

AGENDA
SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
SUMMER VILLAGE OF GHOST LAKE

July 22nd, 2022, 9:30 a.m.
Ghost Lake Community Hall

ITEM DESCRIPTION

1.0 CALL TO ORDER

2.0 ADOPTION OF AGENDA

3.0 SDAB 2023-01 (DP 2023-06-20)

Lot 6, Block 2, Plan 6490EL (206 Summer Village of Ghost Lake)

An appeal by John and Marie Jeanne Walsh against the Development Officer's decision to approve an application for a new accessory building measuring 18.55 ft in height, due to non-compliance with the current:

SUMMER VILLAGE OF GHOST LAKE LAND USE BYLAW 195
Consolidated copy including amending Bylaws 208, 211

The proposed development was identified as being non-compliant with the following specific sections of the bylaw:

9.6.3 Height of Buildings

(b) Accessory Buildings 4.3 m (14.11 ft) accessory building

With discretionary allowance of up to and additional 10% - 4.73 m (15.52 ft)

4.0 ADJOURNMENT

Appeal Document

We wish to request an appeal regarding the **development permit DP2023-06-20** for a new accessory building at lot 6, block 2, Plan 6490EL (Civic address #206 Summer Village of Ghost Lake).

It is our understanding that the Development office has denied the application due to non-compliance with the current:

**SUMMER VILLAGE OF GHOST LAKE LAND USE BYLAW 195
Consolidated copy including amending Bylaws 208, 211**

The proposed development was identified as being non-compliant with the following specific sections of the bylaw:

9.6.3 Height of Buildings

(b) Accessory Buildings 4.3 m (14.11 ft) accessory building

With discretionary allowance of up to and additional 10% - 4.73 m (15.52 ft)

Our proposed building as drawn exceeds this being 18.55 ft.
The rationale for the requested building height is as follows:

We are unable to excavate or dig the building into the site as the current slope from the roadway to the north creates a significant drainage issue. Given that the road allowance does not have any drainage or water diversion all precipitation and snow melt from north of our proposed building site drains to the proposed building site. If we were to create a below grade portion of the structure it would be at significant flood risk and therefore is not a viable alternative.

The proposed structure is designed to house, a car, a truck a trailer and a boat. The plan is to have the north end of the structure function as a garage. In the garage we plan to store our boat and trailer stored seasonally on a lift elevated above the main floor. And on the main floor store the car and truck. Allowing 8 feet for the trailer and 8 feet for the truck, plus 1 foot for the lift and 1.5 foot for the roof trusses.

On the south end of the building will be a workshop and above it on the mezzanine an exercise area, storage, and art studio. Because of the need to have a 7-foot-tall garage door into the workshop, the combined height on the west wall is a minimum of 8.125 feet.

The mezzanine floor joists require 1 foot and .625 inches. The proposed height on the east side of the mezzanine is 6 feet 7.625 inches, because of slope of the roof (from west down to the east). This will allow insertion of a standard height door on the south wall of the mezzanine. It will result in a taller space on the west side of the mezzanine with a maximum height of 8 feet 1.625 inches. The difference in ceiling height will be utilized by having the exercise area on the west and art studio on the east. It would be very difficult to reduce the overall height of the mezzanine.

Of note the road to the north of the proposed building is significantly higher than our proposed building and the houses on #604 and #606 even higher yet. Given the grade difference even though the absolute height of the building exceeds the maximum in the Land Use Bylaw, the height of the building relative to the road would still be within those limits. It would be only approximately feet above the foundation for #604 and approximately --- feet above the foundation for # 606. Therefore, any visual impact it may have would be significantly reduced due to its position at the lower relative elevation. Please see elevations per development permit, topographical survey (attached) and refer to village map with contour lines at www.ghostlake.ca.

With respect to impact on view and sightlines of the neighbouring properties #604 and #606, the perimeter of our property # 206 is surrounded by mature evergreen trees and the house is located centrally within the property at a height of approximately 16 feet. This combination effectively blocks any view already and the proposed structure would not alter that.

