

**Municipal District of Pincher Creek No. 9**  
**MUNICIPAL PLANNING COMMISSION**  
**September 7, 2021**  
**6:30 pm**  
**Agenda**

**1. Adoption of Agenda**

**2. Minutes**

- a. Meeting Minutes of August 3, 2021

**3. Closed Meeting Session**

**4. Unfinished Business - Nil**

**5. Development Permit Applications**

- a. Development Permit Application No. 2021-51  
Linda Ykema & Randy Hilbert  
Lots 1-3, Block 14, Plan No. 2177S  
401 Robinson Ave., Hamlet of Lundbreck  
Accessory Building (2 Car Garage, 120.4m<sup>2</sup>)
- b. Development Permit Application No. 2021-57  
Robin Kelly for Junior & Jocelyn Olsen  
Lot 11, Plan 901 2369, #11 Burmis Mountain Estates  
New Single Detached Residence to Replace Existing Modular Home and Construction of New  
Agricultural Building (Barn)
- c. Development Permit Application No. 2021-59  
Sherban Comanescu  
SE 19-05-02-W5M, 5312 Rge. Rd. 2-5  
Single Detached Residence and two Accessory Buildings

**6. Development Reports**

- a. Development Officer's Report  
- Report for the month of August 2021

**7. Correspondence**

Nil

**8. New Business**

**9. Next Regular Meeting – October 5, 2021; 6:30 pm**

**10. Adjournment**

**Meeting Minutes of the  
Municipal Planning Commission  
August 3, 2021 6:30 pm  
Municipal District of Pincher Creek No. 9 Administration Building**

**ATTENDANCE**

Commission: Chairman Jim Welsch, Reeve Brian Hammond, Councillors' Terry Yagos, Bev Everts, Quentin Stevick and Member At Large Jeff Hammond

Staff: Director of Development and Community Services Roland Milligan, Financial Services and Planning Clerk Joyce Mackenzie-Grieve

Planning Advisors: ORRSC, Senior Planner Gavin Scott

Absent: CAO Troy MacCulloch, Councillor Rick Lemire

Chairman Jim Welsch called the meeting to order, the time being 6:34 pm.

**1. ADOPTION OF AGENDA**

Councillor Terry Yagos 21/060

Moved that the agenda be approved as presented.

Carried

**2. ADOPTION OF MINUTES**

Reeve Brian Hammond 21/061

Moved that the Municipal Planning Commission Meeting Minutes for July 6, 2021 be approved as amended.

Carried

**3. CLOSED MEETING SESSION**

Councillor Quentin Stevick 21/062

Moved that the Municipal Planning Commission close the meeting to the public, under the authority of the *Municipal Government Act*, Section 197(2.1), the time being 6:35 pm.

Carried

Councillor Bev Everts 21/063

Moved that the Municipal Planning Commission open the meeting to the public, the time being 6:45 pm.

Carried

4. **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

5. **DEVELOPMENT PERMIT APPLICATIONS**

- a. Development Permit Application No. 2021-43**  
**Blake O'Brien**  
**Lot A, Block 8710138 within NE 23-7-30 W4M**  
**Moved In Single Detached Residence and Moved In Accessory Building**

Councillor Quentin Stevick 21/064

Moved that Development Permit No. 2021-43, for the Moved In Single Detached Residence and Moved In Accessory Building, be approved, subject to the Condition(s) and Variance(s):

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.

Carried

- b. Development Permit Application No. 2021-48**  
**Ken & Shelly Olson**  
**Lot 3, Block 16, Plan 7610822, 431 Hamilton Avenue, Lundbreck**  
**Front Porch setback variance to bring into compliance**

Councillor Terry Yagos 21/065

Moved that Development Permit No. 2021-48, to approve a .85m Front Yard Setback waiver from the minimum 6.0m Front Yard Setback for a 5.15m Front Yard Setback to bring an existing development into compliance , be approved subject to the following Condition(s) and Variance(s):

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.

Carried

6. **DEVELOPMENT REPORT**

a. Development Officer's Report

Reeve Brian Hammond 21/066

Moved that the Development Officer's Report, for the period July 2021, be received as information.

Carried

7. **CORRESPONDENCE**

Nil

8. **NEW BUSINESS**

None

9. **NEXT MEETING** – September 7, 2021; 6:30 pm.

10. **ADJOURNMENT**

Councillor Terry Yagos 21/067

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

Carried

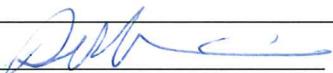
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Chairperson Jim Welsch  
Municipal Planning Commission

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Director of Development and Community  
Services Roland Milligan  
Municipal Planning Commission

## Recommendation to Municipal Planning Commission

<b>TITLE:</b> DEVELOPMENT PERMIT No. 2021-51 <b>Applicant:</b> Randy Hilbert and Linda Ykema <b>Location</b> Lots 1-3, Block 14, Plan No. 2177S 401 Robinson Ave., Hamlet of Lundbreck <b>Division:</b> 5 <b>Size of Parcel:</b> 1388 m <sup>2</sup> (14940 ft <sup>2</sup> ) <b>Zoning:</b> Hamlet Residential 2 – HR2 <b>Development:</b> Accessory Building (2 Car Garage, 120.4m <sup>2</sup> )			
<b>PREPARED BY:</b> Roland Milligan	<b>DATE:</b> August 31, 2021		
<b>DEPARTMENT:</b> Planning and Development			
<b>Signature:</b>  _____	<b>ATTACHMENTS:</b> 1. Development Permit Application 2021-51 2. Site Plan		
<b>APPROVALS:</b>			
 _____ Roland Milligan	2021/09/01 _____ Troy MacCulloch		
Department Director	Date	CAO	Date

**RECOMMENDATION:**

That Development Permit Application No. 2021-25, to replace an existing Singlewide Manufactured Home with a newer Singlewide Manufactured Home, 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 1289-18.
2. The applicant will contact the Public Works Department prior to developing the approach from 3<sup>rd</sup> Street to the garage entrance

**Variance(s):**

1. A 1.5 meter variance of the 3 meter setback requirement from a secondary front yard is granted for a secondary front yard setback of 1.5m from 3<sup>rd</sup> Street (50% variance).
2. A 0.38 meter variance of the 4.6 meter maximum accessory building height is granted for an accessory building height of 4.98 meters (8.3% variance).

# Recommendation to Municipal Planning Commission

## BACKGROUND:

- On August 6, 2021, the MD received Development Permit Application No. 2021-51 from Randy Hilbert and Linda Ykema (*Attachment No. 1*).
- The permit application is for the development of a new 120m<sup>2</sup> (1296ft<sup>2</sup>) accessory building (garage) on the parcel.
- This application is being placed in front of the MPC because:
  - Within the Hamlet Residential 2 – HR2 Land Use District, An Accessory Building with an area greater than 80m<sup>2</sup> (861ft<sup>2</sup>) is a Discretionary Use.
  - Within the Hamlet Residential 2 – HR2 Land Use District, Section 5.2, Setbacks shall be the same as 5.1 above except that the setback from a secondary front property boundary may be reduced by one-half where the principal building faces the principal front property boundary in the opinion of the MPC or the Development Officer. A variance of 1.5 m is required.
  - Within the Hamlet Residential 2 – HR2 Land Use District, maximum accessory building height is 4.6m (15.1 ft.), the applicant is proposing a 5.0 m (16.4 ft.) building height, requiring a variance of 8.6%.

