

MUNICIPAL PLANNING COMMISSION

AGENDA

July 11, 2023

8:30 A.M. – TOWN OFFICE – UPSTAIRS MEETING ROOM

1. Call to Order
2. Additions to the Agenda
3. Approval of Agenda
4. Confirmation of the June 29, 2023 MPC Meeting Minutes
5. Business Arising from the Minutes
6. **Development Application:** 3458-2023
Applicant: Tyler Volker
Legal: Lot 11, Block 18, Plan RN54A
Municipal: 4701 – 49 Street
Proposed Development: Deck and Fence
7. Adjournment

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
June 29, 2023

Present:

Councillors Cheryl Barros, Gord Lawlor, Wayne Smith, Scott Pfeiffer, Travis Randell and Kurt Baker, Acting Director of Planning and Development Angela Stormoen and Planning & Operations Clerk Maddie Standage and Maya Brennan

1. **Call to Order:** Chairman Cheryl Barros called the meeting to order at 8:28 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 June 13, 2023 MPC Meeting Minutes**

Moved by Councillor Gord Lawlor that the Minutes of the June 13, 2023 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

6. **Development Application:** 3457-2023
Applicant: Brian Pothier/Katarina Sobchak
Legal: Lot 8&9, Block 39, Plan 2442 AE
Municipal: 4502 – 50 Avenue
Proposed Development: Garage

A report prepared by the Director of Planning and Development was received as follows:

General:

The applicant is proposing to construct a new 6.0 m x 7.0 m x 6.5 m detached garage at 4502 – 50 Avenue, the maximum allowable size in accordance with Town of Stettler Land Use Bylaw 2060-15. There are currently 2 accessory buildings at 4502 – 50 Avenue, therefore, the applicant is requesting a variance to allow three accessory buildings on their lot within a R2: Residential General District.

The accessory building requirements within the Town of Stettler Land Use Bylaw #2060- 15 Section 34 states the following: Section 34.1.5: There shall be no more

than two accessory buildings per site. Due to the large size of the lot and an existing gravel pad at the location of the proposed detached garage, the additional accessory building is conducive with the lot. Furthermore, the accessory buildings and dwelling at 4502 – 50 Avenue are legally on two separate lots (See attached map), therefore, administration recommends a condition of approval to include the legal consolidation of the lots to avoid future non-compliance.

Development Review:

Requirements pertaining to the proposed development are regulated within the Land Use

Bylaw 2060-15 as follows:

- Minimum Rear Yard Setback/ Driveway Length – 3 meters required – proposed 3 meters
- Minimum Side Yard Setback – 0.6 meters required – Proposed 1.0 meters
- Maximum Accessory Building Height – 6.5 meters required – Proposed 6.5 meters
- Maximum Parcel Coverage – 10% Coverage – Proposed 10% Coverage
- Maximum Number of Accessory Buildings – 2 maximum – Proposed 3 (Variance Required)

Key issues:

Number of Accessory Buildings – The applicant is proposing an additional accessory building which requires a variance of one accessory building.

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. That the owner/applicant is allowed three accessory buildings;
2. That the owner/applicant must legally consolidate lots 8&9, block 39, plan 2442AE;
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 proposed development (Detached Garage) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Town of Stettler;
7. 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;
8. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
9. The owner/applicant must obtain a building permit for this development following the mandatory 21 day appeal period

Alternatives:

Defeat the application stating reasons.

Discussion:

Councillor Wayne Smith asked for clarification on the size of the lot and the number of accessory buildings already existing. Acting Director Angela Stormoen stated that the applicant is sitting on a double lot with two existing accessory buildings and that the Land Use Bylaw does not differentiate between lot size and number of accessory buildings.

Councillor Gord Lawlor brought up the applicant's double lot wanting to know if it is legally one lot. Acting Director Angela Stormoen confirmed 4502 – 50 Avenue is currently two lots, therefore, a condition of the approval would be to legally consolidate Lot 8&9, Block 39, Plan 2442AE.

