

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
April 1, 2014 – 6:30 pm
Agenda

- 1. Adoption of Agenda**
- 2. Adoption of MPC Minutes from March 4, 2014..... Pkg 1**
- 3. In Camera**
- 4. Unfinished Business**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2014-08 Pkg 2
Michael Morley
Lots 17-20, Block 16, Plan 7850AL; Hamlet of Beaver Mines
 - b. Development Permit Application No. 2014-10
Marilyn and Bert Nyrose
Lots 1-4, Block 15, Plan 7850AL; Hamlet of Beaver Mines..... Pkg 3
- 6. Development Reports**
 - a. March 2014 Pkg 4
- 7. Correspondence**
- 8. New Business**
- 9. Next Regular Meeting – May 6, 2014; 6:30 pm**
- 10. Adjournment**

Meeting Minutes of the
Regular Meeting of the Municipal Planning Commission
March 4, 2014 – 6:30 pm
Municipal District of Pincher Creek No. 9 Administration Building

ATTENDANCE

Commission: Reeve Brian Hammond, Councillors Terry Yagos, Fred Schoening and Garry Marchuk, and Members Dennis Olson and Bev Garbutt

Absent: Councillor Grant McNab

Staff: Chief Administrative Officer Wendy Kay, Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott and Executive Assistant Tara Cryderman

COMMENCEMENT

Chairman Terry Yagos called the meeting to order, the time being 6:33 pm.

1. **ADOPTION OF AGENDA**

Reeve Brian Hammond 14/008

Moved that the March 4, 2014 Municipal Planning Commission Revised Agenda be approved as presented.

Carried

2. **ADOPTION OF MINUTES**

Councillor Garry Marchuk 14/009

Moved that the Municipal Planning Commission Minutes of February 4, 2014 be approved as presented.

Carried

3. **IN CAMERA**

Councillor Fred Schoening 14/010

Moved that MPC and staff move In-Camera, the time being 6:35 pm.

Carried

Reeve Brian Hammond 14/011

Moved that MPC and staff move out of In-Camera, the time being 6:38 pm.

Carried

4. UNFINISHED BUSINESS

There was no unfinished business to discuss.

5. DEVELOPMENT PERMIT APPLICATIONS

- a) Development Permit Application No. 2014-04
Lee and Tracy Evenson
Lot 4, Descriptive Plan 941 0918; S 19-4-29 W4M

Councillor Fred Schoening 14/012

Moved that Development Permit Application No. 2014-04 be approved subject to the following Condition(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.

Carried

6. DEVELOPMENT REPORTS

Councillor Garry Marchuk 14/013

Moved that the Director of Development and Community Services Report for February 2014 be received as information.

Carried

7. CORRESPONDENCE

Action Required:

- a) McLaughlin Wind Farm – Permit Timeline Suspension Request – Development Permit No. 2012-03

Councillor Garry Marchuk 14/014

Moved that the report from the Director of Development and Community Services, dated February 27, 2014 regarding the McLaughlin Wind Farm – Permit Timeline Suspension Request – Development Permit No. 2012-03, be received;

And that pursuant to Section 53.19(d) of the Land Use Bylaw 1140-08, the Municipal Planning Commission grants the applicant's request for a three (3) year suspension to the development timeline for Development Permit No. 2012-03, being the McLaughlin Wind Farm, said permit is hereby suspended from March 4th, 2014 to March 4th, 2017.

Carried

MINUTES
Municipal Planning Commission (MPC)
Municipal District of Pincher Creek No. 9
March 4, 2014

b) Saltwater Shrimp Aquaculture, AQUAculture and Intensive Horticultural Operations

Reeve Brian Hammond

14/015

Moved that the emails from the Planning Advisor, dated February 13, 2014 and February 25, 2013 regarding Saltwater Shrimp Aquaculture, AQUAculture and Intensive Horticultural Operations be received;

And that this item be brought back to MPC as a recommendation to amend the Land Use Bylaw.

Carried

8. **NEW BUSINESS**

9. **NEXT MEETING** – Tuesday, April 1, 2014; 6:30 pm

10. **ADJOURNMENT**

Reeve Brian Hammond

14/016

Moved that the meeting adjourn at 7:02 p.m.