## LOT COVERAGE

- The HR-2 land use district has some requirements for the massing of buildings within a parcel. Pursuant to HR-2, Section 10, the following are the Maximum Lot Coverage requirements:
- Principal building: 35 percent; Accessory buildings: 10 percent; and Principal and accessory buildings: total of 45 percent of lot coverage.
- The area of the parcel is 1388m<sup>2</sup>, the proposed lot coverage will be:
 

Residence	141.2 m <sup>2</sup>	10.2%	Max Principal bldg. is 35%	}	14.5%
Existing Garage	80.3 m <sup>2</sup>	5.8%	Max Accessory bldgs. is 10%		
Proposed Garage	120.4 m <sup>2</sup>	8.7%			
<b>Totals</b>	<b>341.9 m<sup>2</sup></b>	<b>24.6%</b>	<b>Max Total for all buildings is 45%</b>		
- The proposed lot coverage is well below the maximum 45% for principal and accessory buildings.

## SECONDARY FRONT YARD SETBACK

- The proposed location for the accessory building meets all but one of the setback requirements of the land use district. The setback to the north, from the secondary front yard of the corner lot, is proposed to be 1.5 m. Reducing the secondary front yard by one half in the district, would leave a setback requirement of 3 m.
- However, the applicant is not planning on removing the existing garage and is proposing to place the new garage at the same distance from the north property boundary.
- The existing garage was constructed in 1993, with the issuance of Development Permit No. 168-93.
- The proposed location will require a 1.5m variance of the 3m secondary front yard setback requirement for the district.

## ACCESSORY BUILDING HEIGHT

- The proposed accessory building is to be 4.98 m in height. The maximum height for the HR-2 Land Use District is 4.6 m. The building will require a 0.38 m (8.3%) variance on height.
- The application was forwarded to the adjacent landowners for comment. At the time of preparing this report no responses had been received.

# Recommendation to Municipal Planning Commission

## Location of Proposed Development





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. 2021-51

Date Application Received July 22/21

PERMIT FEE \$100 Permitted  
\$150 Discretionary

Date Application Accepted AUGUST 6/21

RECEIPT NO. 50838

Tax Roll # 0267.000

*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: Randy Hilbert Linda YKema

Address: [Redacted]  
Telephone: [Redacted]

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:

a 2 car garage 36x36 x 12' high. 1296 ft<sup>2</sup>

Legal Description: Lot(s) 1, 2, 3

Block 14

Plan 21775

Quarter Section \_\_\_\_\_

Estimated Commencement Date: Aug 1 2021

Estimated Completion Date: Jan 1 2022

**SECTION 3: SITE REQUIREMENTS**

Land Use District: HR-2 Division: 5  
 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	<del>4,400 1296.47</del>		
(2) Area of Building	<del>1296.47</del>		
(3) %Site Coverage by Building (within Hamets)	<del></del>		
(4) Front Yard Setback Direction Facing:	<del>52' Robinson</del>		
(5) Rear Yard Setback Direction Facing:	<del>30' Back Alley</del>		
(6) Side Yard Setback: Direction Facing:	<del>79' south</del>		
(7) Side Yard Setback: Direction Facing:	<del>5' 3' 1/2' str.</del>		
(8) Height of Building	<del>16' 4"</del>		
(9) Number of Off Street Parking Spaces			

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

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ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site	14,400 4/1		
(2) Area of Building	12,964	7861ft <sup>2</sup> MAC	As per UDO
(3) % Site Coverage by Building (within Hamlets)	ACCESS. BLDGS. HOME + ACCESS AIDS 14% 21.8%	10% 45%	NO YES
(4) Front Yard Setback Direction Facing:	52' Robinson	6m 19.7'	YES
(5) Rear Yard Setback Direction Facing:	30' Back Alley	5m 4.9'	YES
(6) Side Yard Setback Direction Facing:	79' South	5m 4.9'	YES
(7) Side Yard Setback Direction Facing:	5' 3rd Street	3m 9.8'	NO
(8) Height of Building	498- 16' 4"	Max 15.1'	NO
(9) Number of Off Street Parking Spaces	2		

50% covered  
8.1% covered

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.

