

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING**  
**June 17, 2013**

**Present:**

Councillors Al Campbell, Darcy Bachman, Malcolm Fischer and 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 8:45 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 May 29, 2013 MPC Meeting Minutes**

Moved by Councillor Leona Thorogood that the Minutes of the May 29, 2013 MPC meeting be approved as presented.

MOTION CARRIED  
Unanimous

4. **Business Arising**

None.

5. **Development Application:** 2716-2013

**Applicant:** Mona Muyres

**Legal:** Lot 19, Block 26, Plan 925X

**Municipal:** 4717 – 47 Street

**Proposed Development:** Removal and Reconstruction of a porch to a Non-conforming Building

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

**General:**

The applicant is proposing to remove and reconstruct the existing porch of a non-conforming Building. The current porch is sinking due to a lack of a proper foundation and is pulling away from the single family dwelling.

The applicant would like to reconstruct the porch and has also requested to enlarge it. The existing porch is 7' x 10'6" and the applicant is proposing to extend the porch to the north edge of the single family dwelling and out into the front yard to create an 18'6" x 8' porch. . Staff recommendation is to approve the porch replacement at the same front yard encroachment (not allowing the additional 1`) and allow the applicant to expand to the north to enlarge the porch as it does not make the structure any more non-conforming, therefore approving a 7' x 18'6" porch.

The existing structure is non-compliant, as existing, the front yard setback along the west side of the single family dwelling is non-conforming in accordance with land use bylaw 2018-11.

The proposed replacement and use will conform to existing regulations other than the front 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 LUB 2018-11 these powers lie with the Town of Stettler Municipal Planning Commission.

## **Alternatives:**

- Defeat the application stating reasons.
- Allow the reconstruction as proposed with an additional 1' into the front yard encroachment
- Allow the reconstruction as the existing and refuse the expansion

## **Recommendation:**

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

1. That the owner/applicant receives a front yard variance of 0.6 meters 10% to accommodate the existing encroachment of the Single Family Dwelling;
2. The owner/applicant receives approval for the demolition of the existing structure and reconstruction of a 7' x 18' 6" porch;
3. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2018-11;
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 by the Alberta Building Code;
5. 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;
6. The proposed development (Removal and Reconstruction of a porch to a Non-conforming Building) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
7. It is the owner/applicant's responsibility to ensure that lot grading and drainage are compliant with Section 51 of the Town Of Stettler Land Use Bylaw #2018-11;
8. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
9. The owner/applicant shall arrange for and obtain approval for compliance with fire, plumbing, gas, and electrical regulations as applicable;
10. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period

## **Discussion**

Planning & Development Officer Leann Graham indicated that the applicant is proposing to remove and reconstruct the existing porch of a non-conforming Building. The current porch is sinking due to a lack of a proper foundation and is pulling away from the single family dwelling.

The applicant would like to reconstruct the porch and has also requested to enlarge it. The existing porch is 7' x 10'6" and the applicant is proposing to extend the porch to the north edge of the single family dwelling and out into the front yard to create an 18'6" x 8' porch. Staff recommendation is to approve the porch replacement at the same front yard encroachment (not allowing the additional 1') and allow the applicant to expand to the north to enlarge the porch as it does not make the structure any more non-conforming, therefore approving a 7' x 18'6" porch.

The existing structure is non-compliant, as existing, the front yard setback along the west side of the single family dwelling is non-conforming in accordance with land use bylaw 2018-11.

The proposed replacement and use will conform to existing regulations other than the front 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 LUB 2018-11 these powers lie with the Town of Stettler Municipal Planning Commission.

Councillor Leona Thorogood questioned why the recommendation is to allow the applicant to expand the porch to the north but not farther into the front yard. Planning & Development Officer Leann Graham indicated that the Municipal Government Act Section 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 or for required maintenance and that the expansion to the north will not make it any more non-conforming whereas the 1 foot into the front yard would. Councillor Leona Thorogood questioned if the foremost reason for not allowing the front yard variance was because of the existing encroachment. Planning & Development Officer Leann Graham confirmed. Councillor Leona Thorogood asked if the sight lines for the property were a problem. Planning & Development Officer Leann Graham commented that the dwelling is set forward more than other properties on the street but because it is an interior lot, it does not pose a sight line issue.