Carried

Chairperson Terry Yagos
Municipal Planning Commission

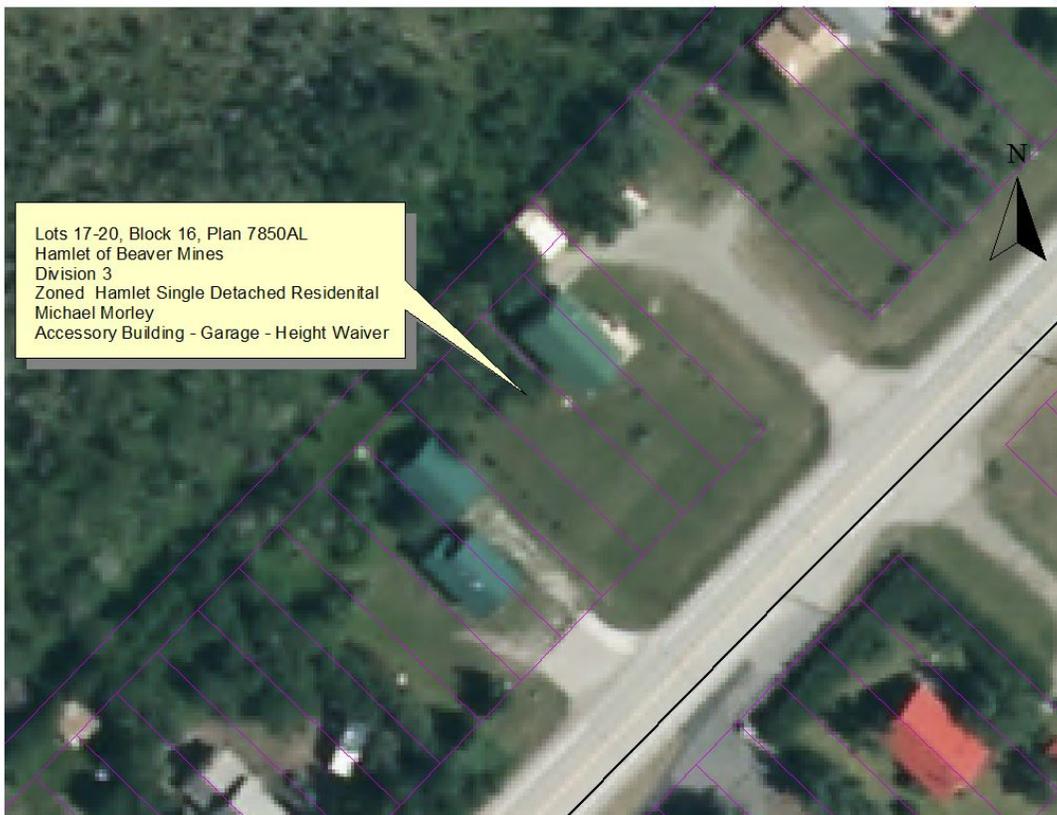
Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

Development Permit Application No. 2014-08

Michael Morley

Lots 17-20, Block 16, Plan 7850AL

Accessory Building – Garage – Height Waiver Requested



MD OF PINCHER CREEK

March 26, 2014

TO: Municipal Planning Commission
FROM: Roland Milligan, Director of Development and Community Services
SUBJECT: Development Permit Application No. 2014-08

1. Applicant

Applicant(s): Michael Morley
Location Lots 17-20, Block 16, Plan 7850AL; Hamlet of Beaver Mines
Division: 3
Size of Parcel: 1115m² (12000 ft²)
Zoning: Hamlet Single Detached Residential – HR1
Development: Accessory Building (Garage): *Variance Requested for Height*

2. Background/Comment

- On March 14, 2014 MD received the complete application for the request for a height variance for the construction of an Accessory Building - Garage. (Enclosure No. 1).
- The application is in front of the MPC because:
 - Within the Hamlet Single Detached Residence 1 - HR-1 Land Use District of Land Use Bylaw 1140-08, the maximum height of an accessory building is 4.6m (15.1 ft). The height of the proposed accessory building is 5.18m (17 ft.). A 0.58m (1.91ft) variance in height is requested.

Discussion

- The application was circulated to the adjacent landowners for comment as required.
- At the time of preparing this report two emails were received from adjacent landowners, both stating that they had no concerns with the proposed development.
- The applicant wishes to have 3.05m (10ft) high walls in the garage. When combined with the standard 5-12 roof pitch and the proposed width of the building, the resultant height of 5.18m, is 0.58m (13%) greater than the 4.6m Maximum Building Height for accessory building as established within the LUB.
- The proposed location of the garage meets all setback requirements of the land use district (Enclosure No. 2).
- The existing adjacent garage is 5.3m in height (Enclosure No. 3).
- As the proposed garage will be lower in height than the existing adjacent garage, there would be no appreciative difference in the resultant streetscape.
- Pursuant to Section 16.17 of the LUB, the MPC may approve or conditionally approve a discretionary use that does not comply with this bylaw if, in the opinion of the MPC, the use complies with the following tests:

- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels; and
- (b) the proposed development conforms to the use intended for that land or building as described in the district within this bylaw.

Recommendation No. 1:

That Development Permit Application No. 2014-08 be approved subject to the following Condition(s) and Waiver(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.

Waiver(s):

1. That a 0.58 m (1.9 ft) Height Waiver be granted from the maximum height of 4.6 m (15.1 ft) for a building height of 5.18 m (17.0 ft).

Recommendation No. 2:

That Development Permit Application No. 2014-08 be denied as it does not comply with the requirements of Land Use Bylaw 1140-08.

