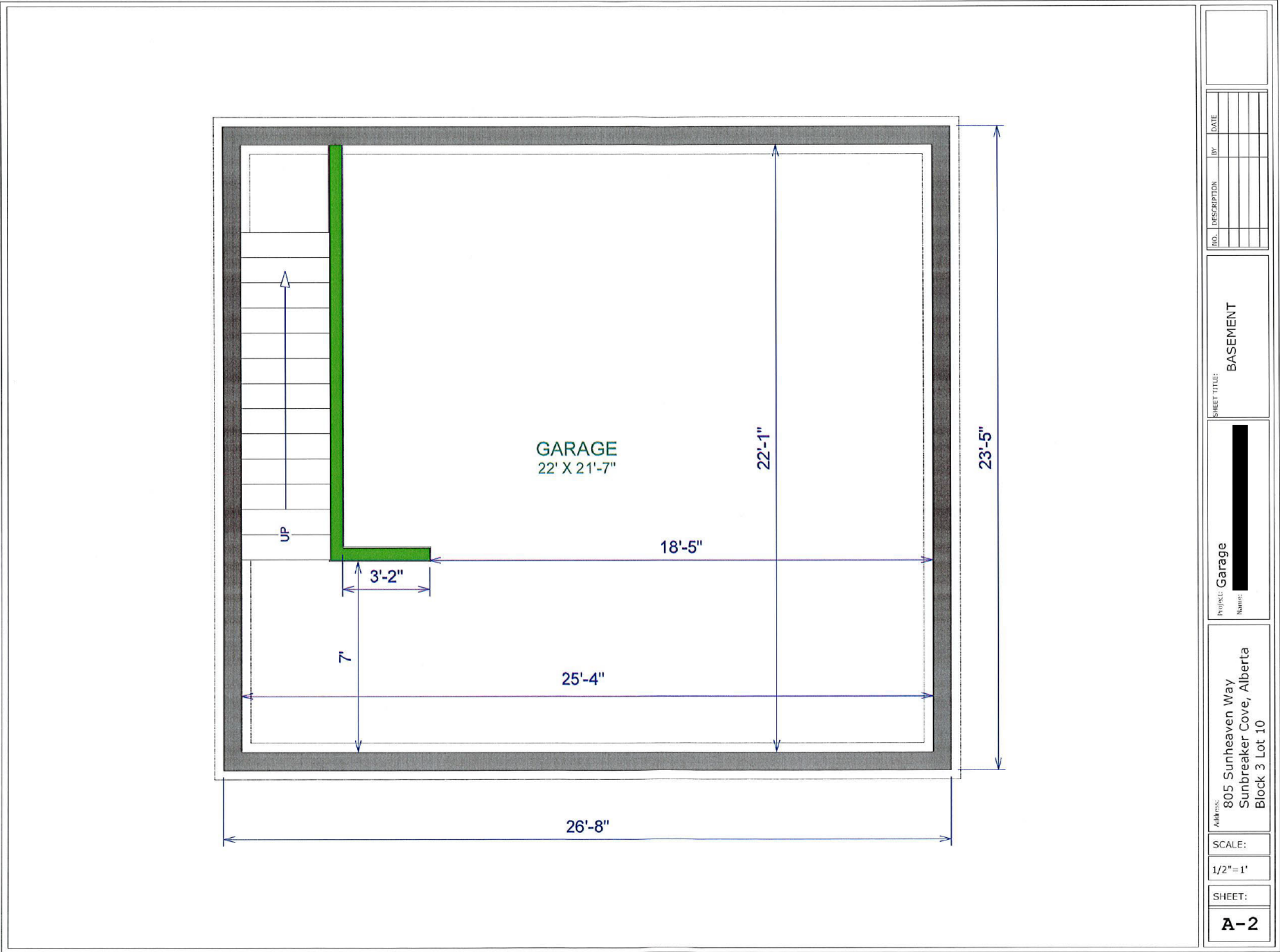
Horizon Land Surveys Inc.

