



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 060215

DATE: June 3, 2015

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT: Steve Christie Mayor
Reuben Konnik Councilor
Wayne Rempel Councilor
Debbie Gallant Member at Large

REGRETS: Sandra Badry Member at Large

STAFF: Lyla Peter, Manager of Planning and Development
Gail Long, Development Officer
Kristen Harder, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:03 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Gallant

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Rempel

That the Municipal Planning Commission minutes for May 20, 2015 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT PERMITS

A. 61/251.31(15), 33 Edith Avenue, Lot 36, Block 13, Plan 142 0989: Detached Dwelling with Variances. Zoned R1b (Residential Medium Lot Single Detached Dwellings) District.

The applicant was present at the meeting.

Development Officer Gail Long presented information regarding an application for a permitted use Single Family Dwelling with attached garage and rear deck to be located at 33 Edith Avenue. The application requires a discretionary rear yard setback variance of 8% and a maximum lot coverage variance of 18%. The variance required to the maximum parcel coverage requires approval from the Municipal Planning Commission.

Twenty seven (27) property owners within 60m of the subject site were notified. No responses have been received to the neighbouring property circulation notice.

The Land Use Bylaw requires residential dwelling units to be located 9.75m from the rear yard property boundary. The proposed residence will be located 8.97m from the rear yard property boundary, requiring an 8% variance.

The maximum allowable lot coverage for a primary building in the R1b district is 33%. The applicant is requesting total lot coverage of 39%, requiring an 18% variance. Calculations for lot coverage include the size of the residence, attached garage, front landing and steps, and rear deck.

The variance being requested to the rear yard setback requirement is minimal. As the property backs onto a laneway, there should be no impact to surrounding properties by approving this variance. In addition, Planning and Development Services is of the opinion that allowing a variance to the maximum lot coverage will have no impact on adjacent properties, as with the exception of the rear yard setback requirement, all other setback requirements are being met.

Planning and Development Services supported the application and recommended approval with the conditions below:

MOVED BY: Member Rempel

"RESOLVED that the Municipal Planning Commission approve a residence with an attached garage and rear deck with a variance to the rear yard setback requirement of 8% and an overall lot coverage variance of 18% at 33 Edith Avenue, Lot 36 Block 1, Plan 142 0989, zoned R1b."

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 exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
4. 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.
5. Applicant is to obtain a City of Lacombe building permit to ensure compliance to the Alberta Building Code.
6. Applicant to obtain City of Lacombe building, electrical, plumbing and gas permits as required.
7. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
8. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
9. Applicant to complete minimum front yard landscaping requirements: (a) a minimum of one (1) tree; or (b) a landscape bed consisting of a minimum of three (3) shrubs; **and** (c) placement of sod unless other landscaping material approved by Development Authority.

10. Applicant to display the assigned civic address at or near the front of the property so that it can be clearly read from the roadway.
11. The driveway at the front property boundary onto Edith Avenue is to be located directly north of the attached garage and is not to extend further west towards the intersection of Edith Avenue and Erica Drive.
12. The driveway shall not exceed a minimum width of 10m.
13. Applicant to hard surface front driveway no later than one (1) year from construction completion.
14. Applicant may not connect floor drain in garage floor slab to City services.
15. This lot has been serviced with both Sanitary and Storm lines. Sanitary lines have a **RED** cap, while Storm lines have a **GREEN** cap. TO CONFIRM, call PUBLIC WORKS. Applicant must ensure service connections are correct. Any cross connections will be remedied at the applicant expense.
16. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
17. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

APPROVED: Unanimously

B. 61/251.21(15), 5318 C&E Trail, Lot 3A, Plan 1523 HW: Legalize an Existing Secondary Suite. Zoned R1b (Medium Lot Single Detached Dwelling) District.

The applicant was present at the meeting.

The applicant was given the opportunity to speak and addressed the concerns of a neighboring landowner who submitted a letter of opposition. The applicant indicated that there are multifamily dwellings in the vicinity of the property which may be causing some of the traffic issues; however the suite does not generate any additional traffic.

The applicant noted that the Building Inspector has observed the property and it meets Alberta Building Code, however the applicant is going to install wireless smoke alarms if they are necessary.

