

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
April 12, 2022

Present:

Councillors Gord Lawlor, Wayne Smith, Scott Pfeiffer, Travis Randell and Kurt Baker, Director of Planning and Development Leann Graham and Planning & Operations Clerks Angela Stormeon and Maddie Standage

1. **Call to Order:** Chairman Scott Pfeiffer called the meeting to order at 8:32 A.M.

2. **Additions to Agenda**

None.

3. **Approval of Agenda**

Moved by Councillor Kurt Baker to accept the agenda as presented.

MOTION CARRIED

Unanimous

4. **Confirmation of the May 12, 2022 MPC Meeting Minutes**

Moved by Councillor Wayne Smith that the Minutes of the May 12, 2022 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

Planning and Operations Clerk Angela Stormeon noted that a building permit was pulled for development permit 3360-2022 which was previously approved by Municipal Planning Commission. Through the issuance of the building permit the placement of the shed will change slightly from what Planning Commission previously approved. Building code enforces a 5 meter separation distance for accessory structures from walls of the existing structure which are 20 feet in length and a 4 meter separation distance from 10 feet in length walls.

6. **Development Application:** 3366-2022

Applicant: Nishad Faraludeen

Legal: Lot 19, Block 3, Plan 943MC

Municipal: 5728 – 41 Avenue

Proposed Development: Temporary Structure

Planning and Operations Clerk Angela Stormeon read a report that follow:

General:

The applicant is proposing to install a temporary structure on the above referenced property. The temporary structure is a 13' x 20' and 10' high tarped garage, it is proposed to be located in the side yard with a driveway off the front street. The Land Use Bylaw requires Municipal Planning Commission approval for all temporary structures and in a residential district the permit is only valid for a 24 month period at which time the applicant will need to re-apply or remove the temporary structure.

The applicant is requesting a 4.15 square meter variance for the size of the temporary structure in regards to Section 56.1.2(a) which indicates a temporary structure should not be greater than 20 square meters.

Development Review:

Section 56: Temporary Structures

56.1 A temporary structure may not be erected without permission of the Municipal Planning Commission which may be granted as follows:

56.1.1 Any district other than a residential district subject to the owner agreeing to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;

56.1.2 A residential district provided that:

(a) No such temporary building shall have a floor area of 20.0 square metres, be more than 3.0 metres in height or set back less than 1.2 metres from the side and rear property lines; and

(b) The owner enters into an agreement to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;

(c) There shall be no more than one temporary structure per site;

(d) A temporary building being used as a garage must be placed in the rear yard only;

(e) In the case of a pre-manufactured temporary building, the elevations shall be subject to approval of the Municipal Planning Commission; and

(f) The building is completed in accordance with the terms stipulated by the Development Authority, provided that the temporary building permit shall expire at the end of 24 months, unless renewed by the Development Officer for a further term, and that such building will comply with this Bylaw.

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw.

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

1. The owner/applicant receive a temporary permit for a temporary structure expiring 2 years after date of issuance;
2. The applicant receives a 4.15 square meter variance on the permitted area for the temporary structure;
3. The Temporary Structure – Tarped Garage must be of new condition;
4. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
5. The owner/applicant must ensure the side yard setback is 1.2 meters as per Section 56.1.2(a) of Land Use Bylaw #2060-15;
6. The owner/applicant must ensure the driveway accessing the temporary structure from 41 Avenue be of hard surface as per Section 57.2.2;
 - a) For any residential dwelling with required parking which accesses a paved street or land, the required parking stalls shall be surfaced with asphalt, concrete or a similar material within one year of occupancy of the development.
7. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
8. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
9. The proposed development (Temporary Structure - Tarped Garage) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;

Alternatives:

Defeat the application stating reasons.

Discussion

Councillor Wayne Smith asked about the placement of the temporary structure in regards to Section 56.1.2(d) which states *a temporary building being used as a garage must be placed in the rear yard only*. Planning and Operations Clerk Angela Stormeon explained because of the corner lot technically the applicant doesn't have a rear yard and the parcel has two front yards and two side yards. Additionally, it was discussed that the triangle shape of the lot limits the applicants rear yard space and Municipal Planning Commission has the authority to give variance to the Land Use Bylaw regarding this.