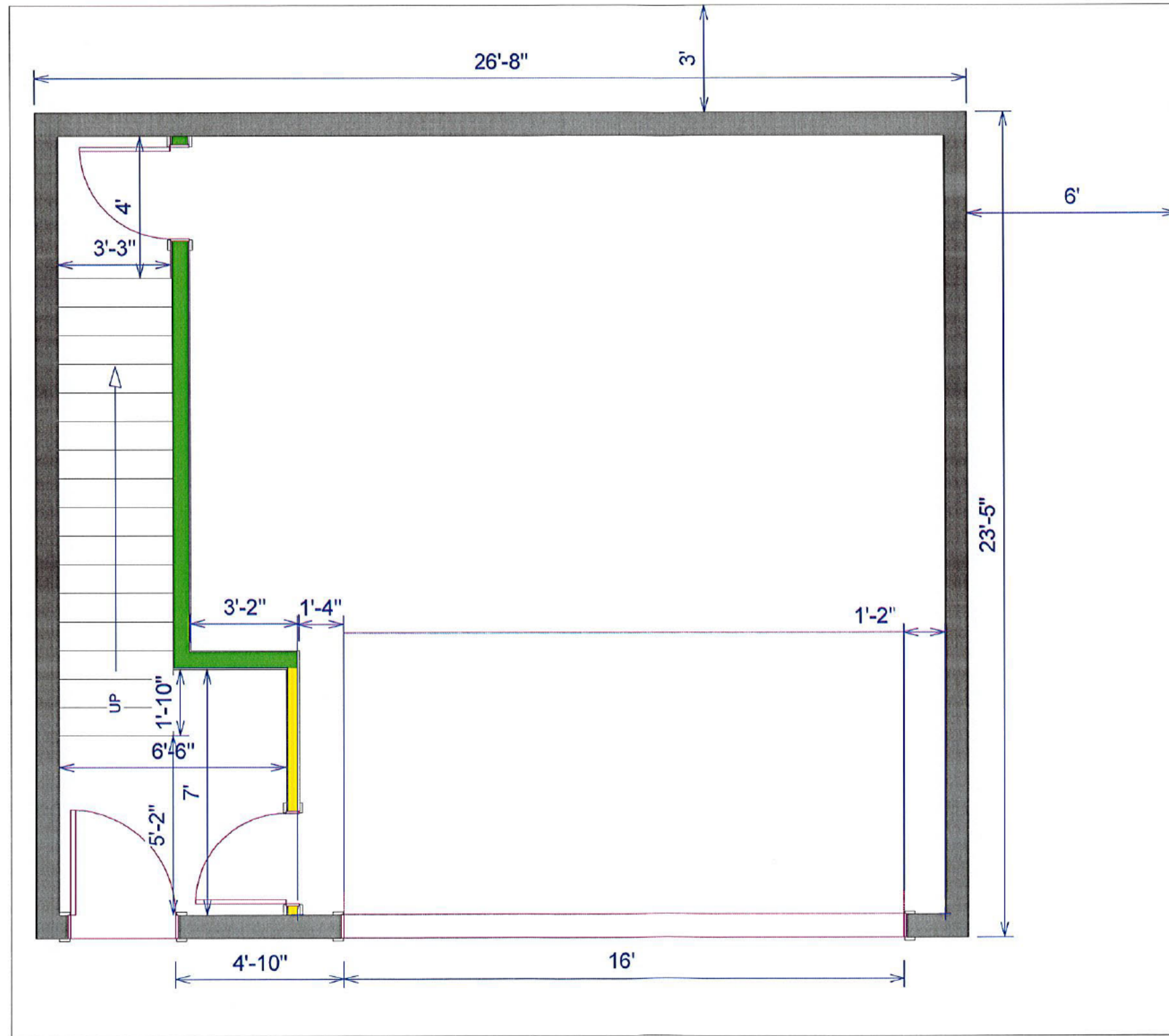
#1, 3175 68 Street N.W. P. 403-542-0679
Calgary, Alberta, T3B 2J4 F. 403-775-4171

