



**CITY OF LACOMBE**  
**MUNICIPAL PLANNING COMMISSION**

**MINUTES 090215**

**DATE:** September 2, 2015

**PLACE:** City of Lacombe Council Chambers

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

**PRESENT:**

Steve Christie	Mayor
Wayne Rempel	Councilor
Debbie Gallant	Member at Large
Sandra Badry	Member at Large

**REGRETS:** Reuben Konnik Councilor

**STAFF:** Lyla Peter, Manager of Planning and Development  
Deb Bonnett, Development Officer

**1. CALL TO ORDER**

The meeting was called to order by Chairperson at 5:01 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 22, 2015 be confirmed as presented.

**CARRIED:** Unanimously

As applicants on the agenda for items C and D were present, these items were heard first.

#### **4. NEW DEVELOPMENT PERMITS**

##### **A. 61/252.53(2015), 3408 52 Avenue, Lots 9 & 10, Block 5, Plan 062 3951: Existing Tent Structures & Sea Containers. Zoned I2 (Heavy Industrial) District. (Previously Item C)**

The applicant was present to provide details and answer questions regarding this application.

Planning & Development Manager presented information on an application to allow 2 "permanent" and 2 "portable" tent structures, and 1 "permanent" and 1 "portable" sea container to remain on site for use in an existing business. While there are two parcels, each with the address of 3408 52 Avenue, there is only one principal building on the lot furthest west. Both lots are currently being rented out to an oilfield construction and fabrication business.

Although the Land Use Bylaw permits 'open storage yard' as a permitted use, the definition of 'open storage yard' indicates that it must be accessory to the principal use. As the one lot does not have a building on it, it does not appear to have a principal use.

The City's Land Use Bylaw defines both tent structures & Sea container's as temporary buildings, therefore, the Municipal Planning Commission can approve the application subject to a number of conditions including the length of time the buildings can remain on site, and security bonds to ensure removal.

The applicant advised that the smaller tents are used for welding purposes and taken down and stored when not in use. The sea containers are used for storage and tool crib and are normally are located at the applicable work site and rarely stored on site.

#### **Recommendations:**

The City's Land Use Bylaw defines both tent structures & Sea container's as temporary buildings, therefore, the Municipal Planning Commission can approve the application subject to a number of conditions including the length of time the buildings can remain on site, and security bonds to ensure removal.

**MOVED BY:** Member Gallant

**RESOLVED** that the Municipal Planning Commission approve the temporary location of the four existing tent structures and two existing sea containers at 3408 52 Avenue, Lots 9 & 10 Block 5 Plan 062 3951, zoned I2.

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

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. The location of the four existing tent structures be approved for a maximum period of 12 months from the date of issuance of this permit, at which time they are to be removed from the parcel, or dismantled and stored in a building located on the property.
5. Applicant to apply for and obtain a building permit for the tent structures located on the site.
6. Applicant to obtain electrical permits for the tent structures if required.

7. That only two sea containers be approved to be stored on site on a temporary basis only. The sea containers shall be removed 24 months after the date of issuance of this permit.
8. Applicant is to ensure that the site remains neat and tidy.
9. Prior to development permit issuance, the applicant is to submit a landscaping plan, including areas that are to be hard surfaced and including screening of the sea container storage area, for review and approval by the Planning and Development Services Department.
10. All landscaping areas are to be protected by concrete curbs or other approved barriers having a minimum height of 140mm or separated from the street or parking area by a paved, curbed sidewalk.
11. Landscaping deposits will be required in the form of cash or letter of credit in an amount equal to 100% of the estimated cost of the required landscaping as estimated by an appropriate trade professional, and not less than \$2,000. Security will be released once a site inspection demonstrates that the landscaping has been completed in accordance with the approved plan, has been well maintained, and is in healthy condition at the end of the second growing season.
12. Applicant will be required to hard surface all approved accesses a minimum of 6m into the parcel and connecting to 52 Avenue.
13. A minimum of four parking spaces must be provided on site. Each parking space must be identified with concrete parking curbs.
14. Hard surfacing deposits will be required in the form of cash or letter of credit in an amount equal to 50% of the estimated cost of the hard surfacing on the site as estimated by an appropriate trade professional, and not less than \$2,000. Security will be released once a site inspection demonstrates that the hard surfacing has been completed in accordance with the approved plan.
15. Applicant shall be required to submit a deposit of \$2000 (\$500 per tent) to ensure the removal of the four temporary tents when this development permit expires.
16. Applicant shall be required to submit a deposit of \$2000 (\$1000 per sea container) to ensure the removal of the sea containers at the expiration of this permit.
17. Applicant shall be required to consolidate the two parcels. Prior to building permit issuance, a development deposit of \$2000 shall be required to ensure the consolidation of the parcels.
18. 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.
19. 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. 61/252.52(2015), 5641 53 Avenue, Lot 8, Block 26, Plan RN1E: Existing Detached Garage & Breezeway. Zoned R2 (General Residential) District.  
(Previously Item D)**

The applicant was present to provide details and answer questions regarding the application.

Planning & Development Manager Lyla Peter presented information regarding the application to allow an existing detached garage and roof structure to remain at their current locations on the parcel. The existing breezeway connects the single family home to the detached garage located on the property. The detached garage is too close to the side property boundary, resulting in the eaves encroaching onto the adjacent parcel.

Tax information on file indicates that the detached garage has been located on site since 1950. The City has no record of a development permit being applied for at that time. A Real Property Report on file dated November 1996 identified an existing deck connecting the residence and the detached garage. Since that date, a roof structure/breezeway has been

constructed over the deck without the required permits in place. The breezeway also connects the existing residence to the detached garage.

