

ALBERTA BEACH
MUNICIPAL PLANNING COMMISSION MEETING
BEING HELD ELECTRONICALLY VIA ZOOM MEETING
DECEMBER 15, 2020 AT 7:00 P.M.

AGENDA

1. CALL TO ORDER
2. AGENDA ADDITIONS / DELETIONS
3. AGENDA ADOPTION
4. OLD BUSINESS
 - a. Updated Request for Decision – Development Permit Application #20DP45-01
Plan 722MC, Block 5, Lot 37 (4836 – 59 Street)
Application to allow four (4) accessory buildings to remain as sited on the lands.
5. ADJOURNMENT

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

Date: December 15th, 2020, 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. 20DP45-01 to allow **one** accessory buildings to remain as sited on the lands.

BACKGROUND INFORMATION

- The application was brought forward to MPC on November 17th, 2020, for the request of a decision to leave four Accessory Buildings on the property located at 4836-59th Street - Plan 722MC, Block 5, Lot 37, with a zero rear yard setback for one of the structures;
- The MPC board requested further information prior to determining the decision of the application;
- The information the board requested was the fire rating calculations for the 2.92 m (9.6 ft.) x 6.09 m (20 ft.) 17.78 sq. m (192 sq. ft.) fabric portable shelter (carport), with a height of 3.44 m (11.3 ft.), located beside the dwelling;
- The Development Officer reached out to the landowners and requested the information of the fire rating for the structure;
- The applicant has advised that the fabric shelter will be made smaller and lower to meet the requirements of the Land Use Bylaw; which are, as follows:
 - floor area that does not exceed 18.6 m² (200.0 ft²) and
 - height of 2.5 m (8.2 ft.).

Note that this work will be completed during better outdoor working conditions; and

- With the changes made by the applicant, no development permit approval will be required for the fabric portable shelter (carport).
- The application is now for a setback variance of the 2.43 m (8 ft.) x 3.65 m (12 ft.) 8.86 sq. m (96 sq. ft.) wooden shed, at 2.74 m (9 ft.) in height, to remain with a 0 m rear yard setback.

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

There are no objectives or policies related to the proposed development within the Municipal Development Plan.

LAND USE BYLAW NO. 252-17

Section 1.9 Definitions or Meanings

“ACCESSORY BUILDING” - means a building which is separate from the principal building on the parcel where both are located and which the Development Authority decides is incidental to that of the principal building, and includes garages, boathouses, fabric shelters and guest houses.

Section 3.2 Development not Requiring a Development Permit

j) a fabric shelter with a floor area not to exceed 18.6 sq. m (200. sq. ft.) and 2.5 m (8.2 ft.) in height.

DEVELOPMENT AUTHORITY'S POSITION

In the opinion of the Development Officer, a variance of the rear yard setback for the wooden shed and the distance between the dwelling to the fabric structure (carport) or the height, would not unduly interfere with the amenities of the neighbourhood, materially interfere with or affect the use, enjoyment, or value of neighbouring properties for the following reasons:

- There are no records of complaints on file regarding the accessory buildings;
- All the structures have been on the property for nearly 20 years; and
- A fence located in the rear and the side yards provides screening, limiting the view of the accessory buildings.

The Development Authority has determined that the removal of building C would cause hardship to the registered landowners for the following reason:

- Both residents have health issues and having to remove the shed could be health risk; and
- The costs to hire a company or person to demolish the building is not within their budget.

The Development Authority does not have the authority to determine the decision of this application due to the following exceed the 20% variance:

- Building A does not meet the required minimum distance from the principal building and exceeds the height requirement; and
- Building C does not meet the required rear yard setback.

CONCLUSION

That the Municipal Planning Commission APPROVE Development Permit No. 20DP45-01, in accordance with the Development Authority's recommended conditions and notes:

1. All municipal taxes are paid or current with Alberta Beach.
2. That 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. **If, in the opinion of the Development Officer, Municipal Planning Commission, or Council, a structure is considered unsightly, the applicant shall be responsible for removing the structure, at their expense.**
5. Prior to any proposed changes to a structure, the applicant shall submit a new Development Permit application.
6. The applicant shall prevent excess materials or debris from being spilled 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).
7. 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.
8. The applicant shall obtain and comply with the requirements, where applicable, from the appropriate authority, permits relating to building, and all other permits which may be required in connection with the proposed development.
9. Positive grading away from structures is required to ensure proper drainage.
10. The applicant shall ensure that all surface runoff does not flow onto adjacent properties.
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 owner shall assume full responsibility to ensure the situation does not prevail longer than necessary to complete construction.
12. 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 so 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:*

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

Alberta Energy Resources Conservation Board related to natural gas lines, pipelines, and power lines located on the lands;

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

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

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 (2) Alternative Motions, which are:

1. Table Development Permit No. 20DP45-01 pending additional information, or
2. Refuse Development Permit No. 20DP45-01.