Councillor Al Campbell commented that building the porch at 8ft would make sense as drywall and plywood also comes in 8ft slabs.

Councillor Leona Thorogood indicated that the building is already non-conforming and that building the porch at 8ft shouldn't be a concern.

Councillor Leona Thorogood made a motion to approve the application to allow the reconstruction of the 8' x 18'6" porch as proposed with an additional 1' into the front yard encroachment.

MOTION CARRIED  
UNANIMOUS

6. **Development Application:** 2717-2013

**Applicant:** Natasha Whynot

**Legal:** Lot 6, Block 62, Plan 3049 AT

**Municipal:** 4716 – 54 Street

**Proposed Development:** Removal and Reconstruction of a covered deck to a Non-conforming Building

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

**General:**

The applicant is proposing to remove and reconstruct the existing covered deck of a non-conforming Building. The current deck is in disrepair and requires replacement as it is posing safety concern.

The applicant would like to reconstruct the covered deck and has also requested to enlarge it. The existing covered deck is 6' x 18' and the applicant is proposing to extend the covered deck to the north edge of the single family dwelling to create a 6' x 20' covered deck. Staff recommendation is to approve the covered deck replacement and allow the applicant to expand to the north to enlarge the covered deck as it does not make the structure any more non-conforming. The applicant is also proposing to have the steps

The existing structure is non-compliant, as existing the side yard setbacks along the north and south side of the single family dwelling are non-conforming in accordance with land use bylaw 2018-11.

The proposed replacement 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 LUB 2018-11 these powers lie with the Town of Stettler Municipal Planning Commission.

**Alternatives:**

- Defeat the application stating reasons.
- Allow the reconstruction as the existing footprint and refuse the expansion

## **Recommendation:**

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

1. That the applicant receives 2 side yard variances to accommodate the existing encroachment of the Single Family Dwelling:  
North Side - 0.9 m existing setback , required variance 0.6 m  
South Side - 1.0 m existing setback, required variance 0.5 m
2. The owner/applicant receives approval for the demolition of the existing covered deck and reconstruction of a 6' x 20' covered deck;
3. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2018-11;
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 by the Alberta Building Code;
5. 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;
6. The proposed development (Removal and Reconstruction of a covered deck to a Non-conforming Building) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
7. It is the owner/applicant's responsibility to ensure that lot grading and drainage are compliant with Section 51 of the Town Of Stettler Land Use Bylaw #2018-11;
8. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
9. The owner/applicant shall arrange for and obtain approval for compliance with fire, plumbing, gas, and electrical regulations as applicable;
10. The owner/applicant must obtain a building permit for this development following the mandatory 14 day appeal period

## **Discussion**

Planning & Development Officer Leann Graham indicated the applicant is proposing to remove and reconstruct the existing covered deck of a non-conforming Building. The current deck is in disrepair and requires replacement as it is posing safety concern.

The applicant would like to reconstruct the covered deck and has also requested to enlarge it. The existing covered deck is 6' x 18' and the applicant is proposing to extend the covered deck to the north edge of the single family dwelling to create a 6' x 20' covered deck. Staff recommendation is to approve the covered deck replacement and allow the applicant to expand to the north to enlarge the covered deck as it does not make the structure any more non-conforming. The applicant is also proposing to have the steps project into the front yard which is a permitted projection.

The existing structure is non-compliant, as existing the side yard setbacks along the north and south side of the single family dwelling are non-conforming in accordance with land use bylaw 2018-11.

The proposed replacement 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 LUB 2018-11 these powers lie with the Town of Stettler Municipal Planning Commission.

Councillor Malcolm Fischer made a motion to approve the application as presented.

**MOTION CARRIED**

UNANIMOUS

7. **Applicant:** Tremmel Construction  
**Legal:** Lot 2 & 3, Block 1, Plan 1125166  
**Municipal:** 4903 – 44 Avenue  
**Proposed Development:** Shop & Office

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

**General:**

The applicant is proposing development of a shop and office. The development is proposed in the Land Use District C2: Highway Commercial District and needs to meet the regulations set out in the Commercial and Industrial Design Guidelines. The Commercial and Industrial Design Guidelines were created for the IDP highway gateways; however Council decided to extend the guidelines to all highway commercial developments within the Town of Stettler. Therefore the applicant has requested MPC approval for the exterior design of the building prior to proceeding with permits, the intention of the applicant is to proceed following MPC approval or comments.

