

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING**  
**January 14, 2015**

**Present:**

Councillors Al Campbell, Malcolm Fischer, Will Brown and Sean Nolls, Planning & Development Officer Leann Graham, and Planning & Development Clerk Angela Stormoen

1. **Call to Order:** Chairman Sean Nolls called the meeting to order at 8:45 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 October 10, 2014 MPC Meeting Minutes**

Moved by Councillor Will Brown that the Minutes of the October 10, 2014 MPC meeting be approved as presented.

MOTION CARRIED  
Unanimous

4. **Business Arising**

Planning and Development Officer Leann Graham mentioned that the applicant 2825-2014, Northstar Trucking, has progressed with their proposed Concrete Manufacturing / Plant. The plant is constructed with the top structure remaining to be completed. Everything continues to meet the current Land Use Bylaw therefore no further approval from MPC will be required.

5. **Development Application:** 2837-2015

**Applicant:** Brian McBride

**Legal:** Lot 17, Block 60, Plan 5847HW

**Municipal:** 4607-54 Street

**Proposed Development:** Basement Suite

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

**General:**

The applicant is proposing development of a basement suite in an existing single family dwelling. The applicant is prepared to ensure the suite is built to the current Alberta Building Code standards.

The proposed Single Family Dwelling with Basement Suite is within the R1 – Residential Low Density zoning of the Land Use Bylaw 2018-11.

When considering varying any standard MPC must adhere to the section below:

Section 21: Variance Authority

21.1 The Municipal Planning Commission may allow a variance of any standard prescribed in this bylaw provided the variance complies with the requirements of the Alberta Building Code, and the variance does not unduly affect the neighbourhood which includes variances for non-conforming buildings.

21.2 In considering a variance the Municipal Planning Commission shall:

21.2.1 Not grant a variance which would infringe the Airport zoning regulations; and

21.2.2 Have regard to the purpose and intent of the district and the nature and value of developments on adjacent properties.

21.3 If a variance is granted, the Municipal Planning Commission shall specify its nature in the development permit approval.

The purpose of the R1 district as defined by Land Use Bylaw 2018-11 is:

To provide an area for single detached residential development.

**Alternatives:**

- Approve the application with conditions

**Development Review:**

Requirements pertaining to the proposed development are regulated under the Land Use Bylaw as follows:

Section 73: R1 Residential Low Density District

73.1 Purpose:

To provide an area for single detached residential development.

73.2 Uses:

Permitted Uses	Discretionary Uses
Accessory Building Dwelling, Single Detached Home Occupation Public Assembly Public Use	Accessory Uses Bed and Breakfast Facility Building Demolition Dwelling, Duplex (Existing) Garden Suite Sign Utility Building

73.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

Site Coverage	40%
Minimum Floor Area	100 square metres
Maximum Building Height	10.0 m
Minimum Parcel Area	Interior Parcels 550 square metres Corner Parcels 600 square metres
Double Fronting Yards	A site abutting two streets or more shall have a front yard on each street and two side yards in accordance with the setback requirements of the Bylaw.
Front Yard Setback	Dwelling – 6.5 m
Side Yard Setback	Dwelling – 1.5 m except where it abuts a public roadway 3.0 m, or as required by the Alberta Building Code, whichever is greater.
Rear Yard Setback	Dwelling - 7.5 m except on corner or double fronting lots.
Landscaping	35% of Site Area.
Parking	A two car parking area shall be provided to the rear, side or front of the dwelling. Notwithstanding, in the case of a dwelling fronting onto an arterial road, the parking area shall access from the lane where one is provided.
<i>Accessory Buildings</i>	<i>Section 34 of this Bylaw.</i>

**Discussion**

Planning & Development Officer Leann Graham indicated that the applicant is proposing development of a basement suite in an existing single family dwelling. The applicant is prepared to ensure the suite is built to the current Alberta Building Code standards.

The proposed Single Family Dwelling with Basement Suite is within the R1 – Residential Low Density zoning of the Land Use Bylaw 2018-11.

When considering varying any standard MPC must adhere to the section below:

Section 21: Variance Authority

- 21.1 The Municipal Planning Commission may allow a variance of any standard prescribed in this bylaw provided the variance complies with the requirements of the Alberta Building Code, and the variance does not unduly affect the neighbourhood which includes variances for non-conforming buildings.
- 21.2 In considering a variance the Municipal Planning Commission shall:
  - 21.2.1 Not grant a variance which would infringe the Airport zoning regulations; and
  - 21.2.2 Have regard to the purpose and intent of the district and the nature and value of developments on adjacent properties.
- 21.3 If a variance is granted, the Municipal Planning Commission shall specify its nature in the development permit approval.

The purpose of the R1 district as defined by Land Use Bylaw 2018-11 is:  
To provide an area for single detached residential development.

Councillor Malcolm Fischer questioned if the applicant was refused what options would remain.

Planning and Development Officer Leann Graham mentioned if refusal is given by MPC the applicant would have a right to appeal and be heard by the SDAB.

The second option would be for the applicant to apply for rezoning of the area to R2, however this would require Town of Stettler internal review for our existing sanitary system.

Councillor Malcolm Fischer made a motion to refuse the proposed development as submitted on Development Permit Application 2837-2015 for the following reason(s):

1. The use of Basement Suite is not listed as a permitted or discretionary use in the R1 – Residential Low Density District of the Town of Stettler Land Use Bylaw 2018-11
2. In accordance with Land Use Bylaw 2018-11 (19.6). Municipal Planning Commission shall refuse a development permit for a use or development this not listed as a permitted or discretionary use.
3. In accordance with the Municipal Government Act, 2000, Chapter M-26, Section 640:

*(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,*

*(a) the proposed development would not*

*(i) unduly interfere with the amenities of the neighbourhood, or*

*(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*

*and*

*(b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

MOTION CARRIED  
UNANIMOUS

**Adjournment:** The meeting adjourned at 8:51 a.m. on a motion by Councillor Malcolm Fischer.