With respect to any impact on shadowing of the neighbouring properties to north, there is none. The 17-meter distance from the proposed building site to the roadway (and greater to the properties north of the roadway). Please see simulation on website:

<http://shadowcalculator.eu/#/lat/51.20539385275355/lng/-114.76461915355503>

From the correspondence received it would appear that the grounds for refusal are limited to “the proposed garage exceeds the maximum height requirement for a garage”

Given there are no other reasons or stated, we must assume that the development officer has no other reasons to refuse the application and that the Appeal board would be making their decision for approval specifically on that issue.

Please find enclosed the required fee for appeal.
We would like to proceed ASAP.

Please contact us when the Appeal board hearing is scheduled. Thank you.

John and Marie Jeanne Walsh
#206 Summer Village of Ghost Lake
403 554 5646 johnmwalsh@shaw.ca



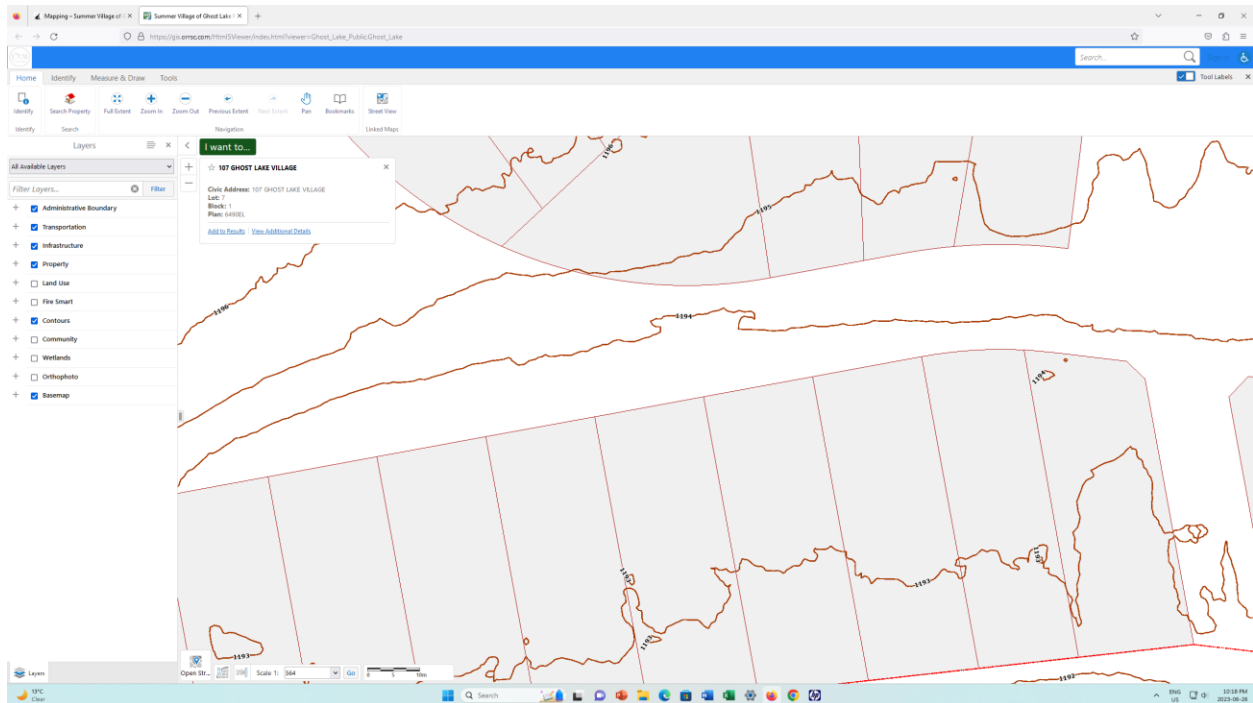
Adjacent properties

#205

#207

#604

#606



Contour map from SVGL website
 Lines are 1 m in elevation apart

Elevation #206 per contour map approximately 1193.6 (compared to actual survey 1193.62)

