



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 072215

DATE: July 22, 2015

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

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

REGRETS: Reuben Konnik Councilor
Sandra Badry Member at Large

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

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:31 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Rempel

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Gallant

That the Municipal Planning Commission minutes for July 8, 2015 be confirmed as presented.

CARRIED: Unanimously

A the applicant for Development Permit B. was present the application was moved forward ahead of A.

4. NEW DEVELOPMENT PERMITS

A. 61/251.81 (15) & 61/251.82 (15), 61/251.91 (15) & 61/251.92 (15) 61/251.93 (15) & 61/251.94 (15), 61/251.95 (15) & 61/251.96 (15), 61/251.97 (15) & 61/251.98 (15), 1 & 3 Beardsley Crescent, Units 24 & 25 Plan 102 5865, 5 & 7 Beardsley Crescent, Units 22 & 23 Plan 102 5865. 4922 & 4924 Beardsley Avenue, Units 10 & 11 Plan 102 5865, 4930 & 4932 Beardsley Avenue, Units 6 & 7 Plan 102 5865, 4938 & 4940 Beardsley Avenue, Units 2 & 3, Plan 102 5865, Semi Detached Dwellings with Variances. Zoned R4 (Medium Density Residential) District.

The applicant was not present at the meeting.

Administration has received applications for the construction of five semi detached dwellings proposed to be located on the following properties:

- 1 Beardsley Crescent (Unit 25 Condominium Plan 102 5865) and 3 Beardsley Crescent (Unit 24 Condominium Plan 102 5865)
- 5 Beardsley Crescent (Unit 23 Condominium Plan 102 5865) and 7 Beardsley Crescent (Unit 22 Condominium Plan 102 5865)
- 4922 Beardsley Avenue (Unit 11 Condominium Plan 102 5865) and 4924 Beardsley Avenue (Unit 10 Condominium Plan 102 5865)
- 4930 Beardsley Avenue (Unit 7 Condominium Plan 102 5865) and 4932 Beardsley Avenue (Unit 6 Condominium Plan 102 5865)
- 4938 Beardsley Avenue (Unit 3 Condominium Plan 102 5865) and 4940 Beardsley Avenue (Unit 2 Condominium Plan 102 5865)

If approved, construction of the semi-detached dwelling units on these lots will complete development in this development area.

Neighbouring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of forty two (42) properties were notified of the proposed developments within this area. To date, one response has been received in opposition to the proposed development, noting that it would depend on how far north the building will be on the lots located on Beardsley Crescent and how close the building would be to adjacent homes.

All ten residences being proposed exceed the maximum lot coverage. When calculating maximum lot coverage, the residence, deck, verandah and the attached garage are included.

One response was received in opposition to the proposed development, noting that it would depend on how far north the building will be on the lots located on Beardsley Crescent, and how close the building will be to adjacent homes.

1 Beardsley Crescent (Unit 25)

The residence being proposed on this site meets front, side, and rear yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 35% Maximum Lot Coverage to 39.1% Maximum Lot Coverage, requiring a 12% variance.

3 Beardsley Crescent (Unit 24)

The residence being proposed on this site meets both front and side yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 5.0m to 4.69m to the projection into the front yard setback requirement for the front steps, requiring a 10% variance
- From 35% Maximum Lot Coverage to 46.08% Maximum Lot Coverage, requiring a 32% variance

5 Beardsley Crescent (Unit 23)

The residence being proposed on this site meets both front and side yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 5.0m to 4.68m to the projection into the front yard setback requirements for the front steps, requiring a 10% variance
- From 35% Maximum Lot Coverage to 46.99% Maximum Lot Coverage, requiring a 35% variance

7 Beardsley Crescent (Unit 22)

The residence being proposed on this site meets both front and side yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 35% Maximum Lot Coverage to 46.25% Maximum Lot Coverage, requiring a 33% variance

4922 Beardsley Avenue (Unit 11)

The residence being proposed on this site meets front, side, and rear yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 35% Maximum Lot Coverage to 45.69% Maximum Lot Coverage, requiring a 31% variance

