

ALBERTA BEACH  
MUNICIPAL PLANNING COMMISSION MEETING  
BEING HELD ELECTRONICALLY VIA ZOOM MEETING  
APRIL 20, 2021 AT 7:00 P.M.

AGENDA

1. CALL TO ORDER
2. AGENDA ADDITIONS
3. AGENDA ADOPTION
4. NEW BUSINESS
  - a. Request for Decision – Development Permit Application #21DP14-01  
Lot 5A, Block 13. Plan 3321BQ (4712 - 52 Street)  
Application to allow for a 1.52 m (5 ft.) high fence and gate beyond the dwelling within the front yard.
5. ADJOURNMENT

**ALBERTA BEACH  
MUNICIPAL PLANNING COMMISSION (MPC)  
REQUEST FOR DECISION**

---

Date: April 15<sup>th</sup>, 2021, MPC Meeting  
From: Kim Kozak - Development Officer  
To: All Members of Alberta Beach Municipal Planning Commission (MPC)

**RECOMMENDATION**

That MPC passes a motion to approve Development Permit No. 21DP14-01 to allow for a 1.52 m (5 ft.) high fence and gate beyond the dwelling within the front yard.

**BACKGROUND INFORMATION**

- The Development Office received a Development Permit application on April 6<sup>th</sup>, 2021, requesting approval to increase a fence height from 1.0 m (3.3 ft.) to 1.52 m (5 ft.) and allow the fence to exceed past the dwelling into the front yard;
- Within the R1 District, no Development Permit approval is required when a fence and gate in the front yard are less than or equal to 1.0 m (3.3 ft.) in height and does not extend beyond the principal building;
- The application is being brought forward to MPC on April 20<sup>th</sup>, 2021, as the Development Officer does not have authority to vary a height of over 20%;
- The property is located at 4712-52<sup>nd</sup> Street;
- The legal land description of the property is Lot 5A, Block 13, and Plan 3321BQ;
- The Land Use District Map shows the lands are identified within the R1 – Residential – Single Family District;
- The application submitted indicates the lot’s width is 32.6 m (107 ft.) with a length of 39.3 m (129 ft.), due to the size of the property, it is considered a double lot;
- The Development Officer met with the applicants on-site to discuss the proposed development of a fence in the front and rear yards, and attach the fencing to both sides of the existing fence posts on the property;
- The construction material of the fence is solid wood. The first five boards from the grade to 1.0 m (3.3 ft.) high are 2.54 cm x 15.24 cm (1 in. x 6 in.) with 5.08 cm (2 in.) gaps between each board. The remainder height of the fence will be constructed out of three 5.08 cm x 10.16 cm (2 in. x 4 in.) boards with 17.78 cm (7 in.) gaps between each board; providing a view to the property from the walkways and roadways;
- The applicants have advised the construction material, and increasing height of the fence is needed to keep both their dogs in the yard, as a 1.52 m (5 ft.) chain link or lattice placed

above the 1.0 m (3.3 ft.) fence is no challenge for the dogs to climb over and get out of the yard;

- While on-site, the Development Officer noted three sheds located in the rear yard and the attached deck to the house extending 3.65 m (12 ft.) into the back yard;
- The size of the three sheds are as follows:
  - 2.43 m (8 ft.) x 3.66 m (12 ft.) – 8.89 m<sup>2</sup> (96 ft<sup>2</sup>),
  - 2.01 m (6.6 ft.) x 2.93 m (9.6 ft.) – 5.90 m<sup>2</sup> (63 ft<sup>2</sup>), and
  - 3.05 m (10 ft.) x 3.05 m (10 ft.) – 9.30 m<sup>2</sup> (100 ft<sup>2</sup>);
- An approval was given on April 12<sup>th</sup>, 2021 for the construction of a 9.14 m (30 ft.) x 7.93 m (26 ft.) – 72.48 m<sup>2</sup> (780 ft<sup>2</sup>) detached garage in the rear yard;
- The applicants further advised that the request to extend the fence beyond the dwelling in the front yard is to provide more space for the dogs to exercise because there is little yard area in the back due to the accessory buildings and deck attached to the dwelling;
- The Notice of Proposed Development letter was mailed on April 9<sup>th</sup> to all residents within 30.48 m (100 ft.) radius of the subject lands, requesting the residents contact the Development Officer with their concerns regarding the proposed development; and
- Prior to the date of this report, the Development Officer received no calls from any concerned resident of Alberta Beach regarding the proposed development.