Elevation # 606 per contour map approximately 1196

- Height to second floor balcony approximately 3 + meters
- Elevation of second floor balcony compared to proposed accessory building approximately 5.5 + meters,
- This means proposed accessory building roof height will be not in horizontal line of sight for person sitting or standing on their balcony

Currently there are mature trees are on the West, East and south portions of #206 SVGL there is very limited window / corridor of sight from the second floor balcony of #606 to the south and virtually all of that is obstructed by trees.

The line of sight to the lake is either to the west or the southeast (over #204) because of the mature trees on the other waterfront lots

The elevation of #606 is such that that limited view over the accessory building and principal building will not effectively change.

#606	#206	
Principal building	Accessory building	Principal building
Person sitting -----1200-----		
Balcony-----1199-----	Peak of roof-- 1199.2	Peak of roof 1198.5
Foundation---1196		
	Foundation 1193.6	Foundation 1193.6

LETTER OF CONCERN

Submitted by:

Karen Hall

Adjacent Landowner

Lot 606 Summer Village of Ghost Lake Village

July 20, 2023

Via email

To

Summer Village of Ghost Lake

Subdivision and Development Appeals Board

Ghost Lake, Alberta

Re DP2023-06-20

Development permit for new Accessory Building #206 SVGL

I have been approached by the applicants and had the opportunity to discuss and review the development permit application including:

- Topographic survey
- Proposed structure diagrams /application

I have discussed the rationale for the request for a relaxation in the height restriction and I understand that the proposed structure will exceed the maximum allowed under the current land-use-bylaw.

I have reviewed the decision made by the development officer (who has denied the application based on the proposed height of the building).

I understand that I have the right to attend the appeal board hearing. I will not be attending, as I will be out of province on a pre-booked trip.

I wish to indicate that I have concerns regarding the application.

My comments and concerns listed below relate to the #206 SVGL Development Appeal for Accessory building June 26, 2023 (1) (2) document. NOTE: Text, in italics, is taken directly from it.

- My concern: The Walsh garage, as proposed in the notice of appeal, would negatively affect the use and enjoyment of my property. Specifically, it would partially block the lake view from my rooftop deck.
 - I disagree with the following comments made in the June 26, 2023 document, page 2, highlighted in yellow:
 - Paragraph 1: *"Of note, the road to the north of the proposed building is significantly higher than our proposed building and the houses on #604 and #606 even higher yet.Therefore, any visual impact it may have would be significantly reduced due to its position at the lower relative elevation."*

- Paragraph 2: *“With respect to impact on view and sightlines of the neighbouring properties #604 and #606, the perimeter of our property # 206 is surrounded by mature evergreen trees and the house is located centrally within the property at a height of approximately 4.5 m. **This combination effectively blocks any view already and the proposed structure would not alter that substantially.**”*
- On July 13, 2023, I took a photo of the Walsh property, #206, from my rooftop deck. I offer the photo of proof that I do have a lake view, above the Walsh property, from my rooftop deck, contrary to the comments noted above. Framed between the trees on either side of the Walsh buildings is my view of the lake and, extending across the lake, a view of the opposite shoreline and hills. This lake view, above the Walsh’s right half of the garage and their house, is materially significant to my property value.
 - Optimizing lake views led me, and my late husband, at considerable expense, to build the rooftop deck and underlying sunroom.



- On July 20, 2023 a proposed alternative was provided to me by John Walsh.
 - John and his designer offered to flip the roof orientation, putting the high side on the east and the low side on the west.
 - John’s designer used my photo (included above) as the source image.
 - He photo-shopped the new garage onto the photo.
 - The result is below.



- My concern: While the lake view is mostly maintained with this revised proposal, the building itself dominates the view. The proposed size overwhelms the surrounding buildings. It detracts from the typical cozy aesthetic of the Village which property owners and their guests expect.