Recommendation No. 3:

That Development Permit Application No. 2014-08 be approved subject to conditions and/or variances as determined by the Municipal Planning Commission.

Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2014-08

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



March 26, 2014



Municipal District of Pincher Creek
P.O. Box 279
Pincher Creek, AB T0K 1W0
Phone: 403.627.3130 • Fax: 403.627.5070

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2014-08

Date Application Received 2014/03/14

PERMIT FEE 150

Date Application Accepted 2014/03/14

RECEIPT NO. 19426

Tax Roll # 0365.000

702 First Avenue

IMPORTANT: This information may also be shared with appropriate government / other agencies and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact the Municipal District of Pincher Creek No. 9

SECTION 1: GENERAL INFORMATION

Applicant: Michael Morley

Address: 702 1st Ave, Beaver Mines, PO 1344 (Pincher Creek) AB T0K 1W0

Telephone: 403-548-1861 Email: mvmorley@telusplanet.net

Owner of Land (if different from above): _____

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

Garage

Legal Description: Lot(s) 17-20

Block 16

Plan 7850 AL

Quarter Section _____

Estimated Commencement Date: May 1, 2014

Estimated Completion Date: Aug 1, 2014

SECTION 3: SITE REQUIREMENTS

Land Use District: Hamlet Single Detached Residential Division: 3

Permitted Use Discretionary Use

Is the proposed development site within 100 metres of a swamp, gully, ravine, coulee, natural drainage course or floodplain?

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

If yes, approximately how many degrees of slope? _____ degrees

Has the applicant or a previous registered owner undertaken a slope stability study or geotechnical evaluation of the proposed development site?

Yes No Don't know Not required

Could the proposed development be impacted by a geographic feature or a waterbody?

Yes No Don't think so

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) %Site Coverage by Building			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site	12000 sqft.		
(2) Area of Building 30' x 32'	960 sqft		
(3) %Site Coverage by Building	8%	≤ 10%	YES
(4) Front Yard Setback Direction Facing: 4WY 774 - SE 21.04m	69ft East	6m	YES
(5) Rear Yard Setback Direction Facing: NW 5.79m	19ft West	1.5m	YES
(6) Side Yard Setback: Direction Facing: SW 1.52m	5ft South	1.5m	YES
(7) Side Yard Setback: Direction Facing: NE 19.81m	65 ft North	3m SEC. FRONT YD.	YES
(8) Height of Building 5.8m	17 ft	4.6m	0.58m 13% VARIANCE REQ'D.
(9) Number of Off Street Parking Spaces	N/A		

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Jan. 6 / 2014

M. Morley
Applicant

M. Morley
Registered Owner

Information on this application form will become part of a file which may be considered at a public meeting.

7th STREET

36.56m

19.81m

30.21m

PROPOSED GARAGE
LOWERED STAIRS
Elev. 2.07m

9.75m
1.52m

24.04m

30.48m

North

FIRST AVE.
(HWY 774)

