



Development Services  
for the

# Summer Village of Sunrise Beach

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

## Notification Letter and Notice of Decision

March 9, 2023

File: 23DP01-44

CRAIG THOMAS  
URBAN CREATIVE  
10155 – 82 STREET NW  
EDMONTON, ALBERTA  
T6A 3M1

Dear Mr. Thomas:

**Re: Development Permit Application No. 23DP01-44  
Plan 3503 KS, Block 1, Lot 3 : 6103 Willow Way (the "Lands")  
R – Residential : Summer Village of Sunrise Beach**

**Preamble: The application proposes to leave a previously constructed structure "as built" and as sited upon the Lands. The structure has a floor area of approximately 32.51 sq. m. and is located 2.74 m. from the Northeast boundary of the Lands.**

### DEVELOPMENT PERMIT APPLICATION - DECISION

You are hereby notified that your application for a development permit with regard to the following:

### **TO LEAVE STRUCTURE AS BUILT.**

Has been **REFUSED** at this date, March 9, 2023, for the following reasons:

1. The proposed development does not conform to the definition of a "Modular Home" nor "Single Detached Dwelling" as defined in the Summer Village of Sunrise Beach *Land Use Bylaw 71-1999*, as amended. Therefore, the proposed development is not a Permitted nor Discretionary Use in the R – Residential District and the development permit application must be refused in accordance with section 640(6)(b) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended. For reference, Modular Home and Single Detached Dwelling are defined as follows:
  - a. **"MODULAR HOME"** – means a factory fabricated built dwelling unit, designed to be transported on a truck in sections and assembled on site, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side by side or vertically with a maximum length to width ratio of 2.0:1. A modular home does not include a single detached dwelling, manufactured home or mobile home and shall have a



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- minimum 74.3 square metres (800 sq. feet) in floor area not including decks, porches or verandahs.
- b. **“SINGLE DETACHED DWELLING”** – means a complete building intended to be used as a permanent residence not separated from direct access to the outside by another separate or self contained portion of a building and has a length to width ratio of no more than 2.0:1. Does not include a mobile home, manufactured, home, or modular home as defined under this Bylaw and shall have a minimum floor area of 74.3 sq. metres (800 sq. feet) not including decks, porches or verandahs.
2. The Summer Village of Sunrise Beach *Land Use Bylaw 71-1999*, as amended, requires the minimum floor area of a single detached dwelling and a modular home to be 74.3 sq. m. The proposed development has a floor area of 32.51 sq. m. and the Development Authority has not granted a variance to the required 74.3 sq. m. minimum floor area.
    - a. A structure with a floor area of 32.51 sq. m. requires a variance of 56% of the minimum floor area of 74.3 sq. m. The proposed development does not comply with the minimum floor for a single detached dwelling nor modular home, as required by Section 50(4)(b) in the *Land Use Bylaw 71-1999*, as amended.
    - b. Further, a variance to the minimum floor area for a single detached dwelling or modular home as required by Section 50(4)(b) of the same cannot be justified by the Development Authority as there is sufficient area on the Lands to construct a single detached dwelling or a modular home in accordance with the requirements of the Summer Village of Sunrise Beach *Land Use Bylaw 71-1999*, as amended.
  3. The Summer Village of Sunrise Beach *Land Use Bylaw 71-1999*, as amended, requires a front yard setback of 8.0 m. The proposed development has a front yard setback of 2.74 m and the Development Authority has not granted a variance to the required 8.0 m front yard setback.
    - a. The 2.74 m (9 ft.) setback requested is a variance of 66% of the required setback of 8.0 m (26.2 ft.). The proposed development does not comply with the requirements of the *Land Use Bylaw 71-1999*, as amended, and a variance to Section 50(4)(c) of the same cannot be justified by the Development Authority as there is sufficient area on the Lands to meet the minimum front yard setback of 8.0 m (26.2 ft.).
  4. Where the Summer Village of Sunrise Beach *Municipal Development Plan 166-2020*, Section 3.1.2 POLICIES states that “Residential infill should respect or complement the existing built form, including, height, size and architectural detailing of existing development” and Section 3.1.3 POLICIES states that “Development of lakeside lots should be limited to single-family residential dwelling.” It is the opinion of the Development Officer that proposed development does respect nor complement the existing built form of adjacent properties or other properties within the District.



5. Residential infill should respect or complement the existing built form, including, height, size and architectural detailing of existing development. The proposed use is neither a Permitted nor a Discretionary, use within the R – Residential District under Summer Village of Sunrise Beach *Land Use Bylaw 71-1999*, as amended (LUB) and the proposed development does not complement the existing built form in the Summer Village of Sunrise Beach.
  
6. Therefore, a variance is neither appropriate nor available for the proposed development for the following reasons:
  - a. Pursuant to Section 640(6) of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended ("MGA"), the Development Authority for the Summer Village of Sunrise Beach is of the opinion that the proposed development would materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land due to the inconsistency of that development and the built form of the community. Further, the proposed development does not conform with the uses prescribed for that land or building in the *Land Use Bylaw 71-1999*, as amended.
  - b. Pursuant to Section 8(6)(a) of the *Land Use Bylaw 71-1999*, as amended the Development Officer is of the opinion that, given the substantial difference between the proposed development and the other development in the District:
    - i. the proposed development would unduly interfere with the amenities of the neighbourhood; and
    - ii. the proposed development would materially interfere with or affect the use, enjoyment or value of neighbouring properties.
  - c. Pursuant to the Section 8(6)(b) of the *Land Use Bylaw 71-1999*, as amended, the proposed development does not conform with the uses prescribed for that land or building in the *Land Use Bylaw 71-1999*, as amended.
  
7. Pursuant to the Summer Village of Sunrise Beach *Land Use Bylaw 71-1999*, as amended, Section 10 DEVELOPMENT PERMIT REFERRALS the Development Officer, directed the development permit application to Council for their review and comment. Council response was that the proposed development does not meet the spirit and intent of the current Land Use Bylaw and is not compatible with the community.

This decision may be appealed 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



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later than twenty-one (21) days after the notice of decision. The appeal should be directed to this office at:

Clerk of the Subdivision and Development Appeal Board  
Summer Village of Sunrise Beach  
Box 1197  
Onoway, AB T0E 1V0

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

Sincerely,

Tony Sonnleitner, Development Officer, Summer Village of Sunrise Beach  
Phone: (780) 718-5479  
Fax: (780) 967-0431  
Email: [svsunrisebeach@wildwillowenterprises.com](mailto:svsunrisebeach@wildwillowenterprises.com)

cc: Wendy Wildman, Municipal Administrator, Summer Village of Sunrise Beach