

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

THURSDAY, JULY 28, 2011 @ 7:00 p.m.

Present:	Members:	B. Hawrelak, D. Kilpatrick, E. Reimer, G. Shipley
	Planning Consultant	K. Snyder
	Development Officer	D. Mastel
	Recording Secretary	S. Simon
	Appellant	Clayton Palmer Carrie Palmer Brandon (nephew of the Palmer's)

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

D. Kilpatrick nominated B. Hawrelak to be Chairman, seconded by E. Reimer. B. Hawrelak accepted and assumed control of the appeal hearing.

3. Appeal of Development Application 11-DP-075

Lot 8, Block 80, Plan 9310188 (15 Mitchell Street NE)

Variance of Side and Rear Setbacks for Proposed Mini Storage Development

Chairman B. Hawrelak asked C. Palmer, if he had any objection to any board members hearing the appeal. C. Palmer advised he had no objections to any of the board members.

a. PRESENTATION OF APPELLANT

C. Palmer addressed the Board and advised of his reasons for asking for a reduced setback from property line for his proposed mini storage. He indicated by moving the mini storage buildings closer to the property line it is a better usage of the land, feeling the space between the building and the property line would be useless and would require more maintenance. It may also create issues if vehicles were permitted to drive in that space. He stated that the buildings will provide an effective sound barrier from the activity on his commercial lot to the adjacent residential area. He noted that he plans to install security lighting and build an aesthetically pleasing building consistent with the other buildings on the property. He commented that the proposed placement of the buildings will work with the existing drainage plan. However, noting that he will need to provide an updated site drainage plan and that his mini storage proposal is just placed on the existing site drainage plan. He indicated that he will manage storm water as per the site drainage plan. The area will be left to gravel and the fencing and gate access will remain. Access to the area will coincide with the car wash hours.

b. PRESENTATION OF DEVELOPMENT OFFICER

Development Officer confirmed that the application was refused because the variance to the setbacks is beyond her and the Municipal Planning Commissions authority. She indicated that should the Board consider approving the application she suggests that conditions be imposed ensuring that the lighting does not negatively impact the adjacent residential area, that screening as per section 59 of the Land Use Bylaw be required and that a updated site drainage be submitted.

c. PRESENTATION OF MUNICIPAL PLANNING COMMISSION CHAIRMAN

No one was in attendance. Note the application was not forwarded to MPC for consideration; the setbacks proposed were beyond their authority.

d. PRESENTATION OF PLANNING CONSULTANT

Planning Consultant confirmed the zoning for the property is C3 General Commercial District and it specifies that the rear and side setback is 3 m. He expressed concerns with the impact the proposed development may have on the adjacent residential area and indicated this is one reason that the setbacks as established in the LUB should be adhered to. He indicated that regardless if the mini storage buildings are located 3m or 1m it will create a sound barrier and reducing the setback does not change it. He agreed that a condition of providing a site drainage plan should be required. He noted that the setback as proposed leaves little room between the building and the property line and it will be difficult to access and maintain.

Planning Consultant commented that this is a transition area between commercial and residential and care should be taken to mitigate any conflict in uses. He stated that he felt if the application is approved further requests for reduced setbacks in the area will be forthcoming. Further that the area should be screened from the residential area. It was his opinion that the appeal should be refused and the proposal should have to meet the requirements of the Land Use Bylaw.

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

C. Palmer commented that the impact on the adjacent residential area is far greater with the storage of recreational vehicles than it would be with the mini storage. He felt it would be quieter and more aesthetically pleasing. He requested that if the Board was not in favor of the reduction to .91 m that it at least not be the 3 m. He commented that he did not feel that the areas behind the mini storage would require much maintenance.

Discussion ensued with regard to grades, water shed and distance to property line. C. Palmer confirmed that the fence is located 1 foot inside of property line and that the trailers would remain on site.

B. Hawrelak questioned if the plan was prepared based on the applicants wishes or if Genivar proposed it. C. Palmer confirmed the location of the buildings was based on his request.

h. **OTHER**
No further comments.

i. **RECESS**
D. Kilpatrick moved the Board to recess at 7:23 p.m. and the Board met in camera.

Planning Consultant, Development Officer, and Mr. and Mrs. Palmer and Brandon left the room at 7:23 p.m.

j. **DECISION**

G. Shipley moved that the appeal against the decision of the Development Officer, to refuse to issue a permit for Proposed Mini Storage Development with reduced rear and side setbacks, be upheld and that the decision of the Development Officer be revoked. Further that a development permit for 1482534 Alberta Ltd. (Splash and Dash) on Lot 8, Block 80, Plan 9310188 (15 Mitchell Street NE) for a Mini Storage Development with reduced rear and side setbacks as per site plan be approved conditional to:

1. Rear and side setbacks reduced to 1.8 m provided there are no encroachments on rights of way.
2. Fencing be screened on the west and south creating a visual barrier.
3. Updated site drainage plan to the satisfaction of the Town Engineer.

- Carried.

Further the Board advised the reasons for their decision are in part that given the nature of the development with adjacent lanes, no access, secure fencing, and buildings acting as blocks to the lanes, the reduced setback was justifiable within the C3 zoning. Further, with a secure fence & no access provided to/from the lanes from the property on the West & South faces of the property for the development area under appeal, that a minimum distance of 1.5 m between fence & structure be maintained for maintenance access of the building & property. The fence is located 1 foot in from property line and thus the decision for the 1.8 m setback. There is also only one (1) other property immediately adjacent to the North (80/29 – 091 1198) that is undeveloped for which this relaxation could potentially be requested. Further that the reason for screening

and site drainage plan is to be consistent with what is required in the Land Use Bylaw.

The Board reconvened at 7:51 p.m.

Planning Consultant, Development Officer, Mr. and Mrs. Palmer and Brandon rejoined the meeting at 7:51 p.m.

B. Hawrelak advised the applicant of the Board's decision and further advised:

1. That the applicant would have to review and revise his plans as there was a Utility Right of Way (R/W) in the South West corner of the subject property that the proposed structures could not be built atop of.

2. That although the revised drainage plan was "to the satisfaction of the Town Engineer", the intent of the SDAB decision was to NOT drain water to the lanes and the revised drainage plan would need to capture water drained from roofs pitched towards the lanes.

3. That whatever form the visual screening took, it should be consistent & continuous along the entire lengths of the secure fencing to the South & West sides of the property.

B. Hawrelak advised the applicant that a letter stating the decision of the Board would be forthcoming.

4. **ADJOURNMENT**

D. Kilpatrick moved the meeting be adjourned at 7:56 p.m.


B. Hawrelak, Chairman


S. Simon, Recording Secretary