After thoughtful consideration, I am unable to support the original garage project, nor the modified plan. I believe that everyone has the right to make choices about their property, and I respect the Walshs' desire to enhance their home's functionality and value. However, as a neighbor, I also feel a sense of responsibility in preserving the aesthetics and character of our neighborhood, which we all cherish.

Please know that this letter of concern does not intend to diminish the efforts John and MJ Walsh have put into their proposal. I am sure their vision for the garage is practical and well intentioned. If they are open to further discussions, I would be more than happy to engage in a friendly dialogue to explore alternative designs or adjustments that could better align with the neighborhood's overall aesthetics.

In conclusion, I agree with the development officer decision to refuse the application to build an 18-foot garage at lot #206.

Karen Hall, owner, Lot # 606 SVGL

Home Address: 16 Stradbroke Way, Calgary, Alberta T3H 1S4

Subdivision and Development Appeal Board

Summer Village of Ghost Lake

Box 19554 RPO South Cranston

Calgary AB T3M 0V4

Email: policy@ghostlake.ca

GHOST LAKE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Case Name: SDAB2023-01

File No: DP2023-06-20

Appeal by: John and Marie Jeanne Walsh

Appeal against: Development Authority of Ghost Lake

Hearing dates: July 23, 2023

Decision Date:

Board Members: Hassan Saeed – Presiding Officer

Dayna McNeil

Carey Fougere

DECISION

Description of Application:

1. The appeal before the Subdivision and Development Appeal Board was brought by John and Marie Jeanne Walsh.
2. On June 25th, 2023, the Development Authority refused the application of John and Marie Jeanne Walsh for a new accessory building at lot 6, block 2, Plan 6490EL (Civic address #206 Summer Village of Ghost Lake).

Procedural History:

3. The hearing took place on July 23rd, 2023 at 9:30 a.m.

Decision:

4. The appeal is **ALLOWED**, and the decision of the Development Authority is **REVOKED**.
The Development permit and associated demolition permit is **GRANTED**, subject to the following **CONDITIONS**:
 - a. The development permit authorizes the development of an accessory building as described in the appeal with the following **CHANGES**:
 - i. Reversal of East vs. West wall heights and the corresponding change in the slope of roof from the East to the West

Appearances:

5. The board received submissions from:
 - a. Written submissions for the Development Authority;
 - b. John Walsh, the appellant and
 - c. Property owner Lot #606, in opposition to the appeal,
 - d. Property owner of Lot #205, in support of the appeal,
 - e. Property owner of Lot #207, in support of the appeal,
 - f. Property owner of Lot #604, in support of the appeal,

Background and Summary of Evidence:

Submission of the Development Authority

6. In its written response to the appellant's development permit application, the Development Authority notes that the proposed accessory building (garage) exceeds the maximum height requirement for a garage. Based on section 9.6.3 (b) of the Land Use Bylaw, the maximum height allowable for an accessory building is 14.11 ft with a discretionary relaxation of an additional 10%.
7. Being that the proposed height of the accessory building is 18.55 ft, it would still exceed the allowed relaxation.

Submission of the applicant/appellant

8. The appellants provided a rationale for the height of the building, being that they are unable to excavate or dig the building into the site as the current slope from the roadway to the north creates a significant drainage issue. Given that the road allowance does not have any drainage or water diversion all precipitation and snow melt from north of the proposed building site drains to the proposed building site. The appellants stated that creating a below grade portion of the structure would create significant flood risk and therefore is not a viable alternative.
9. The appellants stated that the plan of the proposed structure is to have the north end of the structure function as a garage. The garage will be used to store a boat and trailer seasonally on a lift elevated above the main floor. And on the main floor will be used to store a car and truck. The proposed plans allow 8 feet for the trailer and 8 feet for the truck, plus 1 foot for the lift and 1.5 foot for the roof trusses.
10. The appellants stated that the south end of the building will be a workshop and above it on the mezzanine an exercise area, storage, and art studio. Because of the need to have a 7-foot-tall garage door into the workshop, the combined height on the west wall is a minimum of 8.125 feet.

