

MUNICIPAL PLANNING COMMISSION

AGENDA

May 1, 2013

8:45 A.M. - TOWN OFFICE – Meeting Room

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the April 11, 2013 MPC Meeting Minutes
5. Business Arising from the Minutes
6. **Development Application:** 2701-2013
Applicant: Candace & Kevin Gish
Legal: Lot 3, Block 12, Plan 2739HW
Municipal: 5805 – 50A Avenue
Proposed Development: Renovations to a Non-conforming Building
8. Adjournment

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
April 11, 2013

Present:

Councillors Al Campbell, Darcy Bachman and Malcolm Fischer, Leona Thorogood, Steven Wildeboer, 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 with the following addition:

6. Setting up a conference call and/or an online meeting in the future for smaller development applications (i.e. variances).

MOTION CARRIED

Unanimous

3. **Confirmation of the October 31, 2012 MPC Meeting Minutes**

Moved by Councillor Steven Wildeboer that the Minutes of the October 31, 2012 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

4. **Business Arising**

None.

5. **Development Application:** 2700-2013

Applicant: Tim & Felisa Berry

Legal: Lot 8A, Block 5, Plan 8120341

Municipal: 5906 – 52 Avenue

Proposed Development: Basement Suite

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

General:

The existing property currently consists of a single family dwelling. The applicant is proposing to renovate and add a basement suite as an additional dwelling. The proposed basement suite will have a separate entrance as required by the Town of Stettler's Land Use Bylaw and the applicant is required to provide 4 off street parking stalls to accommodate 2 stalls/dwelling unit.

The applicant will be required to ensure the basement suite is built to the current Alberta building Code standards, including proper fire separation between units, hard wired fire alarms, separate heating systems, proper egress from basement windows, etc.

The proposed development is located in a R2: General Residential Land Use District and as such the basement suite is considered a discretionary use.

Alternatives:

- 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 #2018-11.
2. 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.
3. 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;
4. The proposed development (Basement Suite) shall be located in accordance with the approved plan;
5. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code.
6. The owner/applicant must provide four off street parking stalls to accommodate each dwelling unit.

Discussion

Planning & Development Officer Leann Graham indicated that the applicant is proposing to renovate and add a basement suite as an additional dwelling. The dwelling will be used as a rental property with no separate service for utilities. The proposed basement suite will have a separate entrance as required by the Town of Stettler's Land Use Bylaw and the applicant is required to provide 4 off street parking stalls to accommodate 2 stalls per dwelling unit.

The applicant will be required to ensure the basement suite is built to the current Alberta building Code standards, including proper fire separation between units, hard wired fire alarms, separate heating systems, proper egress from basement windows, etc.

The proposed development is located in a R2: General Residential Land Use District and as such the basement suite is considered a discretionary use.

Councillor Leona Thorogood questioned if separating the water service for both rental units with two meters would be beneficial for the Town and if there was ever a new owner. Planning & Development Officer Leann Graham advised that she had spoken with Water Foreman Rene Lamoureux and he prefers leaving upper level and basement suite units with one shared water meter.

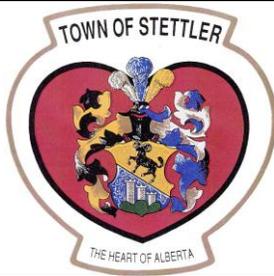
Councillor Leona Thorogood made a motion to approve the application as presented.

MOTION CARRIED
UNANIMOUS

6. Setting up a conference call and/or an online meeting in the future for smaller development applications (i.e. variances).

Councillor Steven Wildeboer indicated that when smaller development applications require MPC approval, administration should consider the option of an online or conference call meeting. Planning & Development Officer Leann Graham indicated that a conference call or an online meeting would only be an option for smaller developments or when the agenda only contains one item. Councillor Leona Thorogood agreed that if there are several applications at once or the applications are large or commercial developments, that there should still be a regular meeting for discussion.

Adjournment: The meeting adjourned at 8:50 a.m. on a motion by Councillor Darcy Bachman



Request For Decision

Agenda Item:

Issue:

Development Permit Application: 2701-2013
Applicant: Candace and Kevin Gish
Legal: Lot 3, Block 12, Plan 2739HW
Civic: 5805 – 50A Avenue
Proposed Development: Renovations to a Non-conforming Building

Recommendation:

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

1. That the applicant receives a side yard variance of 0.29 and 0.14 meters to accommodate the existing encroachment of the Single Family Dwelling and Attached Garage
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 (Renovations 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;
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

IMPLICATIONS OF RECOMMENDATION

General:

The applicant is proposing to Renovate a Non-conforming Building; the renovations will consist of an extension of the second floor north towards 50A Avenue above the existing Attached Garage.