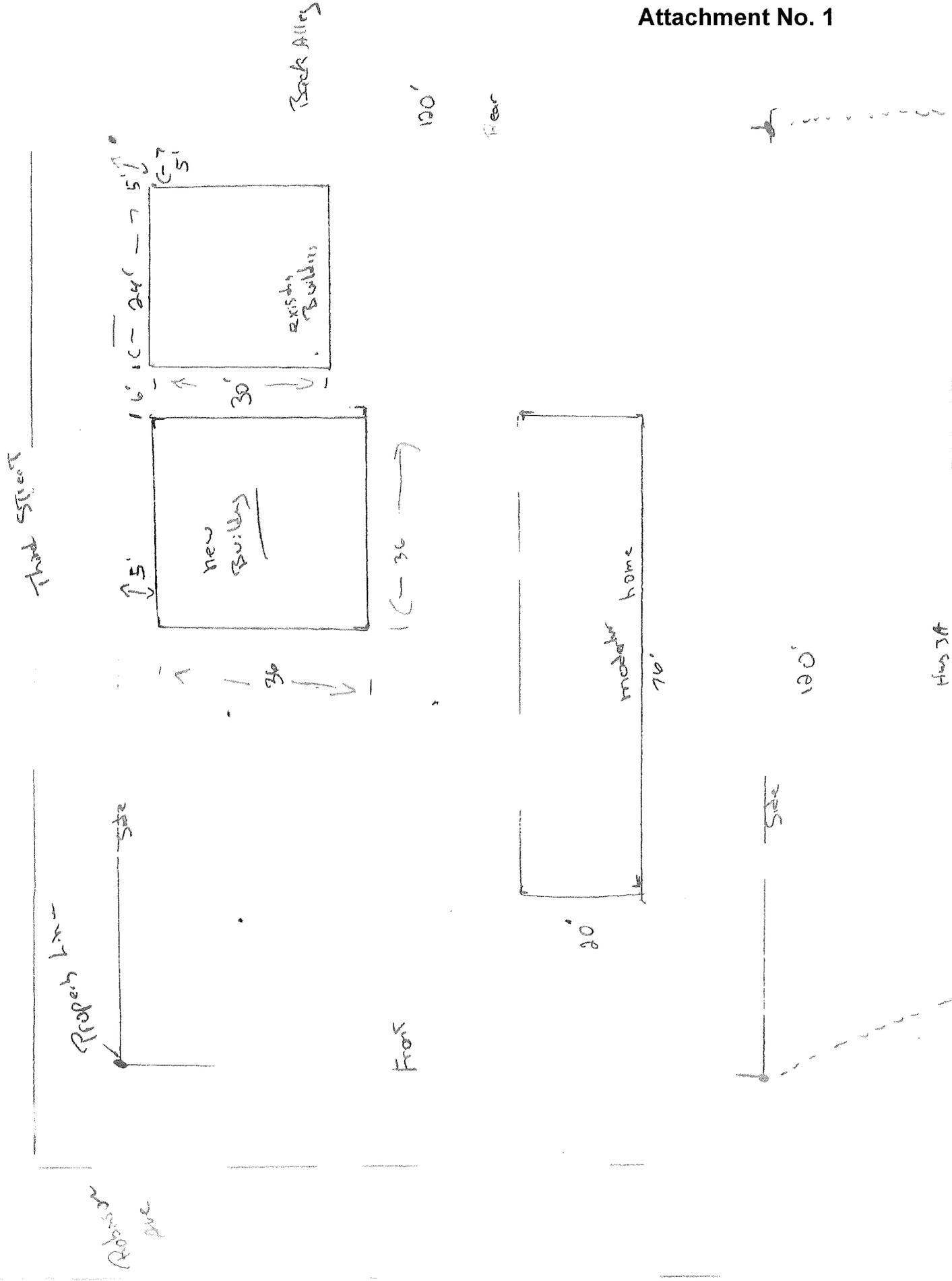
DATE: July 26 2021

[Signature]  
Applicant

[Signature]  
Registered Owner

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

Attachment No. 1



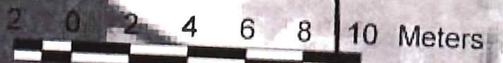
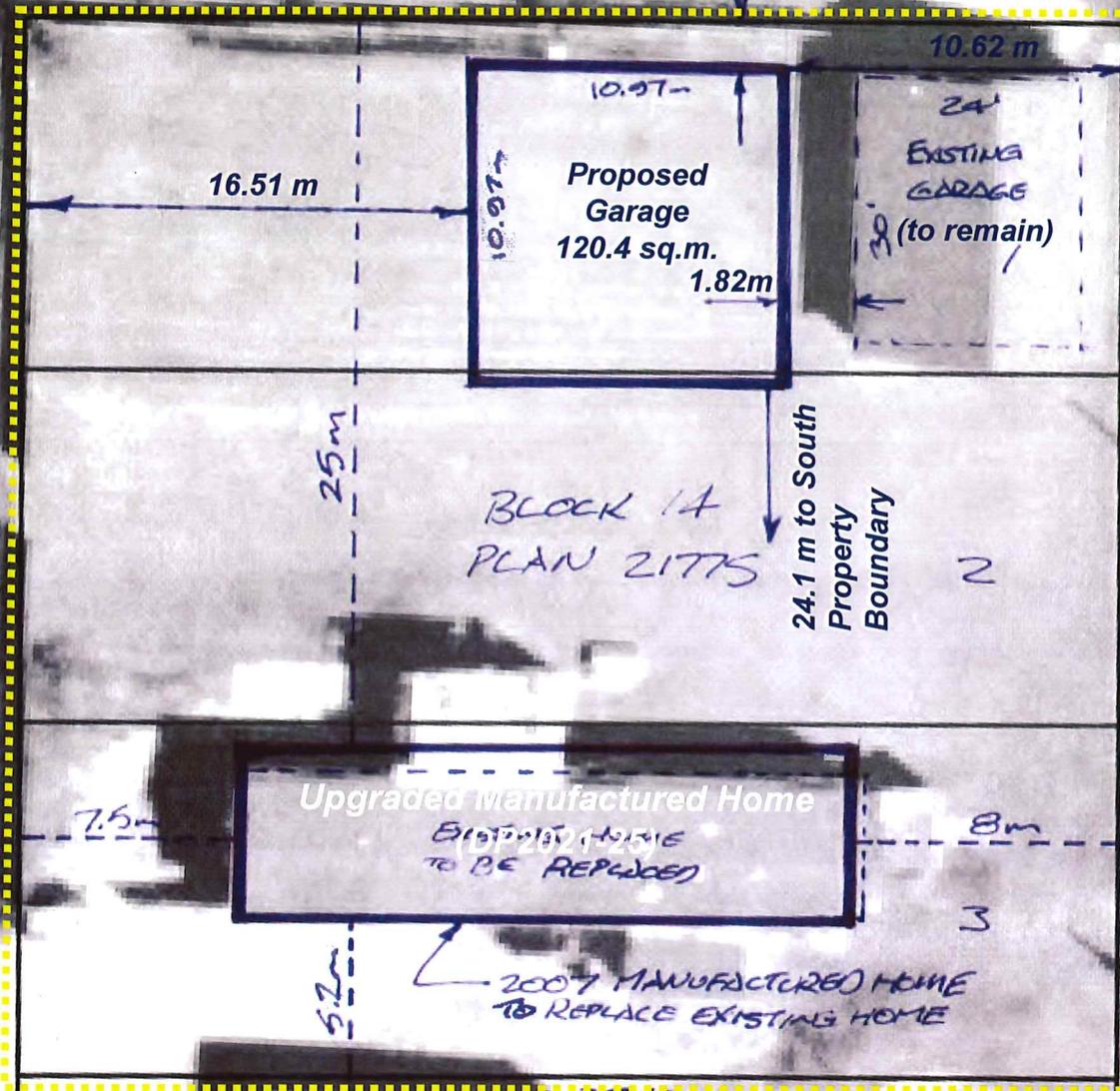
Hous 3A



3RD STREET

ROBINSON AVE

36.57m



## Recommendation to Municipal Planning Commission

<b>TITLE:</b> DEVELOPMENT PERMIT No. 2021-57 <b>Applicant:</b> Robin Kelly for Junior and Jocelyn Olsen <b>Location</b> Lot 11, Plan 901 2369, #11 Burmis Mountain Estates <b>Division:</b> 5 <b>Size of Parcel:</b> 3.2 ha (7.9 Acres) <b>Zoning:</b> Grouped Country Residential - GCR <b>Development:</b> New Single Detached Residence to Replace Existing Modular Home and Construction of New Agricultural Building (Barn)	
<b>PREPARED BY:</b> Roland Milligan	<b>DATE:</b> August 31, 2021
<b>DEPARTMENT:</b> Planning and Development	
<b>Signature:</b>  _____	<b>ATTACHMENTS:</b> 1. Development Permit Application 2021-57
<b>APPROVALS:</b>	
 _____ <b>Roland Milligan</b>	 _____ <b>Troy MacCulloch</b>
2021/09/01	_____
<b>Department Director</b>	<b>Date</b>
<b>CAO</b>	<b>Date</b>

**RECOMMENDATION:**

That Development Permit Application No. 2021-57, to replace existing modular home with new house and to construct a farm building (horse barn), be approved subject to the following Condition(s):

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.