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

Adjournment:

7. The meeting adjourned at 8:31 a.m. on a motion by Councillor Scott Pteiffer.



Request For Decision

Issue:

Development Permit Application: 3458-2023
Applicant: Tyler Volker
Proposed Location: Lot 11, Block 18, Plan RN54A
Municipal: 4701 – 49 Street
Development: Deck & Fence

BACKGROUND

General:

The applicant is proposing to construct a new deck and fence in the front yards of his lot at 4701 – 49 Street. The proposed deck meets the requirements set out in the Town of Stettler Land Use Bylaw 2060-15, however, the applicant is requesting a variance for the height and placement of the proposed fence.

Section 46.2 within the Town of Stettler Land Use Bylaw 2060-15 states:

The maximum height of a fence as measured from grade shall be:

-2.0 m for that portion of the fence which does not extend beyond the most forward portion of the principal building on the lot;

-1.2 m for that portion of the fence which extends beyond the most forward portion of the principal building on the lot.

Therefore, the applicant is requesting a variance of 0.8 metres in height for the portion of the fence that extends beyond the front of the principal dwelling (3 metres west) to align with the new proposed deck.

Furthermore, the applicant is requesting a variance to Section 46.3 of the Town of Stettler Land Use Bylaw 2060-15 which states:

Fence construction in all districts must be confined to the property line and shall not encroach onto any adjoining property including road and land right-of-way, utility easements or rights-of-way, environmental or municipal reserves, or any other public or private lands excepting only where such encroachments as expressly approved by the Development Officer.

The applicant is proposing to erect the fence 1.5 metres beyond the south property boundary into the Towns boulevard.

Due to 4701 – 49 Street being a corner/double fronting lot at 49 Street and 47 Avenue, staff recommendation is that the fence be approved at the requested height of 2.0 metres and the location 3 metres beyond the front of the principal dwelling, however, must be contained within the property boundaries. This would be similar to existing fences in the neighborhood and not impact vehicle sightlines.

Development Review:

Land Use District – R2: Residential General
Existing Land Use – Residential with a Single Family Dwelling and Detached Garage
Proposed Land Use – Front Deck & Fence
Corner / Double Fronting Lot – 49 Street & 47 Avenue

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 variance to allow a 2 meter (6.5 feet) fence extending 3 metres (10 feet) beyond the front portion of the principal dwelling;

2. The owner/applicant must comply with Section 46.3 of the Town of Stettler Land Use Bylaw 2060-15: *Section 46.3 Fence construction in all districts must be confined to the property line and shall not encroach onto any adjoining property including road and land right-of-way, utility easements or rights-of-way, environmental or municipal reserves, or any other public or private lands excepting only where such encroachments as expressly approved by the Development Officer.*
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 proposed development (Front Deck and Fence) shall be located in accordance with the approved plan;
7. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
8. 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.
- Approve the application with requested variance.
- Defeat the application stating reasons.

Author:

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

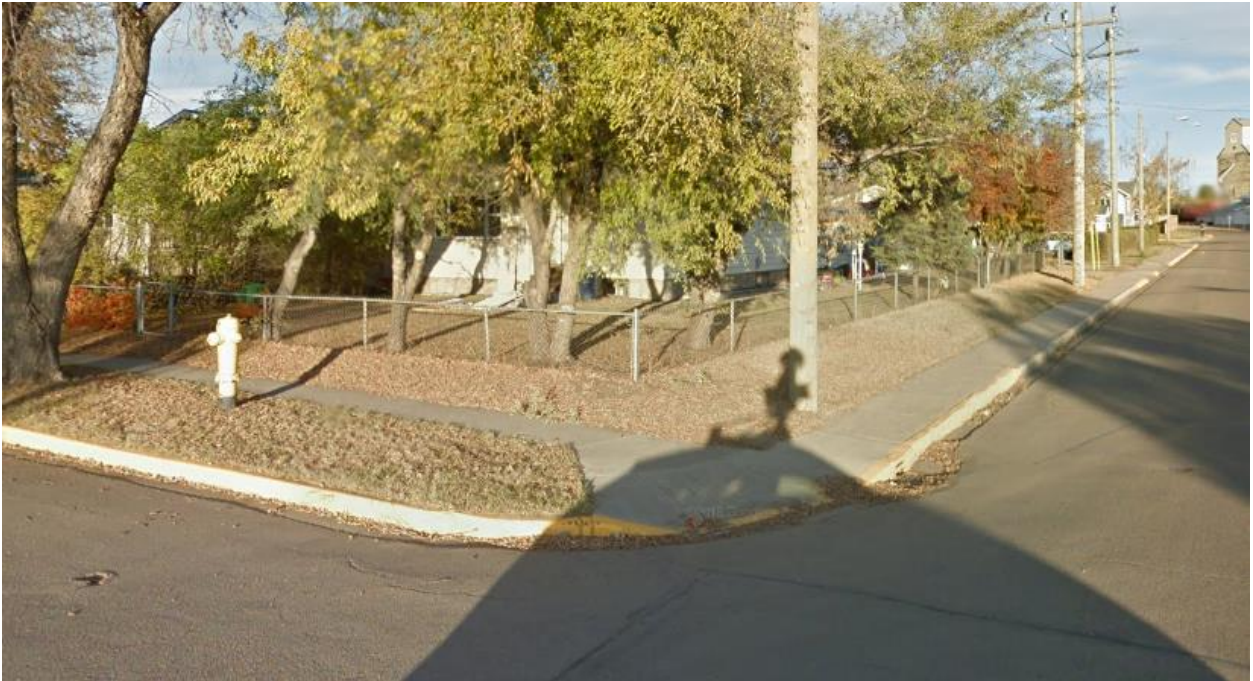
4701 – 49 Street Site Plan

Proposed Fence Plan



Previous Fence 4701 – 49 Street

Obtained from Google Street View 2012 and 2022





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

APPLICATION # 3458-2003 TAX ROLL # 181100007

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

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

APPLICANT: Tyler Volker ADDRESS: 4701 49 Street

CITY: Stettler PROV: Alberta POSTAL CODE: T0C 2T2

PHONE: 587 282 0707 FAX: _____ EMAIL: tylervolker@gmail.com

REGISTERED OWNER: same ADDRESS: _____

ADDRESS OF PROPERTY TO BE DEVELOPED: 4701 49 St.

LOT: 11 BLOCK: 18 REGISTERED PLAN: RN54A

EXISTING USE: _____ LAND USE DISTRICT: R2

MAIN USE OF LAND AND OR BUILDINGS EITHER EXISTING OR PROPOSED: _____

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: _____

SETBACKS OF EITHER EXISTING OR PROPOSED BUILDINGS: _____

FRONT YARD: _____ SIDE YARDS: _____ and _____
**Refer to Alberta Building Code High Intensity Residential Fire Standards if applicable*

REAR YARD: _____ FLOOR AREA: _____ PARCEL COVERAGE: _____ %

HEIGHT OF MAIN BUILDING: _____ NO. OF OFF-STREET PARKING STALLS: _____

EXISTING: _____ PROPOSED: _____ SIZE OF OFF-STREET LOADING SPACE: _____

RTM OR MOBILE HOME MAKE OF UNIT _____ YEAR BUILT _____

PROPOSED ACCESSORY USE OF LAND AND OR BUILDINGS (garages, etc.) Front Deck +

Fence w/ variance

SIZE OF ACCESSORY BUILDING: 24' x 10' x 16' x 3' IN HEIGHT

DISTANCE FROM REAR PARCEL BOUNDARY: _____ DRIVEWAY LENGTH: _____

DISTANCE FROM SIDE PARCEL BOUNDARY: 6' PARCEL COVERAGE: _____ %

ESTIMATED COST OF THE PROJECT OR CONTRACT PRICE: _____

ESTIMATED DATES OF COMMENCEMENT AND COMPLETION: July 4, 23 August 31, 23

DATE OF APPLICATION: July 4, 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.

