



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 080515

DATE: August 5, 2015

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT:

Steve Christie	Mayor
Reuben Konnik	Councilor
Debbie Gallant	Member at Large
Sandra Badry	Member at Large

REGRETS: Wayne Rempel Councilor

STAFF:

Lyla Peter, Manager of Planning and Development
Kristen Harder, Development Officer
Gail Long, Development Officer
Deb Bonnett, Development Officer

1. CALL TO ORDER

The meeting was called to order by the Chairperson at 5:05 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Badry

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Badry

That the Municipal Planning Commission minutes for July 22, 2015 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT PERMITS

A. 61/252.12(2015), 4876 46 Street, Lots 5, Block 1, Plan 032 5215: Class 2 Sign (Freestanding Sign). Zoned C3 (Transitional Highway Commercial District and Business Industrial Overlay).

The applicant was not present at the meeting.

Development Officer Gail Long presented information regarding an application for a Class 2 Freestanding Sign to be located at 4876 46 Street. The sign is located within the C3 - Transitional Highway Commercial District and the Business Industrial District Overlay. As the sign exceeds the height normally allowed in the C3 district, and is also located within the Overlay District, the application is being referred to the Municipal Planning Commission for consideration.

Eight (8) property owners within 60m of the subject site were notified. One response, in support of the application has been received. No comments were included.

In the C3 District, the City's Land Use Bylaw states that the maximum size for a Freestanding Sign is 7m², and that a freestanding sign shall not exceed the maximum height above grade of 6m. The maximum size of the sign meets requirements of the Land Use Bylaw. However, due to the location of the property in relation to the rail line, the applicant has applied for a freestanding sign with a maximum height of 8.99m. The applicant has indicated that the additional height of the sign is necessary in order to allow for visibility from Highway 2A when the rail cars are parked for a lengthy period of time on the rail track. If approved, a 23% variance will be required to the maximum height for the sign.

The proposed sign will also be located within the Business Industrial District Overlay. The purpose of this district is to regulate the development of major additions, infill development, and new development to ensure compatibility with adjacent properties and establish a positive visual impression of the Highway 2A corridor. The District Overlay does not include any regulations for location of signage.

The Land Use Bylaw requires the sign base of any freestanding, permanent sign to be covered with topsoil and seeded or concealed by vegetation contained within a planting bed. The area around the sign structure is to be kept clean and free of overgrown vegetation, and free of refuse material as a condition of any sign permit. As the proposed sign is to be located on an asphalt surface, landscaping at the bottom of the sign will not be necessary.

Recommendation:

Planning and Development Services supported the application of a Class 2 Freestanding Sign as proposed and recommended approval of the following resolution:

MOVED BY: Member Badry

“RESOLVED that the Municipal Planning Commission approve a 23% variance to the maximum height to allow for the location of a Class 2 Freestanding Sign within the Business Industrial District Overlay at 4876 46 Street, Lot 5 Block 1 Plan 032 5215, zoned C3.

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 obtain any required building and if applicable, electrical permits for the sign.
5. Electrical power to the sign, if applicable, is to be underground.

6. Any illumination of the sign shall not shine or reflect light directly onto neighboring properties or into the direction of oncoming traffic. The illumination intensity and brightness of the sign shall be to the satisfaction of the Development Officer.
7. The applicant is responsible for the cleaning, painting, repair or replacement of any defective parts of the sign in a manner that does not alter the basic design or structure of the sign and does not include a change in copy.
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

B. 61/252.07(2015), 5450 49 Street, Lot 10, Block 43, Plan 5676MC: Existing Shed with Greenhouse Lean-To. Zoned R1B (Medium Lot Single Detached Dwelling) District.

The applicant was not present at the meeting.

Development Officer Gail Long presented information regarding an application to allow an existing shed with a greenhouse lean-to to remain at its current location. The owner has indicated that the shed and lean-to have been located on site for over 20 years.

Twenty one (21) property owners within 60m of the subject site were notified. No responses have been received to the circulation notice.

An accessory building must be located 0.9m from the side and rear parcel boundaries, the existing shed on site is located .36m from the side property boundary, requiring a 60% variance.

The shed is 12.5m² in floor area, with a 6.69 m² lean-to. As the shed and lean-to exceed 10m² in area, a Building Permit will be required.