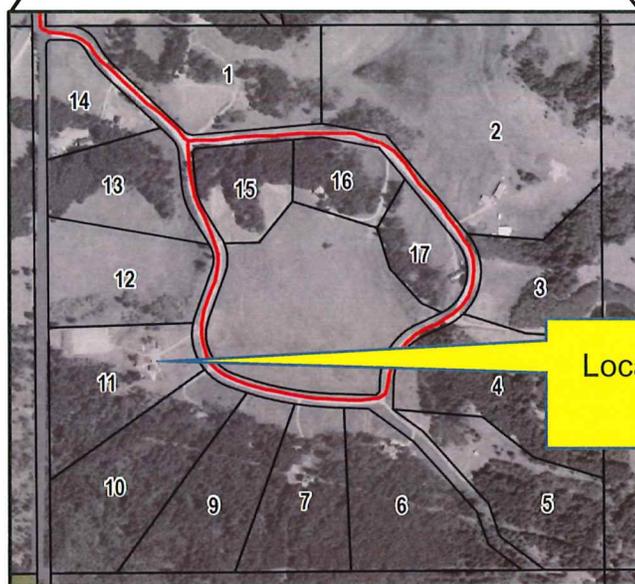
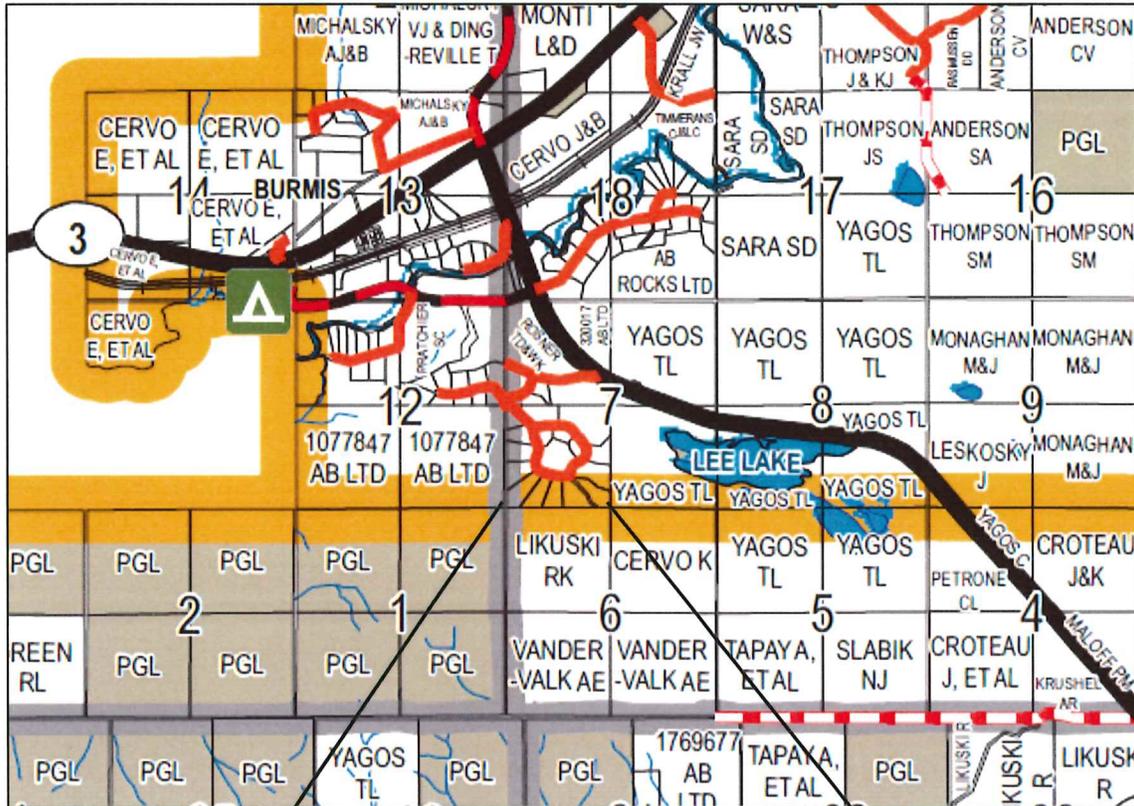
**BACKGROUND:**

- On August 16, 2021, the MD received Development Permit Application No. 2021-57 from the above applicants requesting to replace the existing modular home with a new single detached residence and construct a farm building (horse barn) at #11 Burmis Mountain Estates (*Attachment No. 1*).
- This application is being placed in front of the MPC because:
  - Within the Grouped Country Residential - GCR land use district, a Farm Building is a Discretionary Use.
- The development of the barn requires the approval of the MPC. The applicants wished to have the replacement of the modular home with a single detached residence is included in one application.

## Recommendation to Municipal Planning Commission

- The proposed location for the new residence and barn meet all setback requirements of the land use district.
- The application was forwarded to the adjacent landowners for comment. At the time of preparing this report no responses were received.

### Location of Proposed Development



Location of Proposed Development



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. 2021-57A+B

Date Application Received Aug 12/21

PERMIT FEE <sup>\$100 Permitted</sup> \$150 Discretionary

Date Application Accepted 23/08/16

RECEIPT NO. 51031

Tax Roll # 4423.070

*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: Robin Kelly

Address: [Redacted]

Telephone: [Redacted]

Owner of Land (if different from above): Junior + Jocelyn Olsen

Address: [Redacted]

Interest of Applicant (if not the owner): Consultant

#### 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:

Removal of existing modular on existing foundation and replace with house on existing foundation + small addition. And accessory horse barn

Legal Description: Lot(s) 11

Block 11 Burnis Mtn Est.

Plan PL9012369

Quarter Section Per SW

Estimated Commencement Date: Aug 15/21 - Horse Barn (Phase 1)

Estimated Completion Date: Aug 30/22 - House (Phase 2)

**SECTION 3: SITE REQUIREMENTS**

Land Use District: GCR Division: 5  
 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 existing foundation to remain

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	<u>7.93 acres</u>		
(2) Area of Building	<u>1845 sq ft.</u>	<u>N/A</u>	<u>—</u>
(3) %Site Coverage by Building (within Hamets)	<u>.53%</u>	<u>N/A</u>	<u>—</u>
(4) Front Yard Setback Direction Facing: <u>South</u>	<u>± 9.6M</u>	<u>30m</u>	<u>YES</u>
(5) Rear Yard Setback Direction Facing: <u>north</u>	<u>± 100M</u>	<u>15m</u>	<u>YES</u>
(6) Side Yard Setback: Direction Facing: <u>West</u>	<u>± 7.1M</u>	<u>7.5m</u>	<u>YES</u>
(7) Side Yard Setback: Direction Facing: <u>East</u>	<u>± 4.1M</u>	<u>7.5m</u>	<u>YES</u>
(8) Height of Building	<u>29'</u>	<u>—</u>	<u>N/A</u>
(9) Number of Off Street Parking Spaces	<u>12</u>	<u>—</u>	<u>N/A</u>

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

siteplan, floor plans, elevations.

