

MUNICIPAL PLANNING COMMISSION

AGENDA

March 29, 2018

8:45 A.M. - TOWN OFFICE – BOARD ROOM

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the February 16, 2018 MPC Meeting Minutes
5. Business Arising from the Minutes
6. **Development Application:** 3049-2018
Applicant: James Kirk
Legal: Lot 2, Block 33, Plan 1920HW
Municipal: 6004 – 50A Avenue
Proposed Development: 10' x 12' Addition
7. Adjournment

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
February 16, 2018**

Present:

Councillors Al Campbell, Malcolm Fischer, Scott Pfeiffer and Cheryl Barros & Director of Planning and Development Leann Graham and Planning & Operations Clerk Angela Stormoen.

1. **Call to Order:** Chairman Cheryl Barros called the meeting to order at 8:36 a.m.

2. **Approval of Agenda/Additions**

Moved by Councillor Malcolm Fischer to accept the agenda as presented.

MOTION CARRIED

Unanimous

3. **Confirmation of the January 16, 2018 MPC Meeting Minutes**

Moved by Councillor Malcolm Fischer that the Minutes of the January 16, 2018 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

4. **Business Arising**

None.

5. **Development Application:** 3041-2018

Applicant: Diane Gutoskie

Legal: Lot 11, Block 32, Plan 1850Z

Municipal: 4901 – 54 Street

Proposed Development: Change in use – Bed & Breakfast Facility and Signage

A report prepared by the Director of Planning & Development was reviewed as follows:

General:

The owner/applicant is proposing to change the use of 4901 – 54 Street to include a Bed and Breakfast Facility. The Single Family Dwelling at 4901 – 54 Street has 5 bedrooms and the owner/applicant is proposing to rent out four bedrooms.

The Land Use Bylaw 2060-15 parking requirements for the use of a Bed and Breakfast Facility is 1 off-street parking stall per rented room in addition to spaces required for the dwelling unit which would be a total of 5 required stalls. The owner/applicant is proposing 4 parking stalls, therefore the applicant is requesting a parking stall variance of 20%.

Furthermore the owner/applicant is proposing to install a freestanding sign in the front yard as per the below site plan and image proof.

Under the current zoning of R2: Residential General, the use of "Bed and Breakfast Facility" and "Sign" is discretionary use and therefore requires MPC approval.

Alternatives:

- Approve the application with additional conditions
- Defeat the application stating reasons

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

1. That the owner/applicant receives a parking stall variance of 4 stalls (20%);
2. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2060-15;
3. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
4. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;

Discussion:

Planning and Operations Clerk Angela Stormoen indicated that the owner/applicant is proposing to change the use of 4901 – 54 Street to include a Bed and Breakfast Facility. The Single Family Dwelling at 4901 – 54 Street has 5 bedrooms and the owner/applicant is proposing to rent out four bedrooms.

The Land Use Bylaw 2060-15 parking requirements for the use of a Bed and Breakfast Facility is 1 off-street parking stall per rented room in addition to spaces required for the dwelling unit which would be a total of 5 required stalls. The owner/applicant is proposing 4 parking stalls, therefore the applicant is requesting a parking stall variance of 20%.

Furthermore the owner/applicant is proposing to install a freestanding sign in the front yard as per the below site plan and image proof.

Under the current zoning of R2: Residential General, the use of "Bed and Breakfast Facility" and "Sign" is discretionary use and therefore requires MPC approval.

Councillor Scott Pfeifer questioned if there is restrictions on the size of the signage. Director of Planning and Development Leann Graham stated that the proposed size of the sign is 5'x5'; the requirements for a sign under the home occupation section of Land Use Bylaw 2060-15 states that one non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.275 square meters in an area placed within the dwelling unit or any accessory building is permitted. Should MPC approve the location of the proposed sign, the sign will be required to meet the 6 meter corner cut requirement for corner lots.

Councillor Malcolm Fischer questioned what size and setback would be reasonable. Director of Planning and Development mentioned it is at the Municipal Planning Commission discretion regarding the size, however, the setback must meet the 6m x 6m corner cut requirements.

Councillor Al Campbell mentioned that approving this proposed sign may set precedence for residential signs.

Councillor Malcolm Fischer proposed to approve a 2'x4' freestanding sign. Discussion ensued that the sign is conducive to the neighborhood and the traffic in the area. Councillor Malcolm Fischer questioned if the sign is illuminated. Director of Planning and Development mentioned signs are not permitted to be illuminated in residential areas.

Discussion continued in regards to a reasonable size for the sign. Director of Planning and Development Leann Graham mentioned it might be best to approve a minimum square footage instead of size so the applicant can decide on dimensions.

Moved by Councillor Malcolm Fischer to approve the application with the following conditions:

- owner/applicant may install a freestanding sign not exceeding 10 square feet.