Discussion ensued regarding the visual appearance of the temporary structure as it is already in place. It was noted that the tarped garage style of temporary structure can enter into an unsightly state quickly. Given the placement of the temporary structure being visible from 41 Avenue it was discussed whether the application should be given a 24 month expiry or lessen it to 12 month.

Councillors discussed the current state of the gravel driveway. It was noted by Director of Planning and Development Leann Graham that the development permit application is inclusive of the driveway and there is a condition that it has to be of hard surface should Municipal Planning Commission approve the application.

Moved by Councillor Gord Lawlor to approve the application with the change to Condition #1 stating "The owner/applicant receive a temporary permit for a temporary structure expiring **1 year** after date of issuance".

MOTION CARRIED

Unanimous

7. **Development Application:** 3368-2022

Applicant: Dan Paterson

Legal: Lot 15, Block 48, Plan 2849HW

Municipal: 4909 – 44 Street

Proposed Development: Temporary Structure

Planning and Operations Clerk Angela Stormeon read a report that follow:

General:

The applicant is proposing to install a temporary structure on the above referenced property. The temporary structure is a 10' x 20' and 7' high tarped garage, it is proposed to be located behind the garage in the rear yard. The Land Use Bylaw requires Municipal Planning Commission approval for all temporary structures and in a residential district the permit is only valid for a 24 month period at which time the applicant will need to re-apply or remove the temporary structure.

Development Review:

Section 56: Temporary Structures

56.1 A temporary structure may not be erected without permission of the Municipal Planning Commission which may be granted as follows:

56.1.1 Any district other than a residential district subject to the owner agreeing to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;

56.1.2 A residential district provided that:

(a) No such temporary building shall have a floor area of 20.0 square metres, be more than 3.0 metres in height or set back less than 1.2 metres from the side and rear property lines; and

(b) The owner enters into an agreement to remove such a building in accordance with the terms and conditions stipulated by the Municipal Planning Commission;

(c) There shall be no more than one temporary structure per site;

- (d) A temporary building being used as a garage must be placed in the rear yard only;
- (e) In the case of a pre-manufactured temporary building, the elevations shall be subject to approval of the Municipal Planning Commission; and
- (f) The building is completed in accordance with the terms stipulated by the Development Authority, provided that the temporary building permit shall expire at the end of 24 months, unless renewed by the Development Officer for a further term, and that such building will comply with this Bylaw.

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw.

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

- 10. The owner/applicant receive a temporary permit for a temporary structure expiring 2 years after date of issuance;
- 11. The Temporary Structure – Tarped Garage must be of new condition;
- 12. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
- 13. The owner/applicant must ensure the side and rear yard setbacks are 1.2 meters as per Section 56.1.2(a) of Land Use Bylaw #2060-15;
- 14. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
- 15. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
- 16. The proposed development (Temporary Structure - Tarped Garage) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;

Alternatives:

Defeat the application stating reasons.

Discussion

Councillor Gord Lawlor brought up his concern that the tarped garage style of temporary structures can enter into and unsightly state quickly and questions if Planning Commission should lessen the timeline of the issued permit. Discussion ensued regarding the placement of the proposed structure being in the rear yard and adjacent to the back alley.

Moved by Councillor Wayne Smith to approve the application as presented.
MOTION CARRIED

Unanimous

8. **Development Application:** 3371-2022
Applicant: Ron Snobelen
Legal: Lot W Pt., Block 18, Plan 1800U
Municipal: 5840 – 50A Avenue
Proposed Development: Addition

Planning and Operations Clerk Angela Stormeon read a report that follow:

General:

The applicant is proposing an addition in the front of their house. The house currently sits at the 6 meter minimum front yard set back with a boxed entrance extending into the front yard by 1.9 meters having a 4.1 meter front yard setback. The addition that is being proposed will bring the section of the house on the west side of the entrance to a matching 4.1 meter setback. The applicant is requesting a variance of 1.9 meters for the addition.

Development Review:

Land Use District – R2 – Residential General
Existing Land Use – Dwelling, Single Detached
Minimum Front Yard Set Back – 6 meters
Proposed Front Yard Setback – 4.1 meters

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw.