### **MUNICIPAL DEVELOPMENT PLAN (MDP) BYLAW NO. 251-17**

The MDP objectives and policies do not pertain specifically to the proposed development within a Residential District.

### **LAND USE BYLAW (LUB) NO. 252-17**

#### Section 3.2 Development not Requiring a Development Permit

d) the erection or construction of gates, fences, walls or other means of enclosure less than 1.0 m (3.3 ft.) in height in front yards and less than 2.0 m (6.6 ft.) in other yards, and the maintenance or improvements of any gates, fences or walls or other means of enclosure.

#### Section 3.7.2 Variance Provisions

a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw if, in its opinion,

(i) the proposed development would not,

A. unduly interfere with the amenities of the neighbourhood, or

B. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and

(ii) the proposed development conforms to the uses prescribed for that land or building in this Bylaw,

b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district, and

c) When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 20% of the stated regulation. Any variance requests in excess of 20% shall be referred to the Municipal Planning Commission.

#### Section 4.18 Fences and Screening

(1) In any land use district, except as herein provided:

(a) No fence shall be constructed that is:

i) higher than 2.0 m (6.6 ft.) for that portion of the fence that does not extend beyond the foremost portion of the principal building on the parcel; and

ii) higher than 1.0 m (3.3 ft.) for that portion of the fence that does extend beyond the foremost portion of the principal building on the parcel.

#### Section 5.2 R1 Residential – Single Family

##### 2. Permitted Uses

Buildings and uses accessory to permitted uses.

The application is consistent with Section 4.18 Fences and Screening of the Land Use Bylaw 252- 17, except for the height and location of the fence.

### DEVELOPMENT AUTHORITY'S POSITION

In the opinion of the Development Officer,

- An approval for a variance of the fence height and location would not unduly interfere with the amenities of the neighbourhood, materially interfere with or affect the use, enjoyment, or value of neighbouring properties:
  - A fence not high enough to keep both dogs in the yard will allow them to run at large through Alberta Beach could interfere with the amenities of the neighbourhood, materially interfere with or affect the use, enjoyment, or value of neighbouring properties, or cause injury to a person or another animal.

- The Animal Bylaw No. 223-09 of the Village of Alberta Beach states, “the owner of a dog shall ensure that such dog is not running at large”:
  - with increasing the height of the fence will prevent them from leaving the yard and ensuring the dogs will not be running at large.
- The Animal Bylaw says that when dogs are out in public must be leashed at all times:
  - extending the fence beyond the dwelling in the front yard will allow both dogs to be unleashed with the ability to run freely on the property, providing exercise and exhaustion.
- The fence extending beyond the dwelling:
  - will be located entirely on the subject lands.

## CONCLUSION

The Development Officer supports this application and recommends the Municipal Planning Commission APPROVE Development Permit No. 21DP14-01, in accordance with the Development Officer’s recommended conditions and notes:

1. All municipal taxes are paid or current with Alberta Beach.
2. The applicant shall display the enclosed Public Notice for no less than fourteen (14) days after the permit issued, in a conspicuous place on the subject property.
3. The applicant shall be financially responsible during the development of all damages to any public or private property caused by the applicant and/or the applicant’s contractors.
4. The development shall be completed in accordance with the drawings submitted as part of the permit application and which forms a part of this approval.
5. The applicant shall ensure the development does not cause surface runoff to discharge from the site onto adjacent properties.
6. The applicant shall not keep or permit to be kept in a yard any excavation, storage, or piling of materials required during construction unless all safety measures are undertaken. The property owner shall assume full responsibility to ensure the situation does not prevail longer than necessary to complete construction.
7. The site shall be maintained in a clean and tidy condition during construction. Receptacle for control and disposal of rubbish must be provided, and regularly maintained.
8. The applicant shall prevent excess materials or debris from being spilled on public roadways and shall not place soil or any other material on adjacent properties without permission in writing from the adjacent property owner(s).
9. That all development shall be completed within twelve (12) months of the effective date of this permit.

