

MUNICIPAL PLANNING COMMISSION

AGENDA

MARCH 30, 2023

8:30 A.M. – TOWN OFFICE – COUNCIL CHAMBERS

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the March 15, 2023 MPC Meeting Minutes
5. Business Arising from the Minutes
6. **Development Application:** 3440-2023
Applicant: Kneeland & Sons Construction Ltd.
Legal: Lot 4, Block 6, Plan RN54 and Lots 5A & 6A, Block 6, Plan 2483NY
Municipal: 4914, 4912, 4910 – 49 Street
Proposed Development: Duplex and Triplex
7. Adjournment

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
MARCH 15, 2023**

Present:

Councillors Gord Lawlor, Wayne Smith, Scott Pfeiffer, and Kurt Baker, and Planning & Operations Clerks Angela Stormoen and Maddie Standage

1. **Call to Order:** Chairman Wayne Smith called the meeting to order at 8:33 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 March 2, 2023 MPC Meeting Minutes**

Moved by Councillor Gord Lawlor that the Minutes of the March 2, 2023 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Business Arising**

None.

6. **Development Application:** 3435-2023

Applicant: Tru Fence Klassen & Associates

Legal: Lot 7, Block 8, Plan RN54

Municipal: 4908 – 51 Street

Proposed Development: Change of Use – Dwelling, Single Detached (existing)

Acting Director of Planning and Development, Angela Stormoen read a report that follow:

General:

The applicant is proposing to change the use of the existing building at 4908 – 51 Street from an office building to a dwelling, single detached (existing). As this building is located within the C1: Commercial Central District the use for Dwelling, Single Detached (existing) is listed as a discretionary use and requires Municipal Planning Commission approval.

The building at the above-mentioned address was originally built in 1930 as a single-family dwelling and still appears as such from the outside (as shown below). Currently the building is used as a realtor office and Town records show the change from residential to commercial use was 35-40 years.

The applicant has supplied photos of the main building and has indicated that the building does still resemble a house on the exterior and interior and would not require any extensive renovations to function as a dwelling. Additionally, there is a detached two car garage in the rear yard.

Furthermore, the proposed change is located within the same block as three existing permitted single-family dwellings.

Development Review:

Land Use District: C1: Commercial Central

Existing Land Use: Office Building

Proposed Use: Dwelling, Single Detached (existing)

DEFINITIONS:

“DWELLING, SINGLE DETACHED” means a residential building containing one dwelling unit intended as a permanent residence. Single detached dwellings must be of new construction and feature the following criteria: (i) Shall include single detached dwellings constructed offsite; (ii) All exterior walls of the floor area must be dimensioned at less than or equal to 3:1 length to width ratio; and (iii) All roof pitches must be a minimum of 3:12 ratio (3 feet of rise for 12 feet of run). All dwelling units must adhere to the provisions of the Alberta Building Code.

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw 2060-15.

Recommendation:

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

1. The owner/applicant must comply with all provisions of the Town of Stettler Land Use Bylaw #2060-15;
2. 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 Albert Building Code;
3. Compliance with the provisions of the Land Use Bylaw #2060-15 does not exempt the applicant from compliance with any provincial, federal, or other municipal legislation;

4. The proposed development (Change of Use – Dwelling, Single Detached (existing)) shall be located in accordance with the approved plan; any changes to the plan must be approved by the Town of Stettler.

Alternatives:

- Approve the application with additional conditions.
- Defeat the application stating reasons.

Discussion

Discussion ensued regarding the history of 4900 block on 51 Street and the change from residential to commercial in the past. Acting Director Angela Stormoen explained to the Board that the only residential allowed in the C1 District are those that are already existing, and nobody would be able to build a new house on this street with the current zoning.

Councillor Wayne Smith asked for clarification that the applicant is proposing a change in use but that the property will remain a C1 zoning. Acting Director Angela Stormoen confirmed that the change if use is a discretionary use in the C1 District and would be permitted dependent on MPC approval and no rezoning is required. Further, she explained that the change of use to residential would result in the property being taxed a residential rate as per the use.

Councilor Gord Lawlor asked for clarification regarding operating the business after a change to a residential use. Acting Director, Angela Stormoen advised that the commercial business would not be able to function out of the building once it is a residential use. Discussion ensued further.

Moved by Councillor Gord Lawlor to approve the application as presented (chang in use from office to dwelling, single detached (existing)) with the condition that the commercial business may operate until July 31, 2023.