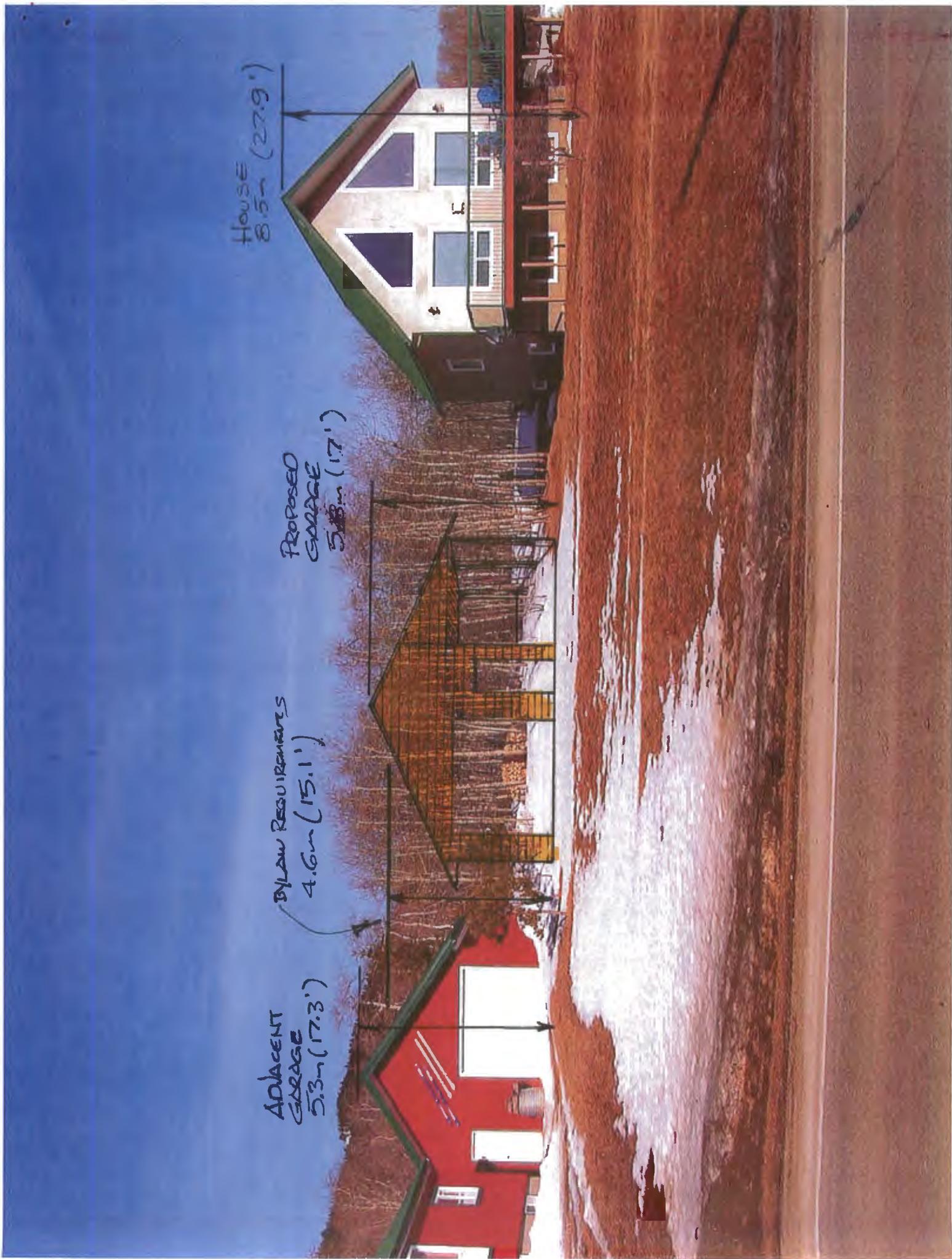


House
8.5m (27.9')

PROPOSED
GARAGE
5.8m (17')

BYLAW REQUIREMENTS
4.6m (15.1')

ADJACENT
GARAGE
5.3m (17.3')

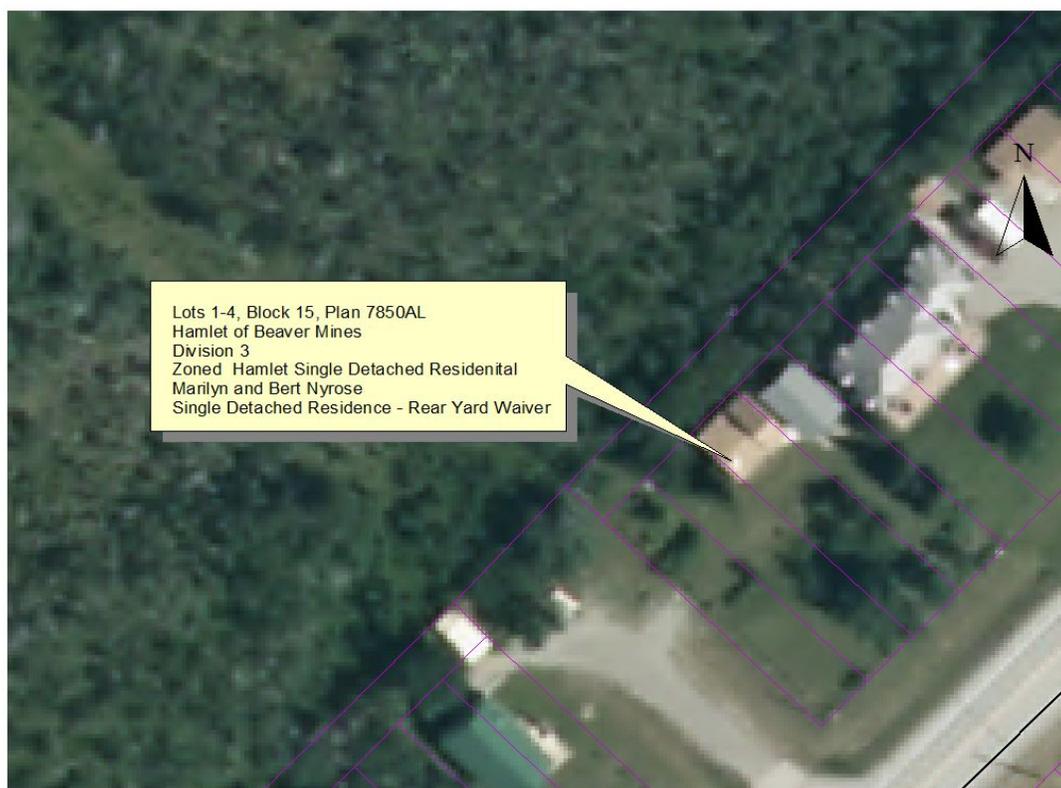
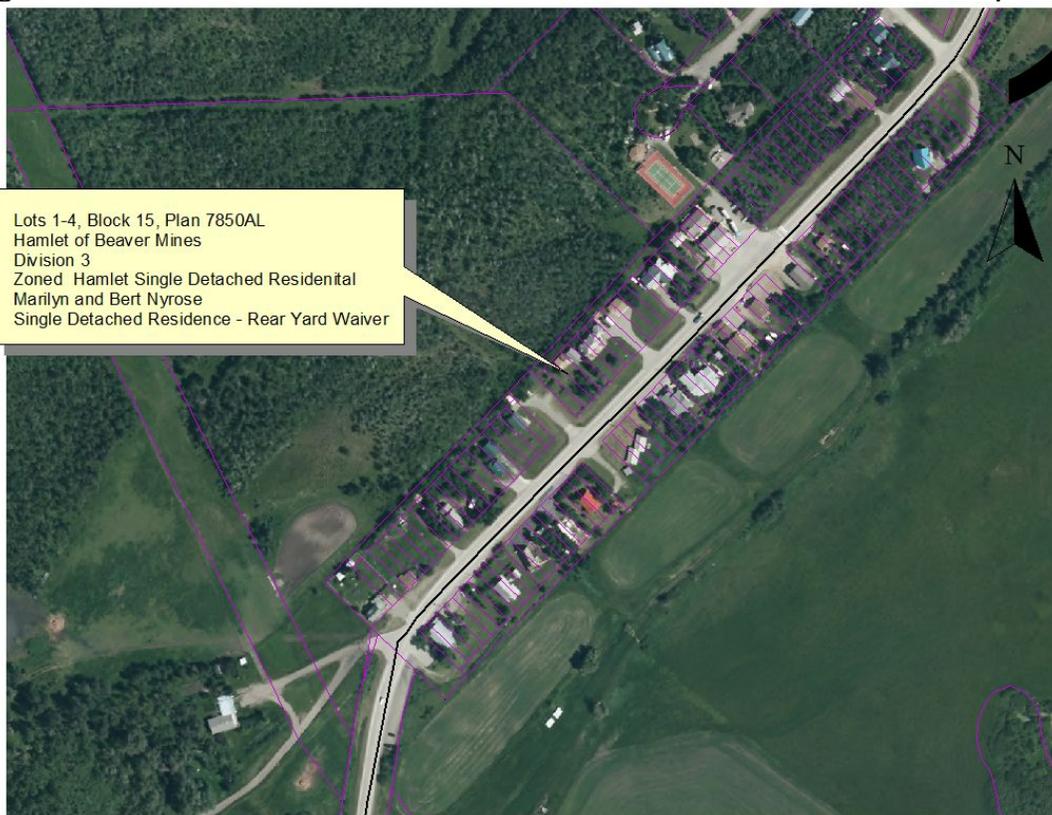