Recommendations:

As the shed has been located on the property for a number of years, and as there have been no concerns expressed from adjacent landowners, Planning and Development Services recommended approval of the application submitted. However, as the shed exceeds 10 m² in area, the applicant is required to apply for a building permit.

The following recommendation was brought forward for consideration:

MOVED BY: Member Gallant

"RESOLVED that the Municipal Planning Commission approve a 60% variance to the side yard setback requirement to allow an existing shed and greenhouse lean-to to remain at 5450 49 Street, Lot 10 Block 43 Plan 5676MC, 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 obtain a building permit, and if applicable, an electrical permit, for the shed and the greenhouse lean-to.
5. 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.

C. 61/25.08(2015), 17 Lansbury Close, Lot 27, Block 5, Plan 942 2101: Existing Shed with Variances to the Side Yard Setback and the Minimum Separation Distance from the Main Building. Zoned R1C (Smaller Lot Single Detached Dwelling) District.

The applicants were present to provide details on their application.

Development Officer Gail Long presented information regarding an application to allow an existing shed to remain at its current location. Variances will be required to the side yard setback and to the minimum separation distance of the shed from the main building.

Thirty (30) property owners within 60m of the subject site were notified. Two responses to the circulation notice, both in support of the application, have been received. One response contained no comment, while the other indicated that the deck and shed are there already and should not be a problem.

Section 9.4 (1) (b) of the Land Use Bylaw states *"an accessory building on an interior parcel shall be situated so that the exterior wall is at least 0.9m from the side and rear boundaries of the parcel, and shall provide a minimum separation distance of 1.2m from the main building on the same parcel"*. The existing shed on site is located .74m from the side property boundary, requiring an 18% variance. The shed is also located only .32m (1 foot) away from the deck. As the deck is connected to the residence, it is considered to be part of the main building on the parcel. A 74% variance will be required to the minimum separation distance for the location of an accessory building from the main building.

The shed on site is 13.56 m² (145.98 ft²). As the shed exceeds 10m² in area, a Building Permit will be required.

Recommendations:

There are no requirements in either the Alberta Building Code or the Fire Code requiring separation distances from the principal dwelling and accessory building. With a similar application, the City's Fire Chief noted that fire can spread more quickly between buildings that are closer together, but if the risk is acceptable to the owners, he had no legitimate concern. Planning and Development Services therefore recommended approval, subject to conditions as follows:

MOVED BY: Member Gallant

"RESOLVED that the Municipal Planning Commission approve an 18% variance to the side yard setback requirement and a 74% variance to the minimum distance requirement between the main building and accessory building, to allow an existing shed to remain at 17 Lansbury Close, Lot 27 Block 5 Plan 942 2101, zoned R1c.

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 obtain a building permit, and if applicable, an electrical permit, for the shed.
5. 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.

D. 61/252.00(2015), 5259 49 Street, Lot 12, Block, 16 Plan 2170KS: Demolition and/or Relocation of Church Building. Zoned R1C (Smaller Lot Single Detached Dwelling) District.

Member Debbi Gallant excused herself from the meeting due to her involvement with the Heritage Resource Committee.

The applicant was not present at the meeting.

Development Officer Gail Long presented information regarding an application for a discretionary demolition or possible relocation of a church building located at 5259 49 Street. As the church was built more than 50 years ago, the application is subject to Section 14.4 of the Historic District Area Overlay which provides guidelines for demolitions of principle structures of 50 years of age or older.

Sixteen (16) property owners within 60m of the subject site were notified. One response has been received in opposition of the application. No comments were included.

Demolition of the church building will be subject to the regulations set out in the Historic District Area Overlay. This Overlay regulates the demolition of all principal buildings aged 50 years of age or older and sets out the guidelines to be followed for demolition consideration. The intent is to ensure that incremental alterations, renovations and demolitions do not diminish the conservation of historic resources over time.

In analyzing this application, it was identified that the church building 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 of the historical value of the property was undertaken prior to an application for demolition to be considered.

On July 29, 2015, the Heritage Resource Committee passed a motion to support the proposed demolition of the church building. At this time, the Committee has not indicated specific items to be salvaged. If the building is demolished, rather than relocated, the committee would like the opportunity to potentially salvage some items prior to the demolition.

