

APPENDIX A

BACKGROUND REPORT

May 14, 2024

DEVELOPMENT PERMIT # 2024-D-073

Applicant: James Nicholson

Owner: James Nicholson

Land Location: Plan 932 0309 Block 2 Lot A – NW-25-60-7-W4M
66 47018 Twp Rd 604A

Roll#: 6007252041

Zoning: Country Residential (Resort) District "CR" **Size:** 1.37 Acres

Permitted

Discretionary

Other

DESCRIPTION OF APPLICATION:

The applicant is applying for a variance from the highwater mark from 30m to 23m for the construction of a shop (1,000 sq ft).

ADJACENT PROPERTY:

The property is located at the Nicholson multi-lot subdivision on the south side of Moose Lake. Adjacent properties are a residential parcels, and municipal owned lots.

CONSIDERATIONS:

The applicant would like to construct a 1,000 sq ft shop (40 ft x 25 ft) on his lot on Moose Lake. This lot does not have an environmental reserve and is subject to section 41.3 which requires a 30m setback from the highwater mark of a water body. The adjacent residential lots have a lot between them and the lake and only require a 7.6m from their rear property line. This variance would be in line with the other developments in the subdivision.

The applicant is proposing to place the building on screw piles which would be required to be engineered and torque logs would need to be submitted once in place. The applicant inquired about a geotechnical study which would cost \$7,000 for a desktop review, without boreholes being completed and reviewed.

May 14, 2024 8:41 AM

Adjacent landowner letters were sent out on April 23, 2024, and we have not received any response at the time of report generation.

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.

RECOMMENDATION:

Recommendation for Development Application No. 2024-D-073 is **approve** the request for a high water mark variance from 30m to 23m for the construction of a shop as a discretionary use as per Part 3, Section 20 and Part 7, Section 71.2 of the Land Use Bylaw with the following conditions:

1. An approved building permit is required as per the Alberta Safety Codes Act.
2. Applicable electrical, gas, plumbing, and sewer permits are required as per Alberta Safety Codes Act.
3. Building waste materials shall be contained on site in a waste bin or a covered/enclosed trailer.
4. The landowner shall at its sole cost and expense obtain a geotechnical report to support the relaxation of the setback and identifying any restrictions or recommendations with respect to potential negative impacts resulting from a flood, high water table, or other overland water issues. Any restrictions or recommendations set out in the geotechnical report will be incorporated into and form a part of these conditions of approval.
5. The landowner shall enter into an agreement with the M.D. in the form of a restrictive covenant that may be registered against title to the lands that are the site of the proposed development which contains a waiver and indemnity in favour of the M.D. with respect to any potential negative impacts resulting from a flood, high water table, or other overland water issues.
6. Building locations to be staked out by an Alberta Land Surveyor 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.