The application has been brought forward as a result of an enforcement file. The application has recently been submitted requesting approval for the existing detached garage and breezeway to remain at their current location.

Different options were presented and included that a variance could be approved with an encroachment agreement being registered on title or a variance being granted, and the encroachment being removed, to prevent building materials from falling onto the adjacent property and any runoff to drain on the adjacent lands.

A neighbouring landowner spoke about the application and presented pictures to the members for their review. The neighbour indicated that the garage was an eyesore and drained onto his property. The neighbour did not understand why his property would be subject to setback requirements if he were to build a new garage yet the setback could be varied for the applicant.

### **Recommendations:**

Planning and Development Services recognizes that the existing detached garage has been located on the property for approximately 65 years. Although it is unknown when the breezeway between the residence and the detached garage was constructed, it also has been on site for a number of years. The Department is recommending that the current breezeway between the residence and the detached garage be permitted to remain, subject to the requirement for a building permit and if applicable, an electrical permit.

With regard to the existing location of the detached garage, options are limited as the City cannot approve any portion of the detached garage to be located on or to encroach on the adjacent lot, the applicant has indicated a willingness to renovate the roof structure so that the eaves no longer encroach, and to install eavestrough. This will still require a sideyard setback variance, but will remove the problem of the eaves encroaching onto the neighbouring property. It will also ensure that the drainage is directed towards the alley and not a private residence.

**MOVED BY: Member Badry**

**"RESOLVED** that the Municipal Planning Commission approve the location of a roof structure/breezeway connecting the residence and the detached garage, and further that an 85% variance to the minimum side yard setback requirement be granted to allow an existing detached garage to remain at its current location at 5641 53 Avenue, Lot 8 Block 26 Plan RN1E, zoned R2, subject to the following conditions:

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 is required to cut off that portion of the eaves that are encroaching onto the adjacent lot to the east, no later than November 30, 2015.
5. Applicant is required to install eavestrough on the east side of the roof on the detached garage, no later than November 30, 2015.
6. That no portion of the eaves and/or eavestrough encroach onto the adjacent lot to the east.
7. That all runoff from the detached garage be directed away from the adjacent property to the east.
8. Applicant to apply for and obtain a building permit for the detached garage and roof structure/breezeway located on the site.
9. Applicant to obtain electrical and gas permits if applicable.

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

**C. 61/252.51(2015), 36 Sandstone Avenue, Lot 26, Block 3, Plan 782 2856: Legalize Existing Decks in the Front & Rear Yards with a projection into the front yard. Zoned R1c (Smaller Lot Single Detached Dwelling). (Previously Item A)**

The applicant was not present at the meeting.

Planning & Development Manager Lyla Peter presented information regarding an application to allow two existing decks to remain at their current locations. Variances are required for the front deck as it is encroaching into the front yard setback. The rear deck meets all setback requirements, however no permit has been issued for the construction.

The City has no record of permits for the two existing decks located on the property. The City's Land Use Bylaw allows a front deck to encroach 1m into the front yard setback requirement. The front deck is located 4.18m from the front property boundary, requiring a 17% variance to the front yard setback requirement. Approval is also required for the existing rear deck.

A building permit will be required for both existing decks on the property.

A Real Property Report indicates that both the house and the rear deck encroach onto the Utility Right-of-Way at the west side of the parcel. The owners will be required to enter into an Encroachment Agreement for both the house and the rear deck.

**Recommendations:**

Planning and Development Services advised that they have no objections to the existing decks remaining at their current locations and recommended approval, subject to conditions as follows:

**MOVED BY:** Member Rempel

**"RESOLVED** that the Municipal Planning Commission approve the location of the existing rear deck, and also approve a 17% variance to allow the existing front yard deck to remain at its current location at 36 Sandstone Avenue, Lot 26 Block 3 Plan 782 2856, 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 for both existing decks.
5. Prior to building permit issuance, applicant to enter into an Encroachment with the City of Lacombe for that portion of the house and rear deck that encroach into the City's Utility Right-of-Way
6. 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

**D. 61/252.49(2015), 28 Hangingstone Drive, Lot 1, Block 6, Plan 782 2856: Existing Shed. Zoned R2 (General Residential) District.  
(Previously Item B)**

The applicant was not present at the meeting.

Planning & Development Manager Lyla Peter presented information regarding the application to allow an existing shed to remain in its current location.

The City's 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 ..."*. The existing shed on site is located .85m from the rear property boundary, requiring a 6% variance. The shed is also located .31m from the side property boundary, requiring a 66% variance.

As the shed is 11.61m<sup>2</sup> in size, a Building Permit will be required.

**Recommendations:**

As no concerns were expressed regarding the location of the shed, Planning and Development Services recommended approval, subject to conditions as follows:

**MOVED BY:** Member Badry

**"RESOLVED** that the Municipal Planning Commission approve a 6% variance to the rear yard setback requirement and a 66% variance to the side yard setback requirement to allow an existing shed to remain at its current location at 28 Hangingstone Drive, Lot 1 Block 6 Plan 782 2856, zoned R2."

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. Applicant to remove the gravel pad and restore the landscaping to match that adjacent to the gravel pad by August 31, 2016.
6. Applicant shall be required to submit a Development Deposit of \$1,000.00 prior to receipt of the Building Permit.
7. 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. Next MPC Meeting: Wednesday, September 16, 2015**

**6. ADJOURNMENT**

THAT this meeting now adjourns at 5:50 p.m.

**MOVED BY:** Member Badry

**APPROVED:** Unanimously

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Chairperson Christie