



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 080316

DATE: August 3, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

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

REGRETS: Steve Christie Mayor
Wayne Rempel Councilor

STAFF: Gail Long, Development Officer
Deb Bonnett, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Badry at 5:00 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Konnick

THAT the Agenda be adopted as amended.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Gallant

That the Municipal Planning Commission minutes for July 20, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

- A. 61/251.65 (2016), 27 Willow Crescent, Lot 16 Block 1 Plan 782 3298, Side Yard Setback Variance for Existing Deck, zoned R1c – Smaller Lot Single Detached Dwelling**

The applicant was in attendance to provide additional information and answer questions if required. The applicant indicated that his deck has been on the parcel for several years and is encroaching 0.08m onto his neighbours lot. Both he and the neighbour are in agreement that the existing deck should remain as it currently exists, with the understanding that if the deck is ever replaced, that it be setback in order to comply with the City of Lacombe's bylaws.

Development Officer, Deb Bonnett presented information regarding the application. An application has been received requesting a variance to the side yard setback requirements as it applies to the location of an existing rear yard deck at 27 Willow Crescent (Lot 16, Block 1, Plan 782-3298). The existing patio is .25 m in height and therefore does not require a building permit, however, it is required to meet the requirements of the Land Use Bylaw.

A total of twenty (20) property owners within 60m of the subject site were notified. At the writing of the agenda, two letters of support have been received, one with the following comment:

- New owner should agree to resolve issues with the deck if and when deck is rebuilt.

The Land Use Bylaw requires that a 1.5m side yard setback be provided in the R1c District. The bylaw states that this requirement may be reduced to .75m if the deck is less than .3 meters in height. The deck was constructed 0 meters from the side boundary, requiring a 100% variance. The deck also encroaches onto the adjacent property 0.08m. While the adjacent landowner and the applicant could enter into an agreement to allow the encroachment, the Planning Department is recommending that the encroachments be removed. However, it was noted that as both landowners are in agreement, that an encroachment could be entered into between the two landowners to allow the existing deck to remain at its current location.

Recommendations:

While the dwelling unit was constructed in 1979, there is no record of when the deck was constructed. To date no complaints have been received regarding the deck, therefore the Planning and Development is recommending approval subject to the conditions listed.

MOVED: Member Konnick

“RESOLVED that the Municipal Planning Commission approve a side yard variance of 100% as it applies to the location of an existing deck at 27 Willow Crescent, Lot 16, Block 1, Plan 782 3298, 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. The applicant enter into an encroachment agreement with the adjacent landowner, to the satisfaction of the City of Lacombe, be registered on title on both parcels. If and when the deck is reconstructed, it is to be constructed in accordance with the City of Lacombe's Land Use Bylaw.
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.

Please note that this decision is subject to an appeal period which ends on August 25, 2016 at 4:30pm.

CARRIED: Unanimously

B. 61/251.61 (2016) 22 Cedar Close, Lot 16 Block 8 Plan 782 3298, Side Yard Setback Variance for an Existing Detached Dwelling and the Construction of a Front Deck – zoned R1c – Smaller Lot Single Detached Dwelling

The applicant was not in attendance.

Development Officer Deb Bonnett presented information regarding the application for the addition of a deck to be constructed on the front of the existing residence. The proposed deck measures 2.2m x 5.1m and will be .8m in height. Prior to consideration of the deck, a side yard setback variance will be required to the existing detached dwelling to make it a conforming building.

A total of forty (40) property owners within 60m of the subject site were notified. Five responses have been received, 4 in support and one in opposition to the application. Comments included:

- Beer on the deck every Friday.
- I support this as it would look nice thus improving the neighborhood.

- With regards to your letter dated July 13, 2016, an application for a 11% yard variance at 22 Cedar Close.
- The family at 22 Cedar Close has no respect for surrounding neighbours as well as the city bylaws. Listed below are reasons while I feel this is the case.
- I am concerned that the details made to the City of Lacombe and what will actually be constructed will differ. The reason that I feel this will be the case is the applicant was talking to our back neighbour regarding replacing the back fence and the maximum height allowed came up and he said – don't worry about that.
- In discussion with the neighbours to the east and south of 22 Cedar Close we all felt that the height and size of the back deck that the applicant had constructed last year has impacted our privacy and I am concerned that the deck plans for the front will do the same.
- When <he> first moved in, he was talking to my husband who was telling him how the previous owners would burn their household garbage and yard waste in their fire pit and <he> said – I am going to be one of those neighbours. He has lived up to his word. A neighbour from the close was walking by one day and asked us who was burning their garbage as ashes were landing everywhere. The family has several fires weekly, there is no grill cover, often the fire is left unattended with a large blaze. When they have a fire on a windy night, I am worried about the possible damage to our siding. On warm days, in the evening, we are not able to open windows to cool our house down as they usually have a fire burning. The smell quickly comes inside to the point that we are considering changing the cold air intake to the front of the house to see if this would help the matter. In the past, I have discussed this with the bylaw office, provided photos and there has been no change.
- This family has two dogs that bark for long periods of time, and they allow their cat to roam freely.
- I do not understand why these neighbours feel that they do not need to follow the city bylaws.
- I am unable to attend the meeting on August 3rd, if this date and time changes, please let me know. Yes – I am the registered owner along with my husband.
- Please be advised that I oppose this application for the yard variance.
- Please confirm that you have received my email by the deadline date. If any additional information is needed, please let me know.
- Thanking you for the consideration.

