

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
TUESDAY, MAY 20, 2014 at 7:00 p.m.**

PRESENT: Members: B. Hawrelak, V. Lutz, P. Monteith,
G. Shipley, C. Crozier

Development Officer	B. Stehr
Planning Consultant	K. Snyder
Recording Secretary	C. Cranston
Appellant	K. Diamond
Appellant	J. Gray and L. Gray

1. CALL TO ORDER

Recording Secretary called the appeal hearing to order at 7:18 p.m., confirmed there was a quorum present to hear these appeals; and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

P. Monteith nominated C. Crozier to be Chairman, seconded by G. Shipley. C. Crozier accepted and assumed control of the appeal hearing.

3. APPEAL NO. 1

**Appeal of Development Application 14-DP-033
Lot 43, Block 115, Plan 1313015 (217 3 Street NE)
Construction of Shop and Concrete Plant**

Chairman Crozier asked the appellant if he had any objection to any board members hearing the appeal. Kelly Diamond, Mountain Stone Contracting Inc. advised he had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

The appellant had no additional information to add to his appeal at this time.

b) Presentation of Development Officer

B. Stehr provided an overview of the various discussions with Mr. Diamond for the past several months. Mr. Diamond had come in to enquire where a shop would go on his property and what setbacks were necessary. Mr. Diamond has purchased a utility right of way off of South Railway Drive from the Town of Redcliff, and has consolidated the two lots. He then came in with this building size and tried to place it on the lot as best as possible, trying to meet all of the setbacks required in the Land Use Bylaw. No matter where he tried to place the shop Mr. Diamond could not fit it on the lot nor could he meet setbacks, specifically on the front of the proposed building (east side) which had a proposed setback of 1.5 m however the Land Use Bylaw requires 6.0 m. In discussions with Mr. Diamond he was advised of setbacks and powers that Mr. Stehr as the Development Officer has and Mr. Diamond understood the process.

At their meeting of April 16, 2014 the Municipal Planning Commission denied Development Permit 14-DP-033 because the proposed front setbacks are less

than the 6.0 m required in the Land Use Bylaw. The setback of 1.5m exceeds the 10% variance power of the Municipal Planning Commission.

On April 21, 2014 Mountain Stone contracting Inc. appealed the decision of the Municipal Planning Commission.

c) Presentation of Municipal Planning Commission (MPC)

No comments were provided by the Municipal Planning Commission

d) Presentation of Planning Consultant

K. Snyder, Planning Consultant advised that

- Required setback is 6m. however the proposed setback is 1.5m
- It appears that all other adjacent buildings on 3rd Street meet the required setback.
- This particular site is on a corner, which usually presents unique challenges for building siting.
- 3rd Street has mature street trees in a boulevard and a separate sidewalk – a walkable designed street with a pleasant streetscape.
- The 6m front setback, if enforced, would not achieve a better streetscape or improve functionality for the site.
- Suggestion is that a building closer to the street would be better as it would discourage informal parking off of 3rd Street which would disrupt the boulevard.
- Proposed building appears to meet the corner visibility triangle requirements.

The Planning Consultant recommended that the Board overrule the Municipal Planning Commission's decision and approve the Development Permit as presented. Potential conditions include:

- Preparation of a site drainage plan to the satisfaction of the Town Engineer.
- Landscaping of the 1.5m front yard to the satisfaction of the Development Authority.

e) Presentation of anyone served notice of hearing

No one presented with notice was in attendance to provide comment.

f) Presentation of anyone claiming to be affected

No one claiming to be affected was in attendance to provide comment.

g) Rebuttal of Appellant

The Appellant had no rebuttal.

h) Other

- The Development Officer noted the following based on the Land Use Bylaw:
 - Under the Land Use Bylaw parking Tables a Concrete Plant would require a provision of two (2) parking stalls
 - Under the Land use Bylaw Parking Tables equipment Sales, Rental; Service would require provision of four (4) parking stalls.
 - Section 68.1.c states:
For multiple use sites, parking requirements shall be based on the combined parking required for each individual use.
 - All outdoor storage should be located onto the rear of the main building or exterior side at the discretion of the Development Authority.

- All outdoor storage shall be accessory to the main use of the land or building.
 - All exterior lighting shall comply with Section 63 of the Land Use Bylaw.
 - The proposed development shall carry out their operations such that no nuisance factor is created or transmitted beyond the site. Nuisance factors shall include objectionable or dangerous conditions caused by; noise, vibration, smoke, dust, odor, toxic or noxious matter.
- When asked about fencing the appellant responded that he planned to install a retractable fence on the north side of the building which would be open during business hours and secured after hours.
 - When asked about the changing the civic address of the property as the proposed building appears to front on South Railway and not on 3rd Street NE, the appellant had no objection.

i) Recess

G. Shipley moved to meet in camera at 7:44 p.m. – Carried.

The Appellant, Development Officer, Planning Consultant, K. Diamond, J. Gray and L. Gray left the meeting at 7:44 p.m.

j) Decision

G. Shipley moved that the appeal against the decision of the Municipal Planning Commission to refuse to issue a permit for Development Permit Application 14-DP-033, Lot 43, Block 115, Plan 0313015 (217 3 Street NE) to construct a Shop and Concrete Plant be upheld and the decision of the Municipal Planning Commission be revoked. Further that Development Permit Application 14-DP-0 33, Lot 43, Block 115, Plan 0313015 (217 3 Street NE) to construct a shop and concrete plant is approved with variance to setbacks as presented conditional to:

1. Provision of parking stalls in accordance with Section 68 of the Land Use Bylaw parking tables for Equipment Sales, Rental, Service;
2. All outdoor storage should be located on the west side of the main building or exterior side at the discretion of the Development Authority.
3. All outdoor storage shall be accessory to the main use of the land or building.
4. All exterior lighting shall comply with Section 63 of the Land Use Bylaw.
5. The proposed development shall carry out their operations such that no nuisance factor is created or transmitted beyond the site. Nuisance factors shall include objectionable or dangerous conditions caused by: noise, vibration, smoke, dust, odor, toxic or noxious matter.
6. Preparation of a site drainage plan to the satisfaction of the Town Engineer.
7. Landscaping to the satisfaction of the Development Officer.
8. No onsite washout to be permitted unless a proper washout pit is constructed.
9. The property owner requesting that the Town provide a new civic address for Lot 43, Block 115, Plan 0313015 reflecting a change of the frontage of the building from 3rd Street NE to South Railway Drive NE. – Carried.

Reasons for Decision

Further the Board advised the reasons for its decision is that:

1. The proposed development is consistent with the surrounding area.
2. Further they feel it does not negatively affect the adjacent properties.

G. Shipley moved to return to regular session at 8:03 p.m. – Carried.

The Appellant, Development Officer, Planning Consultant, K. Diamond, J. Gray and L. Gray returned to the meeting at 8:03 p.m.

Chairman Crozier advised the appellant of the decision and that the written decision would be forthcoming.

K. Diamond left the meeting at 8:26 p.m.

4. **APPEAL NO. 2**
Appeal of Development Application 14-DP-036
Lot 8-9, Block 18, Plan 3042AV (823 3 Street SE)
Addition to House

Chairman Crozier asked the appellant if they had any objection to any board members hearing the appeal. Mr. Gray advised he had no objection to any member of the Subdivision and Development Appeal Board.

a) **Presentation of Appellant**

The appellant advised that he has a residence and free standing 24 x 30 garage and wants to build a larger garage. In order to accomplish this he must connect it to the residence and it will then become one primary building. The garage sideyard setback is 1.0m which meets the requirements of the Land Use Bylaw and the residence is 1.5m which also meets the requirements of the Land Use Bylaw. If he connects the garage to the residence the primary building will no longer comply with the 1.5m setback due to the protrusion of the garage into the 1.5m setback. He wants to have a larger garage for his toys, game table as well as parking of vehicles. The lot coverage would be 37%.

b) **Presentation of Development Officer**

The Development Officer advised that during a pre-application meeting he had discussed the options available to Mr. Gray. On March 18, 2014 Mr. Gray submitted a Development Permit Application for an addition to his home to connect the house and garage which was denied as the left sideyard setback of 1.0m is less than the 1.5m required by the Land Use Bylaw. On April 25, 2014 Mr. Gray appealed the decision of the Development Officer.

c) **Presentation of Municipal Planning Commission (MPC)**

No comments were provided by the Municipal Planning Commission

d) **Presentation of Planning Consultant**

- Side Yard Setback

- Joining the home to the garage creates one principal building, and means that it no longer is governed by the Accessory Buildings and Structures rules.
- This creates an issue as the structure now needs to meet the 1.5m setback for principal buildings, which the existing garage does not meet.
- The proposed addition meets the required setbacks.
- The proposed addition and newly created principal building will not likely negatively impact neighbours.

The Planning Consultant recommended that Board overturn the Development Officer's decision to deny Development Application 14-DP-039 and approve the development permit application as presented.

- e) **Presentation of anyone served notice of hearing**
No one presented with notice was in attendance to provide comment.
- f) **Presentation of anyone claiming to be affected**
No one was in attendance claiming to be affected.
- g) **Rebuttal of Appellant**
The appellant had not rebuttal.
- h) **Other**
- When the appellant was asked about access to the rear of the house to the garage he advised that the covered deck has a bi-fold door; there is a rear entrance to the garage; and a side door entrance to the garage.
 - In regard to joining the roof lines the appellant said that the roofline on the north side will be raised to tie into the existing slope of 4:12 on the residence. The garage and house will tie together at the roof ridge and have the same height.
- i) **Decision**

G. Shipley moved the appeal against the decision of the Development Officer to refuse Development Application 14-DP-039, Lot 8-9, Block 18, Plan 3042AV (823 3 Street SE) for an addition to a house to connect the house and the garage be revoked. Further that Development Permit Application 14-DP-03914-DP-039, Lot 8-9, Block 18, Plan 3042AV (823 3 Street SE) for an addition to a house to connect the house and the garage be approved as presented. – Carried.

Reason for the Decision


Further the Board advised the reasons for its decision is that:

1. The proposed development is consistent with the surrounding area.
2. Further they feel it does not negatively affect the adjacent properties.


Chairman Crozier advised the appellant of the decision and that the written decision would be forthcoming.

4. ADJOURNMENT

P. Monteith moved the meeting be adjourned at 8:36 p.m.



Chairman



C. Cranston, Recording Secretary