

**Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION**

May 2, 2017

6:30 pm

Agenda

- 1. Adoption of Agenda**
- 2. Minutes**
 - a. Minutes of April 4, 2017
- 3. In Camera**
- 4. Unfinished Business**
- 5. Development Permit Applications**
 - a. Development Permit Application No. 2017-18
William and Elizabeth Smith
Lot 1, Block 1, Plan 1510211; NE 23-6-1 W5M
Accessory Building – Detached Garage – Variance Requested
- 6. Development Reports**
 - a. Development Officer's Report
- Report for the month of April 2017
- 7. Correspondence**
- 8. New Business**
- 9. Next Regular Meeting –June 6, 2017; 6:30 pm**
- 10. Adjournment**

4. **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

5. **DEVELOPMENT PERMIT APPLICATIONS**

Member Michael Gerrand declared a potential conflict of interest, and left the meeting, the time being 6:44 pm.

- a. Development Permit Application No. 2017-06
Stantec Consulting on behalf of ENEL Green Power
Installation of 35m Meteorological Tower
SE 8-7-29 W4M

Councillor Garry Marchuk

17/35

Moved that the report from the Director of Development and Community Services, dated March 27, 2017, regarding Temporary Development Permit Application No. 2017-06, for the installation of a 35m Meteorological Tower, be received;

And that Temporary Development Permit Application No. 2017-06, 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.
2. That this permit is valid for six (6) years from the date issued.

Carried

- b. Development Permit Application No. 2017-07
Stantec Consulting on behalf of ENEL Green Power
Installation of 35m Meteorological Tower
SW 7-7-29 W4M

Councillor Fred Schoening

17/36

Moved that the report from the Director of Development and Community Services, dated March 27, 2017, regarding Temporary Development Permit Application No. 2017-07, for the installation of a 35m Meteorological Tower, be received;

And that Temporary Development Permit Application No. 2017-07, 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.
2. Prior to installation, the applicant shall provide a copy of the NAV Canada approval, to be attached to and form part of this permit.
3. Prior to installation, the applicant shall provide a copy of the Transport Canada approval, to be attached to and form part of this permit.
4. That this permit is valid for five (5) years from the date issued.

Carried

- e. Development Permit Application No. 2017-12
David and Bonnie Dingreville
Secondary Farm Residence
Ptn. SE 15-7-29 W4M

Reeve Brian Hammond

17/39

Moved that the report from the Director of Development and Community Services, dated March 27, 2017, regarding Development Permit Application No. 2017-12, for the placement of a Secondary Farm Residence, be received;

And that Development Permit Application No. 2017-12, 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.
2. Prior to placement of the Secondary Farm Residence, the applicant forward final house plans to the Development Authority, to be attached to and form part of this permit.
3. Should the Secondary Farm Residence be a Manufactured Home, that the manufactured home be finished from the floor level to the ground within 90-days of placement. All finish material shall either be factory fabricated or of equivalent quality, so that the design and construction complements the dwelling.
4. Should the Secondary Farm Residence be a Manufactured Home, that the manufactured home be placed on an engineer approved foundation (e.g. grade beam), basement, or other method of securing the home which satisfies the requirements of the Alberta Safety Codes.

Carried

6. **DEVELOPMENT REPORTS**

a. Development Officer's Report

Reeve Brian Hammond 17/40

Moved that the Development Officer's Report, for the month of March 2017, be received as information.

Carried

7. **CORRESPONDENCE**

8. **NEW BUSINESS**

No new business was added to the agenda.

9. **NEXT MEETING – May 2, 2017; 6:30 pm.**

10. **ADJOURNMENT**

Councillor Quentin Stevick 17/41

Moved that the meeting adjourn, the time being 6:47 pm.

Carried

Chairperson Terry Yagos
Municipal Planning Commission

Director of Development and Community
Services Roland Milligan
Municipal Planning Commission

MD OF PINCHER CREEK

April 27, 2017

TO: Municipal Planning Commission
FROM: Roland Milligan, Development Officer
SUBJECT: Development Permit Application No. 2017-18

1. Application Information

Applicant: Bill and Elizabeth Smith
Location: Lot 1, Block 1, Plan 151 0211, within NE 23-6-1 W5M
Division: 3
Size of Parcel: 3.86 ha (9.55 acres)
Zoning: Agriculture
Development: Accessory Building – Detached Garage

2. Background/Comment/Discussion

- The MD has accepted Development Permit Application No. 2017-18 for the construction of an accessory building, detached garage, on the above noted parcel of land.
- Due to the existing development and use of the parcel, the proposed location of the building will require a 7m (14%) waiver of the required 50m setback from a municipal road.
- This application is in front of the Municipal Planning Commission (MPC):
 - Pursuant to Section 16.16 of the Land Use Bylaw, the Development Officer is restricted to a maximum 10% limit on variance powers for setbacks within the Agriculture Land Use District.
 - Setbacks can be waived by the MPC if they meet the generally accepted rules of waivers as outlined in Section 16.19.
- LUB Section 16.19. In approving an application for a development permit under Section 16.4 the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:
 - o a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district;
 - o where a variance is considered that will reduce the setback from any road as defined in the Act, the Development Authority shall consider all future road construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.
- The applicant is requesting a waiver because the existing development on the parcel prohibits the garage from being placed 50 metres from the road right-of-way.

- The applicant wishes to use the existing driveway, as this location is close to the residence.
- Hindering the placement of the garage further west is the existing waterline from the Pincher Creek Water Co-op.
- Directly south and adjacent to the proposed location are some spruce trees planted by the landowner some 30 years ago, and the applicant's established garden.
- As the proposed development requires a setback waiver from an MD road, the application was circulated to the Public Works department for comment. The Public Works Superintendent has stated that he has no concerns with the proposed location.
- The application was circulated to the adjacent landowners. At the time of preparing this report, no responses were received.
- All other proposed setbacks from property boundaries meet the requirements of the land use district.

Recommendation No. 1:

That the report from the Director of Development and Community Services, regarding Development Permit Application No. 2017-18, for the development of an accessory building (detached garage), be received;

And that Development Permit Application No. 2017-18, 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.

Waiver(s):

1. That a 7 metre Setback Distance waiver be granted, from the minimum 50 metre Setback Distance from Township Road 6-4, for a north side Setback distance of 43 metres.

Recommendation No. 2:

That Development Permit Application No. 2017-18 be approved subject to any conditions as determined by the Municipal Planning Commission.

Recommendation No. 3:

That Development Permit Application No. 2017-18 be denied, with reasons provided.

[REDACTED]

[REDACTED]

[REDACTED]

IMPORTANT NOTES:

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. **THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.**
5. All development permits shall contain the following informative:

"ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER."
6. In accordance with the Municipal Government Act, a decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 14 days of the expiry of the decision date.
7. Every approach to a residence is entitled to an approach number sign supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.