MOTION CARRIED

Unanimous

7. The meeting adjourned at 8:43 a.m. on a motion by Councillor Scott Pfeiffer.



Request For Decision

Issue:

Development Permit Application: 3440-2023
Applicant: Kneeland and Sons Construction Ltd.
Proposed Location: Lot 4, Block 6, Plan RN54 and Lots 5A & 6A, Block 6, Plan 2483NY
Municipal: 4914, 4912, 4910 - 49 Street
Development: Duplex and Triplex

BACKGROUND

General:

The applicant is proposing to construct one duplex and one triplex over three lots currently addressed 4910, 4912, and 4914 - 49 Street and is requesting a variance to the rear yard setback.

The proposed development is located in Land Use District R2A: Residential Mixed District and as such the Dwelling, Duplex and Dwelling, Triplex are listed as permitted uses. However, the required rear yard setback is 7.5 meters and the proposed rear yard setback is 3.70 meters, therefore, the applicant is requesting a 3.80 meter variance for the rear yard setback.

Each unit will have a rear attached two car garage which meets the parking requirements as outlined in Land Use Bylaw 2060-15.

Furthermore, within the R2A: Residential Mixed District the front yard setback is at the discretion of Development Authority. The applicant is proposing a 6.61 meter front yard setback which will be consistent with the existing residential dwellings to the south of the proposed development (please see the attached arial image).

The applicant will be required to ensure all dwellings are built to the current Alberta Building Code standards, including proper fire separation between units, hard wired fire alarms, proper egress from basement windows, etc.

The applicant has expressed that there will be a subdivision following the development to create separate titles for each dwelling unit.

Development Review:

Land Use District – R2A: Residential Mixed District

Existing Land Use – Vacant

Proposed Land Use – Dwelling – Triplex

- Definition – means a building containing three dwelling units each with direct access to the outside grade, but not all units may have a separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

– Dwelling – Duplex

- Definition – means a building containing two dwelling units, either one above the other or side by side, each of which has an independent entrance, either directly from outside the building or through a common vestibule. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

Proposed Front Yard Setback – 6.61 meters

Required Front Yard Setback – At the discretion of the Development Authority

Proposed Rear Yard Setback – 3.7 meters

Required Rear Yard Setback – 7.5 meters

Proposed Side Yard Setbacks – Duplex 2.44 meters (south) 2.44 meters* (north)

– Triplex 2.44 meters* (south) 1.92 meters (north)

*measurement from proposed future property line

Required Side Yard Setbacks – 1.5 meters

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Town of Stettler Land Use Bylaw 2060-15.

RECOMMENDATION

Recommendation:

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

1. The owner/applicant receives a rear yard setback variance of 3.8 meters for each dwelling unit;
2. The owner/applicant shall provide the Town of Stettler with Security in accordance with Land Use Bylaw 2060-15 to ensure all water & sanitary connections are in accordance with the Town of Stettler's Director of Operational Services standards;
3. The owner/applicant must comply with all the provisions of the Town of Stettler Land Use Bylaw #2060-15.
4. 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;
5. 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;
6. The owner/applicant must provide two off street parking stalls per dwelling unit;
7. The proposed development (Duplex and Triplex) shall be located in accordance with the approved plan;
8. It is the owner/applicant's responsibility to ensure that lot grading and drainage are compliant with Section 51 of the Town of Stettler Land Use Bylaw #2060-15;
9. The owner/applicant shall ensure that all water, sanitary, and storm connections are approved by the Town of Stettler's Director of Operational Services;
10. Landscaping must be completed by the end of the first growing season following the date of approval;
11. The owner/applicant must submit any revisions of the blueprints to the Town of Stettler Development Authority for approval;
12. Applicant must provide the Town of Stettler with an Alberta Home Warranty registration number prior to issuance of each Building Permit;
13. Applicant must provide the Town of Stettler with an Alberta Energy Efficiency Report prior to issuance of each Building Permit;
14. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
15. The owner/applicant must obtain a building permit for each dwelling unit of this development following the mandatory 21 day appeal period. (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:

- Approve the application with additional conditions
- Defeat the application stating reasons.

Author:

Angela Stormoen acting for Leann Graham, Director of Planning and Development

DEVELOPMENT PERMIT APPLICATION FORM
TOWN OF STETTLER LAND USE BYLAW NO. 2060-15

6066 00008
605800008
604000009

APPLICATION # 3440-2023 TAX ROLL # 604000009

APPLICATION TYPE: COMMERCIAL: INDUSTRIAL: INSTITUTIONAL: RESIDENTIAL: OTHER: _____

PROJECT TYPE: NEW CONSTRUCTION: RENOVATION: DEMOLITION: CHANGE IN USE: OTHER: _____

APPLICANT: Kneeland Sons Const. Ltd ADDRESS: Box 629

CITY: Stettler PROV: AB POSTAL CODE: T0C 2C0

PHONE: 403 741 6624 FAX: _____ EMAIL: clinton.kneeland@gmail.com

REGISTERED OWNER: 1233911 AB Ltd ADDRESS: Stettler AB Box 113

ADDRESS OF PROPERTY TO BE DEVELOPED: 4910-4914-4954

LOT: SA+6A (4) BLOCK: 6 (6) REGISTERED PLAN: 2483NY (R054)