<b>ACCESSORY BUILDING</b>	Proposed	By Law Requirements	Conforms
(1) Area of Site	7.93 acres	N/A	—
(2) Area of Building	900 sq ft.	N/A	—
(3) % Site Coverage by Building (within Hamlets)	.79% (incl principal building)	N/A	—
(4) Front Yard Setback Direction Facing: south (road)	± 12.2M	30 m	YES
(5) Rear Yard Setback Direction Facing: north	± 7.8M	15 m	YES
(6) Side Yard Setback: Direction Facing: west	± 11.6M	7.5 m	YES
(7) Side Yard Setback: Direction Facing: east	± 1.8M	7.5 m	YES
(8) Height of Building	20'-5"	N/A	—
(9) Number of Off Street Parking Spaces	12	—	—

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

Site plan, floor plans, elevations

**SECTION 4: DEMOLITION**

Type of building being demolished: modular building being relocated

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.

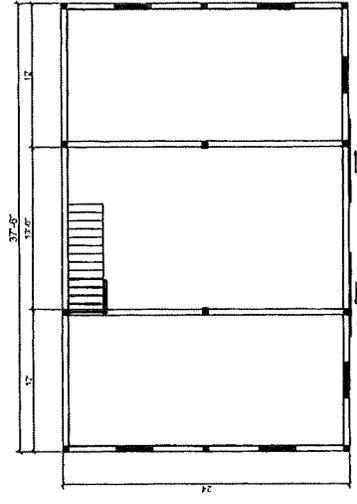
I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: Aug 11/21

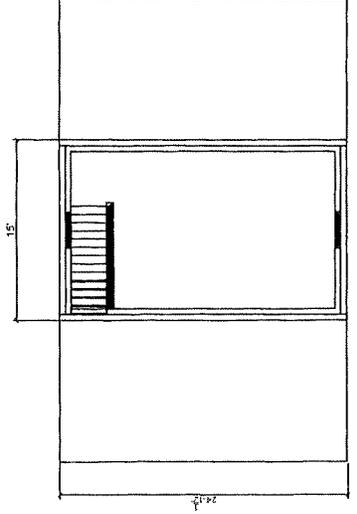
[Signature]  
Applicant

[Signature]  
Registered Owner

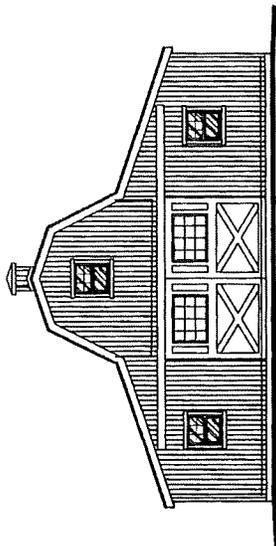
Information on this application form will become part of a file which may be considered at a public meeting.



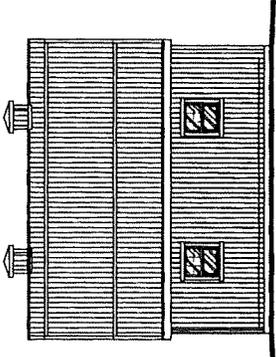
1 HORSE BARN MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"



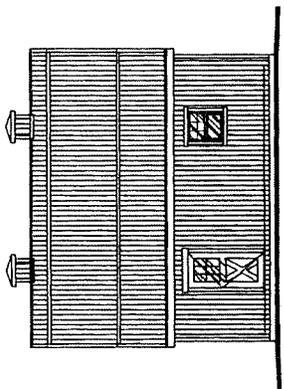
2 HORSE BARN LOFT PLAN  
SCALE: 1/4" = 1'-0"



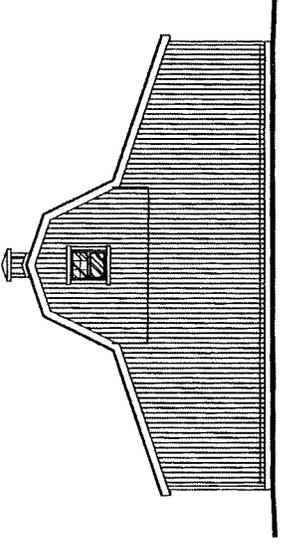
3 HORSE BARN FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



4 HORSE BARN FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



5 HORSE BARN SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



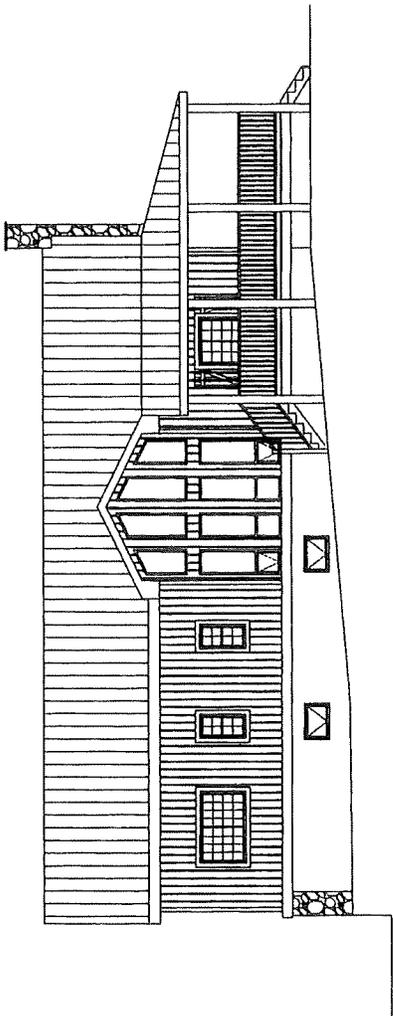
6 HORSE BARN SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

<p>Owner's Name</p>	<p>No.</p>	<p>Revisory/Change</p>	<p>Date</p>
<p><b>RoPa PROJECTS</b></p>			
<p><b>LOT 11 BURMIS MOUNTAIN ESTATES</b></p>			
<p>Project No. <b>A2.3</b></p>	<p>Date <b>8/11/2021</b></p>	<p>Drawn by <b>MTS</b></p>	









1 REAR ELEVATION  
SCALE: 1/8" = 1'-0"

Drawing Name	
No.	Revisions/Issues
	Date
Project Name	
RoPa PROJECTS	
Project Location	
LOT 11 BURMIS MOUNTAIN ESTATES	
Sheet No.	Scale
A3.2	NTS
Date	
9/11/2023	



## Recommendation to Municipal Planning Commission

<b>TITLE:</b> DEVELOPMENT PERMIT NO. 2021-59 <b>Applicant:</b> Sherban Comanescu <b>Location</b> Ptn. of SE 19-5-2 W5M <b>Division:</b> 3 <b>Size of Parcel:</b> 0.207 ha (0.51 Acres) <b>Zoning:</b> Agriculture - A <b>Development:</b> Single Detached Residence (Cabin), 2 Accessory Buildings (Studio and Hobby Shed), and Temporary Relocation of Existing Cabin	
<b>PREPARED BY:</b> Roland Milligan	<b>DATE:</b> September 2, 2021
<b>DEPARTMENT:</b> Planning and Development	
<b>Signature:</b>  <hr style="width: 100%;"/>	<b>ATTACHMENTS:</b> 1. DP Application No. 2021-59 2. Site Plan 3. Letter from Applicant
<b>APPROVALS:</b>	
 <hr/> Roland Milligan	 <hr/> Troy MacCulloch
<b>Department Director</b>	<b>CAO</b>
<b>Date</b>	<b>Date</b>

**RECOMMENDATION:**

That Development Permit No. 2021-59, to construct a Single Detached Residence, two (2) Accessory Buildings, and the Temporary Relocation of the existing cabin, be approved, subject to the following Condition(s) and Variance(s):

**Condition(s):**

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. The relocated existing building is only a temporary approval, the building shall be removed from the parcel once occupancy has been issued for the new residence.