Relocation

An option the applicant is investigating is moving the building off of the property, rather than demolishing it.

If this option is considered, the applicant, prior to relocation of the building, will be required to obtain a permit for the transport of the building through Alberta Transportation. This is required to ensure legal limits for any registered vehicle for travel on any public road is maintained, as well as the provision for movement of oversize loads under permit, in order to preserve highway infrastructure and to ensure the safety of the travelling public. Alberta Transportation will determine the route to be taken when the building is moved from its current location to its final destination.

As the City does not have an agent to identify the route, the Director of Planning and Infrastructure Services has advised that the applicant will be required to appoint a TRAVIS agent to act on the applicant's behalf when obtaining a permit. The agent will then devise the appropriate route. This has been put forward as a condition of the permit.

If the building is to be moved within the City of Lacombe, a permit will be required from the landowner on which the property is to be moved onto.

A public member was present at the meeting seeking information regarding the rezoning of the property.

Manager Lyla Peter informed the citizen that an application for rezone has been applied for and will take place on August 24 at 6:00pm. Written submissions can be brought in to the planning department.

Mayor Christie indicated that information regarding the rezoning process can be done at the Planning and Development department during City Hall hours, as this meeting is discussing only the demolition/relocation of the building.

Recommendations:

As the Heritage Resource Committee did not oppose the demolition, Planning & Development Services supported the application and recommended the following resolution be made:

MOVED BY: Member Konnik

“RESOLVED that the Municipal Planning Commission approve the discretionary demolition of a church building subject to the regulations of the Historic District Area Overlay, or alternatively, approve the relocation of the church building currently located at 5259 49 Street, Lot 12 Block 16 Plan 2170KS, zoned R1c.”

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 demolition or relocation 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 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 demolition or relocation 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 is to obtain a City of Lacombe building permit prior to demolition or relocation.
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 demolition or relocation area is fenced until it has been leveled. Applicant shall ensure that the demolition or relocation area is leveled within seven days of demolition.
8. The trees currently existing on the City boulevard adjacent 49 Street shall not be removed or damaged during demolition or relocation.
9. Applicant is to ensure that all occupational Health and Safety requirements are met.
10. 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 demolition or relocation if future development has not commenced.
11. A separate development permit and building permit approval will be required for any redevelopment of 5259 49 Street.
12. Should the applicant apply for a building permit to demolish the building, the applicant is to comply with demolition regulations, as stated in Part 8.8 of the Land Use Bylaw.
13. Should the applicant apply for a building permit to demolish the building, all dry rubble materials are to be disposed at the Prentiss Waste Station or at an area approved by Alberta Environment and Parks.
14. Should the applicant apply for a building permit to demolish the building, the applicant is to contact the Heritage Resource Committee to potentially salvage some items prior to the demolition. *(Please contact Jennifer Kirchner at 782-1264, Extension 228, if applicable).*
15. Prior to building permit issuance to relocate the building (if applicable), 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.

16. Prior to building permit issuance to relocate the building (if applicable), the applicant is to provide a copy of the Overweight/Overdimension Permit issued by TRAVIS to Planning and Development Services.
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.

**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.*

APPROVED: Unanimously (2 members)

E. 61/251.85(2015), 5027 49 Street, Lot 6, Block 4, Plan RN1: Demolition of Detached Dwelling. Zoned C1 (Central Commercial) District.

Member Debbi Gallant excused herself from the meeting due to her involvement with the Heritage Committee.

The applicant was not present t the meeting.

Development Officer Gail Long presented information regarding an application for a discretionary demolition of a detached dwelling. As the house was built more than 50 years ago, the application is subject to Section 14.4 of the Historic District Area Overlay which provides guidelines for demolitions of units 50 years of age.

Twelve (12) property owners within 60m of the subject site were notified. No responses have been received from neighbouring landowners to the circulation notice.

Demolition of the residence will be subject to the regulations set out in the Historic District Area Overlay. This Overlay regulates the demolition of all principal buildings aged 50 years of age or older and sets out the guidelines to be followed for demolition consideration. The intent is to ensure that incremental alterations, renovations and demolitions do not diminish the conservation of historic resources over time.