Development Officer Gail Long presented information regarding the application request to legalize an existing secondary suite on the main floor of the residence located at 5318 C & E Trail. A secondary suite is listed as a discretionary use in the R1b district, requiring Municipal Planning Commission approval.

Fifteen (15) property owners within 60m of the subject site were notified. One response was received in opposition to the application, indicating there is a very high percentage of high density/multifamily structures surrounding them, and they are experiencing high traffic and parking issues.

The home located on the property is 162.82m² on the main level, 55.0m² on the upper level and 87.6m² on the lower level, for a total of 305.42m². A secondary suite is allowed to occupy no more than 75m² or a maximum of 40% of the total floor area (main level, upper level, and basement) of a detached dwelling, whichever is less.

The existing home totals 305.42m² on all levels. The applicant has advised that the secondary suite will be 40.97m² in size, which is well below the maximum size allowed for a secondary suite. The proposed secondary suite is also well below the maximum size allowed in relation to the total floor area of the home, occupying only 14% of the total floor area of the dwelling.

As there is only one bedroom within the secondary suite, the applicant will require one additional parking space for occupants of the secondary suite. A detached garage located at the rear of the property provides for two parking spaces for residents of the home. The parking space for the occupant of the suite will be located immediately west of the parking pad located in front of the garage.

Section 9.8 (11) regulates the concentration of secondary suites to 10% on a block. This particular block consists of 20 lots and allows for a total of 2 secondary suites. There is currently one other approved secondary suite on this block. Therefore the 10% regulation has not yet been achieved for this block.

Member Gallant questioned whether the fire alarms are supposed to be connected under Alberta Building Code.

The Department indicated that any additional improvements required for the legalization of the suite, including the fire alarms will be addressed when the applicant applies for a building permit.

Member Rempel indicated he had no concerns regarding the traffic in the area as they laneway is the main access for both the home and the secondary suite and parking is available on site.

As the proposed secondary suite meets all requirements of the Land Use Bylaw, Planning and Development Services recommended approval of the application as submitted, and recommended the following resolution:

MOVED BY: Member Gallant

"RESOLVED that the Municipal Planning Commission approve the location of a secondary suite at 5318 C & E Trail, Lot 3A Plan 1523HW, zoned R1b."

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. Applicant to apply for and receive a building permit for the secondary suite and must ensure that the secondary suite is fully compliant to the Alberta Building Codes prior to suite occupancy.
5. Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance prior to suite occupancy.
6. In addition to the two parking spaces provided for residents of the home in the attached garage, the applicant is to develop one on-site parking space from the laneway (gravel or paved parking pad) for occupants of the secondary suite.
7. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
8. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

APPROVED: Unanimously

C. 61/251.18(15), 53 Northstar Drive, Lot 11, Block 4, Plan 782 0684: Addition to an Existing Detached Garage with Variances. Zoned R1b (Medium Lot Single Detached Dwelling) District.

The applicants were present at the meeting.

The applicants were invited to speak regarding their application. They indicated the intent of the garage addition is to move personal storage from an off property location to their garage. They indicated some fire rating would be required to the existing and new addition to mitigate any danger of fire and to meet building code.

The applicants referred to the site plan presented to the MPC and explained that the existing shed (s?) on the property would be removed should they receive approval, as well as the deck located at the rear of the property.

Development Officer Gail Long presented information regarding the application for an addition to a detached garage located at 53 Northstar Drive. The proposed garage exceeds the maximum size for an accessory building, the size of an accessory building in relation to the main building coverage area, and the maximum parcel coverage allowed for accessory buildings on a parcel.

The existing garage on the property is 59.61 m² (642 ft²) in size. The proposal is to double the size of the existing garage on the property to 119.22 m² (1284 ft²).

In order to accommodate the addition to the detached garage, a deck located at the rear of the home will be removed. There are currently two small garden sheds located on the property; one is located at the rear of the property behind the existing garage, and the other is located on the west side of the garage. The applicant advised that both sheds will be removed once the addition to the garage is completed.

The City's Land Use Bylaw considers accessory residential buildings to be accessory to the main use/building on the parcel, indicating that the mass shall not exceed the main building mass. The LUB also states that an accessory residential building may be up to 60% of the main building coverage area, but shall not exceed 70m².