**Alternatives:**

- Approve the proposed design with changes or conditions
- Defeat the proposed design stating reasons.

**Recommendation:**

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

1. The owner/applicant shall meet the regulations set out in the Commercial and Industrial Design Guidelines.
2. The owner/applicant shall apply and obtain approval for a Development Permit, and comply to the conditions set within said permit.
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 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 of the development permit. In order to obtain a building permit all appropriate fees, plans, schedules, and applications must be submitted.

**Discussion**

Planning & Development Officer Leann Graham indicated that the applicant is proposing development of a shop and office. The development is proposed in the Land Use District C2: Highway Commercial District and needs to meet the regulations set out in the Commercial and Industrial Design Guidelines. The Commercial and Industrial Design Guidelines were created for the IDP highway gateways; however Council decided to extend the guidelines to all highway commercial developments within the Town of Stettler. Therefore the applicant has requested MPC approval for the exterior design of the building prior to proceeding with permits, the intention of the applicant is to proceed following MPC approval or comments. In addition the applicant has requested that the occupancy of the building remain unknown as they have entered into an agreement of confidentiality with the owner of the property. The applicant has been advised that the occupancy of the building will be required at the development permit stage.

Councillor Leona Thorogood questioned where the lot was located in Town. Planning & Development Officer Leann Graham commented that the proposed development would be located next to the existing office that was built on the west side of Cold Lake.

Councillor Al Campbell questioned if the parking area would be paved. Planning & Development Officer Leann Graham indicated that paving the parking area would be a condition in the development permit, but the applicant has requested the design of the building be approved before they proceed and apply for a development permit.

Councillor Leona Thorogood commented that the Town of Stettler needs to ensure that the occupancy of the building is a permitted use under the current Land Use Bylaw for a Highway Commercial zoning. Planning & Development Officer Leann Graham confirmed and indicated that the application was only brought to MPC for design approval at this time and that the occupancy would be determined and approved at the time of the development permit stage. Councillor Al Campbell asked what wouldn't be a permitted use for a Highway Commercial zoning. Planning & Development Officer Leann Graham stated that any industrial use would be considered a discretionary use under the Highway Commercial zoning.

Discussion continued regarding permitted and discretionary uses for a Highway Commercial zoning. Planning & Development Officer Leann Graham indicated that the use of the building will be what determines if the development permit application is approved or not and if the use is a discretionary use the application would require MPC approval. Councillor Al Campbell questioned why the particular lots west of Cold Lake had been zoned Highway Commercial when they don't front a highway. Planning & Development Officer Leann Graham indicated that the rezoning had taken place prior to subdivision when the entire parcel was adjacent to Hwy 12. Councillor Al Campbell questioned if the properties across from 4903 – 44 Avenue were zoned Commercial as well. Planning & Development Officer Leann Graham stated that the properties on the north side of 44 Avenue were zoned Industrial. Councillor Leona Thorogood asked if there would be room for a third building to be constructed on the lots afterwards. Planning & Development Officer Leann Graham confirmed.

Councillor Al Campbell questioned if the design was going to be similar or have its own design compared to the existing office on the adjacent lot. Planning & Development Officer Leann Graham stated that the proposed building design would compliment the adjacent building but will still be unique in its own design.

Councillor Darcy Bachman suggested that the Town of Stettler have a condition in writing that the use of the building must be approved before a development permit will be issued. Councillor Leona Thorogood stated that a condition should be set in the Development Permit that the design of the building must follow the Commercial guidelines only in the Commercial and Industrial Site and Building Design Guidelines and not the Industrial Building specifications.

Councillor Leona Thorogood made a motion to approve the application as presented.

MOTION CARRIED  
UNANIMOUS

**Adjournment:** The meeting adjourned at 8:55 a.m. on a motion by Councillor Malcolm Fischer.