In analyzing this application, it was identified that the dwelling is fifty years of age or older, and although the residence was identified in the Heritage Survey as being over 50 years of age, it was not added to the POIL 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 of the historical value of the property be undertaken prior to an application for demolition be considered

The Heritage Resource Committee undertook a site visit to assess the state and historical value of the property. During the site visit, the Committee documented the end of life cycle of the structure for historical purposes.

The application was reviewed and a motion was made and passed by the Heritage Resource Committee to support the proposed demolition.

As the Heritage Resource Committee did not oppose the demolition, Planning & Development Services supported the application and recommended the following resolution be made.

Member Konnik indicated that the lot is already hard surfaced therefore condition number 9 does not apply to the majority of the lot. Manager Peter suggested a change to the resolution to indicate they must sod seed or hard surface the lot.

MOVED BY: Member Konnik

“RESOLVED that the Municipal Planning Commission approve the discretionary demolition of a residence subject to the regulations of the Historic District Area Overlay, to occur at 5027 49 Street, Lot 6 Block 4 Plan RN1, zoned C1.”

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 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 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 demolition 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 is to obtain a City of Lacombe building permit prior to demolition.
5. Applicant is to comply with demolition regulations, as stated in Part 8.8 of the Land Use Bylaw.
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 until it has been leveled. Applicant shall ensure that the 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 or hard surface the lot within one year of demolition if future development has not commenced.
10. A separate development permit and building permit approval will be required for any redevelopment of 5027 49 Street.
11. 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.

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

F. 61/251.86(2015), 4813 51 Avenue, Lot 12, Block 4, Plan RN1: Demolition of a Warehouse. Zoned C1 (Central Commercial District) District.

Member Debbi Gallant excused herself from the meeting due to her involvement with the Heritage Committee.

The applicant was not present at the meeting.

Development Officer Gail Long presented information regarding an application for a discretionary demolition of a warehouse building. As the warehouse was built more than 50 years ago, the application is subject to Section 14.4 of the Historic District Area Overlay which provides guidelines for demolitions of structures 50 years of age and over.

Thirty six (36) property owners within 60m of the subject site were notified. Three responses have been received in support of the demolition. One respondent commented that the property has been an eyesore for years. while the other stated that it's old, drab, and adds nothing to the scene of the area.

Demolition of the warehouse building will be subject to the regulations set out in the Historic District Area Overlay. This Overlay regulates the demolition of all principal buildings aged 50 years of age or older and sets out the guidelines to be followed for demolition consideration. The intent is to ensure that incremental alterations, renovations and demolitions do not diminish the conservation of historic resources over time.

In analyzing this application, it was identified that the 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 of the historical value of the property be undertaken prior to an application for demolition be considered

The application was forwarded on June 26, 2015 to the Lacombe and District Historical Society for an assessment of the historical value of the building. Due to the dilapidated state of the building, the Heritage Resources Committee has waived the requirement for an assessment of the building on this property.

Recommendations:

As the Heritage Resource Committee did not oppose the demolition, Planning & Development Services supported the application and recommended the following resolutions.

Member Konnik requested to make a change to the resolution to include hard surfacing in condition 9.

MOVED BY: Member Konnik

"RESOLVED that the Municipal Planning Commission approve the discretionary demolition of a warehouse building subject to the regulations of the Historic District Area Overlay, to occur at 4813 51 Avenue, Lot 12 Block 4 Plan RN1, zoned C1."

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 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 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 demolition 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 is to obtain a City of Lacombe building permit prior to demolition.
5. Applicant is to comply with demolition regulations, as stated in Part 8.8 of the Land Use Bylaw.
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 until it has been leveled. Applicant shall ensure that the 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 or hard surface the lot within one year of demolition if future development has not commenced.
10. A separate development permit and building permit approval will be required for any redevelopment of 4813 51 Avenue.
11. 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.

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

APPROVED: Unanimously

Permit H was moved ahead of Permit G as the applicants were present at the meeting.

**H. 61/252.09(2015), 4721 49A Ave. & 4723 49A Ave., Lots 36 & 37, Block 8, Plan 152 0281: Stacked Rowhouse.
Zoned R4 (Medium Density Residential) District.**

Member Gallant re-entered the meeting.

The applicants were present in support of their application.