City records indicate that the detached dwelling has been located on the property since 1983. The side yard requirements at that time were 1.2 m left & right, however the current bylaw requires side yards of 1.5 meters left and right.

The detached dwelling is currently considered to be a non-conforming building. The dwelling can continue to exist, but may not be enlarged, added to, rebuilt, or structurally altered except to make it conform, or for general maintenance. A 12% variance for the side yard setback is required in order to make the detached dwelling a conforming building.

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 front deck can then be processed and issued. The proposed deck will be 2.2 m x 5.1 m. The front of the house is currently 5.9M from the front property boundary. The required setback is 6m.

Recommendations:

The detached dwelling has been located on the property for 33 years. To date no complaints have been received regarding either development. Planning and Development Services is therefore recommending approval as submitted subject to the conditions listed.

MOVED: Member Gallant

“RESOLVED that the Municipal Planning Commission approve a 12% variance to the side yard setback as it applies to the location of an existing dwelling and to allow for the construction of the front yard deck at 22 Cedar Close, Lot 16 Block 8 Plan 782 3298, 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 prior to construction of the deck.
5. Applicant to ensure that the deck matches or is complimentary to the primary dwelling unit in color and materials.
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 August 25, 2016 at 4:30pm.

CARRIED: UNANIMOSLY

C. 61/251.65 (2016), 107 Woodland Drive, Lot 80 Block 2 Plan 012 5918, Existing Dwelling Unit and Proposed Secondary Suite, zoned R1c - Smaller Lot Single Detached Dwelling

The applicants were in attendance to provide additional information and answer questions. They indicated that the secondary suite is required to allow them to share the home with his parents.

Development Officer Deb Bonnett presented information regarding an application for construction of a secondary suite to be located at 107 Woodland Drive, Lot 80, Block 2, Plan 012 5918. Secondary suites are considered a discretionary use in the R1c district; therefore the application is being presented to the Municipal Planning Commission for consideration.

A total of thirty three (33) property owners within 60m of the subject site were notified. Two responses have been received, one opposing the application & one supporting with the following comments:

- **Opposed** - These are single family dwellings and I would like them to stay that way, property values on others may drop. Also street parking will be an issue as possibly 2 more cars on the street, extra cars will be parking in front of the neighboring houses which leaves some of the neighbors with no street parking in front of their house. This I believe was a property just purchased and single family dwelling should be kept.

- **Support** - We have received a notice for Neighbouring Properties Consultation with regards to a secondary suite development application for 107 Woodland Drive.
 - As homeowners and home business owners on Woodland Drive, we applaud anyone who takes initiative to develop their property. As such, we support the application with the following concerns:
 - The parking is already an issue on Woodland Drive with several cars per household using the main street for their parking purposes. We are concerned that the creation of a secondary suite is going to negatively affect the amount of traffic already on this main thoroughfare. We also hope that the owner will maintain the outside aesthetic of their property even though it will become a rental suite.
 - Thank you for listening to our concerns.

The primary dwelling has a total floor area of 254.2m² and meets all LUB requirements. A secondary suite is allowed to occupy no more than 75m² or a maximum of 40% of the total floor area of a detached dwelling (101.7m²), whichever is less.

The plans submitted with the application indicate that the secondary suite, proposed to be located in the lower 2 levels in the home, and will be 74 m² (795 sq ft) in size.

The landowner has indicated that parking for the suite will be provided at the rear of the property. Two parking spaces are required and have been provided for, adjacent to the detached garage. Parking spaces are required to be 2.75 m x 6 m. There is adequate space for both.

Access to the suite will be through the back entrance. A hard surface path connecting the back entrance to the parking spaces is required.

Section 9.8 (11) regulates the concentration of secondary suites to 10% on a block. This particular block consists of 18 home sites, allowing for 2 secondary suites to be located within the block. Currently, no secondary suites have been approved in the block.

Recommendations:

As the application does not require any variances and this site will be the first secondary suite to be located in this particular block, the Planning and Development Department supports the application as submitted and recommends approval subject to the conditions attached.

