



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION
MINUTES 062018

DATE: June 20, 2018

PLACE: City of Lacombe Council Chambers

TIME: 5:00 p.m.

PRESENT:

Grant Creasey	Mayor
Don Gullekson	Councilor
Don Easton	Member at Large
Sandra Badry	Member at Large

REGRETS:

Thalia Hibbs	Councilor
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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 5:01 p.m.

2. ADOPTION OF AGENDA

That the agenda be approved as presented.

MOVED BY: Member Gullekson

CARRIED: Unanimously

3. ADOPTION OF MINUTES

That the Municipal Planning Commission minutes for May 16, 2018, be approved as presented.

MOVED BY: Member Badry

CARRIED: Unanimously

4. NEW DEVELOPMENT PERMIT APPLICATION

A. 61/251.07 2018 - Relocation of Shed and Construction of a Detached Garage

The applicant was present to answer questions & provide additional information.

Development Officer Gail Long presented an application for relocation of an existing accessory residential building (garden shed) and the construction of a new accessory residential building (detached garage) at 115 Woodland Drive. The proposed garage exceeds the maximum size as it relates to the size of the principal building on the parcel.

A total of 34 property owners were notified, and two responses were received, both in support of the application. No comments were included.

The proposed garage complies with the requirements of the Land Use Bylaw with the exception of the accessory building/principal building ratio.

The Land Use Bylaw states that an accessory residential building may be up to 60% of the principal building parcel coverage, but should not exceed 70m². The proposed garage, which is 67.63m² in size and does not exceed the maximum size allowed for an accessory residential building, however does exceed the accessory residential building/principal building ratio by 8.04m², therefore requiring a variance.

No permit was issued for the existing shed located on the parcel. The applicant will be required to move the shed in accordance with the City's Land Use Bylaw requirements, and apply for a separate building permit if the shed is to remain on the property.

Clarification was provided for condition #11 this which refers to accessing the water main shut-off.

Planning and Development Services recommended approval subject to conditions as the size of the garage is not excessive, and does not appear to have an impact on adjacent landowners

MOVED BY: Member Easton

RESOLVED that the Municipal Planning Commission approve the relocation of an existing shed and the construction of a new accessory residential building with a variance of 8.04m² to the size of the house/garage ratio, to be located at 115 Woodland Drive, Lot 84 Block 2 Plan 032 6127, 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.
4. The existing shed on the lot is to be relocated in order to meet requirements of the City's Land Use Bylaw.
5. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction of the new accessory residential building.
6. Applicant is to obtain a separate building permit for the shed that is to be remain on the parcel.
7. Applicant to apply for and obtain electrical, plumbing and gas permits if applicable.

8. Applicant to ensure that the accessory buildings (both the garage and the shed) match or be complimentary to the primary dwelling unit in color and materials.
9. The exterior of the buildings, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
10. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
11. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
12. Applicant may not connect floor drain in garage floor slab to City services.
13. Prior to Building Permit issuance, the applicant shall submit a \$1000.00 development deposit, to be refunded when all conditions have been met.
14. 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 **July 11, 2018** at 4:30pm.*

B. 61/250.98 2018 Construction of an Accessory Residential Building containing a Garden Suite

The applicant was in attendance for questions and to provide supplementary information.

Development Officer Gail Long presented an application for construction of a garden suite, which is a discretionary use in the R1 district, located at 5640 51 Avenue.

The proposal is to construct an accessory residential building at the rear of the property, with a suite on the second floor. A total of 18 property owners were notified, with no responses having been received.

The proposed accessory residential building complies with the Land Use Bylaw regulations relative to the size, location, site coverage and setbacks. The accessory building will be 58.05m², The size of the secondary suite will be 63.05m².

Although the suite does not exceed the maximum size of 75m² area allowed for a secondary suite or the building footprint of the principal dwelling, the proposed suite does exceed 40% of the total floor area of the principal dwelling, requiring a 2.54m² variance.

The height of the existing residence is approximately 4.87m, while the height of the proposed accessory residential building/garden suite will be 6.75m.

“Rules of Interpretation” of the City’s Land Use Bylaw, (Part 2.1.1 a) state as follows:

“a) the word “shall” denotes compliance or adherence is mandatory:

- i. *Where “shall” allows for the Development Authority to be otherwise satisfied, the Development Authority may choose to waive or vary a “shall” but the application shall be considered and treated as a discretionary use or as an application with a variance.”*

Clause 9.11.10 states that “A garden suite **shall** not be taller than 9m, but **shall** be a minimum of 0.5m shorter than the principal dwelling.”

Parking spaces for the proposed secondary suite will be provided within the proposed accessory residential building, with the suite located above.

This would be the second secondary suite located within this block, and there are no applicable DARP Overlay regulations addressing the area in which this residence is to be located.

Planning and Development Services is supportive of the proposed development. However, as the "shall" clause denotes compliance or adherence is mandatory, the Municipal Planning Commission has no choice but to refuse the application.

Discussion took place as to whether the proposed development may be over-developed. Administration indicated that this was not a risk, given consideration to this specific lot, and the fact that the development as proposed is within the land use bylaw requirements.

Further discussion occurred, largely in support of the application, with members expressing regret that the Land Use Bylaw needlessly penalizes homeowners with red tape in situations such as this. Administration noted that amendments to the Land Use Bylaw are almost always being developed, and this requirement will be reviewed.

MOVED BY: Member Gullekson

RESOLVED that the Municipal Planning Commission refuse the application for a Garden Suite at 5640 51 Avenue, Lot 24 Block 25 Plan 2200HW, with a 2.54m² variance to the size of the size of the garden suite/house ratio and a 1.88m variance to the height of the garden suite/house ratio, for the following reason:

In accordance with Part 2.1.1 a), "Rules of Interpretation", the "shall" clause which has been included under Clause 9.11.10 requiring the garden suite to be a minimum of 0.5m shorter than the principal dwelling denotes compliance or adherence is mandatory unless there is a further statement which allows the Development Authority to be otherwise satisfied. AS there is no such statement contained in Clause 9.11.10, the Municipal Planning Commission does not have authority to approve the application.

**Please note that this decision is subject to an appeal period which ends on July 11, 2018 at 4:30pm.*

CARRIED: Unanimously

5. NEXT MPC MEETING

A. July 18, 2018

6. ADJOURNMENT

MOVED BY: Member Badry

THAT this meeting now adjourns at 5:45pm

CARRIED: Unanimously

Chairperson

Date