

MINUTES OF THE MUNICIPAL PLANNING COMMISSION MEETING
July 11, 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 8:29 a.m.

2. **Additions to Agenda**

None.

3. **Approval of Agenda**

Moved by Councillor Gord Lawlor to accept the agenda as presented.

MOTION CARRIED

Unanimous

4. **Confirmation of the June 29, 2023 MPC Meeting Minutes**

Moved by Councillor Wayne Smith that the Minutes of the June 29, 2023 MPC meeting be approved as presented.

MOTION CARRIED

Unanimous

5. **Development Application:** 3458-2023

Applicant: Tyler Volker

Legal: Lot 11, Block 18, Plan RN54A

Municipal: 4701 – 49 Street

Proposed Development: Deck and Fence

Director of Planning and Development read a report that follow:

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 meters in height for the portion of the fence that extends beyond the front of the principal dwelling (3 meters 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 meters 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 meters and the location 3 meters 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:

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 meters (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

Alternatives:

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

Discussion:

Councillor Wayne Smith commented in favor of staff's recommendation to approve the variance for the fence extending 3 meters beyond the front portion of the dwelling, but deny the applicant's request to extend the fence 1.5 meters beyond the south property boundary line. Councillor Wayne Smith stated that extending the fence beyond the property boundary would cause sightline concerns.

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

Adjournment:

6. The meeting adjourned at 8:34 a.m. on a motion by Councillor Kurt Baker.