11. The appellants had consulted with the adjacent landowners and have provided evidence of correspondence indicating support from all except one of the property owners. The property owner of lot #606 had indicated that the proposed building obstructs the view of the lake from their rooftop deck.
12. The appellants discussed the impact of their proposed building on the view and sightlines of the neighbouring properties, namely #604 and #606 Summer Village of Ghost Lake, and stated that the perimeter of their property is surrounded by mature evergreen trees and the house is located centrally within the property at a height of approximately 16 feet. This combination effectively blocks any view already and the proposed structure would not alter that.
13. The appellants have considered the concerns of the owners of #606 Summer Village of Ghost Lake, and aim to change the orientation of the high side to the East and the low side to the West for their building, as the view would be less obstructive for adjacent property owners.
14. The appellants have requested the SDAB to:
 - a. Grant Approval of development with reversal of East versus West wall heights and corresponding change in slope of roof from the East to the West
 - b. Grant the associated demolition permit (intrinsic in the DP building request)

Adjacent Landowners

15. The appellants have consulted with the adjacent landowners, and have provided the SDAB with correspondence indicating support from owners of 205, 207, and 604 Summer Village of Ghost Lake.

Adjacent Landowners: Opposed to the appeal

16. A letter from the owner of lot #606 Summer Village of Ghost Lake was submitted to the SDAB stating concerns for John and Marie Jeanne Walsh's proposed accessory building.
17. The letter stated that the landowner was concerned with the proposed accessory building as it would negatively impact the use and enjoyment of their property, lot #606, as it would partially block the lake view from their rooftop deck.
18. The letter also mentioned that the appellants had discussed their proposal to build the accessory building with a reversal of the East vs. West wall heights and the corresponding change in the slope of the roof from the East to the West. However, the owner of lot #606 still had concerns that the new plan would still obstruct the lake view.
19. In the letter, the owner of lot #606 stated that they will be unable to support the plans that the appellants have proposed and would be happy to engage in dialogue to explore alternative designs or adjustments that can better align with the neighborhood's overall aesthetics.

Reasons:

20. The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining their reasons.
21. In the Board's opinion, the appellant has provided compelling evidence for the support of their proposed accessory building exceeding the allowed height requirement. Based on the appellant's submissions, and the development authority's reason for refusal being limited to only the height non-compliance of the building, the Board finds approving the proposed development justified, given the conditions that have been listed in the formal decisions.
22. The Board notes that the restrictions on the height limit of the accessory building can be relaxed, based on the evidence provided, which indicates that the height of the proposed building is consistent with the allowed height for principal buildings and therefore will not be out of keeping with other construction within the village.

23. The board also notes that the appellants are unable to excavate or dig the building into the side due to the nature of the current slope from the roadway which would create a drainage issue.
24. Weight was given to lot #606 Summer Village of Ghost Lake's letter of concern, and the Board acknowledges the appellants efforts to continue working with neighbors to implement measures to reduce the visual impact of their development where possible.
25. Based on the provided appeal and evidence from the appellant, and considering the reason for refusal by the development authority, and the support and opposition to the development from adjacent landowners, the Board has determined that the application from a planning perspective does warrant approval.

Conclusion:

26. As per the reasons indicated above, the appeal is allowed, and the decision of the Development Authority is revoked.
27. A development permit shall be granted for the accessory building of lot 6, block 2, Plan 6490EL (Civic address #206 Summer Village of Ghost Lake) with the following changes:
 - a. Reversal of East vs. West wall heights and the corresponding change in the slope of roof from the East to the West
28. An associated demolition permit shall also be granted as per the appeal request.



Hassan Saeed, Presiding Officer and Decision Writer
Subdivision and Development Appeal Board

Issued on this 31st day of July, 2023