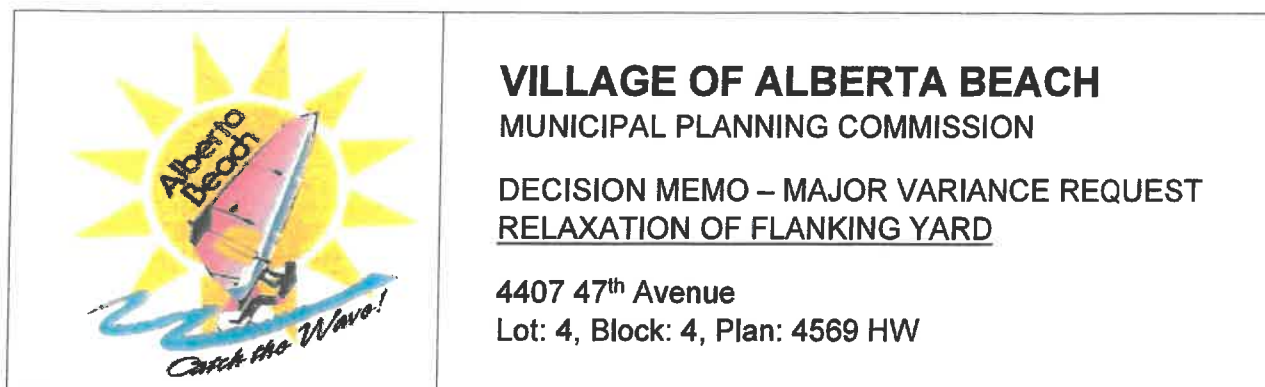


ALBERTA BEACH  
MUNICIPAL PLANNING COMMISSION MEETING  
BEING HELD IN ALBERTA BEACH COUNCIL CHAMBERS  
AND BEING HELD ELECTRONICALLY VIA ZOOM  
APRIL 16, 2024 AT 7:00 P.M.

AGENDA

1. CALL TO ORDER
2. AGENDA ADDITIONS
3. AGENDA ADOPTION
4. NEW BUSINESS
  - a. Development Permit Application #24DP04-01  
Major Variance Request – Relaxation of Flanking Yard  
Lot 4, Block 4, Plan 4569HW (4407 – 47<sup>th</sup> Avenue)  
Application – request major variance for relaxation of flanking yard setbacks to allow construction of a single family dwelling and detached garage.
5. ADJOURNMENT



## VILLAGE OF ALBERTA BEACH MUNICIPAL PLANNING COMMISSION

### DECISION MEMO – MAJOR VARIANCE REQUEST RELAXATION OF FLANKING YARD

4407 47<sup>th</sup> Avenue  
Lot: 4, Block: 4, Plan: 4569 HW

Date: April 16<sup>th</sup>, 2024

From: Paul Hanlan RPP MCIP CMML  
Development Officer

To: All Members  
Alberta Beach Municipal Planning Commission

### **RECOMMENDATION**

That the Alberta Beach Municipal Planning Commission passes a motion approving the following major variance as authorized per Sec. 2(c) of Land Use Bylaw 252-17 to the proposed Plot Plan prepared by Don Wilson Surveys Ltd. and as attached to this Report for the property located at 4407 47<sup>th</sup> Ave (Lot: 4, Block: 4, Plan: 4569 HW):

1. A reduction in the required western (Front yard) setback of 2.71 Metres (35.65%) from 7.6 Metres to 4.89 Metres;
2. A reduction in the required northern (Flanking yard) setback of 4.54 Metres (59.73%) from 7.6 Metres to 3.06 Metres; and
3. A reduction to the northern (Front yard) setback of 1.85 Metres (24.34%) from 7.6 Metres to 5.75 Metres.

### **BACKGROUND**

The property owner of 4407 47<sup>th</sup> Avenue has been in discussions with Alberta Beach attempting to confirm an acceptable Plot Plan (site plan) that would reasonably permit construction of a new home, and garage on this property. These discussions confirmed the likely need for consideration and approval of the proposed major variances by the MPC. This is not an uncommon situation faced on corner lots within the Village's corner lots (due to the narrow frontage of most subdivided lots). The Village's MPC last considered a similar situation in 2022.

