

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD**

THURSDAY, SEPTEMBER 16, 2010 @ 7:00 p.m.

Present:	Members:	C. Brown, V. Lutz, P. Monteith, G. Shipley,
	Planning Consultant	K. Snyder
	Development Officer	B. Crozier
	Recording Secretary	S. Simon
	MPC Representative	B. Duncan
	Appellant	Rick Wagenaar, 955235 Alberta Ltd. / Sunquest Growers Ltd.
Absent	Members	B. Hawrelak, D. Kilpatrick, J. Steinke

1. CALL TO ORDER

Municipal Secretary called the appeal hearing to order at 7:05 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

P. Monteith nominated C. Brown to be Chairman. C. Brown accepted and assumed control of the appeal hearing.

3. Appeal of Development Permit Application 10-DP-119

**Lots 1-10, Block 61, Plan 1117V (105 – 6 Street SW)
Lots 11-12, Block 61, Plan 1117V (105 – 6 Street SW)
Lots 13-24, Block 61, Plan 1117V (105 – 6 Street SW)
Lane, Block 61, Plan 1117V (105 – 6 Street SW)
Lot 37, Block 60, Plan 9711307 (201 – 6 Street SW)
Lot 38, Block 60, Plan 9711307 (211 – 6 Street SW)
Greenhouse Addition with Side Setback Variance**

Chairman Brown asked the Appellant if he had any objection to any board member hearing the appeal. The Appellant advised he had no objections to any of the board members.

a. PRESENTATION OF APPELLANT

R. Wagenaar advised he is applying for a greenhouse addition with a variance to the side setback. He is proposing a setback on the southeast edge of .92 m and on the southwest edge it is proposed to be .96m. The setback in the Land Use Bylaw is 1.5m. He indicated that he did not feel the reduced setback interferes with adjacent development, noting there is a right of way on the south end. He commented he is not installing any doors on the addition, and the closest door would be the loading dock which in on the west side of the existing building.

b. PRESENTATION OF DEVELOPMENT OFFICER

Development Officer referenced the report prepared by D. Mastel outlining the process of receiving the application for a greenhouse addition with a reduced

side setback. He confirmed that the application was refused as it was beyond the approving authority of either the Development Officer or the Municipal Planning Commission.

He further commented that in the event the Board considers the application he would suggest the following issues/conditions be considered:

1. Currently the property has multiple titles and there is one structure crossing over the property lines. Suggest consolidation of titles.
2. Currently there is split zoning. A portion is zoned HC-RD (Horticultural Commercial – Restricted District) and a portion H (Horticultural). – Suggest Land Use Amendment to ensure parcel is zoned one consistent zone.
3. Provision of Site Drainage Plan to the satisfaction of the Manager of Engineering. (He noted that the applicant is in the process of having one drafted).
4. Placement of signage identifying the civic address
5. All placements of CO² tanks require a separate development permit.

V. Lutz questioned if there is any requirement that there be any doors on the addition. He was advised by the applicant that he did not have any intensions for doors on the addition. He was further advised that the Building Code would address any access requirements.

Development Officer commented that similar greenhouse developments in the area have their buildings set close to the property line.

- c. **PRESENTATION OF MUNICIPAL PLANNING COMMISSION CHAIRMAN**
MPC Chairman confirmed the application was outside the approving authority of the Municipal Planning Commission. Further that he had no comments with regard to the application.
- d. **PRESENTATION OF PLANNING CONSULTANT**
Planning Consultant provided Board members with an aerial view with the legal base of the property and noted that the property is comprised of six titled parcels. One peculiar issue is that one of them is a closed lane under a different owners name and has a utility right of way registered to title.

Planning Consultant expressed no concerns with the proposed setback reduction, seeing nothing odd or peculiar in comparison to the area. He noted that proposed reduction is adjacent to a lane and not a street. He noted that there is substantial site coverage as it works out to about 80%. He commented that under the H (Horticultural) zoning in the Land Use Bylaw it is unclear if the application meets all the requirements of the land use bylaw and the Board should consider parking area, minimum number of parking stalls, loading area and appropriate area, storage space, access points, site drainage plan. The landscaping proposed is also unclear.

