



**CITY OF LACOMBE**  
**MUNICIPAL PLANNING COMMISSION**  
**MINUTES 041818**

**DATE:** April 18, 2018

**PLACE:** City of Lacombe Council Chambers

**TIME:** 5:00 p.m.

**PRESENT:**

Grant Creasey  
Thalia Hibbs  
Don Gullekson  
Don Easton  
Sandra Badry

Mayor  
Councilor  
Councilor  
Member at Large  
Member at Large

**STAFF:**

Deb Bonnett, Manager of Planning and Development Services  
Gail Long, Development Officer  
Kyle Schole, Development Officer

**1. CALL TO ORDER**

Mayor Creasey called the meeting to order at 5:00 p.m.

**2. ADOPTION OF AGENDA**

THAT the Agenda be adopted as presented.

**MOVED BY:** Member Gullekson

**CARRIED:** Unanimously

**3. ADOPTION OF MINUTES**

That the Municipal Planning Commission minutes for April 4, 2018, be approved as presented.

**MOVED BY:** Member Easton

**CARRIED:** Unanimously

**4. NEW DEVELOPMENT PERMIT APPLICATION**

**A. 61/250.26 2018 Demolition of Detached Dwelling at 5428 – 55 Avenue Zoned R4**

The applicants were in attendance to provide further information.

Development Officer Gail Long presented an application to relocate and demolish an existing home at 5428 – 55 Avenue.

When the detached dwelling has been relocated, the remaining foundation and the accessory residential building would be demolished. As the residence was built more than 50 years ago, the application is subject to Section 14.5.6 of the Historic District Area Overlay which provides guidelines for demolitions or relocations of principle structures of 50 years of age or older.

Twenty property owners within 60m of the subject site were notified. Two responses had been received in support of the application. No comments were included.

In analyzing this application, it was identified that the detached dwelling is fifty years of age or older, and was not included on either the Heritage Inventory or the Places of Interest List.

The Land Use Bylaw indicates that buildings aged 50 years or older are generally not supported for demolition, unless it can be determined by the Heritage Resources Committee that restoration is not feasible. An assessment was completed and the Heritage Resource Committee passed a motion to support the proposed relocation/demolition of the detached dwelling. As the building is to be relocated, there will be no items available for salvage. However, should it be determined that the home be demolished, the Committee indicated they would like to salvage the four doors and handles, upon approval of the owner.

Future development of this property for a multi-housing development has previously been approved by the Municipal Planning Commission. It is the applicant's plans to commence with construction of the new buildings on the parcel as soon as the relocation and demolition have been completed.

**MOVED:** Member Hibbs

**RESOLVED** that the Municipal Planning Commission approve the discretionary relocation of the residence and demolition of the foundation of the detached residence and accessory residential building located at 5428 55 Avenue, Lots 6 & 7 Block 3 Plan 4880R, zoned R4 – Residential Mixed District.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the relocation and demolition to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw or any other bylaw, orders and/or regulations affecting such relocation and demolition.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the relocation and demolition have not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant is to obtain a City of Lacombe building permit prior to relocation/demolition.
5. Prior to building permit issuance, the applicant is to apply for disconnection of the electrical, gas, and water services to the building, as applicable.
6. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit, refundable upon meeting the conditions of the development and building permit.
7. Applicant is to ensure the relocation/demolition area is fenced until it has been leveled. Applicant shall ensure that the relocation/demolition area is leveled within seven days of demolition.

8. Applicant is to ensure that all Occupational Health and Safety requirements are met.
9. Applicant is to ensure the site remains neat and tidy, and free of noxious weeds. Applicant is required to sod or seed the lot with grass within one year of relocation/demolition if future development has not commenced.
10. All dry rubble materials from the demolition of the foundation and accessory residential building are to be disposed of at the Prentiss Waste Station or at an area approved by Alberta Environment and Parks.
11. Prior to building permit issuance to relocate the building, the applicant is to appoint a TRAVIS Agent to obtain a Single Trip Overweight/Overdimension Permit and Routing Map from TRAVIS (Transportation Routing and Vehicle Information System) by contacting Central Permit Office at 1-800-662-7138.
12. Prior to building permit issuance to relocate the building, the applicant is to provide a copy of the Overweight/Overdimension Permit issued by TRAVIS to Planning and Development Services.
13. The decision of the Municipal Planning Commission being provided to the applicant, notice being posted on the City of Lacombe's website, and a notice being posted on the subject lands, and no appeal against the decision being successful.

*Please note that this decision is subject to an appeal period which ends on May 9, 2018 at 4:30pm.*

*Please note that the applicant is responsible to arrange an inspection with a qualified company to inspect for asbestos prior to demolition or relocation, in accordance with the attached Standata.*

**CARRIED:** Unanimously

**B. 61/250.34 (2018) Variances to Rear Yard Setback Requirements for Existing Home, Decks & Ramp 5715 48 Avenue Zoned R1**

Development Officer Gail Long presented an application to vary the rear yard setback to allow an existing residence, ramp, deck, and patio to remain at their current locations at 5715 48 Avenue, Lot 6 Block 2 Plan 2094 RS.