RECEIVED
MAR 10 2021

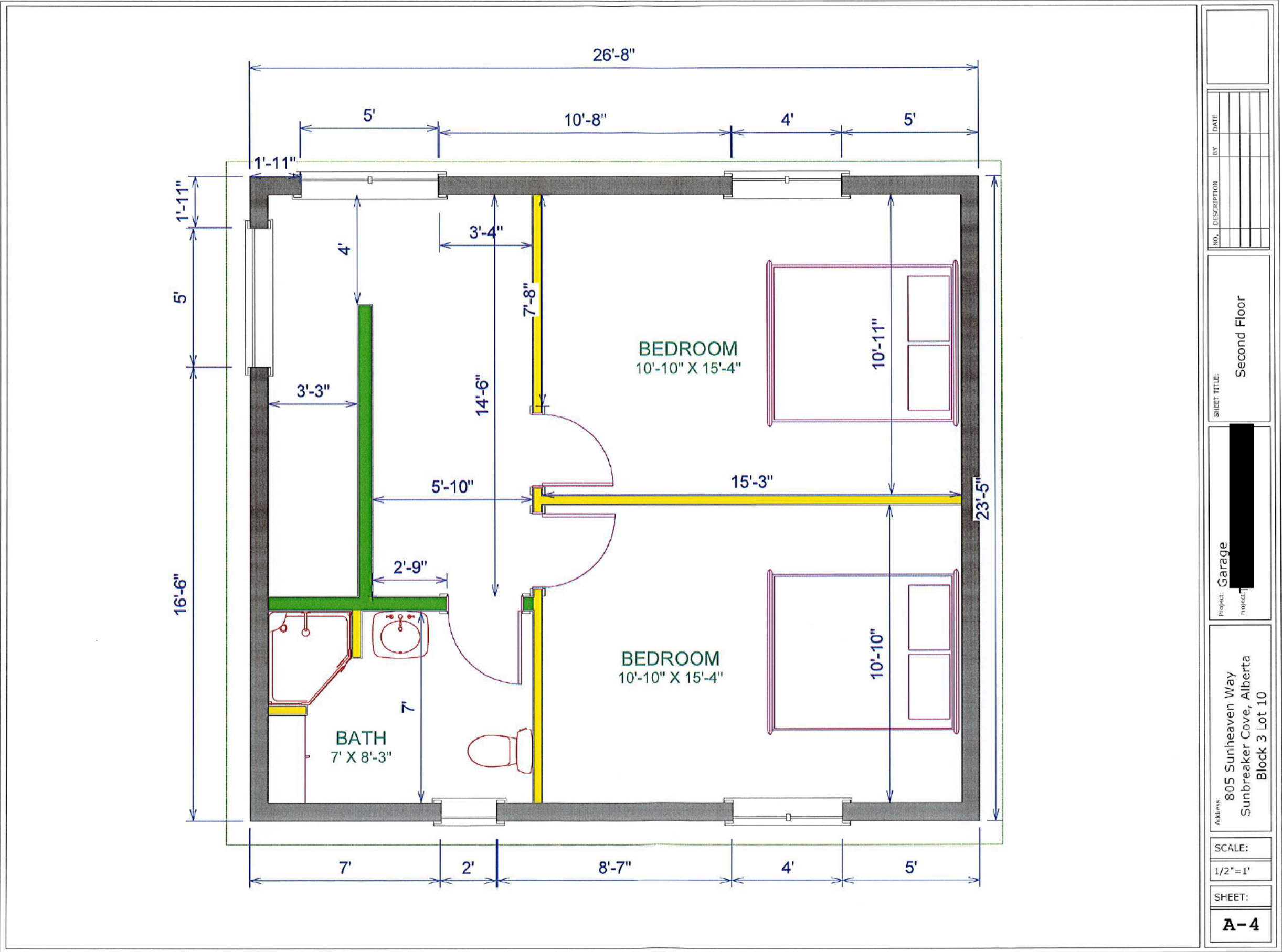


SHEET TITLE: Drainage Diagram			
PROJECT: Garage	[Redacted]		
Address: 805 Sunhaven Way Sunbreaker Cove, Alberta Block 3 Lot 10	[Redacted]		
SCALE: 1/8" = 1'	[Redacted]		
SHEET: A-1b	[Redacted]		

