



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 051816

DATE: May 19, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT: Debbie Gallant Member at Large
Reuben Konnik Councilor
Sandra Badry Member at Large
Wayne Rempel Councilor

REGRETS: Steve Christie Mayor

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

1. CALL TO ORDER

The meeting was called to order by Chairperson Badry at 5:02 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 May 4, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

- A. 61/250.91 (2016), 8 Timmons Close, Lot 42 Block 1 Plan 022 5514, Variance to Side Yard setback to an Existing Side Yard Deck and Construction of Rear Yard Deck. , zoned R1d – Narrow Lot Single Detached Dwelling**

The applicant was in attendance to provide additional information and answer questions if required.

Development Officer, Deb Bonnett presented information regarding the application. An application has been received for the addition of a rear yard deck to be constructed on the north side of the existing residence. Prior to

approval of the deck, a variance will be required to the side yard setback requirements to the existing detached dwelling to make it a conforming building.

A total of thirty two (32) property owners within 60m of the subject site were notified. One letter supporting the application has been received. Comment received:

- No conflict with the neighboring properties

The detached dwelling is currently considered to be a non-conforming building and may continue to exist, but may not be enlarged, added to, rebuilt, or structurally altered except to make it conform, or for general maintenance. In order to make the detached dwelling a conforming building, a side yard variance will be required. Approval of the variance will then allow for the construction of the proposed deck,.

City records indicate that the detached dwelling was constructed in 2003 with a deck in the right side yard. The dimension of the deck approved in the north east side yard was 4 ft. x 7 ft., which would have provided for a 1.66 meter side yard. A real property report on file indicates that the deck is actually 6 ft. x 10 ft. providing a 1.03 meter side yard. The deck floor appears to be approximately 4 ft. in height. The bylaw requires sides yards provide 1.5m. A variance of 32% is required.

If approval is granted for a variance to the side yard setback as outlined above, the detached dwelling will become a conforming building. The application for the addition of a deck in the rear yard of the detached dwelling can then be considered.

When reviewing the file, the following was noted:

- that the house is not code compliant as a final inspection was not requested or completed. In order to bring the property into full compliance, a final inspection should be completed at the expense of the land owner.
- the existing garden shed located at the rear of the property is located within the right-of-way. The shed is to be moved outside of the right-of-way.

The applicant spoke at the meeting expressing concern regarding the condition for the final inspection of the residence as she was unaware the residence was not code compliant. She was advised that clearing this up may help in the possible future sale of the property. She was also advised that if she chose not to go ahead with the rear deck, this condition would not apply.

Recommendations:

The detached dwelling has been located on the property for 13 years. To date no complaints have been received regarding the existing development. Planning staff is recommending approval subject to the conditions outlined below.

MOVED: Member Rempel

“RESOLVED that the Municipal Planning Commission approve a 32% variance to the existing side deck to allow for construction of a rear yard deck at 8 Timmons Close, Lot 42 Block 1 Plan 022 5514, zoned R1d.

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 to obtain a City of Lacombe building permit prior to construction of the new deck.
5. The applicant shall arrange for and obtain a final inspection of the detached dwelling, at their expense, prior to issuance of the building permit.
6. The applicant shall move the shed located at the rear of the property to ensure it is not located on the utility right-of-way, prior to issuance of the building permit.
7. A \$1000.00 deposit will be required prior to Development Permit issuance to ensure that Conditions #5 and #6 are met.
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.

Please note that this decision is subject to an appeal period which ends on June 9, 2016 at 4:30pm.

CARRIED: Unanimously

B. 61/251.06 (2016), 5526 49 Avenue, Lot 6 Block 1 Plan 5865 HW, Variance for maximum size for existing detached garage and legalizing an existing shed, R4 – Medium Density Residential District

The applicant was in attendance to provide additional information and answer questions.

Development Officer, Deb Bonnett presented information regarding the application for approval of an existing detached garage and garden shed at 5526 49 Avenue. The bylaw allows for the maximum size of an accessory building to be 70m² and allows for up to 12% of the lot to be covered by accessory buildings. On January 10, 2007, the Municipal Planning Commission approved a 4% variance to the maximum site cover with regard to an application to construct the garage (7.9m x 9.14m) 72.2 sq. m. in size. This decision was subsequently approved by the Subdivision and Development Appeal Board on March 29, 2007.

A new Real Property Report indicates that the garage is actually 73.6 m². The existing shed and the size were not addressed at that time, however were clearly identified on the lot. The shed is (3.11 m x 3.73m) 11.6 m². The property has now been sold and the approval is being sought for the variance.

A total of fifteen (15) property owners within 60m of the subject site were notified. No responses were received.

City records indicate that a development & building permit for the garage were issued in 2007, however, the garage was constructed slightly larger than was approved. The Municipal Planning Commission (January 10, 2007) and the SDAB (March 29, 2007) approved the maximum size garage of 72.5m² requiring a 4% variance. The actual size constructed was 73.6 m², requiring a variance of 5.2%. As noted, the existing shed was not addressed in the initial application and appeal. The shed is 11.6 m². The total coverage of all accessory buildings is 85.2 m². In this instance the lot area is 973.5. The maximum site coverage allows for up to 12% of the lot area (116.8 m²) to be covered by accessory buildings, therefore the garage and shed do not exceed the maximum site coverage.