Development Officer Gail Long presented information regarding a request for the development of a third and fourth residential unit to be located in the undeveloped basement of an existing semi-detached dwelling at 4721 49A Avenue and 4723 49A Avenue. Under the R4 zoning, the Land Use Bylaw allows secondary suites to be located within detached dwellings only. The applicant is seeking to reclassify the building structure from a semi-detached building to a "stacked rowhouse" and to gain approval for two additional living units to be located in the basement of the existing structure.

Twenty nine (29) property owners within 60m of the subject site were notified. One response has been received in opposition of the application. The respondent indicated that "49A Avenue has seen increased traffic from Highway 12 since the 30km limit. People feel it is good to go 50 on this road. Policing is never evident on our road. Allowing more density increases vehicles and not all will have parking on site. Thinking that parking is available in the alley is a joke. Keep approving - create a safety problem - then what?!"

An application for a semi-detached dwelling to be constructed at 4721 49A Avenue was approved in March, 2014. Since that time, the lot has been subdivided into two lots, with a common wall on the lot boundary between the two residential units. The owners wish to develop a second residential unit in the undeveloped basement on both parcels, for a total of four residential units to be contained within the building (or two units on each lot). In the R4 District (Medium Density Residential), secondary suites are only permitted in detached dwellings. In order to consider these applications, the existing building will need to be reclassified from a semi-detached dwelling to a stacked rowhouse.

Under Part 6 of the City's Land Use Bylaw, a stacked rowhouse is defined as "*a building containing three (3) or more dwelling units, each unit separated by a common or party wall and having either a separate front or rear access to the outside grade. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units*". In the residential zoning, a stacked rowhouse is only allowed in the higher density districts, ie. they are listed as a discretionary use in the R4 - Medium Density Residential District, and are listed as a permitted use in the R5 - High Density Residential District.

The existing structure consists of one residential unit on each lot, with the two units joined by a common wall on the side property line, classifying it as a semi-detached building. By reclassifying the existing residence located on these properties from a semi-detached dwelling to a stacked rowhouse, the applicant would be able to complete the basement in each of these units as separate living space, permitting four living units in the building, or two living units on each lot.

Plans submitted show a separate entry to the lower level of each residential unit at the rear of the building. The Land Use Bylaw states that where the principal entry door is not located on the front facade, the building must be set back from the side property boundary a minimum of 2.75m. The site plan approved at time of approval for the existing building shows the building being set back 1.524m. If these applications are approved, a 45% variance will be required to the side yard setback requirement.

According to the City's Land Use Bylaw, a minimum parcel area for a stacked rowhouse requires 200m² per dwelling unit. This means that each lot would need to be a minimum of 400m² in size. Each lot totals 278.8 m² in size. If approved, a 30% variance will be required to the minimum parcel size required based on the proposed addition of 1 residential unit on each lot. Considering that the first unit requires 200m², this means that there will be 78.8m² for the second unit on each lot if the proposal is approved.

In addition to the size of each lot, the Land Use Bylaw also includes the need for amenity area on the parcel. 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. *Based on the site plan submitted at the time*

of development permit issuance for the semi detached dwelling on this site, each existing unit contains 3 bedrooms, requiring an amenity space of 90m² while the lower level consists of one bedroom, requiring an amenity space of 20m², for a total of 110m² being required on each lot. The front, side, and back yards on this property, including the area for the deck, less the required parking, is 117.2m². No variance will be required to the minimum amenity area if the applications for stacked rowhouses are approved.

In accordance with the City's Land Use Bylaw, two parking spaces will be required for each residential unit. There is currently an existing single attached garage and one additional parking space on the parking pad in front of the garage being provided for occupants of the home. Approving the change to a stacked rowhouse will require the applicant to provide an additional 2 parking spaces on each property for the additional residential units. These parking spaces can be located directly at the rear of each property, with each parking space having a gravel surface and being a minimum of 2.75m x 6m in size.

The yard that is not used for parking will need to be landscaped.

There are two options available to the Municipal Planning Commission for consideration:

- 1) That the building maintain its current classification as a semi-detached unit, and the application for separate living units in the lower level of the building be refused.
- 2) That the definition of the building be reclassified to a stacked rowhouse, and further, that the stacked rowhouse be approved as a discretionary use in the R4 District, allowing for one additional residential unit in each of the lower levels of the building located at 4721 49A Avenue and 4723 49A Avenue.