He also agreed with the Development Officer's suggestion that the property needs to be rezoned due to split zoning. His suggestion is HC-RD (Horticultural Commercial Restricted District). He advised this issue arises from being within the setback established identifying proximity to the old non-operating landfill and meeting the requirements of Alberta Environment. He suggested it is procedural in nature and should be cleaned up.

He suggested that if consideration is given to the application that the following be considered as conditions.

1. Consolidation of titles.
2. Discharging of Utility Right of Way on laneway
3. Provision of a site drainage plan to the satisfaction of the Manager of Engineering.
4. Parking
5. Loading Area
6. Landscaping
7. Storage Area.
7. Land Use Change to HC-RD.

e. **PRESENTATION OF ANYONE SERVED NOTICE OF HEARING**

D. Brandt, adjacent landowner was in attendance and expressed interested in viewing the site drainage plan. He had concerns with site drainage draining to his property.

Discussion ensued with regard to drainage and R. Wagenaar advised they are proposing to continue to drain to the north. There is a storm drain on the north corner at 1st Avenue and 6th Street. For the existing greenhouse they have a swale and they intend to continue on with the swale.

f. **PRESENTATION OF ANYONE CLAIMING TO BE AFFECTED**

No one was in attendance.

g. **REBUTTAL OF APPLICANT**

R. Wagenaar, expressed no further comments.

h. **OTHER**

No further comments.

i. **RECESS**

V. Lutz moved the Board to recess at 7:25 p.m. and the Board met in camera to discuss the situation.

Planning Consultant, Development Officer, R. Wagenaar left the room at 7:25 p.m.

Municipal Planning Commission Representative, D. Brandt left the meeting at 7:25 p.m.

j. DECISION

P. Monteith moved that the appeal against the decision of the Development Officer, to refuse to issue a permit for Development Permit Application 10-DP-119 on Lots 1-10, Block 61, Plan 1117V (105 – 6 Street SW), Lots 11-12, Block 61, Plan 1117V (105 – 6 Street SW), Lots 13-24, Block 61, Plan 1117V (105 – 6 Street SW), Lane, Block 61, Plan 1117V (105 – 6 Street SW), Lot 37, Block 60, Plan 9711307 (201 – 6 Street SW), and Lot 38, Block 60, Plan 9711307 (211 – 6 Street SW) for a greenhouse addition with reduced side setback be upheld and that the decision of the Development Officer be revoked. Further that a development permit be issued approving the greenhouse addition with reduced setback, as submitted, with the following conditions:

1. Consolidation of titles (Lots 1-10, Block 61, Plan 1117V , Lots 11-12, Block 61, Plan 1117V, Lots 13-24, Block 61, Plan 1117V, Lane, Block 61, Plan 1117V, Lot 37, Block 60, Plan 9711307 , Lot 38, Block 60, Plan 9711307.
 2. Land Use Amendment to be one consistent zone as determined by Redcliff Town Council. Applicant is responsible for costs relating to Land Use Amendment Application.
 3. Discharge of Utility Right of Way identified on title Lane, Block 61, Plan 1117V.
 4. Display of civic address.
 5. Provision of site drainage plan to the satisfaction of Manager of Engineering.
 6. Any applications for CO² tanks shall be made under separate development permit application.
- Carried.

The Board advised the reasons for its decision is the application for greenhouse addition with reduced side setback is consistent with the surrounding area. Further they feel it does not negatively affect the adjacent properties.

The Board reconvened at 7:48 p.m.

Planning Consultant, Development Officer, R. Wagenaar rejoined the meeting at 7:48 p.m.

Chairman Brown advised the applicant of the Board's decision and further advised that a letter stating the decision of the Board would be forthcoming.

4. ADJOURNMENT

C. Brown declared the meeting be adjourned at 7:52 p.m.