The proposed garage exceeds both the maximum size for an accessory building, and the size of an accessory building in relation to the main building coverage area. The residential building on this property is 114.27 m² (1230 ft²) in size. If the application is approved, a 42% variance to the maximum size for an accessory building and a 74% variance to the house to garage footprint ratio will be required.

The garage will also exceed the 10% maximum parcel coverage permitted for accessory buildings. The parcel is 685.08 m² in size, allowing for a parcel coverage of 68.51 m² (737.44 ft²). Considering the size of the existing garage, the shed south of the garage, the small shed on the west side of the garage and a playhouse, the maximum lot coverage is already being exceeded by 7%. If the proposed addition is approved, an 26% variance will be required to the maximum parcel coverage. The two sheds have not been included in the above calculations as the applicant has indicated that both structures will be removed upon completion of the addition.

When reviewing the history of this file, it was found that the City has no records of a development and building permit being issued for the existing detached garage. A Real Property Report found on file shows the garage is located a minimum of .76m from the side property boundary at the southwest corner, and .73m from the side property boundary at the northwest corner. An accessory building is required to be located a minimum of .9m from the side property boundary.

A Compliance Report, dated July 15, 2003, stated that the garage was allowed to remain at its existing location, but as it failed to meet the minimum side yard setback requirement, was deemed to be a continuing non-conforming building. In accordance with Section 643(5) of the Municipal Government Act and Section 5.6(6) of the Land Use Bylaw, a non-conforming building may continue to be used but shall not be enlarged, added to, rebuilt, or structurally altered except to make it a conforming building or as the Development Officer considers necessary for the routine maintenance of the building.

In order to consider the existing detached garage as a conforming building, consideration could be given to granting a relaxation of the side yard setback requirement from .9m to .73m. This would require approval of a 19% variance to the side yard setback requirement to allow the existing detached garage to remain at its current location. As no inspections have been completed on the building, the applicant would be required to obtain a building permit to ensure compliance with Alberta Building Codes, and electrical and gas permits if applicable. Once permits are in place and inspections have been completed as required, the building would be considered a conforming building, allowing it to be added on to.

Approval of the addition would require a relaxation to the side yard setback requirement, as it is being proposed that the addition line up with the west wall of the existing garage. As the existing garage is slightly angled on the property, the northwest corner of the addition will be even closer to the side property boundary than the existing garage. Following the same angle, it is estimated that the northwest corner of the proposed garage addition would be located approximately .7m from the side property boundary, requiring a greater side yard variance of 23%.

As part of our review, it was also determined that the home that has been constructed on the property was not constructed as approved. Rather than constructing to the approved 1.22m from the side property boundary, the home is located a minimum of 1.15m from the side property boundary. Considering that the City requires that a detached dwelling be located a minimum of 1.5m from the side property boundary, a 24% variance will be required.

In addition, it was noted that the shed located at the rear of the property on the south side of the garage does not meet the required rear yard variance. This accessory building should be located a minimum of 0.9m from the property boundaries. In order to "clean up" what exists on site, Planning and Development Services is recommending that

variances be granted to both the residence and the detached garage on the property, and that the applicant be required to relocate the shed to meet the setback requirements. If all accessory buildings currently located on the property are to remain, a 7% variance will be required to the maximum lot coverage for accessory buildings on the parcel. If approval is granted for the addition to the garage, that variance will be increased to 24%. This variance is assuming that the both sheds are removed from the property as indicated in the site plan.

As no permit has been issued for the existing detached garage on the property, Planning and Development Services recommends approval of a 19% variance to the side yard setback requirement to allow the existing garage to remain at its current location. A Building Permit and secondary permits will be required to ensure compliance with the Alberta Building Codes. In addition, Planning and Development Services recommends that a 24% variance be granted to allow the detached dwelling on the property to remain at its current location, and that the applicant be required to relocate the existing shed a minimum of 0.9m within the property boundary. A 7% variance will be required to the maximum parcel coverage for accessory buildings that are currently existing.

Planning and Development Services is of the opinion that the proposed addition to the existing garage would make it much too large to be located within a residential area and recommends refusal of the application as submitted. Administration notes that as the garage would be larger than the house, the garage would in effect become the principal building on a site - not the house.