### **DISCUSSION**

Sec. 4.13 (Corner and Double Fronting Lots) of Land Use Bylaw 252-17 states, "In all Land Use Districts, a parcel abutting onto two streets (or more) shall have a front yard setback on each street in accordance with the Front Yard requirements of this Bylaw (emphasis added)." In Land Use District R-1 the minimum required Front Yard setback is 7.6 Metres. As shown in the attached Plot Plan the double fronting setbacks (each being very small) would possibly result in an unbuildable building pocket (without issuance of a variance).


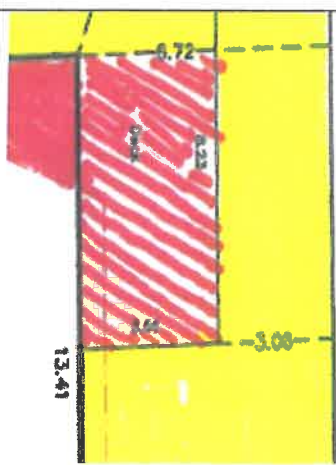
Regarding variance powers Sec. 2(c) of the Land Use Bylaw states, "When considering a variance.... the Development Officer may approve a variance of up to 20% of the stated regulation. The requested

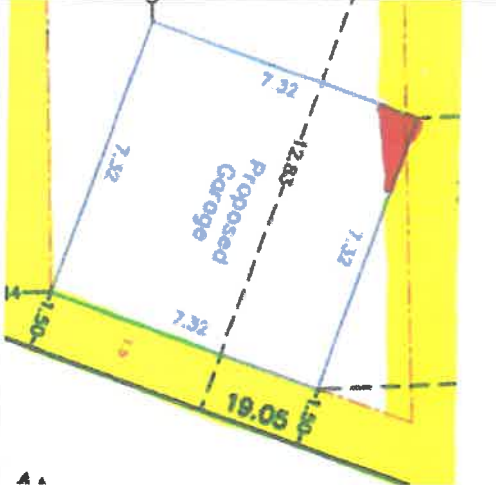
variance requests in excess of this percentage shall be referred to the Municipal Planning Commission." The Development Officer notes that the requested variance exceeds 20% and notes that greater details are included on the attached proposed Plot Plan.

Concerning the rationale for considering, or approving, 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)." Again - the Development Plan. Officer has included a discussion of the practical difficulties of this property on the attached Plot Plan

Three Major Variances are sought (required) to allow the development of the proposed Dwelling and detached Garage as shown in Attachment #1 (Site Plan). Attachment #2 (Site Plan – Variances Sought) shows the proposed development as requiring major variance consideration by the MPC, and as further detailed below in Table One.

**TABLE ONE – Three (3) Major Variances**

Major Variance (#1)	Land Use Bylaw 252-17	Situation	Comments
	Sec. 4.13 (Corner and Double Fronting lots)	<p>Front Yard Setback (West)</p> <p>Required = 7.6 Metres</p> <p>Proposed = 4.89 Metres</p> <p>Variance = 2.71 Metres (35.65%)</p>	<p>A portion of the proposed new dwelling would be constructed within the Front Yard setback.</p> <p>As shown in the image (to left) in solid red.</p> <p>Photographs – and site inspections – confirm that the requested variance does not interfere with this intersection's sight-triangle.</p>
	Sec. 4.13 (Corner and Double Fronting lots)	<p>Flanking Yard Setback (North)</p> <p>Required = 7.6 Metres</p> <p>Proposed = 3.06 Metres</p> <p>Variance = 4.54 Metres (59.73%)</p>	<p>A portion of the proposed new dwelling (covered deck) would be constructed within the Flanking Yard setback. Details of this proposed encroachment are shown in Attachment #3.</p> <p>As shown in the image (to left) in red (lined).</p> <p>Photographs – and a site inspection – confirm that the requested variance should not interfere with this intersection's sight-triangle.</p>

Major Variance (#3)			
	Sec. 4.13 (Corner and Double Fronting lots)	Flanking Yard Setback (North)  Required = 7.6 Metres  Proposed = 5.75 Metres  Variance = 1.85 Metres (24.34%)	A portion of the proposed detached garage would be constructed within the Flanking Yard setback.  As shown in the image (to left) in red (solid).  Photographs – and a site inspection – confirm that the requested variance should not interfere with this intersection's sight-triangle.