4924 Beardsley Avenue (Unit 10)

The residence being proposed on this site meets both front and side yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 5.0m to 4.98m to the projection into the front yard setback requirements for the front steps, requiring a 1% variance
- From 35% Maximum Lot Coverage to 38.32% Maximum Lot Coverage, requiring a 10% variance

4930 Beardsley Avenue (Unit 7)

The residence being proposed on this site meets both front and side yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 5.0m to 4.99m to the projection into the front yard setback requirements for the front steps, requiring a 1% variance
- From 35% Maximum Lot Coverage to 46.58% Maximum Lot Coverage, requiring a 33% variance

4932 Beardsley Avenue (Unit 6)

The residence being proposed on this site meets both front and side yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 35% Maximum Lot Coverage to 46.11% Maximum Lot Coverage, requiring a 32% variance

4938 Beardsley Avenue (Unit 3)

The residence being proposed on this site meets both front and side yard setback requirements. Based on the site plan submitted, variances are being requested as follows:

- From 5.0m to 4.98m to the projection into the front yard setback requirements for the front steps, requiring a 1% variance
- From 35% Maximum Lot Coverage to 45.63% Maximum Lot Coverage, requiring a 31% variance

4940 Beardsley Avenue (Unit 2)

The residence being proposed on this site meets both front and side yard setback requirements, with exception to the southwest corner adjacent to the intersection of Beardsley Avenue and 52 Street. Based on the site plan submitted, variances are being requested as follows:

- From 6m to 4.64m adjacent the intersection on the west side of the residence only, requiring a 23% variance.
- From 35% Maximum Lot Coverage to 41.43% Maximum Lot Coverage, requiring a 19% variance

Two parking spaces will be provided on each of the parcels, with one being located in the attached garage, and one being located on the parking pad in front of the residence.

The lot coverage being requested ranges from 38.32% to 46.99%, with 7 of the 10 proposed semi-dwelling units exceeding a maximum lot coverage of 45%.

At past meetings, discussions centered around the very large variances being requested in relation to the Land Use Bylaw regulations, which allows for a 35% lot coverage for single structures and a 12% lot coverage for detached structures in the R4 zoning. At the January 7, 2015 meeting, the Municipal Planning Commission, when reviewing the applications presented, required the developer to reduce the size of the dwelling structure and/or decks, so that no structure exceed the overall lot coverage of 47%.

47% is the **combined** maximum lot coverage for a unit with detached structures. Although allowing for a 47% maximum lot coverage does little to reduce the overall mass of the buildings in relation to the street, it will ensure that the overall lot coverage does not generally exceed what would be permissible should the dwellings be developed with detached garages. 47% lot coverage is still a large variance for the single structures but it also translates to the total maximum site coverage for the style of development and lot zoning.

In addition to the variance being requested to the maximum lot coverage, minor variances are being requested to the front yard as a result of placement of the front steps to the residences, or where the lot is located adjacent to an intersection. As the angled corners of the road allowance already take into account the need for site lines, the City's Engineer has no concerns regarding the variances required to the setback of the home adjacent the intersection at 4940 Beardsley Crescent.

A geotechnical study for the development was undertaken in 2014. The proposals have been reviewed against the findings of the geotechnical study and do not appear to contravene the findings of the study.

Planning and Development Services is of the opinion that the variances being requested for all residences have been minimized to be consistent with what has been approved in past applications, and is recommending approval of the applications as submitted, subject to conditions noted below.

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 12% variance to the maximum lot coverage at 1 Beardsley Crescent; Unit 25 Plan 102 5865, zoned R4.”

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. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
4. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.

5. 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.
6. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
7. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
8. 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.
9. 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.
10. Applicant to hard surface front driveway no later than one (1) year from construction completion.
11. Lot grading to conform to building grade plan as approved by Engineering Services at the time of subdivision.
12. 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.
13. This lot requires a bearing certificate. Applicant must submit foundation soil bearing certification from a Geotechnical Engineer (stamped and signed) prior to a **foundation inspection**. **Such certificate shall reference footing design approved with the associated building permit.**
14. This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
15. 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

3 Beardsley Crescent

MOVED BY: Member Rempel

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 10% variance to the front yard setback requirement for the front steps and a 32% variance to the maximum lot coverage at 3 Beardsley Crescent; Unit 24 Plan 102 5865, zoned R4.”