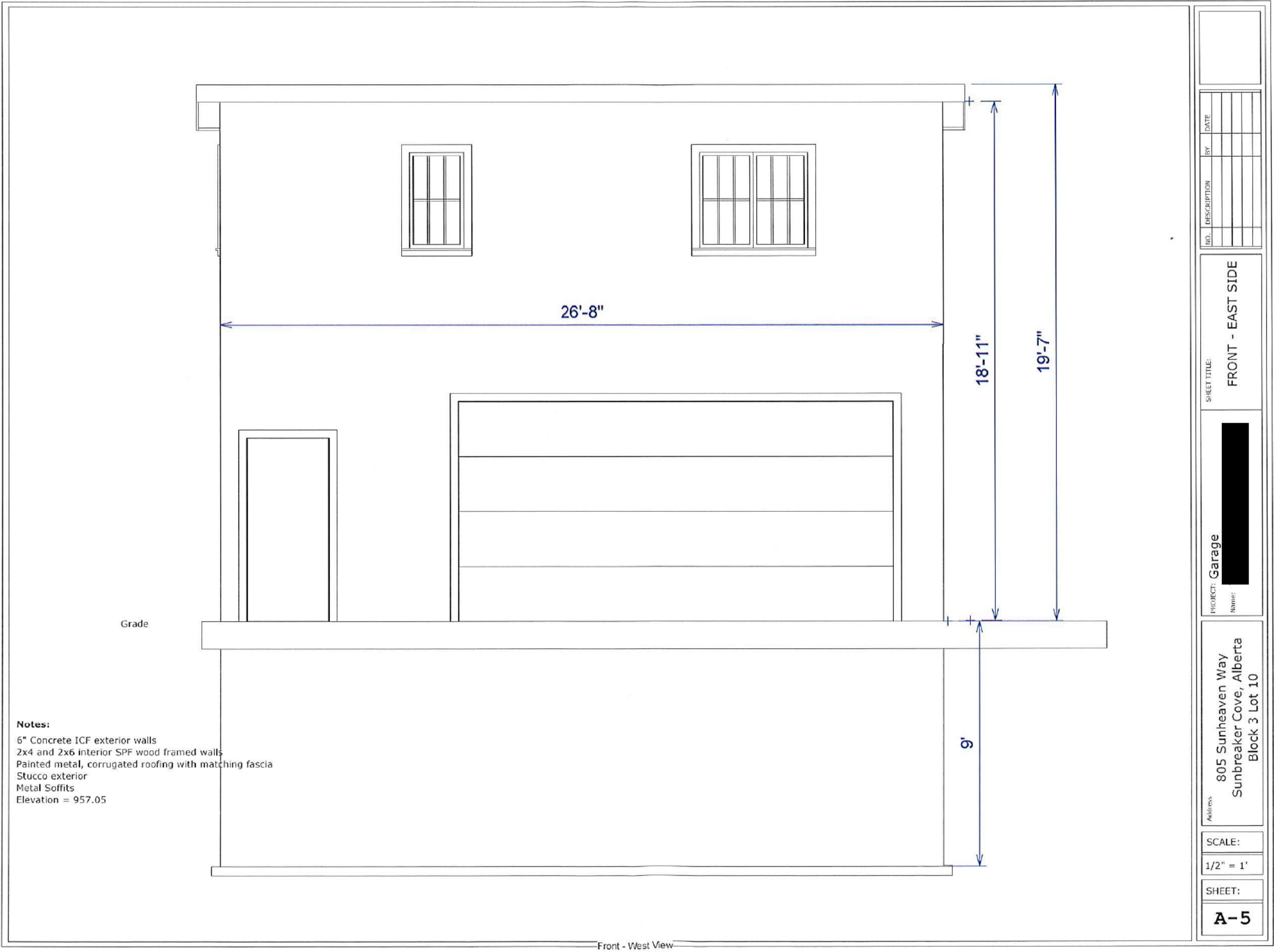


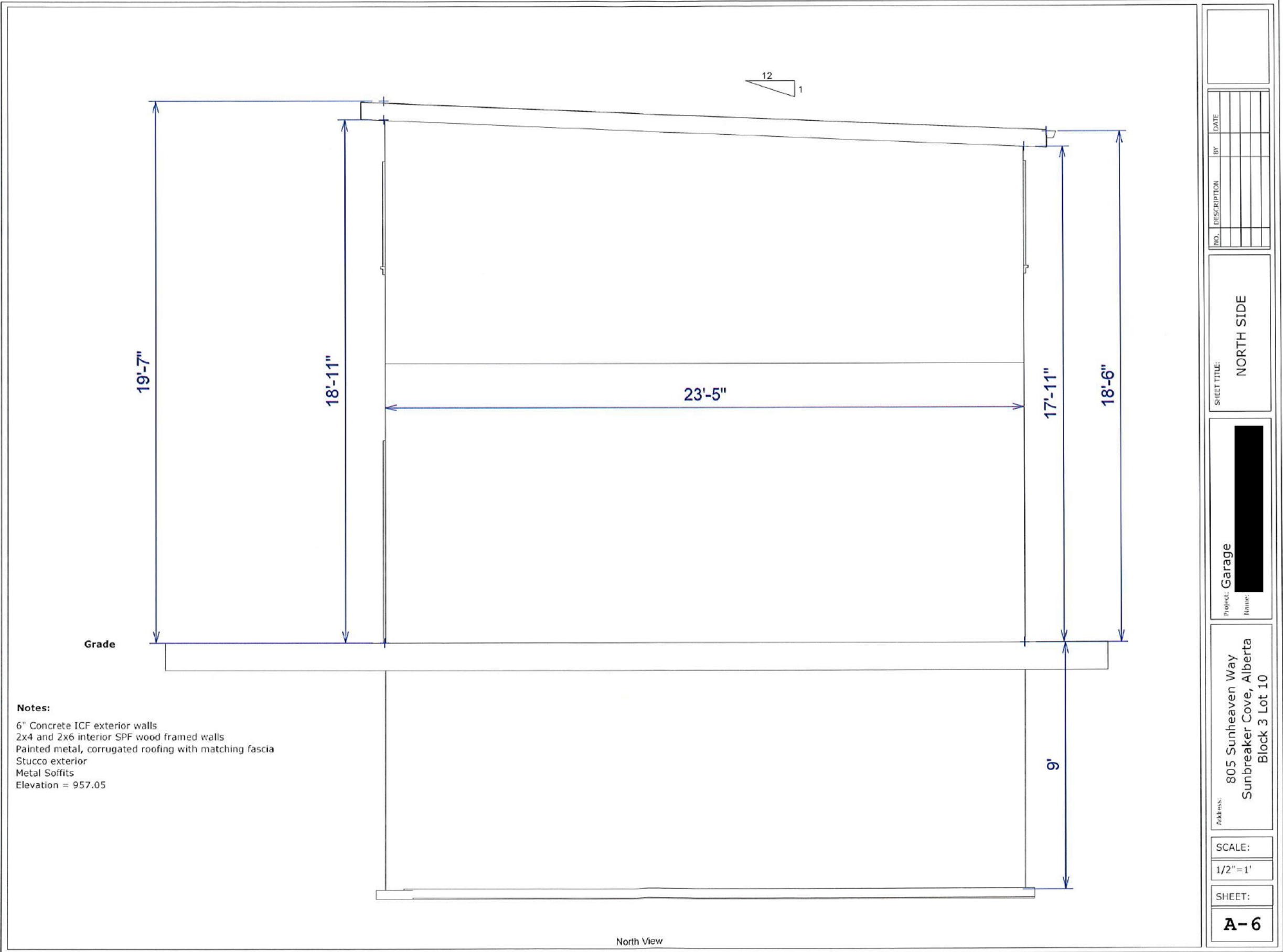


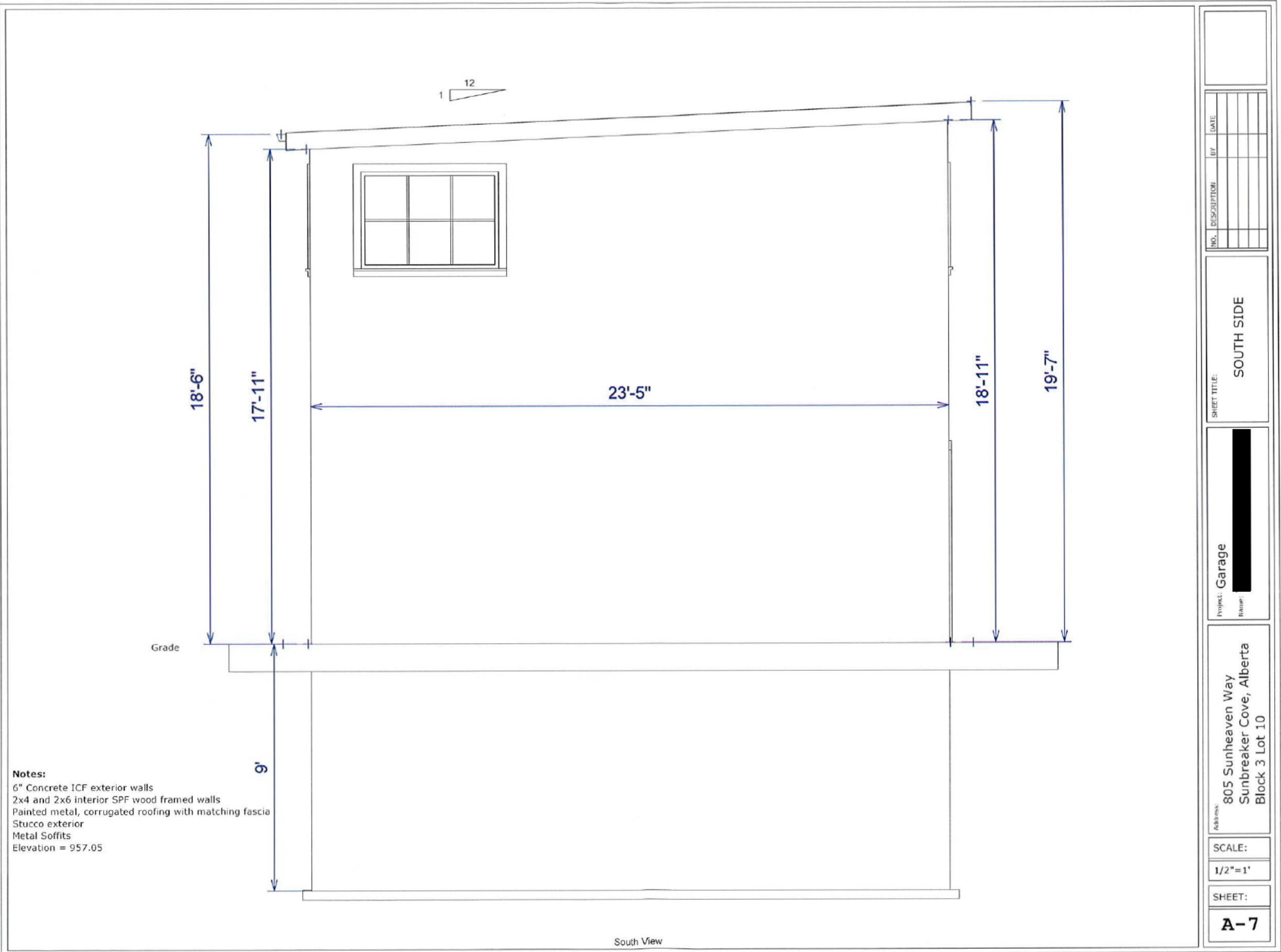
<p>Address: 05 Sunheaven Way Sunbreaker Cove, Alberta Block 3 Lot 10</p>		<p>Project: Garage</p>		<p>SHEET TITLE: FIRST FLOOR</p>	
<p>SCALE 1/2" = 1'</p>		<p>NAME:</p>		<p>DATE:</p>	
<p>SHEET:</p>		<p>NO.</p>		<p>DESCRIPTION</p>	
<p>A-3</p>		<p></p>		<p></p>	