Twenty property owners within 60m of the subject site were notified, and one landowner response has been received in favor of the application.

City records indicate that the detached dwelling has been located on the property since 1974. A site plan submitted at time of application indicates the residence was located with the front of the residence facing the side yard (49<sup>th</sup> Avenue). Section 4.8.3 of the City's Land Use Bylaw indicates a Development Authority may grant a variance on a corner lot, enabling the front parcel boundary to be considered as the longer of the two boundaries which abut the street. This variance will rotate the yard requirements so that the shorter property boundaries become the side yards, with the longer property boundaries becoming the front yards. All setback requirements from property boundaries are still required to be met.

A site plan at time of application approved the building to be located 4.27m from the rear yard property boundary. Due to the detached dwelling currently facing what is determined as the side yard of the property, and the location of the detached dwelling from the rear property boundary, the detached dwelling is considered to be permitted as a continuing non-conforming building. As such, the dwelling can continue to exist, but may not be enlarged, added to, rebuilt, or structurally altered except to make it conform, or for general maintenance.

In order to make the detached dwelling a conforming building, a variance needs to be granted enabling the front parcel boundary to be considered as the longer of the two boundaries which abut a street. In addition, a real property report dated February 21, 2018 indicates the home was constructed 4.2m from the rear yard setback. The 3.3m (44%) variance to the rear yard setback is required.

Since construction of the existing residence on the parcel, a ramp, deck, and patio have been constructed at the rear of the property without the required permit approvals. The City's Land Use Bylaw requires the following setbacks:

- above grade patio being no more than 0.6m high: may project half of the minimum required rear yard setback. The patio is 0.52m high and is located .26m from the rear property boundary, requiring a 3.49m (94%) variance to the rear yard setback requirement.
- decks with the finished surface being no more than 0.6m but less than or equal to 1.8m above grade: may project 3m into the rear yard setback requirement. The deck closest to the rear property boundary is located 0.49m from the rear property boundary, requiring a 4.01m (90%) variance to the rear yard setback requirement.

The City's Land Use Bylaw currently does not address setback requirements for ramps from property boundaries. However, due to the location and height of the ramp (.98m high where it meets the deck), the ramp is being considered as part of the deck, and required permits should be applied for.

Administration also indicated that this is not an unusual situation to occur in other municipalities, and that the proposed motion is in conformance with those typical best practices utilized in other similar situations.

Discussion included questions as to whether the ramp would remain or be required post-sale of this property. This information is not readily available.

Concerns were raised that the patio is so near to the property line, that the proposed variances excessive, and that approval could inadvertently be precedent-setting.

The Chairman advised that MPC is required to examine each case based on its individual merit, and that no precedent would be set.

**MOVED:** Member Gullekson

**RESOLVED** that the Municipal Planning Commission approve 48<sup>th</sup> Avenue as the front yard for 5715 48 Avenue, Lot 6 Block 2 Plan 2094RS, that a 44% variance be granted to the rear yard setback requirement for the existing residence, that a 94% variance be granted to the rear yard setback requirement for the above grade patio, and that a 90% variance be granted to the rear yard setback requirement for the decks and ramp.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw, and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. The landowner applying for and obtain a building permit and electrical permits (if applicable) for the existing decks and ramp.

5. The decision of the Municipal Planning Commission being provided to the applicant and landowner, notice being posted on the City of Lacombe's website, and a notice being posted on the subject lands, and no appeal against the decision being successful.

*Please note that this decision is subject to an appeal period which ends on May 9, 2018 at 4:30pm.*

**DEFEATED: 4 - 1**

**C. 61/250.32 2018 Demolition of Existing Garage, Construction of an Oversized Detached Garage and Relocation of Existing Shed 5049 56A Street Zoned R1**

The applicants were in attendance to provide further information.

Development Officer Gail Long presented an application for demolition of an existing accessory residential building and the construction of a new accessory residential building (detached garage) to be located at 5049 56A Street. The proposed garage exceeds the maximum height requirement, the height of the principal building, the maximum size for an accessory residential building and the maximum size in relation to the size of the principal building on the parcel. If the application is approved, an existing shed will be relocated on the property.

Twenty-three property owners within 60m of the subject site were notified. Four responses were received, all in favor of the application.

The proposed garage complies with all setback requirements. The height of the proposed accessory building is 4.88m, which exceeds the maximum allowable height of 4.57m by 0.31m, requiring a 7% height variance. The height will also exceed that of the principal building (4.72m) on the parcel by .16m, requiring a 3% variance. It is the applicant's intentions to demolish the existing garage and two existing sheds currently located on the property to accommodate the proposed garage. The one remaining shed will be relocated to the rear of the property. The proposed garage and the remaining shed, if approved, will not exceed 15% maximum lot coverage allowed.