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.
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6. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
7. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.

8. 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.
9. 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.
10. Applicant to hard surface front driveway no later than one (1) year from construction completion.
11. Lot grading to conform to building grade plan as approved by Engineering Services at the time of subdivision.
12. 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.
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14. This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
15. 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 Beardsley Crescent

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 10% variance to the front yard setback requirement for the front steps, and a 35% variance to the maximum lot coverage at 5 Beardsley Crescent; Unit 23 Plan 102 5865, zoned R4.”

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.
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APPROVED: Unanimously

7 Beardsley Crescent

MOVED BY: Member Rempel

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 33% maximum lot coverage at 7 Beardsley Crescent; Unit 22 Plan 102 5865, zoned R4.”

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.
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14. This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
15. 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

4922 Beardsley Avenue

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 31% variance to the maximum lot coverage at 4922 Beardsley Avenue; Unit 11 Plan 102 5865, zoned R4.”

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.
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15. 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

4924 Beardsley Avenue

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 1% variance to the front yard setback requirement for the front steps, and a 10% variance to the maximum lot coverage at 4924 Beardsley Avenue; Unit 10 Plan 102 5865, zoned R4.”

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.
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14. This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
15. 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

4930 Beardsley Avenue

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 1% variance to the front yard setback requirement for the front steps, and a 33% variance to the maximum lot coverage at 4930 Beardsley Avenue; Unit 7 Plan 102 5865, zoned R4.”

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.
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14. This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
15. 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

4932 Beardsley Avenue

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 32% variance to the maximum lot coverage at 4932 Beardsley Avenue; Unit 6 Plan 102 5865, zoned R4.”

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.
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15. 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

4938 Beardsley Avenue

MOVED BY: Member Rempel

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 1% variance to the front yard setback requirement for the front steps, and a 31% variance to the maximum lot coverage at 4938 Beardsley Avenue; Unit 3 Plan 102 5865, zoned R4.”

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. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
4. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
5. 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.
6. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
7. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
8. 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.
9. 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.
10. Applicant to hard surface front driveway no later than one (1) year from construction completion.
11. Lot grading to conform to building grade plan as approved by Engineering Services at the time of subdivision.
12. 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.
13. This lot requires a bearing certificate. Applicant must submit foundation soil bearing certification from a Geotechnical Engineer (stamped and signed) prior to a **foundation inspection. Such certificate shall reference footing design approved with the associated building permit.**
14. This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
15. 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

4940 Beardsley Avenue

MOVED BY: Member Rempel

“RESOLVED that the Municipal Planning Commission approve the development of a semi detached dwelling with a 33% variance to the front yard setback requirement and a 19% variance to the maximum lot coverage at 4940 Beardsley Avenue; Unit 2 Plan 102 5865, zoned R4.”

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. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
4. The exterior of the building, including paints, shall be completed within twelve (12) months from the date of issue of the building permit.
5. 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.
6. The builder must construct within 100mm of the design landscape elevation and illustrated drainage patterns unless otherwise approved by the Development Officer.
7. Curb stop must remain visible and at proper elevation PRIOR to pouring concrete or completing landscape work.
8. 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.
9. 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.
10. Applicant to hard surface front driveway no later than one (1) year from construction completion.
11. Lot grading to conform to building grade plan as approved by Engineering Services at the time of subdivision.
12. 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.
13. This lot requires a bearing certificate. Applicant must submit foundation soil bearing certification from a Geotechnical Engineer (stamped and signed) prior to a **foundation inspection**. **Such certificate shall reference footing design approved with the associated building permit.**
14. This development requires a party wall agreement. Applicant to have agreement registered on land title and submit a copy to the City within one (1) year of construction completion.
15. 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

MOVED TO A

E. 61/251.69(15), 4725 49A Avenue, Lot 14, Block 8, Plan RN1B: Stacked Rowhouse. Zoned R4 (Medium Density Residential) District.

The applicant was present at the meeting.

Member Gail Long presented information regarding the application to convert a semi-detached dwelling into a stacked rowhouse.