MOVED: Member Konnick

“RESOLVED that the Municipal Planning Commission approve the application for construction of a 74 m2 secondary suite at 107 Woodland Drive, Lot 80, Block 2, Plan 012 5918, 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 display the assigned civic address at or near the front of the property so that it can be clearly read from the roadway.
5. Applicant to develop two (2) parking stalls (gravel pad) at rear of lot in accordance with the approved site plan.
6. Applicant to develop a paved path leading from the two (2) parking stalls (gravel) at the rear of the lot to the exterior access door for the secondary suite.
7. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
8. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
9. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$1,000.00.
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.

Please note that this decision is subject to an appeal period which ends on August 25, 2016 at 4:30pm.

CARRIED: Unanimously

D. 61/251.65 (2016), 3709 53 Avenue, Lot 7A Block 4 Plan 062 6665 , Oilfield Servicing Company - Dangerous Goods Occupancy & Location of a Gun Loading Facility (Magazine), **zoned I2 – Heavy Industrial District**

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

Development Officer, Deb Bonnett presented information regarding an application for the location of a gun loading facility as part of an oilfield servicing business to be located at 3709 53 Avenue, Lot 7A, Block 4, Plan 062 6665, zone I2 – Heavy Industrial. Dangerous goods - (explosives) will be stored on site. The building will be moved onto the site and will be utilized to load and store perforating guns for oil extraction, therefore the application is being presented to the Municipal Planning Commission for consideration.

A total of eleven (11) property owners within 60m of the subject site were notified. Two responses have been received, in support of the application, one with the following comment:

- City needs development and increased tax base.

The primary business is an oilfield servicing company which will be located at 3709 53 Avenue. A perforating gun Loading and storage (magazine) facility will be located on the site. The location of the facility will be permanent and will not be moved until decommissioned to a new site. All storage and loading will take place within the facility. Transportation of loaded guns (unarmed) does not require a magazine, however a security system is being used to ensure that no guns are tampered with once they have left the magazine and en-route to a site location. These facilities are strictly monitored by NRCAN – Natural Resources Canada – Explosives Regulatory Division, and all facilities require this approval.

A number of years ago, the NRCAN required strict setbacks to be provided for these facilities. A central Alberta manufacturing company successfully designed and manufactured a new improved gun loading facility which resulted in the required setbacks being reduced, however, there are specific setback requirements. NRCAN has approved the proposed location of this facility in principal. Final approval will be required prior to occupancy approval.

The Fire Department has reviewed the proposal and advised that they have no concerns with the proposed facility. Fire and explosion risks with appropriate mitigation measures have been identified by experts. A final inspection is required to ensure it has been built to the approved plan and the location is in accordance with the approved plan.

The Police Department has no concerns with the proposed facility in light of the mitigation and setbacks they are required to take.

This is the first facility of this kind within the City of Lacombe, however they are located in a number of locations in Central Alberta.

It appears that the landscaping and hard surfacing required when the initial development took place has been completed. However the parking curbs and pavement marking remain outstanding. These outstanding conditions will be included as conditions, if approval is granted. Eight parking spaces have been provided which meets the requirements of the Land Use Bylaw. The most easterly portion of the lot is not landscaped, however it is screened with solid fencing.

Recommendations:

The intent of a heavy industrial district is to provide an area for a variety of manufacturing, warehousing, transportation-related activities that may create nuisance factors apparent beyond the property boundaries.

The proposed location for the gun loading facility does meet the intent the I2 district within the Land Use Bylaw. All setbacks have been approved in principal. NRCAN closely monitors these facilities and ensures compliance with the Explosives Regulatory Division. Planning & Development is recommending approval of the application subject to the conditions listed below.

MOVED: Member Gallant

“RESOLVED that the Municipal Planning Commission approve the application for an oilfield servicing company and gun loading facility (magazine) at 3709 53 Avenue (Lot 7A, Block 4, Plan 062 6665), zoned I2 – Heavy Industrial District.

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. Confirmation that the gun loading facility has been located in accordance with NRCAN requirements prior to building occupancy approval.
5. 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.
6. Applicant is to obtain a City of Lacombe building permit prior to commencement of construction.
7. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
8. Prior to building permit issuance, a deposit will be required in the form of cash or letter of credit in an amount equal to 50% of the estimated cost installation of parking curbs and pavement markings 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 required parking curbs & pavement markings have been completed in accordance with the approved plan.
9. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$2,000.00.
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.

Please note that this decision is subject to an appeal period which ends on August 25, 2016 at 4:30pm.

CARRIED: Unanimously

5. BUSINESS

A. Subdivision and Development Appeal Board Decision

Members heard that the SDAB upheld the decision of the Municipal Planning Commission in regards to the overheight fence.

B. Next MPC Meeting: Wednesday, August 17, 2016

6. ADJOURNMENT

MOVED BY: Member Gallant

THAT this meeting now adjourns at 5:37 p.m.

CARRIED: Unanimously

Chairperson

Date