**NOTES:**

1. Any development or activity commenced prior to expiry of the appeal period is done entirely at the applicant's risk.
2. The Development Permit is valid for twelve (12) months from the Effective Date. If upon expiry, the development or activity has not been substantially commenced or has not been completed, this permit shall be deemed expired (null and void) unless the applicant has secured an extension from the approval authority.
3. The applicant is reminded that compliance with this approval requires adherence with all approval conditions attached hereto.
4. This Permit approval authorization for development under the Land Use Bylaw but is not an approval under any other applicable regulations. Additional approvals **may be** required from Provincial and/or Federal Departments or Agencies. The applicant is responsible for making themselves aware of any further requirements and secure approvals where required prior to commencing any development, including but not limited to the following:

**Inspection Agency for building, electrical, plumbing, gas and any other approval required.**

**Alberta Environment and Parks for any development activities within 30 metres of a wetland or watercourse,**

**Alberta Energy Resources Conservation Board related to energy resources: oil, natural gas, and pipelines located on the lands; and**

**Alberta Utilities and Telecommunications related to telephone lines and utility services located on the lands. and**

5. The landowners are encouraged to consider prohibiting residential fertilizer use on the lands to protect the shoreline and lake.

OR

The Municipal Planning Commission may consider two Alternative Motions, which are:

1. Table Development Permit No. 21DP14-01 pending additional information; or
2. Refuse Development Permit No. 21DP14-01.

## ATTACHMENTS

1. Development Permit application
2. Construction Plan
3. Site Plan
4. Land Use District Map
5. Land Use Bylaw Sections:
  - 3.2 Development not Requiring a Development Permit,
  - 3.7 Decision on Development Permit Applications,
  - 4.18 Fences and Screening, and
  - 5.2 R1 – Residential – Single Family



210814-01



### Development Permit Application

**ALBERTA BEACH**  
4935-50<sup>th</sup> Avenue  
PO Box 278  
Alberta Beach, Alberta  
T0E 0A0

Phone: (587) 988-7668 (Development Officer)  
Fax: (780) 924-3313  
Email: [development@albertabeach.com](mailto:development@albertabeach.com)

**R-1 or R-2 New Home  
Construction or Addition**

Cost for Development Permit \$ <sup>150 (GST)</sup> ~~52,160~~ (See page 4)  
Payment made directly to Alberta Beach. Paid  Y /  N

I HEREBY MAKE APPLICATION UNDER THE PROVISIONS OF THE LAND USE BYLAW FOR A DEVELOPMENT PERMIT, IN ACCORDANCE WITH THE PLANS AND SUPPORTING INFORMATION SUBMITTED HEREWITH AND WHICH FORM PART OF THIS APPLICATION.

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone @ Work: \_\_\_\_\_

Fax: \_\_\_\_\_

Registered Owner (if different from above): NA

Mailing Address (if different from above): NA

Interest of Applicant (if not the registered owner): NA

This information is being collected under the authority of Sec. 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used by the Development Authority to determine a development permit. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at (780) 924-3181.

Legal Description:

Municipal Address: 4712 - 52 St.

Lot: 5 A Block: 13 Plan: 3321BR

Description of proposed development: 6' fence in front of property  
- Excavitation for trench utilities to  
garage (landscaping)

Estimated cost of development: \$ 3 800

Estimated commencement date: April 17, 2021

Estimated completion date: July 3, 2021

Lot Width: 107 ft. Lot Length: 129 ft.

Area of Site: 13,803 ft<sup>2</sup> Area of existing development: 1739 ft<sup>2</sup>  
(sheds, garage)

Area of proposed development: 26' x 30' = 780 ft<sup>2</sup> Total % of Site Coverage: 12 %

Owner(s)/Applicants consent to communicate with Alberta Beach and its applicable contractors through electronic means.