An argument could be made that without approval of such significant variances that development of this property could be rendered economically unbuildable. However, the Development Officer suggests that the requested variances (if approved by the MPC) would not result in a new home that was "not consistent with the character" of other properties within this block of Alberta Beach.

Also attached to this Report are the proposed Building Plan details (Attachment #3) for this property indicating that the building (if granted such a significant major variance) would result in an attractive structure.

Attachment #4 identifies the seventeen (17) Conditions of Approval – if all Variances are approved by the MPC.

### CONCLUSION

The Development Officer supports the requested Major Variances as outlined within this memo.

Date: April 16<sup>th</sup>, 2024



Paul Hanlan - Development Officer

### ATTACHMENTS

1. Plot Plan prepared by Don Wilson Surveys dated March 6<sup>th</sup>, 2024
2. Plot Plan prepared by the Development Officer identifying requested Major Variances
3. Building Elevations of proposed new Dwelling
4. Proposed Development Permit Conditions

## Attachment #4 – Proposed Development Permit Conditions

### MAJOR VARIANCES GRANTED

At the April 16<sup>th</sup>, 2024 meeting of the Municipal Planning Commission a motion was passed permitting the following three (3) Major Variances:

1. A reduction in the required western (Front yard) setback of 2.71 Metres (35.65%) from 7.6 Metres to 4.89 Metres;
2. A reduction in the required northern (Flanking yard) setback of 4.54 Metres (59.73%) from 7.6 Metres to 3.06 Metres; and
3. A reduction to the northern (Front yard) setback of 1.85 Metres (24.34%) from 7.6 Metres to 5.75 Metres.

### APPROVAL OF DEVELOPMENT PERMIT

Thereby you are notified that your application for the construction of a 114.39 M2 (1,231 FT2) SINGLE FAMILY HOME and 53.24 M2 (573 FT2) DETACHED GARAGE has been conditionally approved subject to the following SEVENTEEN (17) conditions:

- 1 This Development Permit for the construction of a 114.39 M2 (1,231 FT2) SINGLE FAMILY HOME is issued subject to the Site Plan prepared by Don Wilson Surveys Ltd. dated March 6<sup>th</sup>, 2024 which is attached and forms a part of this conditional approval. Confirming the following minimum side yard setbacks:
  - i North (FLANKING) > or = to 3.06 Metres
  - ii South (SIDE) > or = to 2.44 Metres
  - iii East (REAR) > or = to 1.5 Metres
  - iv West (FRONT) > or = to 4.89 Metres
- 2 This Development Permit for the construction of a 53.24 M2 (573 FT2) DETACHED GARAGE is issued subject to the Site Plan prepared by Don Wilson Surveys Ltd. dated March 6<sup>th</sup>, 2024 which is attached and forms a part of this conditional approval. Confirming the following minimum side yard setbacks:
  - i North (FLANKING) > or = to 5.75 Metres
  - ii South (SIDE) > or = to 1.2 Metres
  - iii East (REAR) > or = to 1.0 Metres
  - iv West (FRONT) > or = to 7.6 Metres
- 3 This Development Permit for the construction of a 114.39 M2 (1,231 FT2) Single Family Home is issued subject to the new home's Floor Plan and Building Elevations prepared by RG Drafting and Design dated March 11<sup>th</sup>, 2024 which are attached and form a part of this conditional approval.
- 4 The new home must be connected to the Tri-Village Municipal Sewage System.
- 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 the attached Public Notice in a conspicuous place on the subject property for no less than fourteen (14) days after this permit's decision date.
- 8 The development shall be located and constructed in accordance with the documentation provided by the applicant, and which forms a part of this approval.
- 9 The accessory building (detached garage) shall be a minimum of 2.0 m (6.56 ft.) from the There shall be no openings in the building below 723.8m ASL.