There is no record of either a development or building permit for the garden shed. As the shed is over 10 m², a building permit is required to confirm compliance to the Safety Codes Act.

The applicant advised that it was a very long process obtaining the approval for the garage in 2007 with both the MPC process and the SDAB. He questioned why the shed was not brought up at the same time. Staff advised that because the garage was slightly larger than what was approved, the application had to be brought back to MPC for further approval.

Recommendations:

It appears both the garage and shed have been on the property since 2007. To date, no complaints have been received regarding either development, therefore the Planning and Development is recommending approval for a 5.2% variance of the maximum allowable size of the existing garage subject to the conditions listed

MOVED: Member Gallant

“RESOLVED that the Municipal Planning Commission approve a 5.2% variance for the maximum size of an accessory building as it applies to the existing garage as well as approves the location of the shed at 11.6m² at 5526 49 Avenue, Lot 6, Block 1, Plan 5865 HW, 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 is to obtain a City of Lacombe building permit for the shed to confirm compliance to the Building Code requirements.
5. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
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.

Please note that this decision is subject to an appeal period which ends on June 9, 2016 at 4:30pm.

CARRIED: Unanimously

C. 61/250.90 (2016), 85 Heritage Drive, Lot 8 Block 4 Plan 802 0876, Variances to Side Yard setback to an existing deck and Construction of a Wheelchair Ramp, zoned R1c – Smaller Lot Single Detached Dwelling

The applicants were in attendance to provide information and answer questions.

A Development Officer, Deb Bonnett presented information regarding the application for the addition of a wheelchair ramp to be constructed on the side of the existing residence. Prior to approval of the ramp, a variance will be required to the side yard setback requirements to allow the existing deck to remain at its current location.

A total of twenty seven (27) property owners within 60m of the subject site were notified. At the time of writing of the agenda, one response had been received in support of the proposed development. No comments were attached.

This residence is located on a corner lot, with Heritage Drive bordering both the front of the residence to the west, and the side of the residence to the north. The home has been constructed facing north, or side, property boundary, while the west side of the residence is actually considered as the front of the parcel in accordance with Section 8.9 (1) of the City's Land Use Bylaw.

Decks constructed on the side of a residence are to meet the minimum setback requirement of 1.5m from the side property boundary. The deck located on the side of the residence is located 1.07m from the side property boundary. If approved, a 29% variance will be required to the side yard setback requirement.

No permits have been issued for a deck at this residence. If approval is granted for the deck to remain at its current location, the applicant will be required to apply for a Building Permit.

The detached dwelling and deck is currently considered to be a non-conforming building and may continue to exist, but may not be enlarged, added to, rebuilt, or structurally altered except to make it conform, or for general maintenance. In order to make the detached dwelling and deck a conforming building, the above side yard variance will be required. Approval of the variance will then enable a decision for the proposed ramp.

The deck located on the property is 3.20m wide. It is the intentions of the landowner to construct a .91m wheelchair ramp immediately beside the residence leading from the deck to extend 19.5m, with the finished ramp at ground level located 14.62m from the rear property boundary, and 3.36m from the side property boundary. The existing stairs extending from the east side of the deck to ground level would be reduced in width from 3.20m to 2.29m wide and placed directly beside the ramp. The stairs, once reduced in width, would not extend beyond the existing deck, requiring no further side yard variance than what has been requested as outlined above.

Recommendations:

The detached dwelling has been located on the property for 33 years. Although it is unknown how long ago the deck was constructed, no complaints have been received. It is the opinion of Planning and Development staff that the addition of a ramp abutting the deck would have no greater impact. The Department is therefore recommending approval subject to the conditions outlined below.

MOVED: Member Gallant

“RESOLVED that the Municipal Planning Commission approve a 29% variance to the south side yard setback requirement to allow for the existing deck to remain at its current location at 85 Heritage Drive, Lot 8 Block 4 Plan 802 0876, zoned R1c, and further, that approval be granted for the construction of a wheelchair ramp.”

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 to obtain a City of Lacombe building permit for the existing deck.
5. Applicant is to obtain a City of Lacombe building permit prior to construction of the ramp.
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.

Please note that this decision is subject to an appeal period which ends on June 9, 2016 at 4:30pm.

CARRIED: Unanimously

D. 61/251.03 (2016), 5031 49 Street, Lots 7 & 8 Block 4 Plan RN1 , Relocation of Existing Greenhouse and Location of New Greenhouse, zoned C1 - Central Commercial District

The applicants were in attendance to provide information and answer questions.