**Variance(s) for Residence:**

1. A 25.2 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 4.8 meters.
2. A 6.3 meter variance of the 7.5 meter setback requirement from the rear property boundary is granted for a rear yard setback of 1.2 meters.

**Variance(s) for Accessory Building No. 1:**

1. A 23.9 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 6.1 meters.

## Recommendation to Municipal Planning Commission

2. A 2.3 meter variance of the 7.5 meter setback requirement from the rear property boundary is granted for a rear yard setback of 5.2 meters

### Variance(s) for Accessory Building No. 2:

1. A 24.4 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 5.6 meters.

### Variance(s) for Temporary Building (relocated existing building):

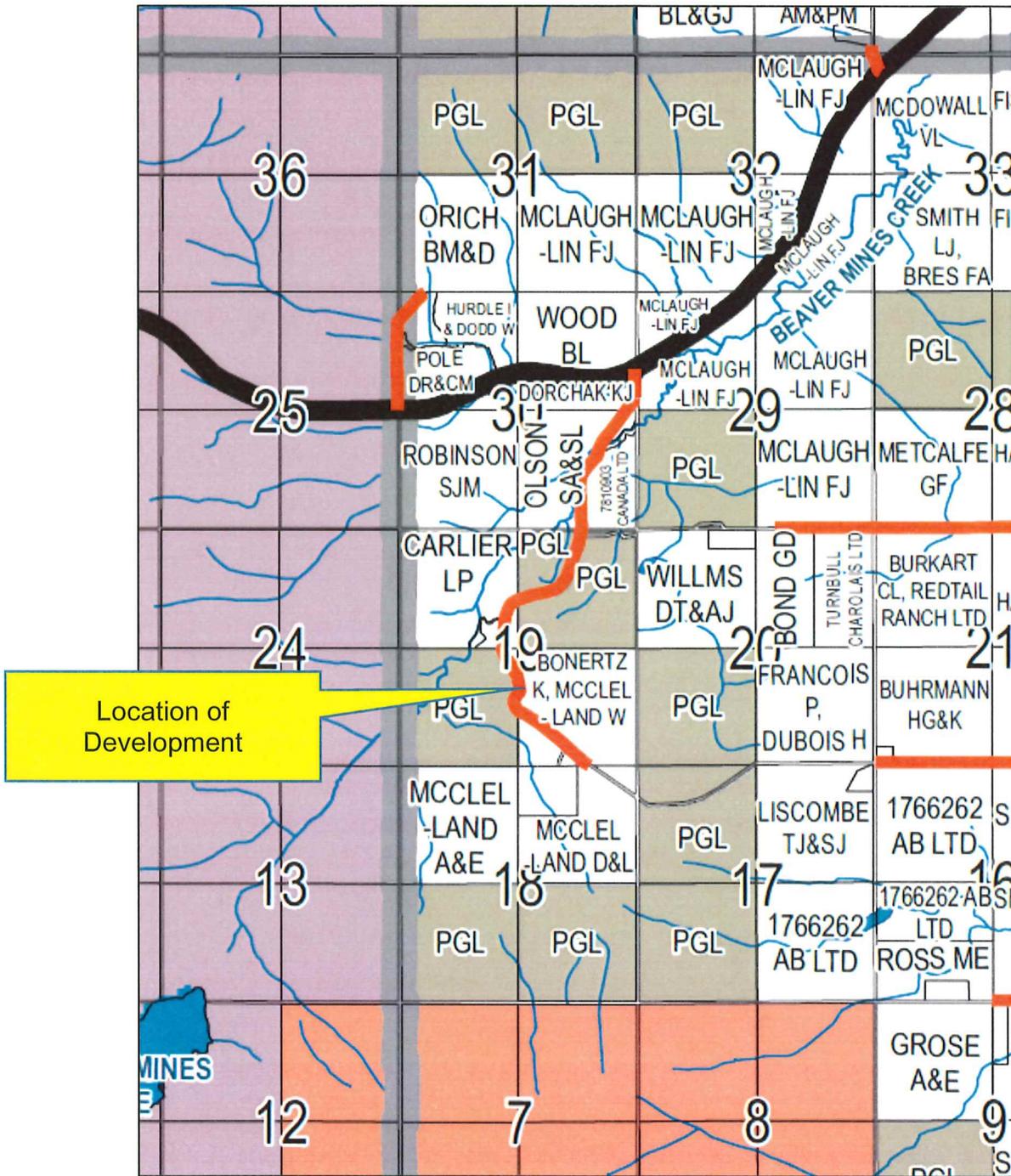
1. A 15.0 meter variance of the 30 meter setback requirement from a municipal road is granted for a municipal road setback of 15.0 meters.
2. A 6.3 meter variance of the 7.5 meter setback requirement from the rear property boundary is granted for a rear yard setback of 1.2 meters

### BACKGROUND:

- On August 16, 2021, the MD received Development Permit Application No. 2021-59 (*Attachment No. 1*) to construct a Single Detached Residence, two (2) Accessory Buildings, and the temporary relocation of the existing cabin on the above noted parcel.
- Due to the physical characteristics of the parcel, the proposed development will require numerous setback variances from the adjacent MD road (Rge. Rd. 2-5, 'Buckhorn Road').
- This application is being placed in front of the MPC because:
  - Pursuant to Section 18.17 the Development Officer cannot issue a permit for a variance greater than 10 percent on setback distances pertaining to public roadways.
- The applicant has supplied a letter (*Attachment No. 3*) to outline the reasons of why they are requesting the variances.
- The MD has had dealings with the landowner on this small parcel for a number of years. In 2010 the MD finalized an agreement with the landowner that saw his parcel decrease in size to allow the MD to get the current MD road structure on a road plan. Road Plan No. 101 1051 was registered in August of 2010.
- As part of the negotiations with the MD for the extra road r/w, the Council for the MD forwarded a letter to the landowner dated August 29, 2008 agreeing to assist with future development of the parcel, including recommending approval to the MPC of some future development approval that may require a variance (*A copy of this confidential letter will be distributed to MPC members at the meeting*).
- The application was forwarded to the adjacent landowners for comment, with no responses received prior to preparing this report.

# Recommendation to Municipal Planning Commission

## Location of Proposed Development





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. 2021-59

Date Application Received AUG 16/21  
Date Application Accepted AUG 20/21  
Tax Roll # 4112.040

PERMIT FEE 5100 Permitted / 5150 Discretionary  
RECEIPT NO. 51050

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: Sherban Comanescu  
Address: [REDACTED]  
Telephone: [REDACTED]  
Owner of Land (if different from above): same  
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: This development follows the guidelines of the letter issued by the M.D. of P.C. to the owner, in 2008 (see attached). It consists of one Country Residence and two aux. buildings. As previously discussed with the Council, the applicant asks that the Dev. Authority kindly grants the necessary set back waivers.

