

Municipal District of Pincher Creek No. 9
MUNICIPAL PLANNING COMMISSION
December 4, 2018
6:30 pm
Agenda

1. Adoption of Agenda

2. Minutes

- a. Meeting Minutes of November 6, 2018

3. Closed Meeting Session

4. Unfinished Business

Nil

5. Development Permit Applications

- a. Development Permit Application No. 2018-87
Danielson Law
Lot 14, Plan 901 1377; SW 7-7-2 W5M
Burmis Mountain Estates
Bring Property into Compliance – Setback Variances

6. Development Reports

- a. Development Officer's Report
- Report for the month of November 2018

7. Correspondence

Nil

8. New Business

9. Next Regular Meeting – February 5, 2019 6:30 pm

10. Adjournment

Recommendation to Municipal Planning Commission

TITLE: DEVELOPMENT PERMIT NO. 2018-87			
Applicant:	Danielson Law on behalf of Estate of Judith Botrell		
Location	Lot 14, Plan 901 1377; Burmis Mountain Estates		
Division:	5		
Size of Parcel:	1.69 ha (4.18 acres)		
Zoning:	Grouped Country Residential		
Development:	Setback Variances for Multiple Accessory Buildings		
PREPARED BY: Roland Milligan		DATE: November 29, 2018	
DEPARTMENT: Planning and Development			
Signature:		ATTACHMENTS:	
_____		1. Development Permit Application No. 2018-87 2. Letter from Danielson Law, dated October 29, 2018 3. Site photos of the parcel	
APPROVALS:			
_____	_____		2018/Nov/29
Department Director	Date	Interim CAO	Date

RECOMMENDATION:

That Development Permit No. 2018-87, to bring the existing Accessory Buildings (Shelter A, Shelter B, Shed A and Shed B) into compliance, subject to the following Conditions, Variance and Informative:

Condition(s):

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

Variance(s):**Shelter A:**

1. That a 29.69 m variance be approved, from the 30 m Front Yard requirement, for a Front Yard Setback distance of 0.31 m, from the internal subdivision road for Burmis Mountain Estates.

Recommendation to Municipal Planning Commission

Shelter B:

1. That a 29.67 m variance be approved, from the 30 m Front Yard requirement, for a Front Yard Setback distance of 0.37 m, from the internal subdivision road for Burmis Mountain Estates.

Shed A:

1. That a 26.03 m variance be approved, from the 30 m Rear Yard requirement, for a Rear Yard Setback distance of 3.97 m, from Range Road 3-0.

Shed B:

1. That a 5 m variance be approved, from the 30 m Rear Yard requirement, for a Rear Yard Setback distance of 25 m, from Range Road 3-0.
2. That a 7.36 m variance be approved, from the 7.5 m Side Yard requirement, for a Side Yard Setback distance of 0.14 m from the South property boundary.

Informative(s):

1. Pursuant to Section 643(6) of the *Municipal Government Act*, RSA 2000, Chapter M-26, if a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above the foundation, the building may not be repaired or rebuilt except in accordance with the Land use Bylaw.

BACKGROUND:

- In July 2018, a request for compliance was submitted to the MD for #14 Burmis Mountain Estates. Upon investigation, it was determined that multiple Accessory Buildings within the parcel did not meet the provisions of the Land Use Bylaw. The parcel of land was sold to Dustin and Dana Neufeld.
- This application is in front of the Municipal Planning Commission to seek approval to bring this property into compliance with the Land Use Bylaw.
- Setback variances are required for all four (4) buildings.
- The applicant has submitted a letter, dated October 29, 2018, explaining the request for the variances and the hardship that removing the buildings would pose to the new owners.
- Development history of the parcel reveals a development permit for the house, issued in 1993 and a development permit for the Barn/Farm Building, issued in 1999. No applications or approvals were provided for the Accessory Buildings.
- Notification letters were sent to the adjacent neighbours. At the drafting of this report, one comment was received from an adjacent neighbour stating:
“Thank you for the opportunity to respond to the Development permit submitted by Dustin and Dana Neufeld. We are adjoining neighbours and have no comments regarding the existing buildings for which they are seeking approval”.
- Public works was requested to comment as two of the buildings (Shelter A and Shelter B) are on the property line, adjacent to the internal subdivision road leading into Burmis Mountain Estates.