At the July 8 2015 meeting, approval was granted for the reclassification of an existing residence located at 4725-49A Avenue from a duplex to a stacked rowhouse, and further, that the location of the stacked rowhouse on the property be approved as a discretionary use. It has since come to the attention of Planning and Development Services that some information was missing from the report that may impact the decision of the Municipal Planning Commission.

Neighbouring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy and prior to the July 8 meeting, a total of thirty nine (39) property owners within 60m of the subject site were notified. If changes are made to the original motion, neighbouring property owners will be notified and the appeal period will be extended to allow the opportunity for anyone who has concerns to appeal any further decisions made in regards to this property.

At the July 8 meeting, members heard that:

- A semi detached unit was constructed on site in 1999.
- A secondary suite has since been located in the basement of the residence.
- In the R4 District, secondary suites are only permitted in detached dwellings.
- In order to legalize the existing secondary suite, the existing building needed to be reclassified from a semi-detached to a stacked rowhouse.
- By reclassifying the existing residence located on this property from a semi-detached unit to a stacked rowhouse, the living unit currently located within the basement on the east side of the building would be able to remain as a discretionary use, as the existing living unit would become the third residential unit in the building.

Approval was granted for the building to be reclassified to a stacked rowhouse and further, the stacked rowhouse was approved as a discretionary use in the R4 District, allowing the existing living quarter located at 4725 49A Avenue to become the third residential unit in the building.

Planning and Development Services has since noted that the City's Land Use Bylaw has specific regulations related to the location of a stacked rowhouse, as follows:

- A minimum parcel area for a stacked rowhouse requires 200m² per dwelling unit. *This means that a minimum parcel area for the two residential units located on the property must be 400m². The existing lot is 278.8 m² in size. If approved, a 31% variance will be required to the minimum parcel size.*
- The size of the minimum amenity area on the parcel is dependent on the size of each unit and includes both hard and soft landscaped areas, balconies, recreational facilities and communal lounges. *The main floor of this home consists of 2 bedrooms, requiring an amenity space of 55m² while the lower level consists of one bedroom, requiring an amenity space of 20m², for a total of 75m² being required. The front and back yards on this property, including the area for the deck, is 128m². No variance will be required to the minimum amenity area for the stacked rowhouse so long as no changes are made to the site plan.*

In accordance with Section 3.9 (1) of the City's Land Use Bylaw,

"The Development Authority may decide to modify, suspend or cancel a development permit which apparently has:

- (a) Been obtained by fraud or misrepresentation, or by failure to disclose pertinent information at the time of application, or*
- (b) Been issued in error."*

Options have been provided to the Municipal Planning Commission for consideration:

- (a) Make no changes to the previous approval, but consider another motion to approve a 31% variance to the minimum parcel size.
- (b) Revoke the previous motion to reclassify the existing residence located at 4725-49A Avenue from a duplex to a stacked rowhouse, and further, revoke the previous approval to locate a stacked rowhouse on the property.
- (c) Appeal the decision to the Subdivision and Development Appeal Board.

Planning and Development Services recognizes that a decision was made by the Municipal Planning Commission without all of the pertinent information being provided. Due to the fact that the living unit has been located within the residence for a number of years, and because nothing on the property is being changed that may result in a negative impact to neighbouring landowners, Planning and Development Services recommended that the application be approved with a variance to the minimum parcel size. However, the Department will ensure that similar applications received in the future are reviewed to identify if they meet or are close to meeting the requirements of the Land Use Bylaw in terms of minimum parcel size, parking, and amenity space.

Applicants will have to re start the appeal process, as was advised by legal council.

MOVED BY: Member Rempel

"RESOLVED that the Municipal Planning Commission approve a 31% variance to the minimum parcel size for the existing stacked rowhouse located at 4725 49A Avenue, East Half of Lot 14 Block 8 Plan RN1b, zoned R4."

APPROVED: Unanimously

5. BUSINESS

A. Next MPC Meeting: Wednesday, August 5, 2015

6. ADJOURNMENT

MOVED BY: Member Gallant

THAT this meeting now adjourns at 5:58 p.m.

CARRIED: Unanimously

Chairperson Christie