

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
September 12, 2012

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 Darcy Bachman to accept the agenda as presented with the following additions;

- a) **Development Permit Application:** 2670-2012
Applicant: Dean's Machine
Legal: Lot 6, Block, 1, Plan 9720815
Civic: 4804 – 45 Avenue Close
Proposed Development: 40' x 80' Addition

MOTION CARRIED
Unanimous

3. **Confirmation of the August 20, 2012 MPC Meeting Minutes**

Moved by Councillor Malcolm Fischer that the Minutes of the August 20, 2012 MPC meeting be approved as presented.

MOTION CARRIED
Unanimous

4. **Business Arising**

None.

5. **Development Application:** 2668-2012
Applicant: Lawrence Muhlbach
Legal: Lot 7, Block 16, Plan RN54A
Municipal: 4708 – 49 Street
Proposed Development: Detached Garage

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

General:

The applicant is proposing to construct a new detached garage at 4708 – 49 Street and is requesting a height (0.79 meter) and floor area (20 sq. ft.) variance in accordance with the Town of Stettler Land Use Bylaw 2018-11:

Section 34: Accessory Buildings and Structures:

34.1 Residential Districts:

- 34.1.1 Accessory buildings and structures include garages, carports, shed, storage buildings, decks, covered patios or covered balconies, permanently installed private swimming pools and hot tubs, garden suites and other accessory structures such as television and radio antennas, poles, satellite dishes and towers.
- 34.1.2 An accessory building shall not exceed 6.5 m, or the height of the principal dwelling, whichever is less. In mobile home districts an accessory building must not exceed 4.5 m in height.
- 34.1.3 In no case shall the floor area or combined floor area of accessory buildings (including

- garden suites) on a property exceed the main floor area of the principal dwelling.
- 34.1.4 In no case shall the floor area or combined floor area of accessory buildings (including garden suites) and principal dwelling result in the site coverage of the parcel exceeding the requirements of the District.

Alternatives:

- Defeat the application stating reasons.

Recommendation:

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

1. That the applicant receives a height variance of 0.79 meters (2.6 ft) to accommodate the 4.88 meter (16ft) high detached garage.
2. That the applicant receives a floor area variance of 1.86 square meters (20 sq ft) to accommodate the 77.29 square meter (832 sq. ft.) detached garage
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 (Detached Garage) 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 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 construct a new detached garage at 4708 – 49 Street and is requesting a height (0.79 meter) and floor area (20 sq. ft.) variance in accordance with the Town of Stettler Land Use Bylaw 2018-11 Section 34.1.2 and 34.1.4. The applicant intends to replace the primary dwelling in the future. Councillor Al Campbell questioned if the applicant constructed a larger dwelling would the proposed detached garage be compliant. Planning & Development Officer Leann Graham confirmed.

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

MOTION CARRIED
UNANIMOUS

6. **Addition**

- a) **Development Permit Application:** 2670-2012
Applicant: Dean's Machine
Legal: Lot 6, Block 1, Plan 9720815
Civic: 4804 – 45 Avenue Close
Proposed Development: 40' x 80' Addition

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

General:

The applicant is proposing to construct a 12.2m x 24.38m addition along the westerly side of existing 24.4m x 15.28m steel clad Industrial building on the above referenced lot.

The existing structure is non-compliant, although a development permit was issued on Nov 5, 1997 indicating the proposed structure acceptable to the Town of Stettler in respect to stature, orientation and use. As existing, the structure encroaches into the 1.32m into the minimum front yard of 9.0m.

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.

A previous Development Permit #1515 was issued by the Town allowing the existing orientation of the structure in question and that the proposed addition will not create further non-compliance in regards to regulations of LUB 2018-11 Industrial District. All aspects of the proposed structure and use will conform to existing regulations other than the existing and continuous 1.32m front yard relaxation.

Alternatives:

- Defeat the application stating reasons.

Recommendation:

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

1. That the applicant receives a front yard variance of 1.33 meters to accommodate the proposed addition.
2. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2018-11;
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 #2018-11 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
5. The proposed development (40' x 80' Addition) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
6. 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;
7. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
8. 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 construct a 12.2m x 24.38m addition along the westerly side of existing 24.4m x 15.28m steel clad Industrial building on the above referenced lot.

The existing structure is non-compliant, although a development permit was issued on Nov 5, 1997 indicating the proposed structure acceptable to the Town of Stettler in respect to stature, orientation and use. As existing, the structure encroaches into the 1.32m into the minimum front yard of 9.0m.

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 2018-11 these powers lie with the Town of Stettler Municipal Planning Commission.

A previous Development Permit #1515 was issued by the Town allowing the existing orientation of the structure in question and that the proposed addition will not create further non-compliance in regards to regulations of Land Use Bylaw 2018-11 Industrial District. All aspects of the proposed structure and use will conform to existing regulations other than the existing and continuous 1.32m front yard relaxation.

Councillor Leona Thorogood questioned if only the front yard would be non-conforming. Planning and Development Officer Leann Graham confirmed that the front yard would be the only non-conforming however would not create further non-compliance with the Land Use Bylaw.

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

MOTION CARRIED
UNANIMOUS

7. **Adjournment:** The meeting adjourned at 8:49 a.m. on a motion by Councillor Leona Thorogood