The existing structure is non-compliant, although a development permit was issued on September 14, 1994 by MPC allowing the owners to renovate the structure at that time to create an attached garage from a former grocery store. As existing, the side yard setbacks along the East side of the Single Family Dwelling and Attached Garage are non-

conforming in accordance with land use bylaw 2018-11. All aspects of the proposed renovation and use will conform to existing regulations other than the existing 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.

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Municipal Development Plan and Land Use Bylaw.

Development Review:

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

- Minimum Front Yard – 6 meters required – existing 6.1 meters
- Minimum Rear Yard – 7.5 meters required – existing 15 meters
- Minimum Side Yard – 1.5 meters required – existing 1.21 meters and 1.36 meters requiring a variance of 0.29 and 0.14 meters.

Other Comments:

Existing and proposed land use –R2 – Residential General

Alternatives:

- Defeat the application stating reasons.

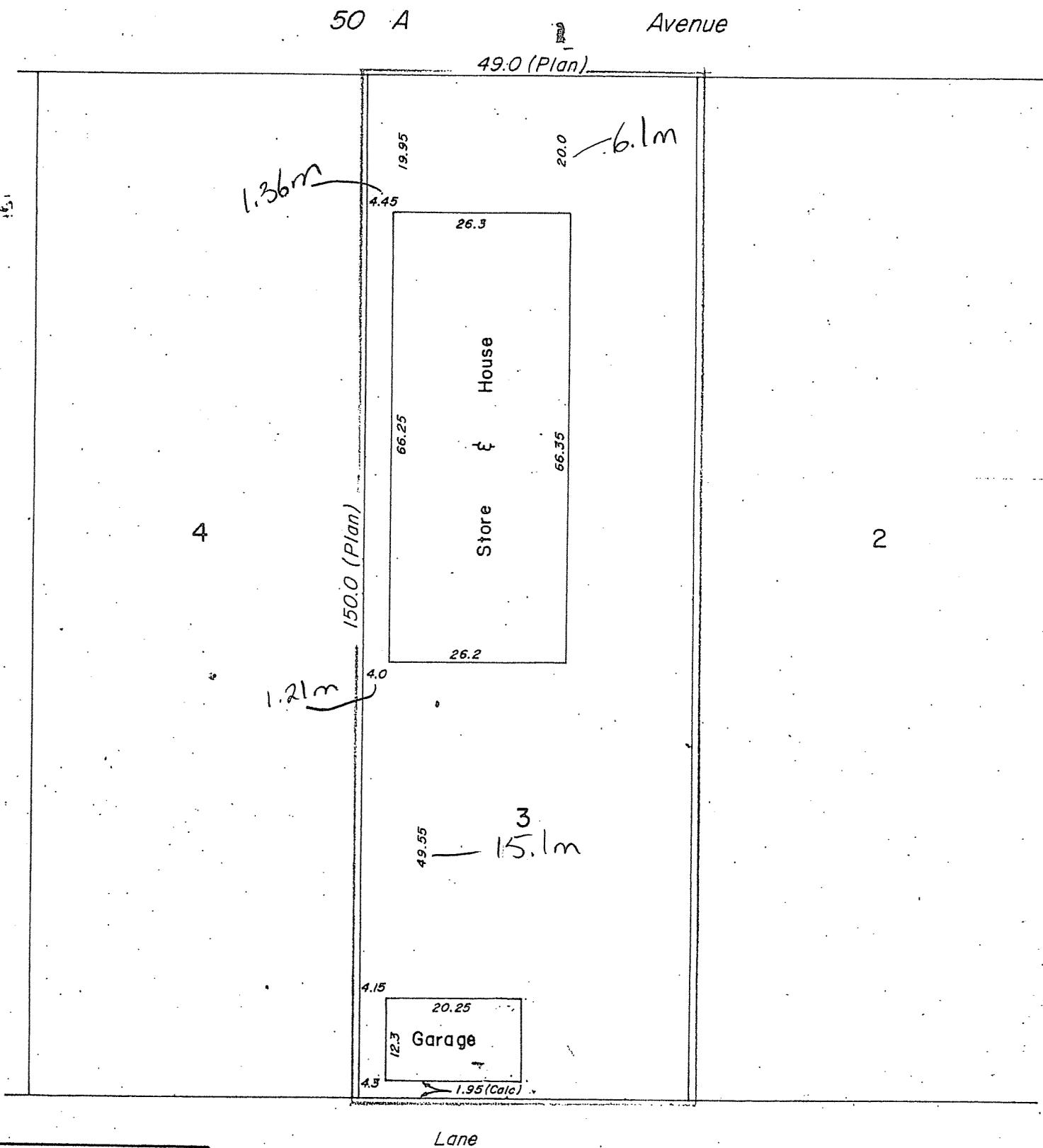
Author:

Leann Graham, Planning & Development Officer

SURVEYOR'S CERTIFICATE

CLARK, SV JBY, GRANT SURVEYS LTD.
 4405 - 43rd Avenue Red Deer Alberta
 Telephone 347-2172

