

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
August 20, 2012

Present:

Councillors Al Campbell, Darcy Bachman, Steven Wildeboer, Malcolm Fischer, Leona Thorogood, Planning & Development Officer Leann Graham, and Planning & Development Clerk Dara Hallett

1. **Call to Order:** Chairman Al Campbell called the meeting to order at 8:46 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 June 27, 2012 MPC Meeting Minutes**

Moved by Councillor Darcy Bachman that the Minutes of the June 27, 2012 MPC meeting be approved as presented.

MOTION CARRIED
Unanimous

4. **Business Arising**

None.

5. **Development Application: 2661-2012**

Applicant: Ben Nicholson

Legal: Lot 15, Block 53, Plan 1885TR

Municipal: 4209 – 50A Avenue

Proposed Development: Carport

Planning & Development Officer Leann Graham reviewed the report as follows:

General:

The applicant is proposing to construct a new carport at 4209 – 50A Avenue and is requesting a front yard and corner setback variance.

The land use bylaw requires a minimum 6 meter front yard setback; the applicant is requesting a 1 meter front yard setback along 50A Avenue to accommodate a car port over his existing driveway/parking pad. The applicant does not want to push the carport back to be aligned with his mobile home because there are 2 mature trees and his deck that would need to be removed to accommodate the car port. Secondly the applicant does not want to construct the carport in his rear yard due to the mature tree, his existing shed and the private use of his backyard.

Alternatives:

- Approve the application with conditions:
 - That the front yard setback along 50A Avenue be relaxed from 6.0 meters to 1.0 meter to accommodate the proposed carport.
 - That the corner (sightline setback) be relaxed from 2.1 meters to 1.2 meters to accommodate the proposed car port.
 - The owner/applicant will not enclose the east wall of the car port to ensure that the sight line to the lane remains clear and unobstructed.
- Defeat the application stating reasons.

Recommendation:

That the Municipal Planning Commission defeat this application subject to the following reasons:

1. That the application does not comply with the Land Use Bylaw 2018-11.
2. That the front yard setback along 50A Avenue to be relaxed from 6.0 meters to 1.0 meter to accommodate the proposed carport would be a significant variance of 83%.
3. The approval of this application would set a precedent of allowing accessory buildings in the front yard as well as a front yard setback being relaxed to 1.0 meter.
4. That the corner (sightline setback) to be relaxed from 2.1 meters to 1.2 meters to accommodate the proposed car port could cause for an obstructed view at the intersection of 50A Avenue and the North South Lane.
5. The applicant does have alternatives in the location of his car port however they do require the removal of trees and the removal or relocation of existing structures.

Discussion

Planning & Development Officer Leann Graham indicated the applicant is proposing to construct a new carport at 4209 – 50A Avenue and is requesting a front yard and corner setback variance.

The land use bylaw requires a minimum 6 meter front yard setback; the applicant is requesting a 1 meter front yard setback along 50A Avenue to accommodate a car port over his existing driveway/parking pad. The applicant does not want to push the carport back to be aligned with his mobile home because there are 2 mature trees and his deck that would need to be removed to accommodate the car port. Secondly the applicant does not want to construct the carport in his rear yard due to the mature tree, his existing shed and the private use of his backyard.

Councillor Darcy Bachman questioned if the owner could move one tree and build the carport flush with the house. Planning & Development Officer Leann Graham indicated that the owner wants to build a carport in the proposed area because he would like to keep the mature tree that is located next to his house and in the remainder of the trees in the rear yard. A carport differs from a garage as they can only be closed in to a maximum of 40%. Councillor Darcy Bachman questioned if the carport was attached to the house, if it would be approved. Planning & Development Officer Leann Graham confirmed that it would still require a variance for the minimum front yard setback. Councillor Leona Thorogood confirmed that it was the spruce tree just in front of the parking area that the owner would like to save. Planning and Development Officer Leann Graham indicated that if the carport was attached to the dwelling, two trees and the deck would need to be removed.

Councillor Leona Thorogood questioned if the side yard setback was the same for the rear yard. Planning & Development Officer Leann Graham indicated that because the access is from the lane, the side yard setback would be 3m to accommodate a driveway length. Councillor Al Campbell asked if the carport would be attached to the house. Planning & Development Officer Leann Graham stated that the carport would not be attached to the principal dwelling.

Councillor Darcy Bachman questioned if the Town of Stettler should actually allow this application because it would be setting an example for others to get approval for similar applications. Planning & Development Officer Leann Graham agreed that if the application was approved, it would act as a precedent for others to build accessory buildings in the front yard. Councillor Malcolm Fischer commented that many residents in Stettler have carports. Planning & Development Officer Leann Graham indicated that although many residents do have carports on their properties, they are attached to the principal dwelling, which permits them in the front yard as long as they meet the minimum front yard setback..