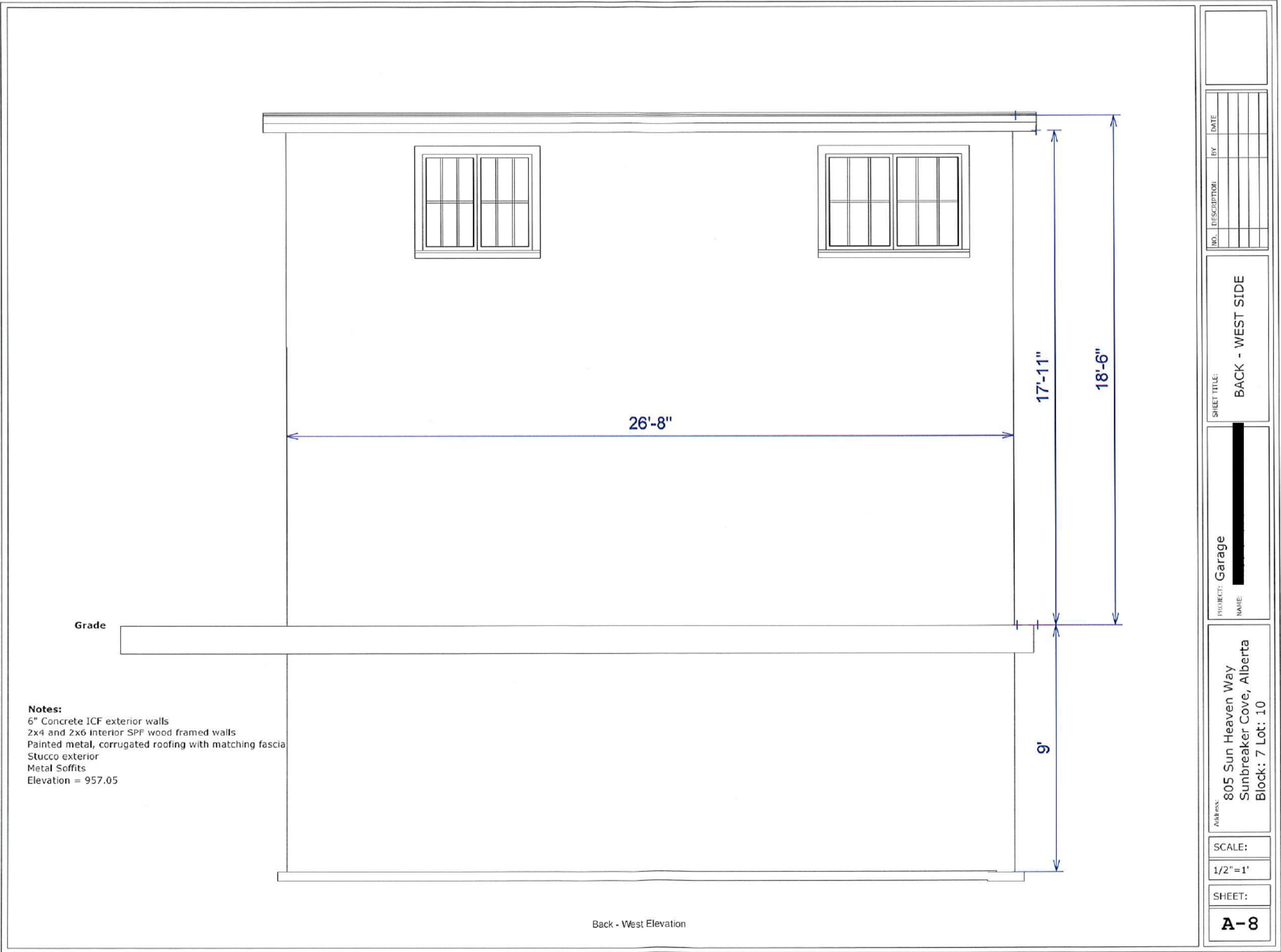


NO.		DESCRIPTION		BY	DATE
SHEET TITLE: Second Floor					
Project:		Garage			
Address:		805 Sunheaven Way Sunbreaker Cove, Alberta Block 3 Lot 10			
SCALE:		1/2"=1'			
SHEET:		A-4			