LEGAL DESCRIPTION Lot(s) 3 Block 12 Plan 2739 HW
 ADDRESS: 5805-50 A Avenue, STETTLER, Alberta
 OWNER: Mr. G. McKay



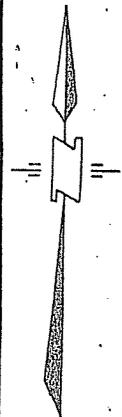
SCALE 1" = 20'

File: C-266-73

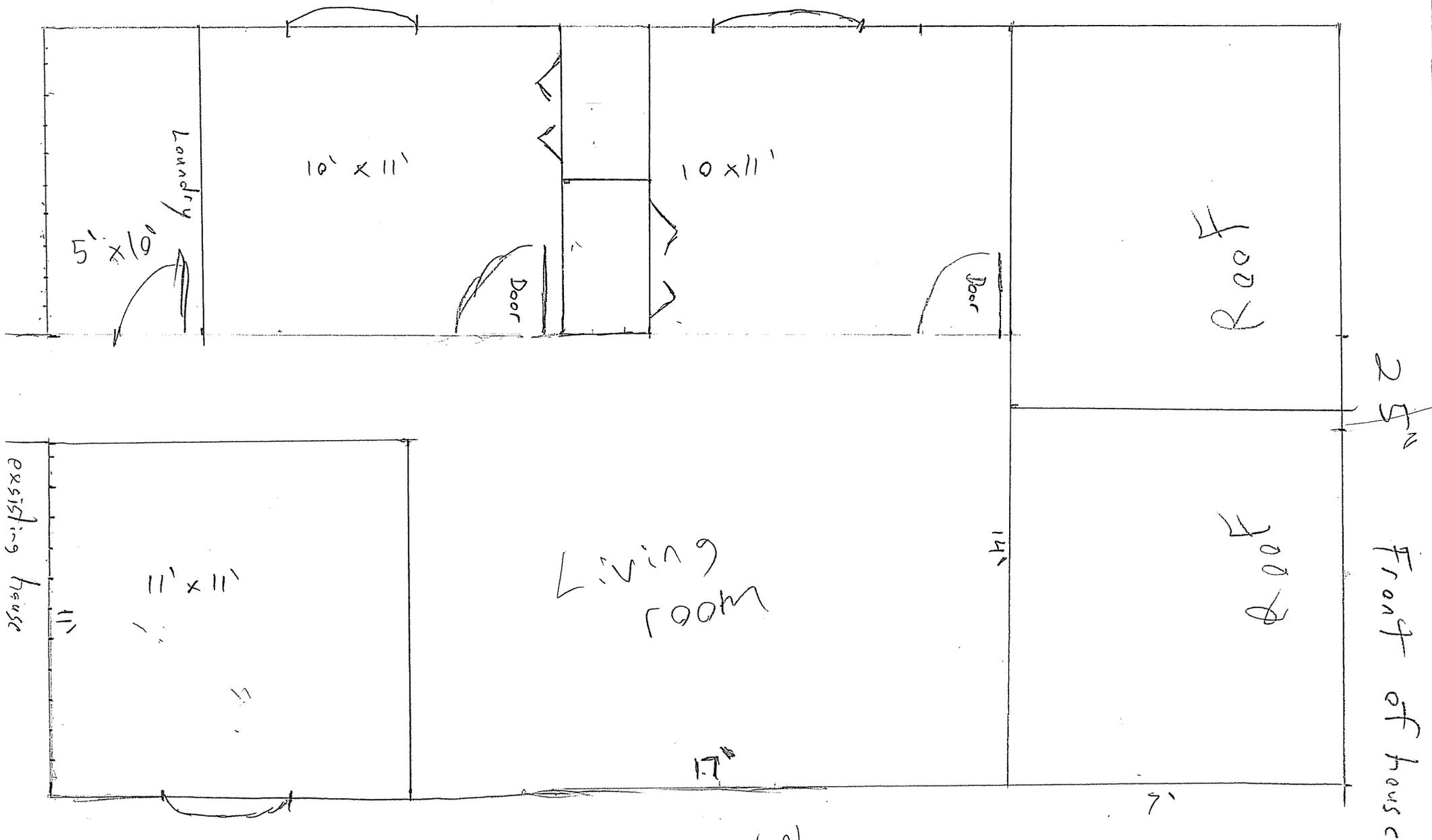
NOTE: All measurements are in feet and decimals of a foot.
 Portion referred to is outlined thus: _____

This is to certify that the building(s) situated on the above property is/are wholly within the boundaries thereof, and that there are no encroachments from the adjoining properties

J. Grant
 Alberta Land Surveyor



DATE: July 20 A.D. 1973



Height as of now $18'$

Height when finished no more than $22'$

35



5809

Source: USGS

Source: NASA, NGA, USGS

Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

5m

esri