- 10 Positive grading away from all structures is required to ensure proper drainage.
- 11 The applicant shall complete the property's grading to ensure that all surface runoff does not discharge from the site onto adjacent private properties.
- 12 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.
- 13 The applicant shall control the debris, dust or other nuisance that would negatively affect adjacent properties or the adjacent property owner(s) to the satisfaction of the Development Officer.
- 14 The site shall be maintained in a clean and tidy condition during placement of the modular home and construction of the accessory building. A receptacle for control and disposal of rubbish must be provided and regularly maintained.
- 15 Arrangements for the provision of sanitary facilities for the project site must be provided and maintained throughout construction, to the satisfaction of the Development Officer.
- 16 The applicant shall prevent excess soil or debris related to 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) or as applicable the Village.
- 17 This approval is valid for twelve (12) months from the effective date shown below. If work has not commenced within twelve (12) months a new development permit approval may be required.

# PLAN SHOWING PROPOSED HOUSE LOCATION

LOT 4 - BLOCK 4 - PLAN 4569 H.W.

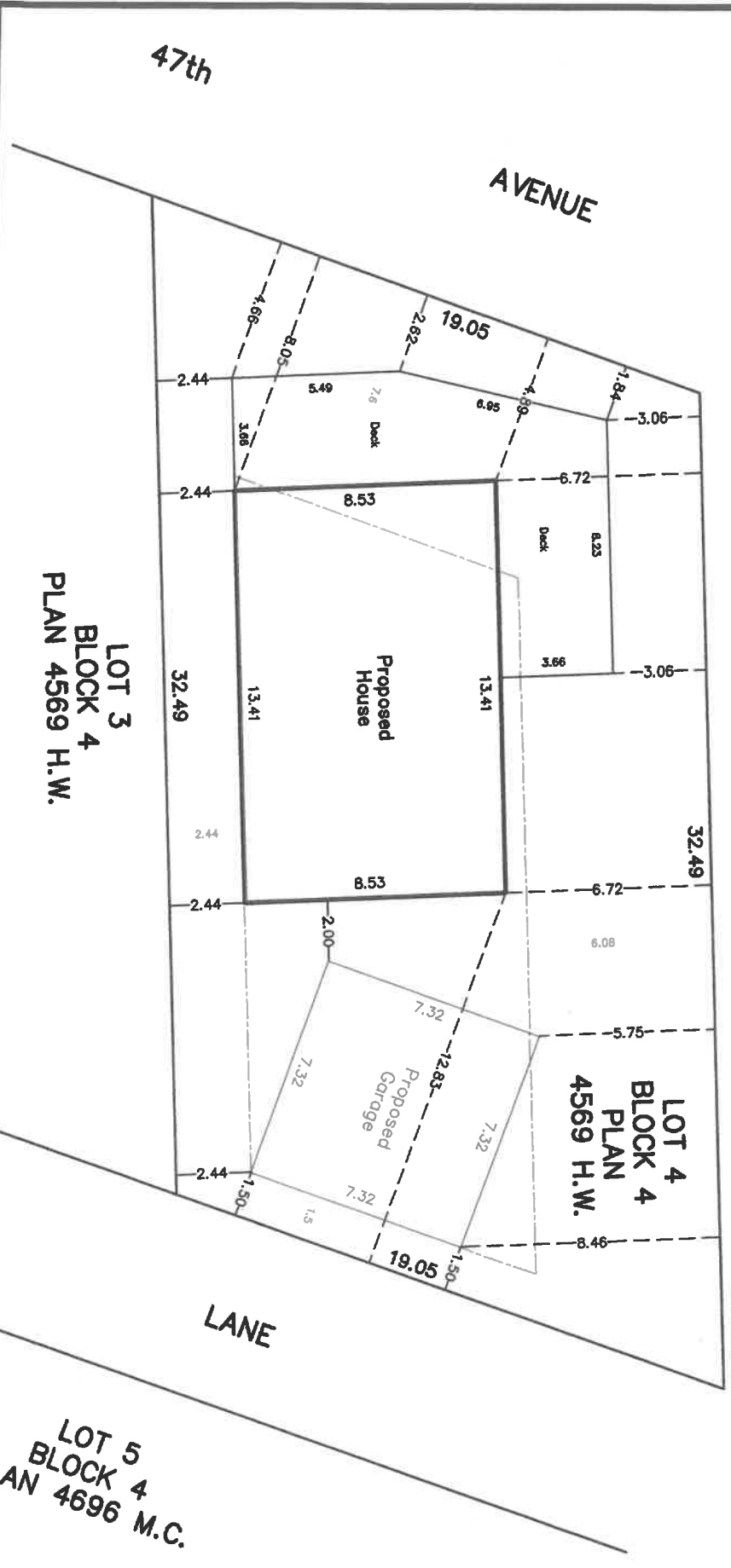
4407 - 47th AVENUE

ALBERTA BEACH

SCALE: 1:200 2024 D. WILSON, A.L.S



44th STREET



LOT 3  
BLOCK 4  
PLAN 4569 H.W.

LOT 4  
BLOCK 4  
PLAN 4569 H.W.

LOT 5  
BLOCK 4  
PLAN 4696 M.C.

NOTES: DISTANCES ARE IN METRES AND DECIMALS THEREOF  
BUILDING POCKET FOR PRINCIPAL BUILDINGS SHOWN THUS: - - - - -  
THE DISTANCES TO BUILDING POCKET SHOWN THUS: . . . . . 5.00  
THE DISTANCES FROM BUILDING TO PROPERTY LINE SHOWN THUS: . . . . . 10.00

DON WILSON SURVEYS LTD.  
BOX 4120, BARRHEAD, ALBERTA  
T7N 1A1 PHONE: (780) 674-2287  
FILE: 24057 DATE: MARCH 6, 2024

# PLAN SHOWING PROPOSED HOUSE LOCATION

LOT 4 - BLOCK 4 - PLAN 4569 H.W.

