

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
TUESDAY, OCTOBER 16, 2018 at 7:00 p.m.**

PRESENT: Members: B. Christian, C. Crozier
T. Read, G. Shipley, C. Storle

Development Officer	B. Stehr
Director of Planning & Engineering	J. Johansen
Recording Secretary	S. Simon

Appeal No. 1	Appellant	Rick Wagenaar
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Appeal No. 2	Appellant Adjacent Landowner	Rod Braun / Garry Ruff Shawn Bergeron
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1. CALL TO ORDER

Recording 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

B. Christian nominated G. Shipley to be Chairman, seconded by T. Read. G. Shipley accepted and assumed control of the appeal hearing.

3. APPEAL NO. 1

**Appeal of Development Application 18-DP-047
Lot 7-9, 10-15, Block 92, Plan 1117V (20 – 5 Street NW, Redcliff)
(Shop Development)**

Chairman G. Shipley asked the appellant if he had any objection to any board members hearing the appeal. R. Wagenaar advised he had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation(s) by Development Authority, Redcliff Subdivision Approving, and/or Administration as applicable

The Development Officer referred to his report and stated that the proposed development is too large for the site, not allowable under the Land Use Bylaw, and cannot be classified as an accessory building. The Planning and Engineering department had no real concerns but should the Subdivision Development Appeal Board approve Development Permit Application 18-DP-047 for an oversized Accessory Building, Planning & Engineering suggests the following conditions be placed on the Development Permit Approval:

1. The property is rezoned to a Land Use district under which the use is allowed and consistent with the current Municipal Development Plan;
2. Consolidation of the properties legally known as:
 - i. Lot 42, Block 92, Plan 0612255 (402 Broadway Avenue W);
 - ii. Lot(s) 7-9, Block 92, Plan 1117V (20 5 Street NW);
 - iii. Lot(s) 10-15, Block 92, Plan 1117V (20 5 Street NW)
3. Exterior finish in the opinion of the Development Officer to compliment the house &/or neighbourhood;
4. Entering into a Development Agreement with the Town to cover the developers responsibilities to:
 - Permit the Development Agreement to be registered on the title of the property by the Town by the appropriate instrument to protect the Town's interests.
 - Consolidate Lots:
 - Lot 42, Block 92, Plan 0612255 (402 Broadway Avenue W);
 - Lot(s) 7-9, Block 92, Plan 1117V (20 5 Street NW);
 - Lot(s) 10-15, Block 92, Plan 1117V (20 5 Street NW)
 - Pay for the construction of municipal improvements adjacent to or used by the development which may include but is not limited to:
 - sidewalk curb and gutter on Broadway Avenue from the existing sidewalk east of the properties to 5th Street NW and on 5th Street NW between Broadway and 1st Avenue NW and on 1st Avenue NW between 5th Street NW and the lane east of the property,
 - roadworks including pavement of 5th Street NW and on 5th Street NW between Broadway and 1st Avenue NW and 1st Avenue NW between 5th Street NW and the lane east of the property.,
 - Installation of water and sanitary services into the property,
 - Provide plans acceptable to the Town necessary to document how the developer is going to construct municipal improvements and develop the property which may include but is not limited to:
 - Road widening plans,
 - Site grading plans,
 - Utility installation plans,
 - Site access plans,
 - Pay off-site levies based on the relevant bylaw and policy at the current rates for area #1 at time of signing of the development agreement;
 - Post security for the completion of developer improvements, restoration of municipal infrastructure damaged by the construction of improvements, and completion of developer obligations under the Development Approval and Development Agreement. Typically security will not be less than the value of the construction of municipal improvements that are the responsibility of the Developer and under no circumstances less than \$5,000.
 - Applicant provide an updated site plan showing the buildings as they are existing.

b) Presentation by the Appellant

R. Wagenaar stated that the proposed development is a dry storage building to park his motorhome and race car trailer inside rather than storing outside. He advised he has no concerns with the consolidation recommendation as he is also agreeable to whatever needs to be done. This includes constructing the 40' x 60' building as an attachment to the hot rod shop he has now.