Development Officer Deb Bonnett presented information regarding the application for the relocation of an existing greenhouse and the location of a new greenhouse at 5031 49 Street. The existing retail, wholesale, and export business operating from this site provides forage, turf, and other seed varieties for sale, both nationally and internationally. The business also has a year-round gift and garden centre, where through the spring and summer months, garden seed, bedding plants, and trees and shrubs are sold. The new greenhouse is being considered to be an addition to the existing building on the site for the purpose of storage and retail sales and is considered as a permitted use.

Altering the location of a building on a parcel which has already been constructed on that parcel is considered a discretionary use. The relocation of the existing greenhouse on the parcel is therefore considered as a discretionary use and is being referred to the Municipal Planning Commission for consideration. The older greenhouse will continue to be used for storage and retail sales.

Thirty one (31) property owners within 60m of 5031 49 Street were notified of the application. No responses were received.

The greenhouse being applied for has already been constructed and has been located where the prior greenhouse was previously sitting. The location of this greenhouse on site was required to replace the smaller greenhouse that had been damaged by hail. With the location of the new greenhouse on site, the smaller greenhouse was repaired and relocated further to the rear of the parcel. All setback requirements for this District as outlined in the City's Land Use Bylaw are being met, and the maximum lot coverage is not being exceeded.

The purpose of both greenhouses is to provide storage space and additional retail space for the existing business on site. Trees, shrubs, and plants sold from the greenhouse during the spring and summer months are brought in from another location.

The main building for the business operating on this site is located on 5039 49 Street (Lots 8/9), while both greenhouses have been located on 5031 49 Street (Lot 7/8). In addition, 5027 49 Street (Lot 6), 5023 49 Street (Lot 5) and 4809 51 Avenue (Lot 11) are all used as storage for the business. The existing business has therefore expanded over six separate parcels, with five of these parcels being located fronting onto 49 Street, and one of the parcels being located across the laneway to the east, at the rear of the five lots. As all parcels are currently being used for the business, it is recommended that the applicant be required to consolidate the five lots (Lots 5-9 Block 4 Plan RN1) into one title. This is because the bylaw does not permit storage as its own use on a lot without a principal building. As the remaining lot (4809 51 Avenue) is separated from the others by a laneway, this parcel should retain its own title.

Storage for this business has been provided for by the use of semi trailers that have been located on the parcels as noted above. Semi trailers for the purpose of storage of materials are not listed as either a permitted or discretionary use in the City's current Land Use Bylaw, or in the proposed new Land Use Bylaw. The applicant will need to remove the semi trailers that are currently being used for storage on the parcels over a period of time. If storage is required, consideration should be given to the construction of new buildings on the parcels.

The business has been located on the existing site for 60 years. Staff parking for five vehicles has been provided at the rear of the building located on the most northerly parcel. Including the addition of the greenhouse on the property for the purpose of retail sales, the number of parking spaces required totals 39 spaces. If approval is granted for the additional retail space on the property, an 88% variance will be required to the number of parking spaces provided on site.

The applicants had concerns regarding the proposed conditions. They indicated that as the lots were under different ownerships, it would be difficult to consolidate the lots into one parcel. They also indicated concern with the conditions relating to the removal of trailers on the lot, and further concern about the removal of trailers on adjacent lots.

After further discussion regarding the conditions, one condition was removed and one modified.

MOVED: Member Rempel

"RESOLVED that the Municipal Planning Commission approve an 88% variance to the number of parking spaces required for the existing retail business located at 5031 49 Street, Lot 7/8 Block 4 Plan RN1 zoned C1, and further, that approval be granted for the construction of a new greenhouse and for the relocation of an existing greenhouse to another location on the same parcel, both to be used for the purpose of storage/retail sales.

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 this development permit.
4. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
5. Applicant is to obtain a City of Lacombe building permit for both the new greenhouse and the relocated greenhouse.
6. Applicant to apply for and obtain applicable electrical, plumbing and/or gas permits.
7. Applicant is to ensure that both greenhouses are used for storage and/or retail space only. The primary purpose of the greenhouse shall be for retail sales and not for the growing of plants.
8. Applicant shall remove the existing semi trailers on 5031 49 Street (Lot 7 and 8, Block 4, Plan RN1) no later than October 31, 2018. Prior to Building Permit issuance, a deposit in the amount of \$2,000 will be required to ensure removal of the semi trailers by that date. The deposit will be refunded once all semi trailers have been removed from the parcels.
9. Applicant shall be required to submit a Development Deposit of \$2,000.00 prior to receipt of the Building Permit, refundable upon meeting the conditions of the development and building permit.
10. Applicant is to ensure the site is neat and tidy, and free of noxious weeds.
11. Applicant shall maintain a valid City of Lacombe business license.
12. The decision of the Municipal Planning Commission/Development Officer 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 this decision is subject to an appeal period which ends on June 9, 2016 at 4:30pm.

5. BUSINESS

A. Next MPC Meeting: Wednesday, June 1, 2016

6. ADJOURNMENT

MOVED BY: Member Gallant

THAT this meeting now adjourns at 6:01 p.m.

CARRIED: Unanimously

Chairperson Badry

Date