Development Permit Application No. 2014-10

Marilyn and Bert Nyrose

Lots 1-4, Block 15, Plan 7850AL

Single Detached Residence – Variance of Rear Yard Setback Requested



MD OF PINCHER CREEK

March 26, 2014

TO: Municipal Planning Commission
FROM: Roland Milligan, Director of Development and Community Services
SUBJECT: Development Permit Application No. 2014-10

1. Applicant

Applicant(s): Marilyn and Bert Nyrose
Location: Lots 1-4, Block 15, Plan 7850AL; Hamlet of Beaver Mines
Division: 3
Size of Parcel: 1115m² (12000 ft²)
Zoning: Hamlet Single Detached Residential – HR1
Development: Single Detached Residence: *Variance Requested for Proposed Rear Yard Setback*

2. Background/Comment

- On March 14, 2014 the MD received the complete application for the construction of a Single Detached Residence (Enclosure No. 1).
- There is an existing residence located on this parcel. The applicant plans to demolish it and replace it with the new residence.
- The application is in front of the MPC because:
 - Within the Hamlet Single Detached Residence 1 - HR-1 Land Use District of Land Use Bylaw 1140-08, the rear yard setback distance is 7.5 m. The proposed rear yard setback distance is 3.0 m, requiring a 4.5 m variance in the rear yard setback distance.

Discussion

- The application was circulated to the adjacent landowners for comment as required.
- At the time of preparing this report one phone call from an adjacent landowner indicating that he had no issues with the proposed development was received.
- The existing residence is approximately 1 m from the adjacent property (Closed Lane owned by the MD of Pincher Creek).
- The applicant has stated four reasons why he is requesting to rebuild at the location that will require the waiver.
 1. *The 3.0m is the same as the existing garage on the site and adjoining developments.*
 2. *Access to and from 7th Street and the driveway would be adversely affected.*
 3. *Placement of septic holding tank would create problems by encroaching into front yard setback.*
 4. *Closer to road would cause noise issues.*

Recommendation No. 1:

That Development Permit Application No. 2014-10 be approved subject to the following Condition(s) and Waiver(s):

Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1140-08.