Two options were provided to the Municipal Planning Commission for consideration:

- **Approving** variances for the detached garage, residence, and maximum lot coverage for accessory buildings, requiring the applicant to obtain permits for the detached garage, requiring the shed south of the garage to be relocated on the parcel to meet minimum setback distances, and **refusing** the proposed addition to the garage;
- **Approving** variances for the detached garage and residence, requiring the applicant to obtain permits for the detached garage, requiring the two existing sheds to be removed, and **approving** the proposed addition to the garage with variances

Member Konnik asked whether the applicants would consider reducing the size of the addition.

The applicants responded that they could reduce the width of the garage but were reluctant to reduce the length.

Steve Christie indicated that in the past MPC have approved large garages on residential lots however the lots were large enough to accommodate them. In this case the garage seems quite large for a relatively small lot.

Member Gallant stated that approving this type of building could set a precedent for bigger accessory buildings on smaller city lots. She noted that it is important that the residents of the community live well however the variances are excessive.

Member Rempel was in favor of approving the addition as long as the total floor size of the garage was less than that of the single family dwelling on the lot.

It was agreed upon by the Members and the applicants that a 22x24ft addition to the garage would be suitable.

The MPC asked that the Planning Department calculate the different variances for a reduced addition size. The Department asked that the Municipal Planning Commission create a resolution that allows for the calculation of exact variances to be done at a later date, to ensure they are correct and precise.

MOVED BY: Member Gallant

Approving What is Currently Existing, and Approving the Addition as Applied for

“RESOLVED that the Municipal Planning Commission **approve** a 19% variance to the side yard setback requirement to allow the existing **detached garage** to remain at its current location and a 24% variance to allow the **detached dwelling**

to remain at its current location at 53 Northstar Drive, Lot 11 Block 4 Plan 782 0684, zoned R1b. It is **FURTHER RESOLVED** that the Municipal Planning Commission **approve** an addition measuring 22x24 ft to the existing garage, approving a 23% variance to the side yard setback requirement, and variances to the maximum size for an accessory building, house to garage footprint ratio, and to the maximum lot coverage for accessory buildings to at 53 Northstar Drive, Lot 11 Block 4 Plan 782 0684, zoned R1b."

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 exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of this development permit.
4. 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.
5. Applicant to apply for any necessary building, electrical, plumbing and gas permits.
6. Prior to Building Permit issuance for the addition to the existing garage, the applicant is to apply for a Building, Electrical and Gas Permits for the existing garage on the parcel. A copy of the Permit Services Report confirming the existing building meets requirements of the Alberta Building Code shall be provided to the City.
7. Applicant to ensure that the accessory building matches or is complimentary to the primary dwelling unit in color and materials.
8. Applicant may not connect floor drain in garage floor slab to City services.
9. Applicant is to remove from the property the two existing shed currently located on the parcel south of the garage once construction of the garage is completed, or **no later than September 30, 2015**, whichever comes first.
10. Prior to building permit issuance the applicant is to submit a revised site plan to the satisfaction of the Development Authority.
11. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
12. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

APPROVED: Unanimously

5. BUSINESS

A. 61/250.76 2015

Relocation of Outdoor Patio
5010 50 Street, Lot 18, Block 2, Plan RN1, Zoned C1

The applicants of the patio previously approved under permit No. **61/250.76 2015** requested to relocate the patio directly in front Ugly's Pub. The patio is proposed to be slightly smaller, and therefore may reduce the impact on the number of parking spaces lost.

The Municipal Planning Commission had no objections to the relocation.

MOVED BY: Member Konnik

“RESOLVED that the Municipal Planning Commission approve the proposed relocation of the outdoor patio previously approved to be located on City property adjacent the northern front of the building located at 5010 50 Street, Lot 18 Block 2 Plan RN1, zoned C1, to a revised location, being on City property adjacent the southern front of the building located on the same property”.

APPROVED: Unanimously

B. Next MPC Meeting: Wednesday, June 17, 2015

6. ADJOURNMENT

THAT this meeting now adjourns at 6:15 p.m.

MOVED BY: Member Gallant

CARRIED: Unanimously

Chairperson Christie