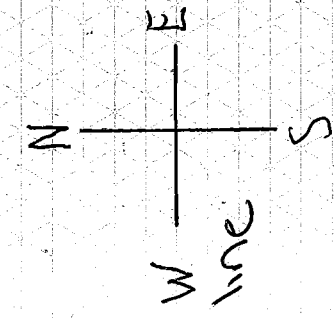
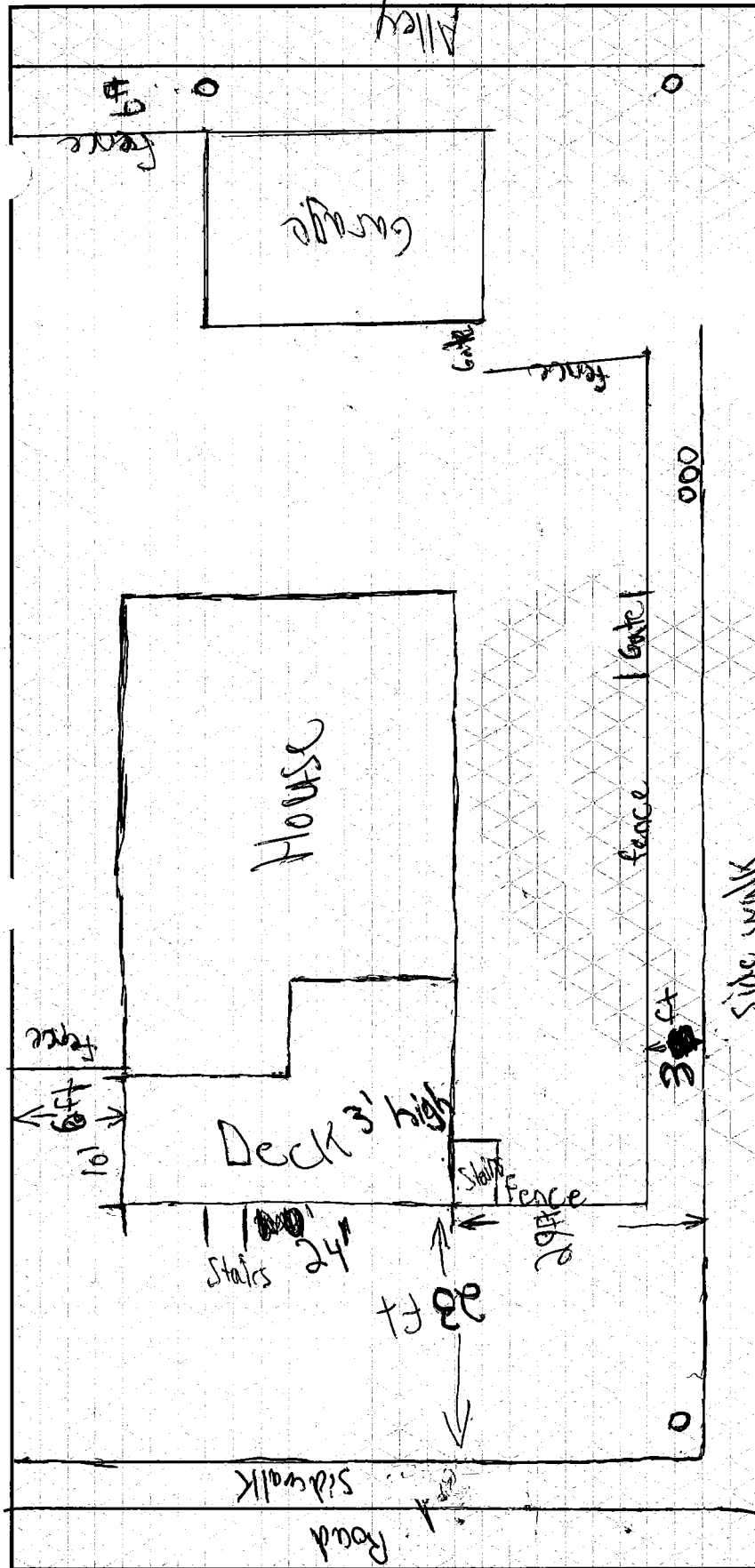
The personal information on this form is collected under the authority of Section 32 of the Alberta Freedom of Information and Protection of Privacy Act. The information will enable us to process your application and is necessary for municipal operations.

| 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"/> Transmittal <input type="checkbox"/> | Application Approved By: _____ |



COBALT
DISTRIBUTION INC.

| | | | | |
|--------------|---------|--------------------|----------------|----|
| TO | PROJECT | FIELD / AREA | PAGE | OF |
| FROM | DATE | DRAWING REF | FOREMAN / LEAD | |
| Tyler Volkis | | 4701 4954 Stettler | | |
| | | Fence / Deck | | |



Fence SF ~~from~~ outside property line
where no fence.

Road

O = Power Poles