R. Wagenaar also stated that he has spoken to the neighbours and they are comfortable with the greenhouses and would be sad to see them gone as they are used to them and they provide a windbreak.

c) Presentation by the Applicant (if Applicant is different from the Appellant)

Not applicable.

d) Presentation by other persons in favor of the appeal

No one present.

e) Presentations from any person(s) opposed to the appeal

No one present.

f) Summation and response from all participants

Director of Planning & Engineering, J. Johansen spoke to the panel stating that the land use is not appropriate for just an accessory building. He discussed zoning as per the Land Use Bylaw and explained that with respect to a request for infrastructure improvements, there is a policy standard for appropriate infrastructure to be installed.

R. Wagenaar advised that he understands and advised that he still has five greenhouses standing but wants the building, therefore will reposition the greenhouse to get the accessory building. He will find a way but would prefer to get rid of the building to clean up the area.

g) Recess

No recess called.

h) In Camera Discussion

C. Crozier moved to meet in camera at 7:17 p.m.

The Appellant, Director of Planning & Engineering, Development Officer and the members of the gallery left the meeting at 7:17 p.m.

i) Decision

B. Christian moved the appeal against the decision of the Development Officer to refuse to issue a permit for Development Permit Application 18-DP-047 [Lot 7-9, 10-15, Block 92, Plan 1117V (20 – 5 Street NW)] for a shop development be upheld and the decision of the Development Officer be revoked. Further, that Development Permit Application 18-DP-047 [Lot 7-9, 10-15, Block 92, Plan 1117V (20 – 5 Street NW)] be approved as presented conditional to:

1. The property is rezoned to a Land Use district under which the use is allowed and consistent with the current Municipal Development Plan;
2. Consolidation of the properties legally known as:
 - Lot 42, Block 92, Plan 0612255 (402 Broadway Avenue W);
 - Lot(s) 7-9, Block 92, Plan 1117V (20 5 Street NW);
 - Lot(s) 10-15, Block 92, Plan 1117V (20 5 Street NW)
3. Exterior finish in the opinion of the Development Officer to compliment the house &/or neighborhood;
4. Maximum building height shall not exceed 5 metres;
5. Entering into a Development Agreement with the Town to cover the developer's responsibilities to:
 - Permit the Development Agreement to be registered on the title of the property by the Town by the appropriate instrument to protect the Town's interests.
 - Consolidate Lots:
 - Lot 42, Block 92, Plan 0612255 (402 Broadway Avenue W);
 - Lot(s) 7-9, Block 92, Plan 1117V (20 5 Street NW);
 - Lot(s) 10-15, Block 92, Plan 1117V (20 5 Street NW)
 - Pay for the construction of municipal improvements adjacent to or used by the development which may include but is not limited to:
 - sidewalk curb and gutter on Broadway Avenue from the existing sidewalk east of the properties to 5th Street NW and on 5th Street NW between Broadway and 1st Avenue NW and on 1st Avenue NW between 5th Street NW and the lane east of the property,
 - roadworks including pavement of 5th Street NW and on 5th Street NW between Broadway and 1st Avenue NW and 1st Avenue NW between 5th Street NW and the lane east of the property.,
 - Installation of water and sanitary services into the property;
 - Provide plans acceptable to the Town necessary to document how the developer is going to construct municipal improvements and develop the property which may include but is not limited to:
 - Road widening plans,
 - Site grading plans,
 - Utility installation plans,
 - Site access plans;
 - Pay off-site levies based on the relevant bylaw and policy at the current rates for area #1 at time of signing of the development agreement;
 - Post security for the completion of developer improvements, restoration of municipal infrastructure damaged by the construction of improvements, and completion of developer obligations under the Development Approval and Development Agreement. Typically security will not be less than the value of the

construction of municipal improvements that are the responsibility of the Developer and under no circumstances less than \$5,000;

- Applicant to provide an updated site plan showing the buildings as they are existing.
6. Setbacks to conform with the zoning of the property as per condition Number 1.