The City's Land Use Bylaw considers accessory residential buildings to be accessory to the main use/building on the parcel, indicating that an accessory residential building may be up to 60% of the principal building parcel coverage, but shall not exceed 70m<sup>2</sup>. The size of the residence on the parcel is 89.19m<sup>2</sup>. Considering the maximum allowable size of 60% of the principal building on the parcel, the proposed garage (93.65m<sup>2</sup>) is exceeding the size of an accessory building by 40.14m<sup>2</sup>. The applicant will require a 75% variance to the house to garage footprint ratio.

The proposed garage also exceeds the maximum size (70m<sup>2</sup>) for an accessory residential building by 23.65m<sup>2</sup>, requiring a 34% variance.

No permit has been issued for the shed that is intended to remain on the parcel. The relocation of this shed, as shown on the attached site plan, would meet setback requirements from the rear and side property boundaries. Regardless whether or not the application for the detached garage is approved, the applicant will be required to apply for a separate building permit if this shed is to remain on the property.

Access to the existing garage is from 51<sup>st</sup> Street. The existing hard surfacing to the newly constructed garage will remain.

Members noted that other larger garages have been approved in the past.

**MOVED:** Member Badry

**RESOLVED** that the Municipal Planning Commission approve the relocation of an existing shed, the demolition of the existing accessory residential building, and the construction of a new accessory residential building with a 7% variance to the maximum height for an accessory residential building, a 3% variance to the height of the accessory building vs principal

building on the parcel, a 34% variance to the maximum size allowed for an accessory residential building, and a 75% variance to the size of the house/garage ratio, to be located at 5049 56A Street, Lot 6, Block 40, Plan 4048HW, zoned R1 – Residential Detached District.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.

#### *Demolition*

4. Prior to commencing with demolition of the existing garage, applicant is to apply for a building permit for demolition of the building. All conditions of the demolition permit must be met prior to a building permit being issued for construction of the new accessory residential building on the parcel.
5. Prior to issuance of a Building Permit, the applicant shall provide confirmation to the City that all electricity, gas, and plumbing (as applicable) has been disconnected.
6. All dry rubble materials are to be disposed at the Prentiss Waste Station or at an area approved by Alberta Environment.
7. Applicant is to ensure the demolition area is fenced on the day of the demolition and the fencing shall remain in place until the area has been leveled. Applicant shall ensure that the demolition area is leveled within seven (7) days of demolition.
8. Applicant is to ensure that all Occupational Health and Safety requirements are met.
9. Applicant is to ensure the site remains neat and tidy, and free of weeds.
10. Applicant is required to sod or seed the area with grass within one year of demolition if future development has not commenced.

#### *New Construction*

11. Applicant is to remove two of the three existing sheds on the property. The existing soft-sided/fabric covered building is not allowed to remain as this type of structure is not permitted in residential districts.
12. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction of the new accessory residential building.
13. Applicant is to obtain a separate building permit for the accessory building that is to be remain on the parcel.
14. Applicant to apply for and obtain electrical, plumbing and gas permits if applicable.
15. Applicant to ensure that the accessory buildings (both the garage and remaining shed) match or be complimentary to the primary dwelling unit in color and materials.

16. The exterior of the buildings, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
17. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
18. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
19. Applicant may not connect floor drain in garage floor slab to City services.
20. Prior to Building Permit issuance, the applicant shall submit a \$1000.00 development deposit, to be refunded when all conditions have been met.
21. The decision of the Municipal Planning Commission being provided to the applicant, notice being posted on the City of Lacombe's website, and a notice being posted on the subject lands, and no appeal against the decision being successful.

*Please note that this decision is subject to an appeal period which ends on May 9, 2018 at 4:30pm.*

**CARRIED:** Unanimously

**5. Motion for suspension of the rules allowing for reconsideration of Motion #4 so as to allow for further discussion and to provide for a timely decision in regard to 61/250.34 (18) at 5715 – 48 Avenue**

**MOVED:** Member Hibbs

**CARRIED:** Unanimously

**6. Motion to approve Motion #4 subject to original conditions**

**MOVED:** Member Gullekson

Further discussion regarding the ramifications of the placement of the pre-existing 1.62-meter-high wood deck relative to the property line, as well as the potential of this decision to impact sale of this property.

It was also determined that the raised wood deck indicated on the RPR may in fact be a shed.

**CARRIED:** Unanimously

**7. NEXT MPC MEETING**

**A.** May 2, 2018

**8. ADJOURNMENT**

**MOVED BY:** Member Hibbs

THAT this meeting now adjourns at 6:08

**CARRIED:** Unanimously

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Chairperson

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Date