RECOMMENDATIONS:

Although the existing building on these properties meet the definition for a stacked rowhouse, and requirements for amenity areas and parking spaces are being met on each lot, both of the lots on which the existing semi detached building is located do not meet the minimum parcel size, or the minimum side yard setback requirement for a stacked rowhouse as required by the City's Land Use Bylaw. The Department acknowledges that the Department recommended approval for a similar application at the previous Municipal Planning Commission. However the approval enabled the legalization of a suite that had existed for a period of time. This application is seeking to add additional units onto a street.

In reviewing these applications, the Department undertook a review of several communities to identify their requirements for similar buildings. Seven municipalities were reviewed. A summary of the municipalities, with their Land Use Bylaw regulations for similar developments within their municipalities, was provided to members as part of their report. The proposed application would meet the bylaws of three of the seven communities researched.

Considering the lot size requirement of the City's Land Use Bylaw, the Department recommended refusal of the applications. However, the Department also noted that there have been a number of past approvals, varying lot sizes in this area. As such, a list of conditions was prepared should the Municipal Planning Commission recommend approval.

The applicants indicated that they have discussed the application with neighbors across the street and they were not in objection.

Member Gallant requested that Planning and Development ensure that City services would be able to support the increase in development.

Development Officer Gail Long indicated that 75 gallons per minute is required, and 142 is provided in that area.

The applicant also noted that a one inch gas line was brought into the lot to serve the development.

MOVED BY: Member Konnik

4721 49A Avenue

"RESOLVED that the Municipal Planning Commission approve the reclassification of the existing residential building located at 4721 49A Avenue, Lot 37 Block 8 Plan 152 0281, zoned R4, from a semi-detached dwelling to a stacked

rowhouse, and that the Municipal Planning Commission approve a 45% variance to the side yard setback requirement and a 30% variance to the minimum parcel size, and further, that the Municipal Planning Commission approve the stacked rowhouse to be located on the property as a discretionary use.

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:

6. 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.
7. 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.
8. 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.
9. Applicant to apply for and receive a building permit for the additional residential unit to be located within the building and must ensure that it is fully compliant with the Alberta Building Codes prior to occupancy.
10. Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance with the Alberta Building Code prior to occupancy.
11. Two additional parking spaces are to be provided in the rear yard for occupants of the additional residential unit to be located in the lower level of the building. Each parking space must be a minimum of 2.75m x 6m and must be located within the confines of the property.
12. Prior to building permit issuance, the applicant is to submit a landscaping plan showing parking areas and landscaped areas, to the satisfaction of the Development Authority.
13. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the 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 BY: Member Badry

4723 49A Avenue

"RESOLVED that the Municipal Planning Commission approve the reclassification of the existing residential building located at 4723 49A Avenue, Lot 36 Block 8 Plan 152 0281, zoned R4, from a semi-detached dwelling to a stacked rowhouse, and that the Municipal Planning Commission approve a 45% variance to the side yard setback requirement and a 30% variance to the minimum parcel size, and further, that the Municipal Planning Commission approve the stacked rowhouse to be located on the property as a discretionary use.

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 additional residential unit to be located within the building and must ensure that it is fully compliant with the Alberta Building Codes prior to occupancy.

5. Applicant to obtain any necessary electrical, plumbing and gas permits and must ensure compliance with the Alberta Building Code prior to occupancy.
6. Two additional parking spaces are to be provided in the rear yard for occupants of the additional residential unit to be located in the lower level of the building. Each parking space must be a minimum of 2.75m x 6m and must be located within the confines of the property.
7. Prior to building permit issuance, the applicant is to submit a landscaping plan showing parking areas and landscaped areas, to the satisfaction of the Development Authority.
8. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
9. 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.
10. 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

G. 61/252.16(2015), 19 Westview Drive, Lot 41, Block 5, Plan 772 0823: Oversize Detached Garage & Shed. Zoned R1B (Medium Lot Single Detached Dwelling) District.

The applicant entered the meeting after discussion had begun.