MOTION CARRIED
UNANIMOUS

6. **Development Application:** 3043-2018
Applicant: Chiles Ventures Ltd.
Legal: Stall 45 Lots 2-11, Block 1, Plan 7541AD
Municipal: #45, 6017 – 52 Avenue (#45 Emmerson Acres)
Proposed Development: Demolition and Mobile Home

A report prepared by the Director of Planning & Development was reviewed as follows:

General:

The applicant is proposing to relocate a 14' x 68' mobile home to #45 Emmerson Acres. The mobile home was constructed in 1989 and as such it is considered a discretionary use in the R3: Mobile Home Park Land Use District as it exceeds eight years of age from the date of application for a development permit.

The owner/applicant will be required to remove the existing mobile from stall #45 in accordance with Town of Stettler Land Use Bylaw 2060-15.

Based on the photos submitted by the applicant the proposed 1989 mobile home will not detract the neighborhood, due to the age of the previous mobile home on this site as well as the other mobile homes in the area the proposed 1989 mobile will be conducive to the area.

Alternatives:

- Approve the application with additional conditions
- Defeat the application stating reasons

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

1. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw 2060-15.
2. The owner/applicant must ensure that the undercarriage of a mobile home shall be screened from view by skirting or such other means satisfactory to the Development Officer/Municipal Planning Commission in accordance with 38.3 of the Land Use Bylaw 2060-15;
3. The owner/applicant shall ensure all accessory structures to a mobile home such as patios porches, additions, skirting and storage facilities shall be fabricated so that the appearance complements the mobile home to the satisfaction of the Development Officer/Municipal Planning Commission in accordance with 38.4 of the Land Use Bylaw 2060-15;
4. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated the Alberta Building Code.
5. Compliance with the provisions of Land Use Bylaw 2060-15 does not exempt the owner/applicant from compliance with any provincial, federal, or other municipal legislation;
6. The owner/applicant must ensure the proposed development (Demolition of Mobile Home and Relocation of Mobile Home) shall be located in accordance with the approved plan;
7. The owner/applicant shall arrange for and obtain approval for compliance with the Alberta Building Code.

Discussion:

Planning and Operations Clerk advised that the applicant is proposing to relocate a 14' x 68' mobile home to #45 Emmerson Acres. The mobile home was constructed in 1989 and as such it is considered a

discretionary use in the R3: Mobile Home Park Land Use District as it exceeds eight years of age from the date of application for a development permit.

The owner/applicant will be required to remove the existing mobile from stall #45 in accordance with Town of Stettler Land Use Bylaw 2060-15.

Based on the photos submitted by the applicant the proposed 1989 mobile home will not detract the neighborhood, due to the age of the previous mobile home on this site as well as the other mobile homes in the area the proposed 1989 mobile will be conducive to the area.

Councillor Al Campbell questioned how we ensure the proposed trailer is what is moved onto the lot. Director of Planning and Development mentioned the building inspector and the town inspect the development to ensure it is correct.

Moved by Councillor Malcolm Fischer to approve the application as presented.

Adjournment: The meeting adjourned at 8:41 a.m. on a motion by Councillor Al Campbell.



Request For Decision

Issue:

Development Permit Application: 3049-2018
Applicant: James Kirk
Proposed Location: Lot 2, Block 33, Plan 1920HW
Municipal: 6004 - 50A Avenue
Development: 10' x 12' Addition

BACKGROUND

General:

The applicant is proposing to construct a 10' x 12' addition to the existing single family dwelling at 5812 – 50A Avenue.

The existing covered carport is considered non-compliant as the side yard setback of 1.07 meters along the east side of the attached carport is non-compliant in accordance with Land Use Bylaw 2060-15, required 1.5 meters.

The proposed 10' x 12' addition and use will conform to existing regulations other than the side yard encroachments that can be remedied by way of a variance.

The Municipal Government Act:

- Sec 643 & Town of Stettler Land Use Bylaw regulate that non-conforming structures may not be added onto or structurally altered except to make them conforming.
- Sec 643 (5)c MGA indicates an exception to this rule whereas powers identified in a municipalities Land Use Bylaw may invoke powers of variation and whereas according to Land Use Bylaw 2060-15 these powers lie with the Town of Stettler Municipal Planning Commission.

Development Review:

Land Use District – R2 – Residential General
Existing Land Use – Dwelling, Single Detached

Minimum side yard setback

- Required - 1.5 meters
- Existing – 1.07 meters
- Variance requested – 0.43 meters

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw 2060-15 and Municipal Government Act.

RECOMMENDATION

Recommendation:

That the Municipal Planning Commission approve this application subject to the following conditions:

1. That the applicant receives a side yard variance of 0.43 meters to accommodate the existing encroachment of covered carport thus single family dwelling;
2. The applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2060-15.
3. The owner is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code.
4. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
5. The proposed development (10' x 12' Addition) shall be located in accordance with the approved plan;
6. The applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code.
7. The owner/applicant shall arrange for and obtain approval for compliance with fire, plumbing, gas, and electrical regulations as applicable;

8. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period

Alternatives:

- Approve the application with additional conditions
- Defeat the application stating reasons.

Author:

Leann Graham, Director of Planning and Development

Proposed Development Location



6004 – 50A Avenue Site Plan



6004 – 50A Avenue Site Plan