Waiver(s):

1. That a 4.5 m (14.8 ft) Rear Yard Setback Waiver be granted from the minimum Rear Yard Setback of 7.5 m (24.6 ft) for a Rear Yard Setback of 3.0 m (10.0 ft).

Recommendation No. 2:

That Development Permit Application No. 2014-10 be denied as it does not comply with the requirements of Land Use Bylaw 1140-08.

Recommendation No. 3:

That Development Permit Application No. 2014-10 be approved subject to conditions and/or variances as determined by the Municipal Planning Commission.

Enclosures

Supporting Documents:

Enclosure No. 1 Development Permit Application No. 2014-10

Respectfully Submitted,



Roland Milligan

Reviewed by: Wendy Kay, CAO



March 26, 2014



Municipal District of Pincher Creek
 P.O. Box 279
 Pincher Creek, AB T0K 1W0
 Phone: 403.627.3130 • Fax: 403.627.5070

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2014-10

Date Application Received 2014/03/14 PERMIT FEE \$150.00
 Date Application Accepted 2014/03/14 RECEIPT NO. 15896
 Tax Roll # 0350.000 634 First Avenue

IMPORTANT: This information may also be shared with appropriate government / other agencies and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact the Municipal District of Pincher Creek No. 9

SECTION 1: GENERAL INFORMATION

Applicant: MARILYN & BERT L. NYROSE
 Address: 35 WILDWOOD ROAD WEST Lethbridge, AB T1K 6C5
 Telephone: 403-381-2883 Email: bmnyrose@telus.net
 Owner of Land (if different from above): same as above
 Address: _____ Telephone: _____
 Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

REMOVE existing cabin and construct single residential cottage

Legal Description: Lot(s) 1-4
 Block 15
 Plan 7850 AL.
 Quarter Section S.W. 10-6-2-5
 Estimated Commencement Date: MAY/JUNE 2014
 Estimated Completion Date: SEPT/OCT. 2014

SECTION 3: SITE REQUIREMENTS

Land Use District: HAMLET RESIDENTIAL 1 - HR1 Division: 3

Permitted Use Discretionary Use

Is the proposed development site within 100 metres of a swamp, gully, ravine, coulee, natural drainage course or floodplain?

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

If yes, approximately how many degrees of slope? 5 degrees

Has the applicant or a previous registered owner undertaken a slope stability study or geotechnical evaluation of the proposed development site?

Yes No Don't know Not required

Could the proposed development be impacted by a geographic feature or a waterbody?

Yes No Don't think so

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	12,000 ft ²		
(2) Area of Building	960 ft ²		
(3) %Site Coverage by Building	8%	≤ 35%	YES
(4) Front Yard Setback Direction Facing:	to 6' DECK - 74' - 22.6M S.E.	6m	YES
(5) Rear Yard Setback Direction Facing:	10' - 3.0M N.W.	7.5m	No 4.5m VARIANCE REQ'D.
(6) Side Yard Setback: Direction Facing:	33' - 10M S.W.	10M SEC. FRONT YD.	YES
(7) Side Yard Setback: Direction Facing:	35' - 10.7M N.E.	1.5m	YES
(8) Height of Building	≈ 18' = 5.5M	8.5m	YES
(9) Number of Off Street Parking Spaces	3-4	2	YES

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SITE LAYOUT ON Air photo

SKETCH FLOOR PLAN.

<u>ACCESSORY BUILDING</u> <i>N/A.</i>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) %Site Coverage by Building			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SECTION 4: DEMOLITION

Type of building being demolished : 640 ft² CABIN.

Area of size: _____

Type of demolition planned: PARTIAL REMOVAL FOR RECYCLE, BACKHOE-CRUSH/LOAD.

SECTION 5: SIGNATURES (both signatures required)