Section 608 of the Municipal Government Act, R.S.A. 2000, c M-26 provides that: Any document required by this or any other enactment or bylaw to be sent by a person may be sent by any electronic means so long as it is possible to make a copy of the document from the electronic signals used by the electronic means

Being the registered owner(s) or Agents for the lands described on Page 1, for the purpose of this Development Permit's decision, I desire to enter into an agreement with Alberta Beach and its applicable contractors to communicate through electronic means:

Name:

[Redacted Name]

Signature:

[Redacted Signature]

Date: April 2, 2021 Email Address:

[Redacted Email Address]



ALBERT EINSTEIN  
1879-1955

1905-1917  
1917-1922  
1922-1933

1905-1917  
1917-1922  
1922-1933

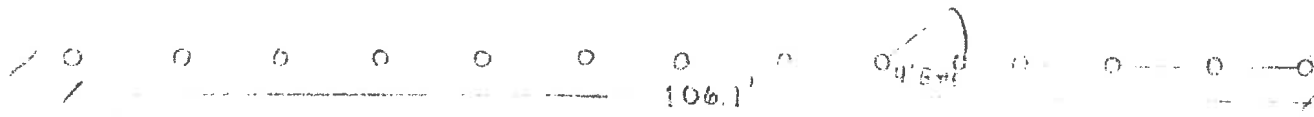
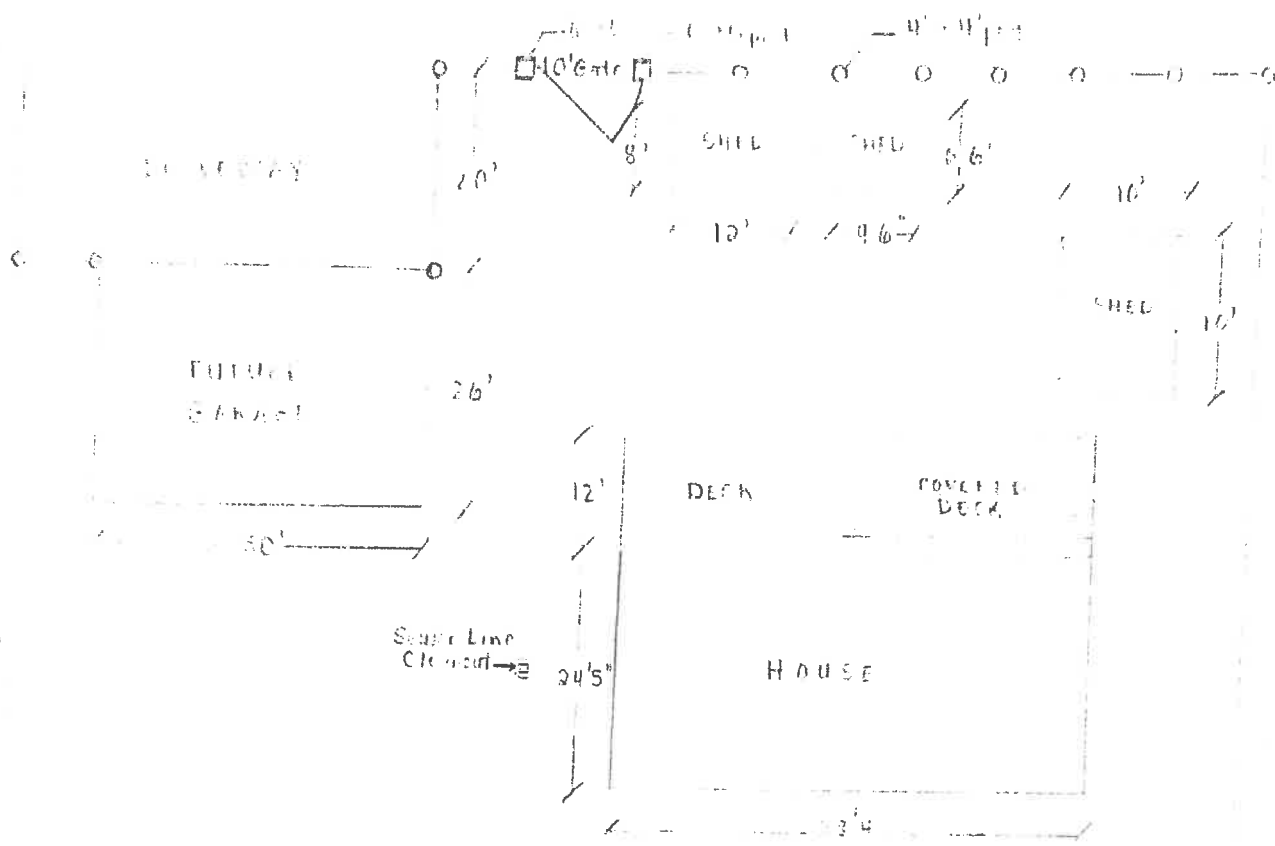
1933-1955

