

MUNICIPAL PLANNING COMMISSION

AGENDA

APRIL 29, 2024

9:30 A.M. – SUMMER VILLAGE OFFICE

1. Call to Order
2. Appoint Chairperson
3. Additions to the Agenda
4. Approval of Agenda
5. **Development Application:** 725
Applicant: Kris Noonan
Legal: Lot 35, Block 1, Plan 4117MC
Municipal: 17 – 1st Street
Proposed Development: Attached Deck
6. Adjournment



Request For Decision

Issue:

Development Permit Application: 725
Applicant: Kris Noonan
Legal: Lot 35, Block 1, Plan 4117MC
Civic: #17 – 1st Street
Proposed Development: Attached Deck

Recommendation:

That the Municipal Planning Commission approves this application subject to the following conditions:

1. That the applicant receives a side yard variance of 0.07 meters 5% to accommodate the existing encroachment of the attached deck;
2. The owner/applicant receives approval for the construction of new attached deck and receives front yard variance of 1.93 m;
3. The owner/applicant must comply with all the provisions of the Summer Village of White Sands Land Use Bylaw #186-22;
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 # 186-22 does not exempt the applicant from compliance with any provincial, federal or other municipal legislation;
6. The proposed development (Attached Deck) shall be located in accordance with the approved plan; any changes to this site plan must be approved by the Summer Village of White Sands;
7. The applicant is responsible for ensuring all development is outside of all active utility rights-of-way;
8. The owner/applicant is responsible for making suitable arrangements with the utility companies for provision of services and/or necessary easements.
9. Any excavation must not affect adjoining properties and cause minimal environmental disruption;
10. Construction waste is to be hauled directly to the Stettler Regional Landfill;
11. The owner/applicant shall arrange for and obtain approval for compliance with the current Alberta Building Code;
12. The owner/applicant shall arrange for and obtain approval for compliance with fire, plumbing, gas, and electrical regulations as applicable;
13. The owner/applicant must obtain a building permit for this development following the mandatory 21 day appeal period

IMPLICATIONS OF RECOMMENDATION

General:

The applicant is proposing to construct a new attached deck to the north and east side of a non-conforming building. The building currently has an attached deck on the north and west side however, the elevation difference on the east side of the dwelling currently leaves the building piles exposed.

The applicant would like to reconstruct a portion of the existing deck on the north side of the building (1.21 m x 5.13 m) and add a new deck along the east side of the building (1.21 m x 9.24 m) to create a one level wrap around deck. The deck would include rails and enclosed underside to screen the exposed piles. Staff recommendation is to approve the variance and allow the deck construction.

The existing building is non-compliant as the front yard setback on the northeast corner of the building and the side yard setback on the northwest corner of the attached deck is non-conforming in accordance with Land Use Bylaw 186-22.

The proposed deck will further encroach into the existing front yard encroachment by 1.21 meters which can be remedied by way of a variance. The Municipal Government Act Sec 643 & Summer Village of White Sands Land Use Bylaw 186-22 regulate that non-conforming structures may not be added onto or structurally altered. However, Sec 643 (5)c of the MGA indicates an exception to this rule whereas powers identified in a municipalities land use bylaw may invoke powers of variation and whereas according to LUB 186-22 these powers lie with the Summer Village of White Sands Municipal Planning Commission.

Legislation and Policy:

Staff has assessed this application against the provisions outlined in the Summer Village of White Sands Land Use Bylaw and the Municipal Government Act.

Development Review:

Requirements pertaining to the proposed development are regulated within the Land Use Bylaw 186-22 as follows:

Schedule C (1)

- Minimum Front Yard – 9.0 m required – Existing 8.28 m - Proposed 7.07 m
- **Front Yard Variance Requested – 1.93 m**
- Minimum Side Yard – 1.5 m – existing 1.43 m
- **Side Yard Variance Requested – 0.07 m**

2.3 Variance Authority

- 2.4.1 The Municipal Planning Commission may allow a variance of any standard prescribed in this bylaw provided the variance complies with the requirements of the Alberta Building Code, and the variance does not:

- (a) unduly affect the neighbourhood which includes variances for non-conforming buildings.
- (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
- (c) the proposed development conforms to the use prescribed for the land in this bylaw.

2.4.2 In considering a variance the Municipal Planning Commission shall:

- (a) Not grant a variance which would infringe the Airport zoning regulations; and
- (b) Not grant a variance which would infringe the floodway/flood fringe regulations; and
- (c) Have regard to the purpose and intent of the district and the nature and value of developments on adjacent properties.
- (d) If a variance is granted, the Development Authority shall specify its nature in the development permit approval.

Other Comments:

Existing and proposed land use –R-1 – Residential District: Small Lot

Alternatives:

- Defeat the application stating reasons.
- Allow the deck as proposed with an additional 1.21 m into the front yard encroachment

Application No: _____

Land Use Bylaw 186-22

APPLICATION FOR DEVELOPMENT

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.

Applicant _____ Mailing Address _____

City _____ Province _____ Postal Code _____

Phone _____ Email _____

Legal Description of Property to be developed:

Lot: _____ Block: _____ Plan: _____

Registered Owner _____

Property Address _____

Existing Use _____ Land Use District _____

MAIN BUILDING (If the application is for a main building, complete this section)

Proposed Use _____

Parcel Type Interior _____ Corner _____ Area of Parcel _____ Sq Ft

Property Line Setbacks

Front Yard _____ Side Yards _____ & _____ Rear Yard _____

Floor Area _____ Sq Ft Portion of parcel covered by development _____ %

Height of Building _____ Number of Off-Street Parking Stalls _____

ACCESSORY BUILDING (If the application is for an accessory building, complete this section)

Proposed Use _____

Portion of parcel covered by development _____ %

Height of Building _____

Property Line Setbacks Front Yard _____ Side Yards _____ & _____ Rear Yard _____

Date of Application _____

Estimated Date of Commencement _____

Estimated Date of Completion _____

Signature of Applicant _____

Application shall be accompanied by the following:

1. A non-returnable processing fee: \$100.00
 - a. Following payment options are available:
 - i. Option Pay:
<http://www.whitesandsab.ca/pay-online.html>
 - ii. In person at Summer Village of White Sands Office:
#10, 19447 Hwy 12, County of Stettler, AB
 - iii. By mail to:
Summer Village of White Sands
Box 119, Stettler, AB, T0C 2L0
2. A scaled site plan showing the treatment of landscaped areas, if required, the legal description, the front, rear, and side yards, if any; any provision of off-street parking and access and egress points to the parcel.
3. Scaled floor plans, evaluations and buildings sections in duplicate, and sewage disposal plans.
4. A copy of the Certificate of Title indicating ownership and encumbrances.

FURTHER INFORMATION MAY ALSO BE REQUIRED

1. The Development Officer may refuse to accept an application for a development permit where the required information is not supplied or where, in his/her opinion, the quality of the material supplied is inadequate to properly evaluate the application.
2. The Development Officer may deal with an application without all the information required, if he/she is of the opinion that a decision on the application can be properly made without such information.
3. You may require a building permit from Alberta Labour, Building Standards Branch.
4. As a condition of development approval involving the construction of a dwelling unit, the Development Officer will require that the applicant provide a refundable security deposit in the amount of 5% of the project value to ensure project completion in accordance with the conditions of development approval.

BEFORE





BEFORE

AFTER





AFTER