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

17. The owner/applicant receive a front yard variance of 1.9 meters;
18. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15;
19. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by the Alberta Building Code;
20. Compliance with the provisions of Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;
21. The proposed development (Addition) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
22. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;

23. The owner/applicant must obtain a building permit for this development. (In order to obtain a building permit all proper documentation, plans, and fees must be in place). If construction commences prior to a building permit being obtained the building permit fee shall be doubled in accordance with Town of Stettler Policy IV-1.

Alternatives:

Defeat the application stating reasons.

Discussion

Councillor Gord Lawlor summarized his interpretation of the proposed plan explaining that because the proposed setback already exists for a section of the house the overall setback wouldn't change for the house. Planning and Operation Clerk Angela Stormeon confirmed that the applicant isn't proposing a new setback but rather a widening of an already existing setback that is less than the minimum setback set by our Land Use Bylaw.

Moved by Councillor Gord Lawlor to approve the application as presented.

MOTION CARRIED

Unanimous

9. **Development Application:** 3372-2022

Applicant: Stephen Penner

Legal: Lot 44, Block 3, Plan 7620191

Municipal: 6108 – Spruce Drive

Proposed Development: Relocation of Mobile Home

Planning and Operations Clerk Angela Stormeon read a report that follow:

General:

The applicant is proposing to relocate a 20' x 76' mobile home to 6108 – Spruce Drive. The mobile home was constructed in 2008 and as such it is considered a discretionary use in the R3A: Mobile Home Subdivision Land Use District as it exceeds eight years of age from the date of application for a development permit.

The applicant is also requesting a 1.7 meter rear yard variance as the length of the mobile home will not be able to fit on the lot and be able to meet both the 6 meter front yard setback and the 3 meter rear yard setback.

The applicant has indicated that they are planning to replace the skirting when they move the trailer.

Based on the photos submitted by the applicant the proposed 2008 mobile home will not detract the neighborhood.

Appendix A – Proposed 2008 Mobile Home

Development Review:

Land Use District – R3A: Mobile Home Subdivision

Discretionary Use – “Mobile Home > Eight (8) years of age from the date of Development Permit Application”

Minimum Rear Yard Setback – 3 Meters

Proposed Rear Yard Setback – 1.3 Meters

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw.

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

24. The owner/applicant receives a 1.7 meter rear yard variance;
25. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw 2060-15;
26. The owner/applicant must ensure that the undercarriage of a mobile home shall be screened from view by skirting or such other means satisfactory to the Development Officer/Municipal Planning Commission in accordance with 38.3 of the Land Use Bylaw 2060-15;
27. The owner/applicant shall ensure all accessory structures to a mobile home such as patios porches, additions, skirting and storage facilities shall be fabricated so that the appearance complements the mobile home to the satisfaction of the Development Officer/Municipal Planning Commission in accordance with 38.4 of the Land Use Bylaw 2060-15;
28. The owner/applicant is responsible for the cost and repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated the Alberta Building Code.
29. Compliance with the provisions of Land Use Bylaw 2060-15 does not exempt the owner/applicant from compliance with any provincial, federal, or other municipal legislation;
30. The owner/applicant must ensure the proposed development (Relocation of Mobile Home) shall be located in accordance with the approved plan;
31. The owner/applicant must submit any revisions in the site plan or alterations of the driveway and obtain approval from the Town of Stettler's Development Authority prior to construction;
32. The owner/applicant shall arrange for and obtain approval for compliance with the Alberta Building Code;
33. The owner/applicant must obtain a building permit for this development. (in order to obtain a building permit all proper documentation, plans. And fees must be in place). If construction commences prior to a building permit being obtained the building permit fee shall be doubled in accordance with Town of Stettler Policy IV-1.

Alternatives:

Defeat the application stating reasons.

Discussion

Director of Planning and Development advised that giving variances for setbacks in the R3A district is something that is becoming more common as mobile homes are constructed longer than when the subdivision was erected.

Councillor Kurt Bakers asked if there would be any concerns with varying the rear yard setback and having the mobile home closer to the rear property line. Discussion ensued regarding mobile home placement. Director of Planning and Development shared that ultimately there is no concern with varying the rear yard setback.

Moved by Councillor Kurt Baker to approve the application as presented.

MOTION CARRIED

Unanimous

10. The meeting adjourned at 9:54 A.M. on a motion by Councillor Wayne Smith.