1955-1955

STEEL PLAN 4712 53<sup>ST</sup> AD CLASH

April 10, 1954  
 10' 0" x 10' 0"  
 10' 0" x 10' 0"

BACK ALLEY



FLOOR

52 31

# ALBERTA BEACH



## LAND USE DISTRICT MAP

### RESIDENTIAL

- X R1 R1 - Single Family
- R2 R2 - Single Family Narrow Lot
- R3 R3 - Single Family Special Lot
- R4 R4 - Medium Density

### COMMERCIAL & INDUSTRIAL

- C1 C1 - Commercial
- C2 C2 - Mixed Use
- C3 C3 - Highway
- M1 M1 - Light Industrial

### OTHER

- P P - Parks
- US US - Urban Services
- UR UR - Urban Reserve



Bylaw No.: 252-17  
 Adoption Date: Sept 19, 2017  
 Revision Date:



## PART 3 – DEVELOPMENT PERMITS

### 3.1 CONTROL OF DEVELOPMENT

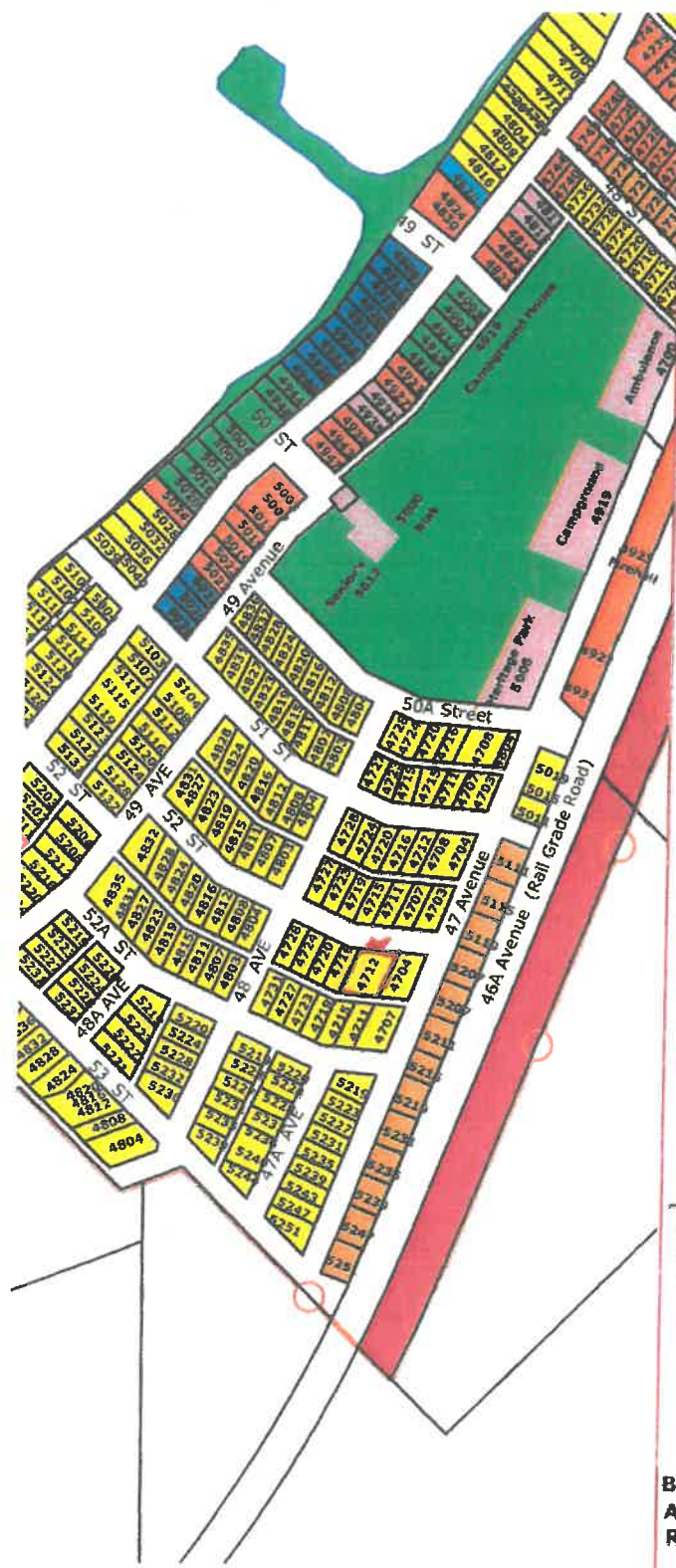
No development other than that designated in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### 3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