Recommendation to Municipal Planning Commission

Public Works Superintendent Stu Weber replied:

“I had a look at this. I see no problem with issuing a variance based on location and the elevation of the road. If they are rebuilt or replaced some time in the future, they should be moved then.”

- A site in section was done on November 22, 2018 to get some photos of the two livestock sheds adjacent to the road
- These buildings have been at there current locations for numerous years. There has been no documented issues regarding their location.



Municipal District of Pincher Creek
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DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2018-97

Date Application Received 2018/09/28

PERMIT FEE 300

Date Application Accepted 2018/11/14

RECEIPT NO. 38673

Tax Roll # 4423.030

14 Burmis mountain Estates

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: Danielson Law

Address: Box 1620, Blairmore, AB T0K 0E0

Telephone: 403-562-2132

Email: kristy@danielsonlaw.ca

Owner of Land (If different from above): _____

Address: _____

Telephone: _____

Interest of Applicant (If not the owner): Agent of previous 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:

Relaxation of the setback requirements.

Previous owners inherited property from parents. Buildings were in place before inheriting property.

Legal Description: Lot(s) 14

Block _____

Plan 901 1377

Quarter Section SW 7-7-2 WSM

Estimated Commencement Date: _____

Estimated Completion Date: _____

Municipal District of Pincher Creek, No. 9
 Land Use Bylaw 1140-08

Appendix B

6a

DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT
November 2018

Development / Community Services Activities includes:

- November 6 Planning Session
- November 6 Subdivision Authority Meeting
- November 6 Municipal Planning Commission Meeting
- November 13 Council Committee Meeting
- November 13 Council Meeting
- November 14 Joint Health and Safety Meeting
- November 23-30 Personal Leave

PLANNING DEPARTMENT STATISTICS

Development Permits Issued by the Director for November 2018

No.	Applicant	Division	Legal Address	Development
2018-85	Pia Blum	1	Lot 1, Block 2, Plan 0810973; NW 9-4-28 W4M	Single Detached Residence
2018-86	Don Penner	4	Lot 16, Block 1, Plan 0310100; SE 18-7-2 W5M	Garage / Shed
2018-88	Dale Jamieson and Barbara Boyer	4	Parcel K, Plan 8710572; SW 34-7-30 W4M	Quonset

Development Permits Issued by MPC for November 2018

No.	Applicant	Division	Legal Address	Development
2018-83	Nova Gas Transmission Ltd.	5	NE 2-10-2 W5M	Temporary Construction Work Camp
2018-84	Stantec Consulting - ENEL Green Power	4	SE 15-7-30 W4M	Three (3) Temporary MET Towers

Development Stati

DESCRIPTION	November 2018	2018 to Date	November 2017	2017	2016
Dev Permits Issued	5 3-DO / 2-MPC	79 47-DO / 32-MPC	4 4-DO / 0-MPC	65 45-DO / 20-MPC	64 40-DO / 24-MPC
Dev Applications Accepted	2	88	0	63	66
Utility Permits Issued	0	27	3	22	25
Subdivision Applications Approved	1	7	1	3	12
Rezoning Applications Approved	0	0	0	2	1
Compliance Cert	4	16	1	22	27

RECOMMENDATION:

That the report for the period ending November 23, 2018, be received as information.

Prepared by: Roland Milligan, Director of Development and Cc

November 23, 2018

Reviewed by: Sheldon Steinke, Interim Chief Administrative Officer

Date: 29, 10/12



Submitted to: Municipal Planning Commission

Date: December 4, 2018