Reasons for Decision

1. The land is suitable for the proposed use because of the size if consolidated.
2. There is adequate access as a former greenhouse site.
3. The area is not intensely populated so the development does not adversely impact the existing use of land around it.

T. Read moved to return to regular session at 8:08 p.m. – Carried.

The Appellant, Director of Planning & Engineering, Development Officer rejoined the meeting at 8:08 p.m.

The Recording Secretary advised the appellant of the decision and that the written decision would be forthcoming.

4. APPEAL NO. 2 Appeal of Development Application 18-DP-049 Lot 11, Block 22, Plan 3042AV (801 – 7 Street SE, Redcliff) (Semi Detached Dwelling)

Chairman Shipley asked the appellant if he had any objection to any board members hearing the appeal. R. Braun advised he had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation(s) by Development Authority, Redcliff Subdivision Approving, and/or Administration as applicable

The Development Officer referred to his report and advised that the development fits with the Municipal Development Plan but does not comply with the Land Use Bylaw. The existing lot right now is 289.67 m². In our Land Use Bylaw the minimum lot size for an R2 lot is 500 m². The coverage of this proposed development is 48.5% whereas our LUB allows 45% maximum including all accessory buildings. The proposed development does not comply with our amenity spaces. Under our Land Use Bylaw we require 6m² of amenity spaces not counting the setbacks required under our Land Use Bylaw. We can take into account the decks and patios. On three sides, the East, West and North, the setbacks do not comply with the Land Use Bylaw. With respect to parking, under the Land Use Bylaw, parking tables require two parking stalls per unit that are off the street. The Development Officer noted that in the supplied development permit site plan the applicant shows that there is an intent to subdivide a metre and a

half off the lot to the south, however, the Planning & Engineering department have not received an application nor have they looked at it to see if it complies with the Land Use Bylaw.

The Development Officer reiterated that Planning and Engineering is opposed to this development because it is a large deviation from the Land Use Bylaw.

b) Presentation by the Appellant

Rod Braun introduced himself and advised he is proposing to build a duplex on this vacant piece of property. The land has been sitting there for a number of years. It currently is owned by the City of Medicine Hat and as the owner of the fourplex right beside it, Mr. Braun proposes to take some of the property space off of the fourplex to shift over a little bit to allow for the construction of the duplex on the lot. He is aware that this doesn't comply with the Land Use Bylaw but advised he is trying to make it work. He feels it is an excellent plan for an infill lot and is an ideal lot for a home like this. There is access from 7th Street and Mitchell Street so basically both sides are fronting onto the streets the same as the two fourplex's that Mr. Braun currently owns beside that. The two fourplex's are ideal for that situation along with what this duplex would also do for the area. The Town of Redcliff is currently responsible for maintaining that piece of property and have been for several years. In Mr. Braun's opinion it is an eyesore because he lives beside it. It is a bed of weeds and he does not maintain it. The Town does. This is one way to get rid of that problem and generate a tax base. He is proposing that there be a relaxation to allow the building to be built on this property so that it's a win for everyone. The Town has a tax base and Mr. Braun has a property that compliments the one he has beside it. The properties Mr. Braun has beside are well maintained and well looked after. He advised he has pride of ownership and pride of ownership in what he is going to build. He thinks the whole thing would be a compliment on that side and good for all parties.

Mr. Braun further stated that basically the duplex is half of a fourplex. If you are looking at the one picture and you see the size of the fourplex there, Mr. Braun's duplex is basically half of that. A narrow structure. His friend Garry Ruff was with him today. Garry Ruff builds this same house plan in Medicine Hat in the flats area. He builds them as an infill house, duplex and has built several of them down there. It is an ideal situation because it is a 25' lot. There aren't a lot of house plans that would fit on it and again, Mr. Braun stated that with him having the lot beside he can do something with it, otherwise it is going to be an eyesore and sit there forever.