All development undertaken in the municipality requires an approved development permit prior to commencement, except the following provided the development conforms to all other provisions of this Bylaw:

- a) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- b) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
- c) the use of any such development as is referred to in subsection (b) for the purpose for which development was commenced;
- d) the erection or construction of gates, fences, walls or other means of enclosure less than 1.0 m. (3.3 ft.) in height in front yards and less than 2.0 m (6.6 ft.) in other yards, and the maintenance or improvements of any gates, fences or walls or other means of enclosure. No electrical or barbed wire fences shall be permitted within the corporate boundaries of the Village, except within the UR - Urban Reserve District;

# Land Use District Map



## ALBERTA BEACH



### LAND USE DISTRICT MAP

#### RESIDENTIAL

- R1 R1 - Single Family
- R2 R2 - Single Family Narrow Lot
- R3 R3 - Single Family Special Lot
- R4 R4 - Medium Density

#### COMMERCIAL & INDUSTRIAL

- C1 C1 - Commercial
- C2 C2 - Mixed Use
- C3 C3 - Highway
- M1 M1 - Light Industrial

#### OTHER

- P P - Parks
- US US - Urban Services
- UR UR - Urban Reserve

Bylaw No.: 252-17  
 Adoption Date: Sept 19, 2017  
 Revision Date:





9. Notwithstanding other provisions of Section 3.6 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

### 3.7 DECISION ON DEVELOPMENT PERMIT APPLICATIONS

1. Permitted and Discretionary Use Applications (Non-Direct Control Districts).
  - a) The Development Authority shall be the approving authority for all proposed development, which is listed as either a permitted or discretionary use under a land use district under this Bylaw.
  - b) Upon receipt a completed application for a development permit for a permitted use, the Development Officer shall approve the application with or without conditions, where the proposed use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all permitted use development permit applications.
  - c) Subject to Section 3.7.1(d), the Development Officer is authorized to decide all discretionary use development permit applications which are related to an approved use on the subject property.
  - d) All development permit applications which are discretionary and not related to an approved use on the subject property and/or which require a variance to any quantitative regulation (i.e., side yard setback) contained in this Bylaw shall be referred to the Municipal Planning Commission for decision.
  - e) The Municipal Planning Commission is authorized to decide all development permit applications that are referred to it by the Development Officer.
  - f) When approving a discretionary use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw.



## 2. Variance Provisions:

- a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
  - (i) the proposed development would not,
    - A. unduly interfere with the amenities of the neighbourhood, or
    - B. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and
  - (ii) the proposed development conforms to the uses prescribed for that land or building in this Bylaw,
- b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.
- c) When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 20% of the stated regulation. Any variance requests in excess of 20% shall be referred to the Municipal Planning Commission.

## 3. Development Permit Refusals:

When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

## 4. Temporary Permits:

Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The

by reasons of excessive noise, vibration, dust and other particulate matter, smoke, odour, toxic, and noxious matter, traffic, radiation hazards, fire, and explosive hazards, heat, humidity and glare, refuse matter or waterborne waste, water or steam.

7. No chattels, including but not limited to, motor vehicles, recreational vehicles, trailers, stockpile of materials, construction equipment, shall be placed or stored upon a residential or commercial lot prior to that lot being developed with a principal building.

