

MUNICIPAL PLANNING COMMISSION

AGENDA

SEPTEMBER 9, 2021

8:30 A.M. – TOWN OFFICE – COUNCIL CHAMBERS

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the April 22, 2021 MPC Meeting Minutes
5. Business Arising from the Minutes
6. **Development Application:** 3316-2021
Applicant: Cody Wright
Legal: Lot 20, Block 71, Plan3781KS
Municipal: 4602 – 58 Street
Proposed Development: Detached Garage
7. Adjournment

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
April 22, 2021

Present

Councillors Al Campbell, Gord Lawlor, Malcolm Fischer, Wayne Smith, Scott Pfeiffer and Cheryl Barros, Director of Planning and Development Leann Graham and Planning & Operations Clerk Rachel Morbeck

1. **Call to Order**

Chairman Cheryl Barros called the meeting to order at 8:30 a.m.

2. **Additions to Agenda**

none

3. **Approval of Agenda**

Moved by Councillor Gord Lawlor to accept the agenda as presented.

MOTION CARRIED
Unanimous

4. **Confirmation of the March 10, 2021 MPC Meeting Minutes**

Moved by Councillor Malcolm Fischer that the Minutes of the March 10, 2021 MPC meeting be approved as presented.

MOTION CARRIED
Unanimous

5. **Business Arising**

None.

6. **Development Application:** 3284-2021
Applicant: East Central Alberta Catholic Separate School Division
Legal: Lot 9-32, Block 65, Plan 3049AT
Municipal: 4704 – 55 Street
Proposed Development: Temporary Structure – Seacan

Director of Planning and Development read a report that follow:

General

The applicant is requesting a variance for the metal freight/cargo storage container to the south of the Christ King Catholic School building along highway 12. The applicant

has requested the variance as they currently use the metal freight/cargo storage container for additional storage. The sea can was placed in its current location in 2018 and through a previous development permit for a mobile educational trailer in 2020 it was noted that it is non-conforming. At that time, a notice was issued to have the metal freight/cargo storage container removed by May 1, 2021. The request for a variance of section 56.2 of the Town of Stettler Land Use Bylaw 2060-15 was submitted on April 15, 2021.

Land Use Bylaw Section 56: Temporary Structures states that "56.2 Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts." The property in question is zoned P: Public Use District and does not allow for temporary structures in the form of freight/cargo storage containers. Through the development review and site inspections of this application it has been identified that the Clearview School Division also has metal freight/cargo storage containers within the Public Use District on the West side of the school used for storage and these structures have not received previous approvals.

Development Review

See Attached Land Use Bylaw Review of the following sections:

Section 9: Definitions

"Accessory Use" means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building.

"Public Use" means a building, structure or lot used for public services by the Town or County except sanitary landfill sites and sewage lagoons, or by any local board or agency of the Town, or by any department, commission, or agency of the Province of Alberta or Government of Canada.

"Temporary Structure" means a structure without any foundation or footings and which is removed when the designated time, activity or use for which the temporary structure was erected has ceased.

Section 21: Variance Authority

Section 56: Temporary Structures specifically 56.2:

- Metal freight/cargo storage containers shall only be permitted in Industrial Land Use Districts.

Section 89: P Public Use District

Legislation and Policy

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw 2060-15.

Recommendation

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

1. That the applicant receives a variance to 56.2 of the Land Use Bylaw to allow for 1 metal freight/cargo storage container at the current location within the Public Use District;

2. The owner/applicant shall agree that the metal freight/cargo storage container must be maintained and kept in the current state, ensuring that the metal freight/cargo storage container does not become of a nuisance or derelict state.
3. The owner/applicant agrees to remove the structure within 30 days of written notice from The Town of Stettler;
4. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
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 or otherwise;
6. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
7. The proposed development (metal freight/cargo storage container) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;

Alternatives

- Defeat the application as a non-conforming to the Public Use District within the Town of Stettler Land Use Bylaw 2060-15.

Discussion

Councillor Malcolm Fischer stated his concern regarding placement of the seacan being easily visible alongside one of Stettler's main roadways. Councillor Al Campbell stated that he has never noticed it and questioned whether or not the Town has received any complaints about the seacan. Director of Planning & Development Leann Graham confirmed that there have been no concerns brought to her attention, however, it was defeated through a previous development permit application.

Councillor A. Campbell questioned the possibility of planting trees around the seacan to help resolve Councillor M. Fischer's concern with the seacan's location. Councillor M. Fischer state his worry regarding future sightlines and cleanliness specifically in that area of town if the application is approved. Discussion ensued regarding the seacan in its current location.

Moved by Councilor Wayne Smith to defeat the application as presented.

MOTION CARRIED

Gord Lawlor

Cheryl Barros

Adjournment

The meeting adjourned at 9:00 a.m. on a motion by Councillor Al Campbell.



Request For Decision

Issue:

Development Permit Application: 3316-2021

Applicant: Cody Wright

Legal: Lot 20, Block 71, Plan 3781KS

Civic: 4602 – 58 Street

Proposed Development: Detached Garage

BACKGROUND

General:

The applicant is proposing to construct a new detached garage at 4602-58 Street and is requesting a variance to the front yard setback on the south side of the property in accordance with the corner lot restrictions.

The corners lot restrictions within Town Of Stettler Land Use Bylaw #2060-15 allows one front yard setback to be reduced to 3 meter setback along a street. The applicant is requesting a 1.68 meter setback along 46 Avenue to maximize the use of the yard. The dwelling unit on the property currently sits 1.68 meters from 46 Avenue and the staff recommendation is that the approval of the garage be based on the condition that it is at the same setback as the dwelling unit.

Development Review:

Requirements pertaining to the proposed development are regulated within the Land Use Bylaw 2060-15 as follows:

- Minimum Front Yard – 3 meters required – proposed 1.68 meter (requires 1.32 meter variance)
- Minimum Side Yard – 0.6 meters required – Proposed 1.0 meters
- Maximum Parcel Coverage – 40% coverage – proposed 32%

Key Issues:

Setback – The applicant is proposing a 1.68 meter setback which requires a 56% variance. The 1.68 meter setback will not increase the nonconforming setbacks of the property

Sight Lines – The boulevard along 46 Avenue is 3 meters wide and therefore will allow for adequate site lines when entering and exiting the lane.

Legislation and Policy:

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

RECOMMENDATION

Recommendation:

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

1. That the front yard setback along 46 Avenue be in line with the existing Dwelling unit of 1.68 meters. The 1.68 meter setback will not increase the nonconforming setbacks of the property
2. The owner/applicant must comply with all the provisions of the Town Of Stettler Land Use Bylaw #2060-15;
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 #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
5. 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;
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 #2060-15;
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 21 day appeal period

Alternatives:

Defeat the application stating reasons.

Author:

Leann Graham, Director of Planning and Development

Site Plan

4602 – 58 Street

