



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 012517

DATE: January 25, 2017

PLACE: City of Lacombe Council Chambers

TIME: 5:02p.m.

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

REGRETS: Wayne Rempel Councilor

STAFF: Deb Bonnett, Acting Manager, Planning & Development Services
Gail Long, Development Officer
Crystal Chappell, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:02p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member Badry

THAT the Agenda be adopted as amended.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member Gallant

That the Municipal Planning Commission minutes for December 21, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

A. 61/250.06 (2017), 4733 – 49A Avenue, Lot 30 Block 8 Plan 902 1481 - Variance for Existing Deck - Zoned: R4 Residential Mixed District

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

Development Officer, Gail Long, presented information regarding the application to legalize an existing deck requiring a side yard setback variance located at 4733 – 49A Avenue and referred it to the Municipal Planning Commission for consideration.

Neighboring property consultations are required as part of the Public Consultation Policy. Pursuant to this policy, a total of thirty four (34) property owners within 60m of the subject site were notified. At the writing of this report, three responses had been received, all in support of the application. No comments were included.

It was reported that the existing deck is located at the rear of the row-house unit 0.00m from the side property boundary. The Land Use Bylaw requires that a 1.50m side yard setback be maintained for all decks greater than 0.60m above grade, The Bylaw does not address projections into the side yard for decks constructed at the front or rear of residential units sharing a common wall. The existing deck is 0.69m above grade, requiring a 100% variance to the side yard setback requirement.

A review of the files for this property indicated that no Building Permit had been applied for or issued for the existing deck. As the deck is greater than 0.60m in height, the applicant will be required to apply for a Building Permit.

The deck also encroaches onto the adjacent property 0.03m.

While the dwelling unit was constructed in 1990, there is no record of when the deck was constructed. As neighbouring landowners have expressed no concern regarding the location of the deck, Planning and Development is recommending approval subject to conditions.

MOVED: Member Gallant

“RESOLVED that the Municipal Planning Commission approve a side yard variance of 100% as it applies to the location of an existing deck at 4733 49A Avenue, Lot 30 Block 8 Pan 902 1481, zoned R4.”

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

1. This permit indicates that only the development to which it relates is authorized with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.

3. 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 affected landowners (Lots 30 & 29, Block 8, Plan 902 1481) shall enter into an encroachment agreement to the satisfaction of the City of Lacombe, which states that the existing deck encroachment may continue until such time as the deck is re-built. At that time, the landowner (Lot 30) shall construct the deck in accordance with the requirements of the Land Use Bylaw. The agreement shall be registered on both land titles no later than June 30, 2017. All costs for same shall be the responsibility of the Landowner (Lot 30, Block 8, Plan 902 1481). In the event that the neighbour does object to the encroachment of the deck on their property, the deck encroachment of 0.03 m onto Lot 29 shall be removed by June 30, 2017.
5. Applicant to apply for and obtain a building permit for the existing deck.
6. The decision of the Municipal Planning Commission being placed on the City's web page, 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 February 8, 2017 at 4:30pm.

CARRIED: Unanimously

B. 61/250.00 (2017), Secondary Suite, 22 Mackenzie Crescent Lot 35 Block 2 Plan 072 5969 - Secondary Suite - Zoned R1: Residential Detached District

The applicants (x2) were in attendance to provide additional information and answer questions if required.

Development Officer, Gail Long presented information regarding the application for a secondary suite to be located at 22 Mackenzie Crescent. As a secondary suite is a discretionary use in the R1 District, the application is being referred to the Municipal Planning Commission for consideration.

A total of thirty-three (33) property owners within 60m of the subject site were notified. At the writing of this report, eight responses had been received; 1 respondent supported the application while 7 respondents opposed the proposed development.

The comments were presented in the report packages.

A secondary suite is allowed to occupy no more than 75 m² or a maximum of 40% of the total floor area of a principal dwelling, whichever is less. Blueprints of the home on this lot indicate a main floor area of 105.26 m² and a lower floor area of 103.03 m².

The City's Land Use Bylaw requires that all spaces associated with a suite shall be included in the size calculations, including utility rooms. The applicant has advised that the secondary suite, proposed to be located in the lower level in the home, will be 37.72 m² in size, with a shared space equivalent to 11.12 m². Considering the size of the secondary suite only, the suite will occupy 18% of the total floor area of the residence; when the shared space is included, the suite will occupy 23.5% of the total floor area. The proposed secondary suite to be located in the home does not exceed the maximum size limitation or the total floor area/suite ratio, as outlined in the City's Land Use Bylaw. No variances will be required.

As the secondary suite will contain only one bedroom, only one parking space will be required for the occupants of the secondary suite. A hard surfaced parking pad providing for 5 parking spaces has been located across the entire width of the property in the rear yard to provide parking for both the residents of the home and residents of the secondary suite. A hard surfaced path from the parking area to the rear entry door has been provided to serve as access to the home.

With the adoption of Land Use Bylaw 400, the concentration of secondary suites on a block was increased from 10% to 12% (Section 9.11.16), allowing for 1 additional secondary suite within this block. If approved, this will be the fourth and final secondary suite located within this particular block.

As the Planning & Development Department has received no responses to the circulation notice sent to neighbouring landowners, and as it appears the development will have minimal effect on adjacent landowners, Planning and Development Services supports the application as submitted and recommends approval subject to conditions.

MOVED: Member Badry

RESOLVED that the Municipal Planning Commission approve the location of a 48.84 m² secondary suite to be located at 22 MacKenzie Crescent, Lot 35 Block 2 Plan 072 5969, zoned R1.

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 building permits and any necessary electrical, plumbing and gas permits for the secondary suite located in the structure and is to confirm that the secondary suite is fully compliant with the Alberta Building Codes within one year of Building Permit issuance.
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 to develop one (1) parking space (hard surfaced) at rear of the lot in accordance with the approved site plan.
7. Applicant to develop a hard surfaced pathway leading from the parking area at the rear of the lot to the exterior access door for the secondary suite.
8. Applicant shall be required to submit a Development Deposit of \$1,000 prior to receipt of the Building Permit.
9. 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 February 10, 2017 at 4:30pm.

CARRIED: Unanimously

5. BUSINESS

A. Next MPC Meeting: Wednesday February 15, 2016

6. ADJOURNMENT

MOVED BY: Member Badry

THAT this meeting now adjourns at 5:18 p.m.

Chairperson

Date