EXISTING USE: Vacant lots LAND USE DISTRICT: R2A

MAIN USE OF LAND AND OR BUILDINGS EITHER EXISTING OR PROPOSED: Bare land
proposed Row House development
One Triplex One Duplex

BUILDING OCCUPANCY CLASSIFICATION NEW or CHANGE: _____
*See Reverse for Major Occupancy Classifications and STETTLER REGIONAL FIRE DEPARTMENT REVIEW FORM

PARCEL TYPE: INTERIOR CORNER PARCEL AREA: 150 x 120

SETBACKS OF EITHER EXISTING OR PROPOSED BUILDINGS: _____

FRONT YARD: 25' SIDE YARDS: 5' and 8'
*Refer to Alberta Building Code High Intensity Residential Fire Standards if applicable

REAR YARD: 14' FLOOR AREA: 1349sq PARCEL COVERAGE: _____%

HEIGHT OF MAIN BUILDING: 25' NO. OF OFF-STREET PARKING STALLS: 10

EXISTING: _____ PROPOSED: 10 SIZE OF OFF-STREET LOADING SPACE: 150'

RTM OR MOBILE HOME MAKE OF UNIT _____ YEAR BUILT _____

PROPOSED ACCESSORY USE OF LAND AND OR BUILDINGS (garages, etc.) _____

SIZE OF ACCESSORY BUILDING: _____ X _____ X _____ IN HEIGHT

DISTANCE FROM REAR PARCEL BOUNDARY: _____ DRIVEWAY LENGTH: _____

DISTANCE FROM SIDE PARCEL BOUNDARY: _____ PARCEL COVERAGE: _____%

ESTIMATED COST OF THE PROJECT OR CONTRACT PRICE: 1,250,000

ESTIMATED DATES OF COMMENCEMENT AND COMPLETION: May 1st 2023 - Nov 1st 2024

DATE OF APPLICATION: March 29/2023 SIGNATURE OF APPLICANT: [Signature]

- APPLICATIONS SHALL BE ACCOMPANIED BY THE FOLLOWING:
- (1) A **NON-RETURNABLE PROCESSING FEE** (SEE POLICY IV-1 – BUILDING AND DEVELOPMENT PERMIT FEE SCHEDULE)
 - (2) A **SCALED SITE PLAN** IN DUPLICATE SHOWING THE TREATMENT OF LANDSCAPED AREAS, IF REQUIRED, THE LEGAL DESCRIPTION, THE FRONT, REAR AND SIDE YARDS, IF ANY, ANY PROVISION OF OFF-STREET LOADING AND VEHICLE PARKING, AND ACCESS AND EGRESS POINTS TO THE PARCEL.
 - (3) **SCALED FLOOR PLANS, ELEVATIONS AND BUILDING SECTIONS** IN DUPLICATE.
 - (4) FURTHER INFORMATION MAY ALSO BE REQUIRED.

- NOTE:**
1. THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE REQUIRED INFORMATION IS NOT SUPPLIED OR WHERE, IN HIS/HER OPINION, THE QUALITY OF THE MATERIAL SUPPLIED IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.
 2. THE DEVELOPMENT OFFICER MAY DEAL WITH AN APPLICATION WITHOUT ALL OF THE INFORMATION REQUIRED, IF HE/SHE IS OF THE OPINION THAT A DECISION ON THE APPLICATION CAN BE PROPERLY MADE WITHOUT SUCH INFORMATION.