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

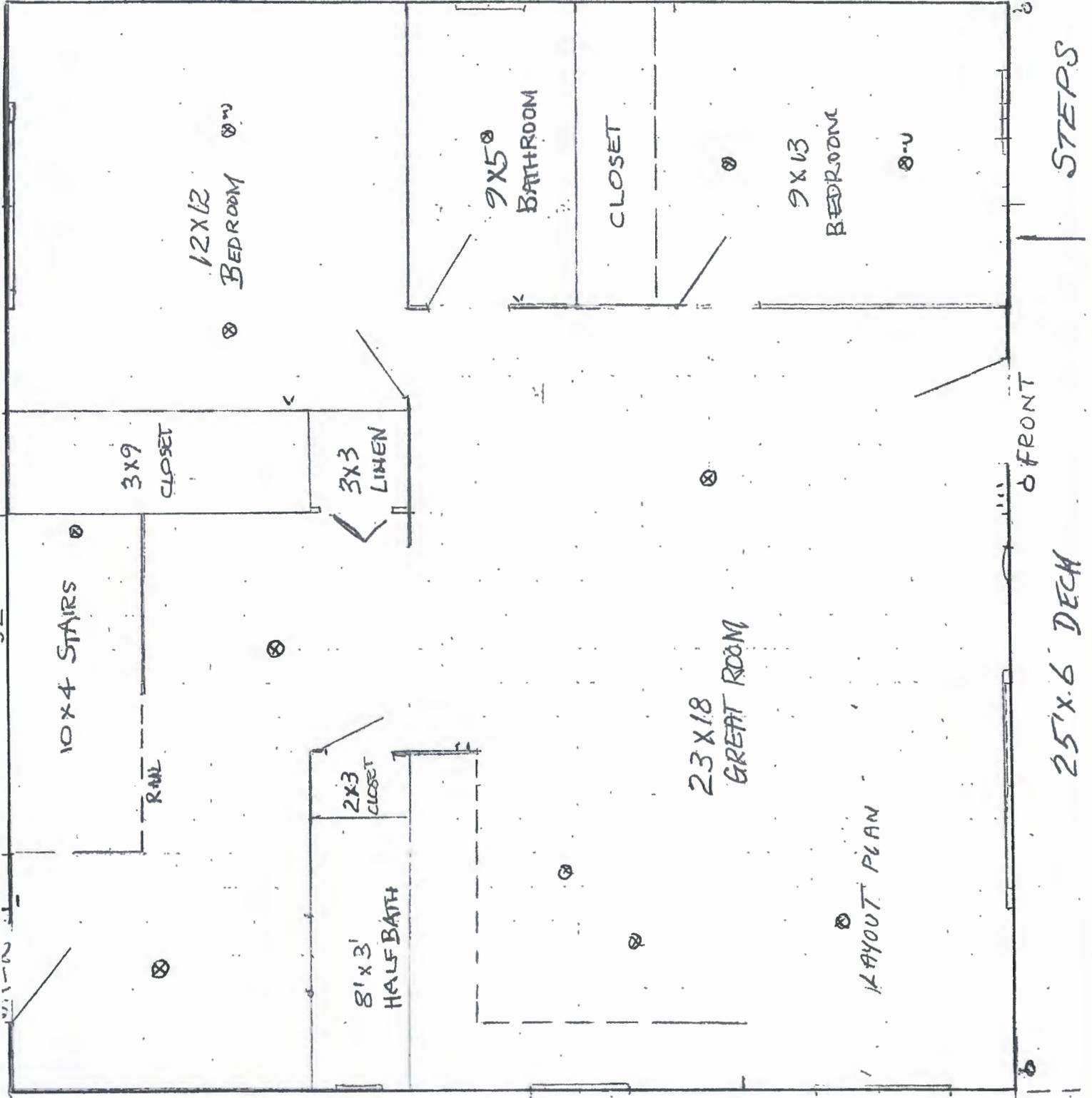
DATE: 2014/03/14

Bert L. Hyrose
Applicant

Maurine M. Hyrose / Bert L. Hyrose
Registered Owner's

Information on this application form will become part of a file which may be considered at a public meeting.

2'
OVERHANG





CLOSED LAKE (MD)

NORTH

SCALE 1:250

EXISTING GARAGE

EXISTING RESIDENCE TO BE DEMOLISHED

PROPOSED NEW RESIDENCE

DECK

BUILDING POCKET

BLOCK

7th STREET

FIRST AVENUE (HWY 774)