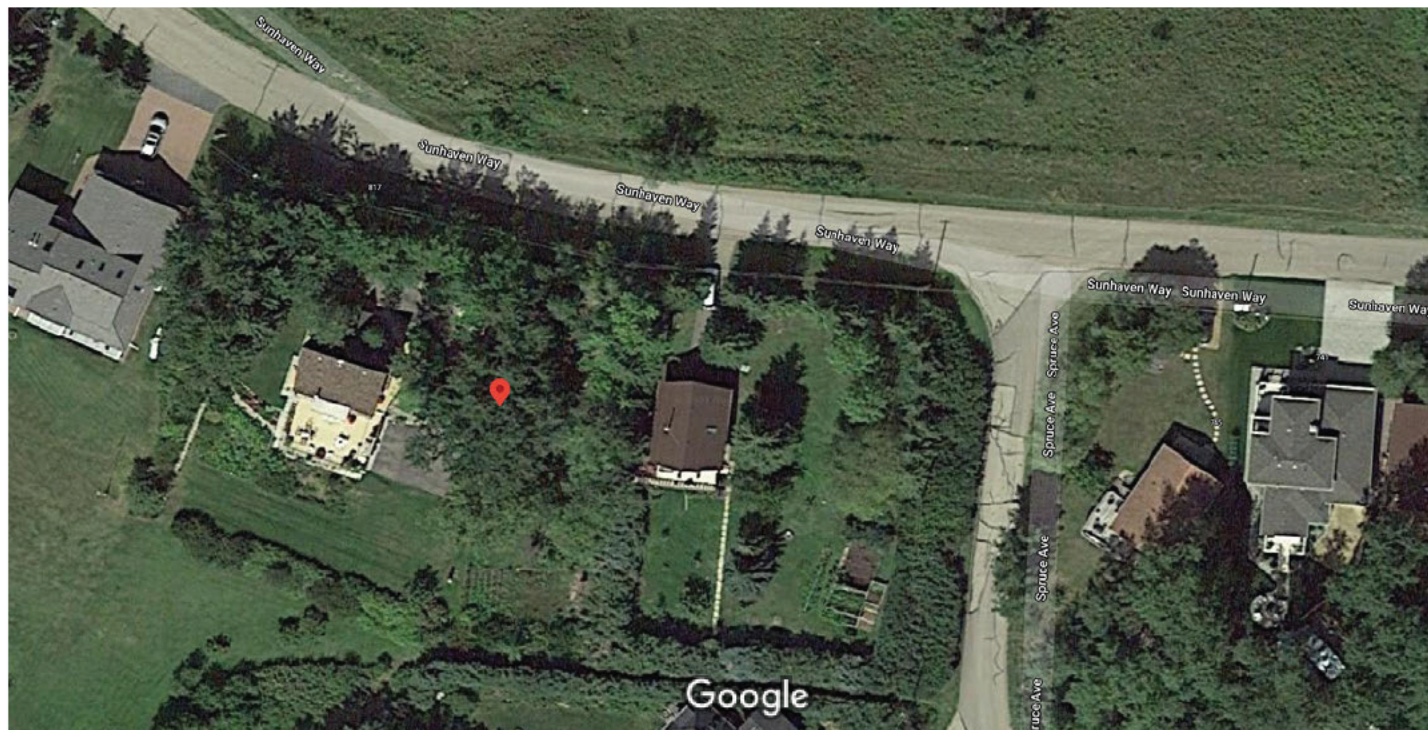








Google Maps 805 Sunhaven Way



Map data ©2021, Map data ©2021

10 m



805 Sunhaven Way

AB T4S 1R6



Directions



Save



Nearby

Send to your
phone

Share

Photos



MAR 16 2021





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