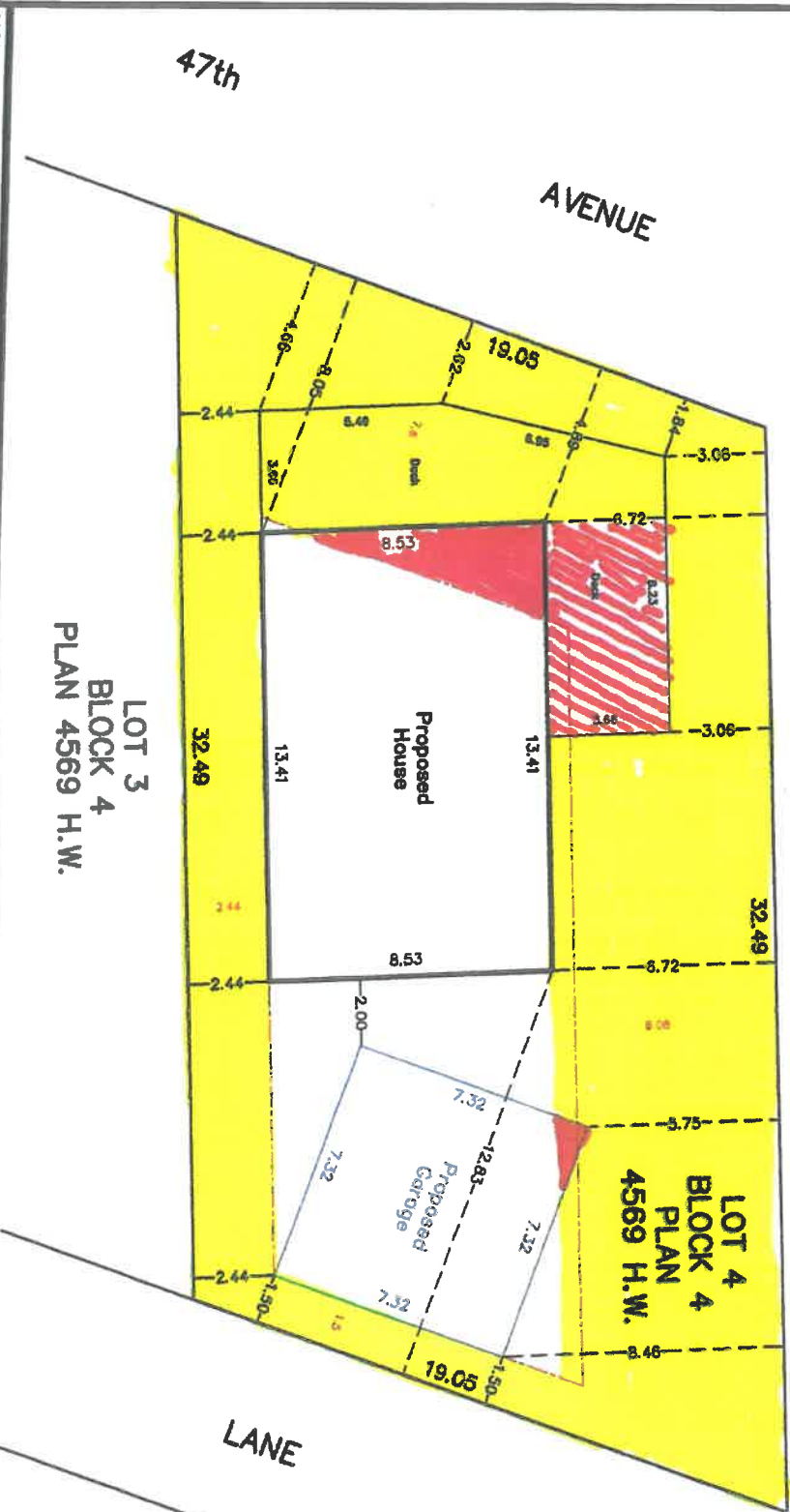
4407 - 47th AVENUE

ALBERTA BEACH

SCALE: 1:200 2024 D. WILSON, A.L.S.



44th STREET



LOT 3  
BLOCK 4  
PLAN 4569 H.W.

LOT 4  
BLOCK 4  
PLAN 4569 H.W.

LOT 5  
BLOCK 4  
PLAN 4696 M.C.

NOTES: DISTANCES ARE IN METRES AND DECIMALS THEREOF.  
BUILDING FOOTPRINT FOR PRINCIPAL BUILDINGS SHOWN THUS: [Symbol]  
THE DISTANCES TO BUILDING FOOTPRINT SHOWN THUS: [Symbol]  
THE DISTANCES FROM BUILDING TO PROPERTY LINE SHOWN THUS: [Symbol]

DON WILSON SURVEYS LTD.  
BOX 4120, BARRHEAD, ALBERTA  
T7N 1A1 PHONE: (780) 674-2287  
FILE: 24057 DATE: MARCH 6, 2024



**CRESCENT VALLEY  
CONSTRUCTION LTD.**  
CONTACT: ANDREW SEINEN  
PHONE: 780 719 7408

**PROJECT INFORMATION:**  
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ALBERTA BEACH, AB.