#### **4.18 FENCES AND SCREENING**

- (1) In any land use district, except as herein provided:
  - (a) No fence shall be constructed that is:
    - i) higher than 2.0 m (6.6 ft.) for that portion of the fence that does not extend beyond the foremost portion of the principal building on the parcel; and
    - ii) higher than 1.0 m (3.3 ft.) for that portion of the fence that does extend beyond the foremost portion of the principal building on the parcel.
- (2) In the case of corner parcels in all land use districts, regardless of whether or not a corner cut-off has been taken:
  - (a) No person shall construct a fence or other screening within the portion of the parcel facing the fronting street that extends beyond the foremost portion of any principal or accessory building within the site triangle area.
  - (b) There shall be no obstruction of the sight triangle by fencing or other screening, including landscaping. For the purposes of this Bylaw, the sight triangle, in the case of laneways, is the triangle formed by a straight line drawn between two points on the exterior boundaries of the subject parcel 3.0 metres from the point where they intersect. In the case of all other roadways the sight triangle is the triangle formed by a straight line drawn between two points on the exterior boundaries of the subject parcel 9.14 m. from the point where they intersect.

- (3) Where parcels have both their front and rear yards facing onto a street, special approval of the Development Officer must be obtained prior to the erection of any fences on such parcel. Size and specifications for fences in these areas must conform to the overall standard set for the area by the Town of Onoway.
- (4) Where hedges, trellises, arbors, and similar things are located on or adjacent to a parcel line, they shall comply with the height requirements for fences.
- (5) Multiple family dwellings adjacent to a Single Detached Dwelling shall provide a wooden fence, or other such screening approved by the Development Officer or Municipal Planning Commission, of not less than 1.5 m (4.9 ft.) or more than 2.0 m (6.6 ft.) in height along the side abutting the Single Detached Dwelling.
- (6) In the case of commercial, industrial, public and quasi-public uses abutting a residential area, a solid or chain link fence shall be provided of not less than 1.5 m (4.9 ft.) or more than 2.0 m (6.6 ft.) in height along the sides abutting the residential area.
- (7) Notwithstanding Sections 4.18(1) and 4.18(2)(a) and (b), in the M Industrial District, or UR Urban Reserve District, the maximum height of a fence and the location of fencing and other screening within the parcel, including landscaping, shall be determined by the Development Officer or Municipal Planning Commission who shall consider the requirements of Sections 4.18(1) and 4.18(2)(a) and (b) in determining fence height and location within the parcel. Where a fence has been permitted to be higher than 2.0 m (6.6 ft.) in the above-noted land use districts, no barbed wire fences shall be permitted below a height of 2.0 m (6.6 ft.). This requirement may be relaxed by the Development Officer or Municipal Planning Commission in an area where residences would not be in close proximity to the fence proposed.
- (8) No electrification of fences will be permitted.
- (9) No barbed wire fences will be permitted in residential land use districts.
- (10) The Development Officer or Municipal Planning Commission shall ensure that all fences are made of material and constructed and maintained in such a manner so as not to pose a hazard to the public.

## 5.2 R1 – RESIDENTIAL – SINGLE FAMILY

### 1. General Purpose of District

This land use district is generally intended to establish areas of single detached housing comprised of standard parcels and dwellings with the opportunity for a secondary suite.

### 2. Permitted Uses

- Buildings and uses accessory to permitted uses
- Garage Suite
- Garden Suite
- Home Office
- Modular home
- Recreational Vehicles and Temporary Living Accommodations
- Secondary Suites
- Single Detached Dwelling

### Discretionary Uses

- Bed & Breakfast
- Buildings and uses accessory to discretionary uses
- Day Home
- Home Occupations
- Parks and playgrounds
- Public or quasi-public uses
  
- Public utilities required to serve the immediate area
  
- Show homes
  
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

### 3. Parcel Coverage

Coverage of all buildings shall not exceed 40% of the total parcel area.

### 4. Minimum Floor Area (not including attached garage)

- a) Where a lot has an area of less than or equal to 400.0 m<sup>2</sup> (4305.6 ft<sup>2</sup>), the minimum floor area shall be 74.3 m<sup>2</sup> (800.0 ft<sup>2</sup>);
- b) Where a lot has an area greater than 400.0 m<sup>2</sup> (4305.6 ft<sup>2</sup>), the minimum floor area shall be 93.0 m<sup>2</sup> (1000.0 ft<sup>2</sup>).