Councillor Malcolm Fischer asked if the sheds in the rear yard could be relocated. Planning & Development Officer Leann Graham indicated that the sheds in the rear yard are on skids and are movable, but the owner has power to the sheds and isn't in favor of moving them.

Councillor Leona Thorogood asked if 50A Avenue would ever continue on into 4204 – 50 Avenue to the east. Planning & Development Officer Leann Graham indicated that there is the potential for the road to continue east in the future, and after speaking to Director of Operations Melissa Robbins, confirmed that because of the unusual widening of the avenue in that area, the road would be narrowed to conform to a standard size avenue. This could provide the owner with an additional front yard. Councillor Leona Thorogood commented that the additional front yard would create a smaller variance for the owner in the future.

Councillor Darcy Bachman made a motion to defeat the application as presented because this application would create a precedent for other residents of Stettler to apply for accessory buildings in the front yard.

MOTION CARRIED
UNANIMOUS

6. **Development Application:** 2663-2012

Applicant: SK Builders for Savage Value Drug Mart

Legal: Lot 21&22, Block 14, Plan 9422662

Municipal: 4714&4718-50 Street

Proposed Development: Commercial Renovation for New Savage Value Drug Mart
Façade Improvements for Community Improvement Tax Rebate

Planning & Development Officer Leann Graham reviewed the report as follows:

General:

The applicant is proposing a new entrance build out that will encroach by 4" into the Town of Stettler sidewalk. The applicant is requesting a variance for the approval of the 4" encroachment.

The applicant is proposing to improve the façade including structural changes to the front of the building. This use (Pharmacy/Retail) is considered a permitted use in the C1: Central Commercial Land Use District. Under the existing Town of Stettler "Community Improvement Policy XVI-4(c)" the development of façade improvements requires approval from MPC to be eligible for the Community Improvement Tax Rebate.

Based on the 2012 taxes for the property the eligible refund would have been \$1441.25.

(2012 Municipal Taxes for Lot 21 & 22 = \$5765.00 @ 25% refund for \$20,000 façade improvements = \$1441.25)

Alternatives:

- Approve the application with additional or revised 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 variance for the new entrance build out to encroach 4" into the Town of Stettler Sidewalk.
2. That the owner/applicant receives a tax rebate for the 2013 year based on the Community Improvement Policy XVI-4(c) (attached).
3. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2018-11;
4. Compliance with the provisions of Land Use Bylaw #2018-11 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
5. 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.

6. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2018-11.
7. Compliance with the provisions of Land Use Bylaw #2018-11 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation.
8. The proposed development (Commercial Renovation and Façade Improvement) shall be located in accordance with the approved plan, and all improvements as indicated on the submitted plans shall be constructed as shown unless otherwise stated in these conditions or approved hereafter by the Town of Stettler's Development Authority.
9. The applicant shall arrange for and obtain approval from the Stettler Regional Fire Department to confirm compliance with the Provincial Fire Code.
10. The applicant must obtain a building permit for this development prior to any commencement of construction. This permit can be obtained following the mandatory 14 day appeal period commencing from the date of approval. In order to obtain a building permit all appropriate fees, plans, schedules, and applications must be submitted.

Discussion

Planning & Development Officer Leann Graham indicated the applicant is proposing a new entrance build out that will encroach by 4" into the Town of Stettler sidewalk. The applicant is requesting a variance for the approval of the 4" encroachment.

The applicant is proposing to improve the façade including structural changes to the front of the building. This use (Pharmacy/Retail) is considered a permitted use in the C1: Central Commercial Land Use District. Under the existing Town of Stettler "Community Improvement Policy XVI-4(c)" the development of façade improvements requires approval from MPC to be eligible for the Community Improvement Tax Rebate.

Based on the 2012 taxes for the property the eligible refund would have been \$1441.25.
(2012 Municipal Taxes for Lot 21 & 22 = \$5765.00 @ 25% refund for \$20,000 façade improvements = \$1441.25)

Councillor Leona Thorogood confirmed if it was just the two columns of the entrance that require a variance. Planning & Development Officer Leann Graham indicated that the entrance that requires the variance is part of the design. The applicant is asking for both a variance for the new entrance and approval for the Community Improvement Tax Rebate. Councillor Leona Thorogood questioned why such a small variance had to be taken to a Municipal Planning Commission meeting. Planning & Development Officer Leann Graham indicated that the current Land Use Bylaw requires all variances be taken to Municipal Planning Commission.

Councillor Malcolm Fischer made a motion to approve the 4" encroachment of the proposed new entrance into the Town of Stettler's Sidewalk.

MOTION CARRIED
UNANIMOUS

Councillor Leona Thorogood made a motion to approve the Community Improvement Tax Rebate of \$1441.25.

MOTION CARRIED
UNANIMOUS

Adjournment: The meeting adjourned at 9:01 a.m. on a motion by Councillor Darcy Bachman