

## APPENDIX A

### BACKGROUND REPORT

September 26, 2023

#### **DEVELOPMENT PERMIT # 2023-D-189**

**Applicant:** Dennis and Betty Kowalchuk

**Owner:** Dennis and Betty Kowalchuk

**Land Location:** Plan 6236 MC Block 4 Lot 8 – SE-21-65-2-W4M  
12 65308 Rge Rd 423

**Roll#:** 6502152051

**Zoning:** Country Residential (Resort) District "CR"

**Size:** 14,349 Sq ft

☐

Permitted



Discretionary

☐

Other

#### **DESCRIPTION OF APPLICATION:**

The applicant is applying for a rear yard variance from 25 ft to 5 ft for the construction of a detached garage.

#### **ADJACENT PROPERTY:**

The property is located in the fourth block of the Marie Lake multi-lot subdivision. Adjacent properties are residential parcels, and Provincially owned reserve.

#### **CONSIDERATIONS:**

The applicant is applying for a rear yard variance from 25 ft to 5ft for the construction of a 32 ft by 26 ft detached garage. The front yard is determined by access to the parcel from the internal subdivision road, this means the south property line is the front yard and the north property line is the rear yard.

They are requesting this variance due to the size of their lot and the location of their water well which will be 10 ft from the proposed garage location. Similar setbacks have been approved in this area due to the sizes of the lots.

As per section 20 of the Land Use Bylaw, variances may be considered when there are practical difficulties unique to the land and when they will not interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring properties. This request would allow the house and garage to sit at similar setbacks in the neighbourhood.

Adjacent landowner letters were sent out on September 6, 2023, and we have not received any response at the time of report generation.

### **RECOMMENDATION:**

Recommendation for Development Application No. 2023-D-189 is **approve** the request for a rear yard variance from 25 ft to 5 ft for the construction of a detached garage as a discretionary use as per Part 6, section 32 and Part 7, Section 71.2 of the Land Use Bylaw with the following conditions:

1. As per section 71.4 of the Land Use Bylaw No. 1667, the minimum setbacks shall be:
  - Front yard: 7.6 metres (25.0 feet).
  - Side yard: 1.5 metres (5 feet);
2. An approved building permit is required as per the Alberta Safety Codes Act.
3. Applicable electrical, gas, plumbing, and sewer permits are required as per Alberta Safety Codes Act.
4. Building waste materials shall be contained on site in a waste bin or a covered/enclosed trailer as per Section 3 of The Nuisance Bylaw. No 981.
5. As per section 32 of the Land Use Bylaw No. 1667:
  - An Accessory building shall not be used as a dwelling.
  - A permanent accessory building shall not be located on an easement or utility right-of-way.
  - An accessory building shall be setback a minimum of 2.0 metres (6.6 feet) as per Fire Code regulations, from the principal dwelling.
6. Building locations to be staked out by an Alberta Land Surveyor, C.E.T. or other approved designation in Alberta and submitted for approval by the M.D. of Bonnyville prior to the commencement of construction.
7. Upon foundation completion, but prior to inspection, an Alberta Land Surveyor Building Certificate shall be provided to the Development Authority.