MINUTES OF THE MEETING OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TUESDAY, AUGUST 31, 2010 @ 7:00 p.m.

Present: Members: B. Hawrelak, D. Kilpatrick, V. Lutz,

P. Monteith, G. Shipley, J. Steinke

Planning Consultant K. Snyder

Development Officer D. Mastel, B. Crozier

Recording Secretary S. Simon

Appellant Einer Larsen, Bill Lecuyer (B&M Construction)

Absent: MPC Representative

1. CALL TO ORDER

Municipal Secretary called the appeal hearing to order at 7:00 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

2. **ELECTION OF CHAIRMAN**

P. Monteith nominated D. Kiplatrick to be Chairman. D. Kilpatrick declined and nominated V. Lutz, seconded by G. Shipley. V. Lutz accepted and assumed control of the appeal hearing.

3. Development Permit No 10-DP-101
Nordic Welding Ltd. (Einer Larsen)
Lot 23, Block 3, Plan 7911064

110 Pembina Drive NE

Redcliff, Alberta

Cold Storage Addition with Variance to Rear Setback

Chairman Lutz asked the Appellants if they he had any objection to any board members hearing the appeal. The Appellants advised they had no objections to any of the board members.

a. PRESENTATION OF APPELLANT

B. Lecuyer advised the Board he is the contractor acting on behalf of the owner E. Larsen. They are proposing an addition to the existing structure for cold storage. They require a place to store metal out of the elements. He advised they are proposing a rear setback of 1.5 m which is contrary to the regulations in the Land Use Bylaw. The Land Use Bylaw stipulates a 7.5m rear setback.

B. Lecuyer indicated he felt that a 5 foot setback was adequate for walking access, fire access, and H-Vac. He advised that this would allow them to store materials of 20 and 40 foot lengths in the structure. He noted that the side and back wall would be solid wall construction and it would be open on the front. There would be a man door access from the existing building to the cold storage addition. The existing structure is 18 feet high and the addition would be 14 feet

high with the same metal material exterior and coloring as the existing building. The cold storage addition would have a gravel base.

Discussion ensued with regard to the construction of the addition.

b. PRESENTATION OF DEVELOPMENT OFFICER

Development Officer confirmed receipt of the application for a cold storage addition with a variance to the rear setback to 1.5 m. The proposal is beyond her authority or the approving authority of the Municipal Planning Commission and therefore the development permit was refused. She confirmed that the zoning is M-1 (Light Industrial District). Further that the area adjacent is industrial in nature.

c. PRESENTATION OF MUNICIPAL PLANNING COMMISSION CHAIRMAN

No one was in attendance. No concerns were received.

d. PRESENTATION OF PLANNING CONSULTANT

Planning Consultant commented that the site is large and the existing building footprint is small leaving a large building envelope. Other building options and configurations could be considered. He noted the proposal does not include accessing the property from the lane and this is a positive point. Otherwise he would have concerns with egress.

Planning Consultant confirmed that the zoning is M-1 (Light Industrial) and that the Land Use Bylaw stipulates a minimum rear setback of 7.5 m. He commented that while the proposed 1.5 m setback does not necessarily negatively impact the adjacent parcels, he expressed some concern with the laneway and access as well as potential conflict with the parcel to the north.

It was his opinion that there was plenty of building envelope to accommodate a storage unit without relaxing the rear setback and recommended that the setback be adhered to. However, he indicated that if the Board feels that a relaxation of the rear setback is warranted, he would suggest a 5 m setback which would be consistent with the surrounding properties. Further he would suggest attaching two conditions:

- 1. No man or vehicle access to the rear of the building.
- 2. Retain fencing along rear of property in its entirety to ensure no encroachment.

e. PRESENTATION OF ANYONE SERVED NOTICE OF HEARING

No one was in attendance.

f. PRESENTATION OF ANYONE CLAIMING TO BE AFFECTED

No one was in attendance.

g. REBUTTAL OF APPLICANT

B. Lecuyer advised that to place the cold storage anywhere else would not be beneficial as they want to use a forklift to move materials and need a large turning radius. He indicated that material come in various lengths dependent on what the customer is wanting. He suggested that a lock be placed on the gate at the rear which would be accessible to the fire department for emergency purposes.

He noted that some benefits to the development would be the increased taxes and will assist with maintaining the lot better.

Discussion ensued with regard to the construction of the addition. Mr. Lecuyer was asked if he had a Real Property Report. No real property report was available.

h. OTHER

No further comments.

i. RECESS

P. Monteith moved the Board to recess at 7:27 p.m.. and the Board met in camera to discuss the situation.

Planning Consultant, Development Officer, B. Lecuyer, E. Larsen, left the room at 7:27 p.m.

j. <u>DECISION</u>

G. Shipley moved that the appeal against the decision of the Development Officer, to refuse to issue a permit for a cold storage addition with a relaxed rear setback to 1.5 m, be upheld and that the decision of the Development Officer be revoked and a development permit be issued approving the cold storage addition with a relaxed rear setback of 5 m with the following conditions:

- 1. No access allowed on the north wall of the cold storage addition.
- 2. Fencing along the rear property line is to be maintained.
- Carried.

Further the Board advised the reasons for its decision is there is adequate onsite parking and relaxation of rear setback to 5m from 7.5m is in character with the surrounding adjacent industrial uses.

The Board reconvened at 8:51 p.m.

Planning Consultant, Development Officer, Appellants, rejoined the meeting at 8:51 p.m.

Chairman Lutz advised the applicant of the Boards decision and further advised that a letter stating the decision of the Board would be forthcoming.

4. ADJOURNMENT

G. Shipley moved the meeting be adjourned at 8:52 p.m.