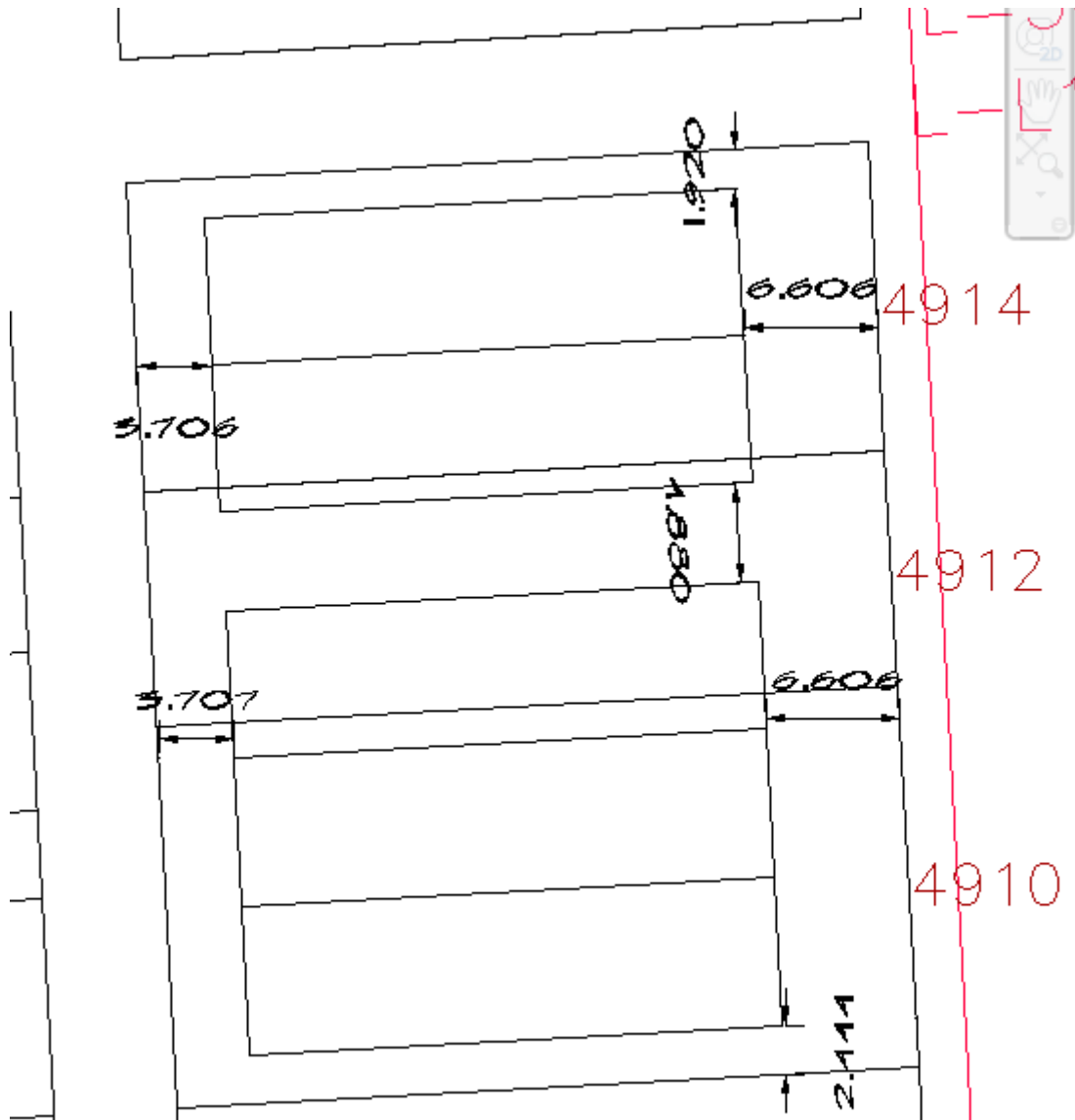
The personal information on this form is collected under the authority of Section 32 of the Alberta Freedom of Information and Protection of Privacy Act. The information will enable us to process your application and is necessary for municipal operations.

TOWN OF STETTLER OFFICE USE ONLY:

Building Permit Required: <input type="checkbox"/>	MPC Required: <input type="checkbox"/> MPC Date: _____ MPC Approval: _____
Business License Required: <input type="checkbox"/>	Alberta Transportation Review (adjacent to Hwy 12 or 56): <input type="checkbox"/>
County Referral Required: <input type="checkbox"/>	Alberta Environment Review (adjacent to Red Willow Creek or Cold Lake): <input type="checkbox"/>
Fire Department Review: <input type="checkbox"/>	Advertisement Date: _____ Permit Issue Date: _____
Engineering Review: <input type="checkbox"/>	Application Accepted By: _____
Water: <input type="checkbox"/> Transportation: <input type="checkbox"/>	Application Approved By: _____

75 + 100 = 175
50

Site Plan



Current Air Photo



Setbacks of Neighbouring Properties R2A District

*Approximate Values



Front Yard Setback: 4m

Read Yard Setback: 24m

Front Yard Setback: 6m

Read Yard Setback: 20m

Front Yard Setback: 5m

Read Yard Setback: 21m



Front Yard Setback: 7m

Rear Yard Setback: 11m

Front Yard Setback: 6m

Rear Yard Setback: 9m

Setbacks of Neighbouring Properties C1 District

*Approximate Values



Front Yard Setback: 6m

Rear Yard Setback: 3m

Front Yard Setback: 4m

Rear Yard Setback: 5m