Legal Description: Lot(s) \_\_\_\_\_  
Block \_\_\_\_\_  
Plan 5312 RR 2-5 line 0034267922  
Quarter Section portion of SE 1/4 SEC 19-5-2-5

Estimated Commencement Date: 2022  
Estimated Completion Date: 2023

**SECTION 3: SITE REQUIREMENTS**

Land Use District: AG Division: 3

Permitted Use  Discretionary Use (variances 26012)

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

PRINCIPAL BUILDING <u>NEW RESIDENCE</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	<u>18295 ft</u>		
(2) Area of Building <u>(126.35m<sup>2</sup>)</u>	<u>1360sf</u>		
(3) %Site Coverage by Building (within Hamets)			<u>N/A</u>
(4) Front Yard Setback Direction Facing: <u>E</u>	<u>16' (4.88m)</u>	<u>98.4 ft 30m</u>	<u>No</u>
(5) Rear Yard Setback Direction Facing: <u>W</u>	<u>4' (1.22m)</u>	<u>7.5m 24.6 ft</u>	<u>No</u>
(6) Side Yard Setback: Direction Facing: <u>N</u>	<u>121' (36.88m)</u>	<u>7.5m 24.6 ft</u>	<u>YES</u>
(7) Side Yard Setback: Direction Facing: <u>S</u>	<u>295.9' (90.19m)</u>	<u>7.5m 24.6 ft</u>	<u>YES</u>
(8) Height of Building	<u>TBD</u>		<u>N/A</u>
(9) Number of Off Street Parking Spaces	<u>6</u>		<u>N/A</u>

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

site plan. The residence building (34'x40' / 10.36m x 12.19m)  
will have an adjointed raised deck to the South  
(20'x34' or 6.1m x 10.36m), shown on site plan  
 Municipal District of Pincher Creek No. 9 as a block of 34'x60' (10.36m x 18.29m). Page 2 of 4

<b>ACCESSORY BUILDING</b>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Buildings (784sf + 187sf / 72.83m <sup>2</sup> + 17.37m <sup>2</sup> )	971sf (90.2m <sup>2</sup> )		
(3) % Site Coverage by Building (within Hamlets)			
(4) Front Yard Setback Direction Facing: E			
(5) Rear Yard Setback Direction Facing: W			
(6) Side Yard Setback: Direction Facing: N			
(7) Side Yard Setback: Direction Facing: S			
(8) Height of Building	TBD		
(9) Number of Off Street Parking Spaces	N/A		

SEE ADDITIONAL PAGES

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

site Plan. Proposed are two buildings (1-a nonresidential purposed as meditation, spirituality, music, painting, etc. place; and 2-storage & hobby shed)

**SECTION 4: DEMOLITION**

Type of building being demolished: existing cabin (less the 12' covered porch to the south) relocated and used temporarily

Area of size: 16' x 24'

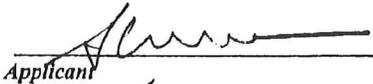
Type of demolition planned: N/A

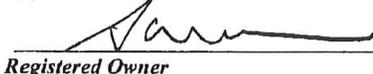
**SECTION 5: SIGNATURES (both signatures required)**

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: Aug 15, 2021

Applicant: 

Registered Owner: 

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

ACCESSORY BUILDING ① STUDIO	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building	80.3 m <sup>2</sup>	N/A	-
(3) % Site Coverage by Building (within Hamlets)	N/A	-	-
(4) Front Yard Setback Direction Facing: EAST (BUCKLEHOOD)	6.1 m	3.0 m	23.7 m VARIANCE REQ'D.
(5) Rear Yard Setback Direction Facing: WEST	5.2 m	7.5 m	2.3 m VARIANCE REQ'D.
(6) Side Yard Setback: Direction Facing: NORTH	7.5 m		YES
(7) Side Yard Setback: Direction Facing: SOUTH	45.2 m		YES
(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 : \_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Registered Owner

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

ACCESSORY BUILDING (2) Hobby Shed	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building	17.4m <sup>2</sup>	N/A	-
(3) % Site Coverage by Building (within Hamlets)	N/A	-	-
(4) Front Yard Setback Direction Facing: EAST	5.6m	30m	24.4m DISTANCE REQ'D
(5) Rear Yard Setback Direction Facing: WEST	15m	7.5m	YES
(6) Side Yard Setback: Direction Facing: NORTH	72.8m		YES
(7) Side Yard Setback: Direction Facing: SOUTH	63.4m		YES
(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 : \_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_  
*Applicant*

\_\_\_\_\_  
*Registered Owner*

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

<b>ACCESSORY BUILDING</b> <i>TEMPORARY RELOCATION OF EXISTING CHAIN</i>	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building	35.7m <sup>2</sup>	N/A	—
(3) % Site Coverage by Building (within Hamlets)	N/A	—	—
(4) Front Yard Setback Direction Facing: <i>EAST</i>	15m	30m	15m VARIANCE REQ'D.
(5) Rear Yard Setback Direction Facing: <i>WEST</i>	112m	7.5m	63m VARIANCE REQ'D.
(6) Side Yard Setback: Direction Facing: <i>NORTH</i>	72.8m		YES
(7) Side Yard Setback: Direction Facing: <i>SOUTH</i>	57.7m		YES
(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 : \_\_\_\_\_

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.