Development Officer Gail Long presented information regarding an application for a detached garage and garden shed to be located at 19 Westview Drive. The proposed garage exceeds the maximum size for an accessory building, and the size of an accessory building in relation to the main building coverage area. Further, the combined size of the proposed garage and garden shed exceeds the maximum lot coverage allowed for accessory buildings.

Twenty seven (27) property owners within 60m of the subject site were notified. Four responses have been received, with two in support of the application. One response was in support of the application with suggestions, and one indicating neither opposition nor support. One respondent stated "I have seen his work. He will build a nice looking garage. It will look better than the dirt driveway that is there now." Another indicated that "it does seem hard to make any changes when we only have little information - two numbers on size. Could maybe know about height or exterior, etc. as we will not be able to attend the meeting. Another respondent stated that with the amount of information provided, they could neither support the application nor oppose it as no dimensions or required variances were given. They would support the application if the variances required are strictly for the footprint of a single story garage and if the variances are small. If the variances required are for a second story, an excessively tall garage, or are otherwise excessive, they would oppose the application. The respondent indicated that the development permit application process should be fair, open, and transparent to all. Providing the dimensions and variances required in the consultation letter would go a long way towards doing this. Failing to provide accurate and complete information to all involved only leads to unwanted animosity between neighbours.

Several calls were received, and two residents came forward to review the file prior to the meeting.

Additional responses were received, the members indicated they had read them and that it was not necessary for the Development Officer to include in her vocal report.

Neighboring landowners were present and requested to speak to the application. They indicated concern that information sent in the adjacent letter is not detailed enough to provide constructive feedback. They wanted to clarify that no second story would be built over the garage and no secondary suite was being applied for.

The Planning and Development department informed the neighbors that the application was for a detached garage that was less than 15 feet in height and that a secondary suite was not part of the application.

The proposed garage is meeting all setback requirements and maximum height requirements, and the two accessory buildings combined do not exceed the maximum lot coverage as outlined in the City's Land Use Bylaw.

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 (83.24 m²) and the 13.38 m² (144 ft²) shed proposed to be located directly behind the detached garage will be 96.62 m² (1040 ft²) in size. The garage exceeds 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 93.65 m² (1008 ft²) in size, which would allow for a garage to be 56.19 m² (604.8 ft²) in size. If the application is approved, a 19% variance to the maximum size for an accessory building and a 48% variance to the house to garage footprint ratio will be required.

In addition, the Land Use Bylaw allows a 10% maximum lot coverage for accessory buildings on an R1b (Medium Density Residential) lot. Although the garage does not exceed the 10% lot coverage, the applicant is also wanting to build a storage shed. The size of the accessory building and the shed combined will exceed the 10% maximum lot coverage, and will require an 18% variance to the maximum lot coverage for both the shed and garage.

Recommendations:

Planning and Development Services was of the opinion that due to the size of the lot and the location of the proposed shed, the impact to the neighbours for the larger garage is minimal. Approval is therefore recommended, subject to the following conditions:

One condition has been added to ensure one shed would be removed prior to the development of the garage.

Addition of \$1000.00 deposit that will be returned once all of the conditions have been met.

MOVED BY: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the construction of a detached garage and shed on 19 Westview Drive, Lot 41 Block 56 Plan 772 0823, zoned R1b, with a 19% variance to the maximum size for the proposed garage, a 48% variance to the house to garage footprint ratio, and a 18% variance to the maximum lot coverage for both the shed and the garage.

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. If this development permit is issued for construction of a building, 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. The accessory buildings may not be constructed closer to the front property boundary than the principal building on the property.
6. Applicant to ensure that the accessory buildings match or be complimentary to the primary dwelling unit in color and materials.
7. Applicant may not connect floor drain in garage floor slab to City services.
8. Applicant to apply for and obtain all required building, electrical, plumbing and gas permits if applicable.
9. The applicant shall remove the older shed from the property upon completion of the detached garage.
10. Prior to receipt of the Building Permit, the applicant shall be required to submit a Development Deposit of \$1,000.00, to be returned once all development conditions have been met.
11. 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.

ADD CONDITIONS from new resolutions

5. BUSINESS

A. Next MPC Meeting: Wednesday, August 19, 2015

6. ADJOURNMENT

THAT this meeting now adjourns at 6:08p.m.

MOVED BY: Member Gallant

APPROVED: Unanimously

Chairperson Christie