

ALBERTA BEACH
MUNICIPAL PLANNING COMMISSION MEETING
BEING HELD IN ALBERTA BEACH COUNCIL CHAMBERS
AND BEING HELD ELECTRONICALLY VIA ZOOM MEETING
DECEMBER 20, 2022 AT 7:00 P.M.

AGENDA

1. CALL TO ORDER
2. AGENDA ADDITIONS
3. AGENDA ADOPTION
4. NEW BUSINESS
 - a. Request for Decision – Major Variance Request
Development Permit Application #22DP22-01
Lot 4, Block 17, Plan 3321BQ (4703 – 47th Street)
Application for the placement/construction of a new detached garage with a request for a major variance to allow the placement of the detached garage within the front yard of the property, and entirely in front of the existing principal building (dwelling).
5. ADJOURNMENT



VILLAGE OF ALBERTA BEACH

MUNICIPAL PLANNING COMMISSION

DECISION MEMO – MAJOR VARIANCE REQUEST RELAXATION OF SEC. 4.10(b) of LUB 251-17 LOCATION OF DETACHED GARAGE AND SHED

4703 47th Street
Lot: 4, Block: 17, Plan: 3321 BQ

Date: December 20th, 2022

From: Paul Hanlan RPP MCIP CMML
Development Officer

To: All Members
Village of Alberta Beach Municipal Planning Commission

RECOMMENDATION

That the Alberta Beach Municipal Planning Commission passes a motion approving a major variance as authorized per Sec. 2(c) of Land Use Bylaw 252-17 to the proposed Site Plan (Attachment #1) prepared by the applicant and the subsequent Site Plan (Attachment #2) as was prepared by the Village's Development Officer for the property located at 4703 47th Street (Lot: 4, Block: 17, Plan: 3321 BS). Specifically, Sec. 4.10(b) of Land Use Bylaw 251-17 which requires that all new garages and accessory structures shall be located...., "no closer to the front yard than the closest portion of the principal building."

To allow the property owner of 4703 47th Street (Lot: 4, Block: 17, Plan: 3321 BQ) to locate/construct a new detached garage within the front yard of the property and entirely in front of the existing principal building (dwelling).

BACKGROUND

The property owner of 4703 47th Street has been in discussions with the Development Officer trying to confirm an acceptable Plot Plan (site plan) that would reasonably permit the placement/construction of a new detached garage on this property. These discussions have confirmed the need for consideration of the proposed major variance by the MPC. This request is forwarded to the MPC as it exceeds the variance provisions granted the Development Officer (up to twenty percent) and should be considered a major variance request under the Land Use Bylaw.

DISCUSSION

As noted, Sec. 4.10(b) (Location of Garages and Sheds) of Land Use Bylaw 252-17 requires that any new detached garages or sheds on residential properties be located/constructed no closer to the front yard of the dwelling (typically in the side or rear yard). As shown Attachment One the Site Plan (prepared by the applicant) the proposed garage (16' X 26') is located entirely within the front yard of the subject property (off 47th Street). As shown in Attachment 2 (prepared by the Development Officer) the property is a double fronting lot (corner lot); regardless, whether 47th Street or 47th Avenue is considered as the "front yard" it would not be practically possible to construct the garage in either yard – as:

1. 47th Avenue is not a deep enough area north of the existing dwelling to allow a garage; and
2. 47th Street (due to how far back (East) the existing dwelling is situated does not practically allow an area large enough to accommodate an adequately sized garage. Additionally, the property's water well exists in what area could possibly accommodate a small garage (see photo in Attachment 3).

The photos in Attachment 4 show the portion of the property (off 47th Street) where the property owner seeks to build the proposed garage. If granted this major variance request the applicant is prepared to locate the new driveway access (onto 47th Avenue) to the east and aligned with an existing driveway approach on the other (south) side of 47th Avenue. The Development Officer supports this alignment for safety reasons and to avoid unsafe queuing of vehicles (onto 47th Avenue) entering into this property.

Regarding variance powers - Sec. 2(c) of the Land Use Bylaw states, "When considering a variance.... the Development Officer may approve a variance of up to 20% of the stated regulation. The requested variance requests in excess of this percentage shall be referred to the Municipal Planning Commission." The Development Officer suggests that the requested major variance request is not regarding a percentage but – rather – a choice not to apply an entire requirement of the Land Use Bylaw.

Concerning the rationale for considering, any variances Sec. 2(b) of the Land Use Bylaw states, ".... 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 (again - emphasis added)." In this case the Development Officer notes that an acceptable hardship consideration may be the pre-existing location of the existing dwelling which make it very difficult (if not impossible) to construct a new garage consistent with the requirements of Sec. 4.10(b) of the LUB. An argument could be made that without approval of such a significant variance that it would not be possible to construct a desirable garage on this property. In Attachment #5 to this memo a list of proposed Conditions of Approval that could be considered and also approved by the MPC.