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**CHANGES & AMENDMENTS**



**FRONT ELEVATION**



**LEFT ELEVATION**

**RG DRAFTING  
& DESIGN**

26-1030 TWP RD 544  
STURGEON COUNTY, AB. T8R 2M7  
EMAIL: RYANGAGAN@LIVE.CA  
PHONE: 780 263 8182

Date	MAR. 11, 2024	File No.	4932
Designer	R.G.	Drawn by	M.H.
Scale	3/16"=1'-0"	Page	<b>A-01</b>

**CRESCENT VALLEY  
CONSTRUCTION LTD.**  
CONTACT: ANDREW SEINEN  
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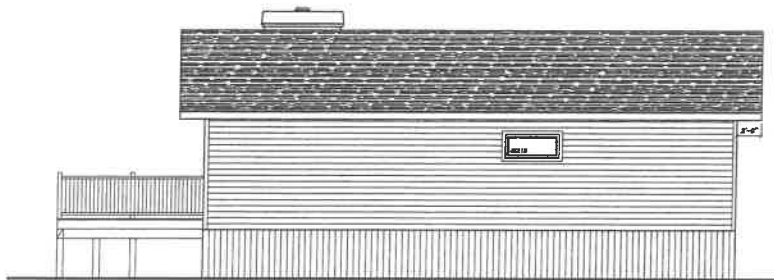
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**CHANGES & AMENDMENTS**



REAR ELEVATION



LEFT ELEVATION

**RG DRAFTING  
& DESIGN**

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