10m

30m

10m

36.58m

25m

2850 AL

30.48m

10.75m

19.14m

9.75m

1

2

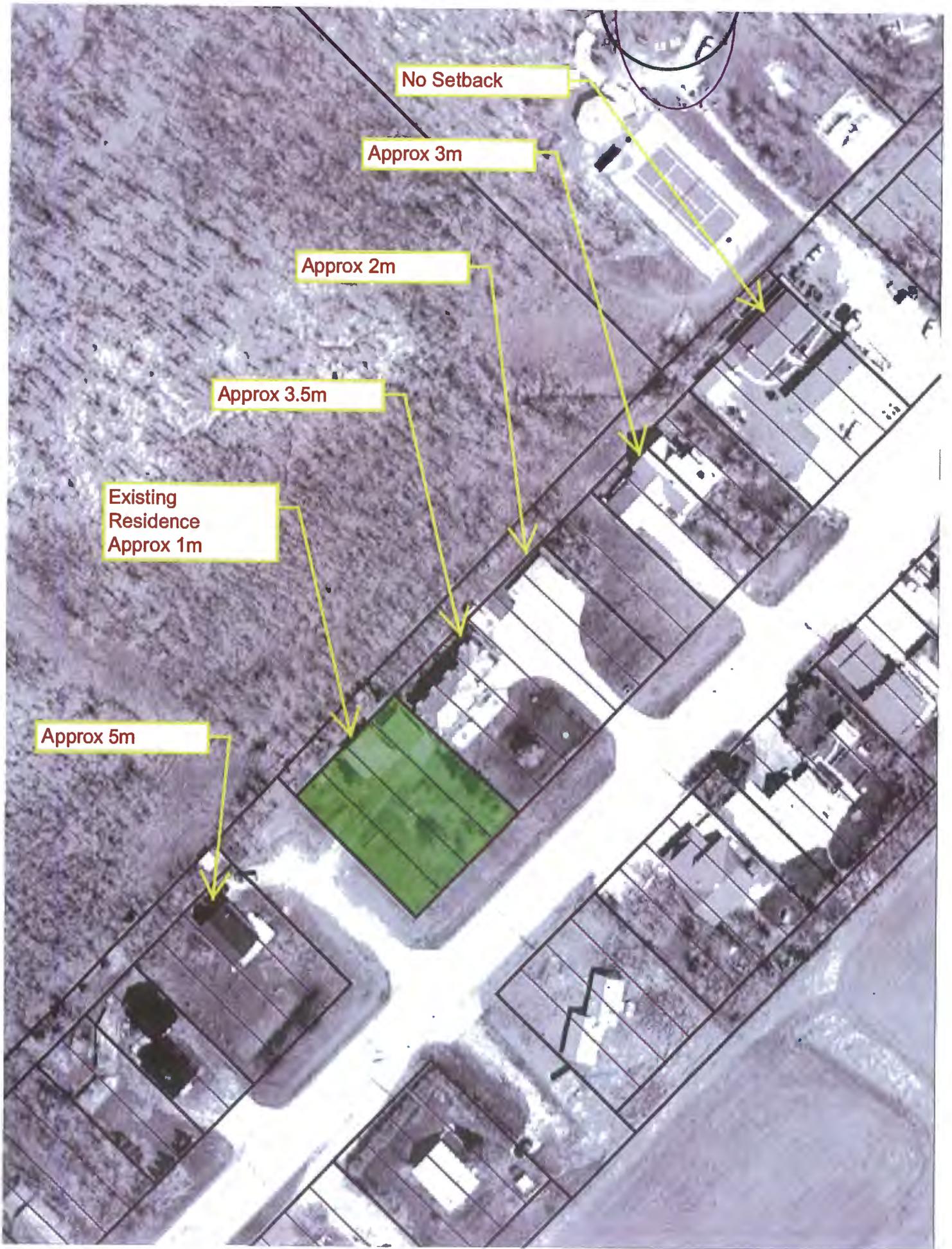
3

4

14

Back Yard Waiver Requested;

- A) 10' (3.0) - SAME AS EXISTING GARAGE ON SITE AND ADJOINING DEVELOPMENTS.
- B) Access to 7th St. & Driveway to Garage would be adversely impacted.
- C) Placement of Septic Holding Tank would create problems by encroaching into front yard setback.
- D) Closer to road - noise issue



No Setback

Approx 3m

Approx 2m

Approx 3.5m

Existing
Residence
Approx 1m

Approx 5m

**DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES
REPORT – March 2014**

Development / Community Services Activity include:

- March 3 Interviewed Candidates for Receptionist Position
- March 4 Interviewed Candidates for Receptionist Position
- March 4 Castle Mountain Area Structure Plan Review
- March 4 Subdivision Authority
- March 4 Municipal Planning Commission
- March 11 Policy and Plans
- March 11 Council
- March 13 Staff Meeting
- March 13 Department Head Staff Meeting
- March 25 Policy and Plans
- March 25 Council
- March 27 Staff Meeting
- March 27 Department Head Staff Meeting

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by Development Officer for March 2014

2014-07	Dan and Carrie Gallagher	Lot 107, Block 4, Plan 1211214; Castle Mountain	Single Detached Residence
2014-09	George and Bonnie Stillman	NW 11-6-1 W5M	Accessory Building - Garage

Development Permits Issued by Municipal Planning Commission for March 2014

2014-04	Lee Evenson	Lot 4, Plan 9410918; S 19-4-29 W4M	Moved In Residential Building
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Development Statistics to Date

DESCRIPTION	March 2014	2014 to Date	March 2013	2013	2012
Dev Permits Issued	3 2- DO /1 - MPC	8 6- DO /2 - MPC	5 4 - DO /1 - MPC	67 42 - DO / 25- MPC	68 49 - DO / 19 - MPC
Dev Applications Accepted	6	12	6	66	74
Utility Permits Issued	2	8	2	32	36
Subdivision Applications Approved	2	2	0	9	15
Rezoning Applications Approved	0	0	0	2	1
Seismic / Oil / Gas	0	0	0	3	3
Compliance Cert	1	4	0	19	24

RECOMMENDATION:

That the Development Officer's Report for the period ending March 27, 2014, be received as information.

Prepared by: Roland Milligan, Director of Development and Community Services *RM* Date: March 27, 2014

Reviewed by: Wendy Kay, CAO *W. Kay* Date: *March 27, 2014*

Submitted to: Municipal Planning Commission Date: April 1, 2014