RECOMMENDATION OPTIONS

1. To allow the property owner of 4703 47th Street (Lot: 4, Block: 17, Plan: 3321 BQ) to locate/construct a new detached garage within the front yard of the property and entirely in front of the existing principal building (dwelling) including the conditions of approval as shown in Attachment 5.
2. To table this matter to a future meeting of the Municipal Planning Commission and request that the following additional information _____ be provided by either the Applicant, or Development Officer, for a final decision on that date.
3. That the request from the property owner of 4703 47th Street (Lot: 4, Block: 17, Plan: 3321 BQ) to locate/construct a new detached garage within the front yard of the property and entirely in front of the existing principal building (dwelling) be denied.

CONCLUSION

The Development Officer supports the requested Major Variance as proposed, and outlined, within this memo.

Date: December 14th, 2022



Paul Hanlan RPP MCIP CMML
Development Officer

ATTACHMENTS

1. Site Plan as prepared by the applicant
2. Site Plan as prepared by the Development Officer
3. Photo of the property's Rear Yard
4. Photos of the property's Front Yard
5. PROPOSED Conditions of Approval

APPROVAL OF DEVELOPMENT PERMIT 22DP22-01

CONSTRUCTION OF A 38.65 M2 (416 FT2) DETACHED GARAGE within this property's front yard is CONDITIONALLY APPROVED by the Municipal Planning Commission of the Village of Alberta Beach subject to the following sixteen (16) conditions:

1. This Development Permit is issued subject to the following minimum yard setbacks:
 - i. South (FRONT) > or = to 4.5 Metres (vehicle door oriented to 47th Avenue)
 - ii. North (REAR) > or = to 1.8 Metres (directly adjacent private property)
 - iii. West (SIDE) > or = to 1.8 Metres (towards 47th Street)
 - iv. East (SIDE) > or = to 6.0 Metres (towards rear lane)
2. The development shall be located and constructed in accordance with the Site Plan provided by the applicant (and as was further confirmed by the Development Officer), and which form parts of this approval.
3. The driveway to the new garage accessing 47th Avenue shall be constructed directly across from the existing access on the south side of the roadway and to the satisfaction of the Village.
4. The garage shall no exceed 9.0 M in height as measured to its' highest point.
5. All municipal taxes have been paid or are current with the Village of Alberta Beach.
6. The applicant shall be financially responsible during the development of any damage caused by the applicant or contractors to any public or private property.
7. The applicant shall display a Public Notice to be provided by the Village in a conspicuous place on the subject property for no less than fourteen (14) days after the decision date.
8. The accessory building shall be a minimum of 2.0 m (6.56 ft.) from the principal building.
9. Positive grading away from the structure is required to ensure proper drainage.
10. The applicant shall complete the property's grading to ensure that all surface runoffs do not discharge from the site onto adjacent private lands.
11. No person shall keep or permit to be kept in any part of a yard any excavation, storage, or piling of materials required during construction unless all safety measures are undertaken. The property owners shall assume full responsibility to ensure the situation does not prevail longer than necessary to complete construction.
12. The applicant shall control the dust or other nuisance that would negatively affect the adjacent properties or the adjacent property owner(s) to the Development Officer's satisfaction.
13. The site shall be maintained in a clean and tidy condition during the construction of the accessory building. Receptacle for control and disposal of rubbish must be provided and regularly maintained.
14. The arrangements for the provision of sanitary facilities for the project site must be provided and maintained throughout construction, to the satisfaction of the Development Authority.

15. The applicant shall prevent excess soil or debris related to the construction from spilling onto the public roadways and shall not place soil or any other material on adjacent properties without permission in writing from the adjacent property owner(s).
16. This approval is valid for twelve (12) months from the effective date. If work has not commenced within twelve (12) months a new development permit approval may be required.

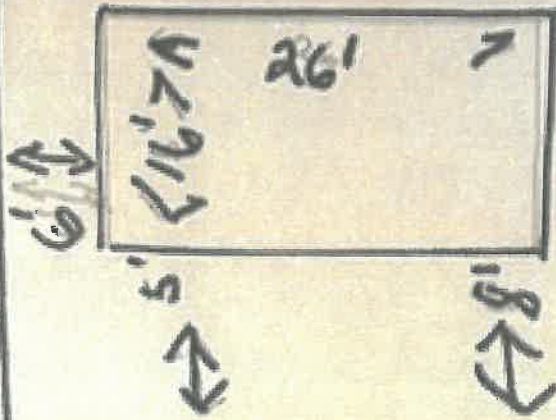
Date Application Deemed Complete	<u>December 12th, 2022</u>
Date of Decision	<u>December 20th, 2022</u>
Effective Date of Development Permit	<u>January 11th, 2023</u>

132' 1"

Shed

Well

136' 3"



9' 8"

47th Street

48' 6"

47th Avenue

136' 3"

DRIVEWAY

approximately 16'

8'

6'

PROPOSED GARAGE

16' X 26'

approximately 15'

6'

Home

Covered Deck

WATER WELL

Shed

132' 1"

37'

Rear Lane

