



Development Services Summer Village of Island Lake

Box 2945, Stony Plain, AB., T7Z 1Y4
Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

NOTICE OF DECISION

August 29, 2021

File: 21DP07-04

**Re: Development Permit Application No. 21DP07-04
Plan 763 TR, Block 1, Lot 12 : 229 Lakeshore North (the "Lands")
R1 – Residential – Small Lot District : Summer Village of Island Lake**

Preamble: Development Permit Application No. 21DP07-04 was received, and deemed complete, under the previous Land Use Bylaw 03-2012; where the decision on that application is based on the provisions and requirements of that bylaw. The provisions and requirements of the current Land Use Bylaw 08-2021, finally passed on August 17, 2021, were also taken into consideration when making the decision on the Development Permit Application.

DECISION OF THE DEVELOPMENT AUTHORITY

You are hereby notified that your application for a development permit regarding the following:

"AS-BUILT" CONSTRUCTION OF A GARAGE (96.15 m²) WITH 13' WALLS, 12x18 OVERHEAD DOOR, 2 WINDOWS, 2 WALK-IN DOORS, AND VINYL SIDING (the "AS-BUILT GARAGE")

has been **REFUSED** for the following reasons:

LAND USE BYLAW 03-2012 REQUIREMENTS

- 1- The Summer Village of Island Lake Land Use Bylaw No. 03-2012, Section 6.8(3) requires that except fences, accessory buildings shall be located such that the minimum distances shown on the Figures "3" and "4" between the accessory buildings and the principal buildings, lot lines, and other buildings, structures, and uses are provided. See Figure "Minimum Setback Requirements for Garages" below.

Figure 5 - Minimum Setback Requirements for Garages

This sketch show required yards

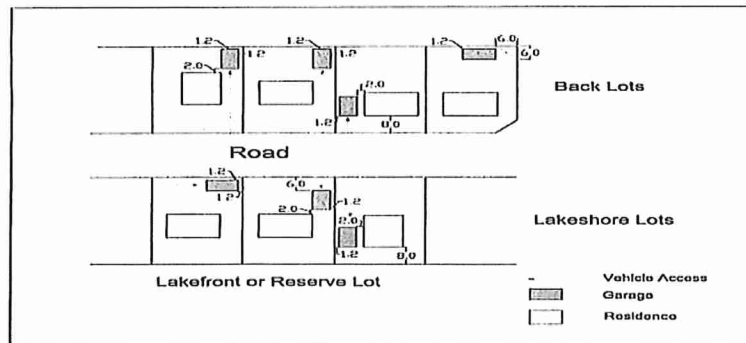


Figure 5: Minimum Setback Requirements for Garages

All distances shown in metres



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The figure Minimum Setback Requirements for Garages indicates that Garages are to be located no closer to the front yard than the front line of the residence, with 1.2 metres setbacks from both the side and rear yards; where the "As-Built" Garage, as shown on the Real Property Report prepared by Don Wilson Surveys Ltd., dated May 25, 2021, is located closer to the front yard than the Residence and 0.61 metre from the side yard.

- 2- The Real Property Report prepared by Don Wilson Surveys Ltd., dated May 25, 2021, shows the "As-Built" Garage to encroach onto the adjacent Environmental Reserve Lands, Plan 763 TR, Block 1, 33R. Pursuant Summer Village of Island Lake Land Use Bylaw No. 03-2012, Section 2.3(7)(a) the issuance of Development Permits on Environmental and other Reserve Lands is limited to developments such as landings, walkways, stairs, retaining walls or similar; where the Garage proposed under the subject Development Permit Application does not meet these requirements.

LAND USE BYLAW 08-2021 REQUIREMENTS

The Summer Village of Island Lake Land Use Bylaw No. 08-2021, Section 8.1(1)(a) requires:

- (iii) All accessory buildings shall be no closer to the front yard than the closest portion of the principal building; where the "As-Built" Garage, as shown on the Real Property Report prepared by Don Wilson Surveys Ltd., dated May 25, 2021, is located closer to the front yard than the principal building.

Note: Subsection 8.1(1)(a)(iv) states, "Notwithstanding 8.1.1.a.iii above, one boathouse (with a maximum area of 13.9 m² (150.0 ft²) may be allowed at the discretion of the Development Officer, within the front yard of a lakefront lot. The boat house must be setback a minimum of 2.0 m (6.6 ft) from the front property line. The "As-Built" Garage, as shown on the Real Property Report prepared by Don Wilson Surveys Ltd., dated May 25, 2021, has an area of 97.5 m² (1050.0 ft²), does not meet the front yard setback requirement, and encroaches into the adjacent Environmental Reserve Lands, and the same Real Property Report shows that another Accessory Building is already located within the front yard of the Lands. The "As-Built" Garage, as shown on the Real Property Report prepared by Don Wilson Surveys Ltd., dated May 25, 2021 does not meet the requirements of Subsection 8.1(1)(a)(iv).

- (ix) Accessory Buildings shall be situated so that the exterior wall is at least 1.2 m (3.9 ft) from the side boundaries and 1.0 m (3.3 ft) from the rear boundary of the parcel; where the "As-Built" Garage, as shown on the Real Property Report prepared by Don Wilson Surveys Ltd., dated May 25, 2021 is located 0.61 m (2.0 ft) from the side boundary adjacent to Lot 11.

The Summer Village of Island Lake Land Use Bylaw No. 08-2021, Section 11(4)(b) ENVIRONMENTAL SITE CONDITIONS – Flood Plains, Flood Hazard Areas, and Highwater Tables requires:

- (a) No development should be permitted in the 1 in 100-year flood plain of a waterbody or water course, or as established by Alberta Environment and Parks as otherwise prone to flooding or subsidence, unless the applicant demonstrates to the satisfaction of the Development Authority that preventative engineering and construction measures can be used to make the site suitable.
- (b) Notwithstanding any other provisions of this bylaw to the contrary, no development of dwellings or accessory buildings to dwellings other than fences, patios and similar buildings may be allowed on lands which, in the opinion of the Development Authority, may be subject to a flood hazard; where the "As-Built" Garage, as shown on the Real Property Report prepared by Don Wilson Surveys Ltd., dated May 25, 2021, may be so located.



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- 3- Lastly, in light of all of the above, an encroachment agreement to permit the garage to remain in its current location would not be appropriate.

Should you have any questions please contact Tony Sonnleitner, Development Officer at (780) 718-5479.

Date of Decision August 29, 2021

Signature of Development Officer _____

Tony Sonnleitner, Development Officer, Summer Village of Island Lake

cc Wendy Wildman, CAO, Summer Village of Island Lake
Administration, Summer Village of Island Lake
Naomi Van Brabant, Commercial Paralegal, Putnam Law, naomiv@putnamlawllp.ca

Note: An appeal of the decision by the Development Authority may be made to the Subdivision and Development Appeal Board by serving written notice of appeal to the Clerk of the Subdivision and Development Appeal Board. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Clerk of the Subdivision and Development Appeal Board no later than twenty-one (21) days after the date of the notice of decision. The appeal should be directed to this office at:

**Summer Village of Island Lake
Box 8
Alberta Beach, AB T0E 0A0**

and should include a statement of the grounds for the appeal and have attached an Appeal fee in the amount of \$200.00.