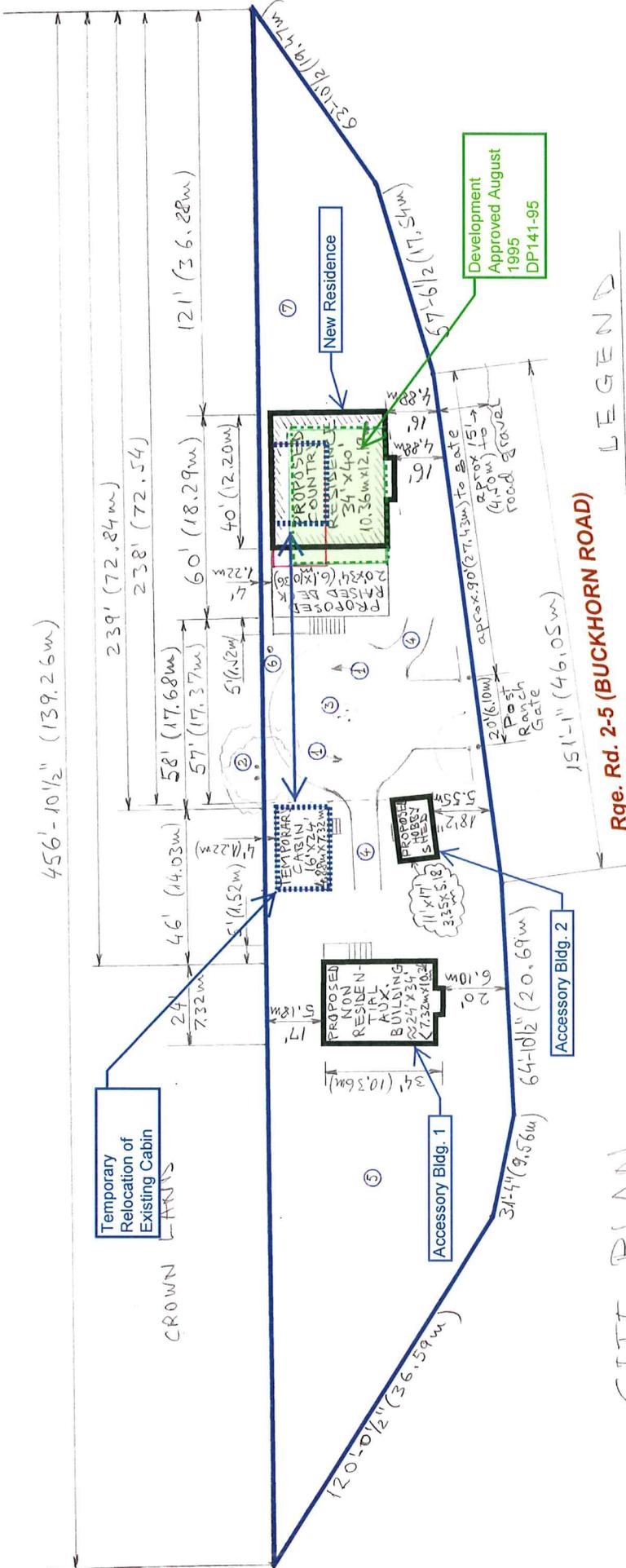
I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: \_\_\_\_\_

\_\_\_\_\_  
*Applicant*

\_\_\_\_\_  
*Registered Owner*

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



LEGEND

- ① Compacted gravel round about
- ② Two Ponderosa fully grown pines
- ③ Flag pole bed
- ④ Gravel alley
- ⑤ Garden
- ⑥ Water wall
- ⑦ Septic tank/hold area

Existing structure

Historically approved country residence DP141-95 (August 1995)

Proposed and temporary structures on this DR.

Approx Scale 1:333



Rge. Rd. 2-5 (BUCKHORN ROAD)

SITE PLAN

For SE 1/4 sec 19-5-2-5  
 Attached to DP Application 2021-59  
 Sherban Comanescu  
 Aug 15, 2021 - Rev 0 (application)  
 Aug 29, 2021 - Rev 1 (landscaping) (included)

## Attachment No. 3

Sherban Comanescu  
179 Millrise DR. SW  
Calgary, AB, T2Y 2G4

August 31, 2021

Director of Development and Community Services  
M.D. of Pincher Creek No. 9

Dear Mr. Milligan,

**Re: Development Permit Application No. 2021-59  
Portion of SE 19-5-2 W5M**

Thank you for taking the time to discuss with me further details about my Permit Application noted above.

In this letter, you will find two considerations that I though might be relevant to, and highlight my focus on, safely planning the developing of my property – the hereby subject.

Firstly, on the attached newly revised site plan (which includes now the landscaping aspect, maintaining the same scope of the application), you will notice a very generously-sized gravel roundabout immediately positioned inside the access gates. This feature is meant to ensure that any vehicle entering the property will have the ability to do a complete 180 degrees turn before exiting again. This will guarantee that no backing-up and no extra maneuvering will be necessary onto the road itself and that traffic (as sparsely as it may be) will see no impact at all from this development.

Secondly, the attached drawing will now show (at legend #2), two fully grown Ponderosa pines located just on the other side of the fence between my property and the Crown land. While these are beautiful trees, certainly admired by myself and my family, due to their height, which I approximate at about 60'-70', presented me with the wish that our main residence be placed at the optimum/safest distance from them, hence its proposed location.

Hoping that these two considerations outlined in this letter will be well received,

I thank you and the MPC honorable members, for your time and consideration.

Kind regards,

Sherban Comanescu

## DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES REPORT

**AUGUST 2021**

**Development / Community Services Activities includes:**

- August 3 Planning Session/Subdivision Meeting/MPC Meeting
- August 10 Council Committee Meeting / Council Meeting
- August 19 MEPL Committee Meeting
- August 24 Council Committee Meeting / Council Meeting
- August 25 2022 AES & Community Services & Planning Budget
- August 26 Senior Management Team Meeting
- August 27 Inter Municipal Development Committee Meeting

### PLANNING DEPARTMENT STATISTICS

#### Development Permits Issued by the Director for Aug 1 to 31, 2021

No.	Applicant	Division	Legal Address	Development
2021-52	Rowland, Oliver	2	SE 25-6-30 W5M	Accessory Building
2021-53	Pritchard, Murray	3	Lot 24, Block 4, Plan 0512644 26 Huckelberry Lane, CMR	Accessory Building (Shed)
2021-60	1232694 Alberta Ltd.	3	Lots 17 to 20, Block 15, Plan 7850AL, 602 First Ave, BM	Removal of Under-ground tanks & Install Above-ground fuel tanks
2021-61	Layton, Phillip & Polly	1	SW 30-4-29 W4M	Accessory Building (Greenhouse)

#### Development Permits Issued by Municipal Planning Commission July 1 to 27, 2021

2021-43	Blake O'Brien	4	Lot A, Plan 8710138 within NE 23-7-30-W4	Moved-In Residence & Moved-In Garage
2021-48	Ken & Shelly Olson	5	Lot 3, Block 16, Plan 7610822 431 Hamilton Ave, Lundbreck	Front Porch Variance & Covered Deck (to bring into compliance)

### Development Statistics to Date

DESCRIPTION		2021 To date (August)	2020	2019	2018
Dev Permits Issued	3 – Jan 5 – Feb 7 – Mar 9 - April 12 – May 9 - June 6 – July 3 – August	54 40 -DO 14-MPC	67 57 – DO 10 - MPC	54 45-DO 9-MPC	22 17-DO 5-MPC

Dev Applications Accepted	3 – Jan 9 – Feb 7 – Mar 8 - April 8 – May 14- June 2 – July 10 - August	61	67	57	24
Utility Permits Issued	2 – Jan 1 – Feb 8 – Mar 1 – April 1 – May 4 – June 2 – July 4- August	23	27	33	14
Subdivision Applications Approved	1 – Jan 2021 1 – Feb 2021 2 – April 2021 2 – May 2021 3 – June 2021 2 – July 2021 4 - August	15	18	12	4
Rezoning Approved		0	0	1	0
Compliance Cert	5 - Jan 3 – Feb 5 – Mar 1 – Apr 2 – May 3 – June 4 – July 4 - August	27	24	22	5

**RECOMMENDATION:**

That the report for the period ending August 31, 2021, be received as information.



Prepared by: Roland Milligan, Director of Development and Community Services

Date: August 31, 2021

Reviewed by: Troy MacCulloch, CAO

Date:

Submitted to: Municipal Planning Commission

Date: September 7, 2021