Mr. Braun finally stated that he wants to use some of the easement to allow for the construction of the duplex.

c) Presentation by the Applicant (if Applicant is different from the Appellant)

No one present.

d) Presentation by other persons in favor of the appeal

No one present.

e) Presentations from any person(s) opposed to the appeal

Shawn Bergeron stated that he lives across the street at number 802. He is the house directly across and he doesn't mind looking out his window and seeing an empty lot there. He stated that "It's not like we need to build on every single property in Redcliff". It is nice to have some open space. As far as an eyesore goes, Mr. Bergeron would rather see empty land there than see a really narrow duplex where they are going to be parking in front of his house and he would have to drive down the street and try to find another parking spot. The Avenue is narrow and when people park on both sides you have to wait for oncoming vehicles in order to get through. He wonders if there is something else that can be done with this property like a playground. Mr. Bergeron stated he thinks it will be more of an eyesore having another narrow duplex. Eighteen years ago Mr. Bergeron moved his house onto this empty property and he advised he wasn't granted leniency on having his house situated one way or the other. He has 25 feet of boulevard that he couldn't use and had to put a fence up and maintain the exterior of that fence line just like everyone else. He does not see why anyone else should be getting any kind of leniency.

f) Summation and response from all participants

J. Johansen commented for clarity and for the Board's information, that in Eastside Area the current standard of residential roads is a paved width of 10.5 metres. 8th Avenue is 7.28 m which is basically considered two driving lanes. The Planning & Engineering's principle concern with this proposal is that it is a major deviation from the Land Use Bylaw on setbacks. Also a principle technical concern is the lack of parking and the site actually needs to provide for that parking. The Planning & Engineering Department is prepared to work to make that happen but again it is a difficult challenge considering the size of the property and where it is located.

Garry Ruff questioned the Director of Planning & Engineering if the boulevard could be used to provide parking? The Director of Planning & Engineering stated that if the Subdivision and Development Appeal Board wished, they could grant relaxation on the onsite requirement. The developer could widen the two existing driveways of the fourplex to add another parking stall, that would be feasible and if the developer did either a road widening on 8th Avenue or lay by parking there is potential for three stalls on 8th Avenue but it would be at the developers cost and would be taken to council. It would be 100% on the developer to pay for it and would go to council before the Appellant could construct.

Garry Ruff stated that he is sure the City of Medicine Hat would like to have that lot sold. Shawn Bergeron stated he would cut the lawn.

g) Recess

No recess was called.

h) In Camera Discussion

C. Crozier moved to meet in camera at 8:33 p.m.

The Appellant, Development Officer, Director of Planning & Engineering, and Shawn Bergeron left the meeting at 8:33 p.m.

The Director of Planning and Engineering was asked to rejoin at 8:40 p.m. and left the meeting at 8:45 p.m.

i) Decision

B. Christian moved to confirm the decision of the Development Officer to refuse to issue a permit for Development Permit Application 18-DP-049 (Lot 11, Block 22, Plan 3042AV (801 – 7 Street SE, Redcliff) for a semi-detached dwelling.

Reasons for Decision

1. The development does not conform to the Land Use Bylaw as set out;
2. The development does not conform to any of the Municipal Bylaws, Policies, Procedures or Standards as the Town has set out.
3. The land is not suitable for the proposed use because of its small size.
4. There is inadequate parking.

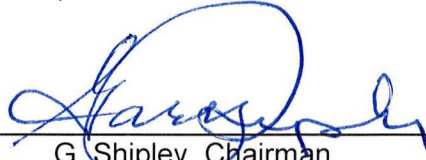
C. Crozier moved to return to regular session at 8:51 p.m. -Carried.

The Appellant, Director of Planning & Engineering, Development Officer, Garry Ruff and Shawn Bergeron rejoined the meeting at 8:51 p.m.

The Recording Secretary advised the appellant of the decision and that the written decision would be forthcoming.

5. ADJOURNMENT

C. Crozier moved the meeting be adjourned at 8:53 p.m.



G. Shipley, Chairman



S. Simon, Recording Secretary