



Municipal District of Bonnyville No. 87

Request for Decision (RFD)

Meeting: Regular Meeting of Council
Meeting Date: June 11, 2024
Originated By: Kristy Poirier, Development Authority Officer
Title: Development Application No. 2024-D-019 – Front, side, and Rear Yard Variances

PROPOSAL & BACKGROUND

Administration received and approved development application no. 2024-D-019 for front and rear yard variances for the construction of a single family dwelling with garage on March 12, 2024. The applicant has since obtained a surveyor plot plan and is requesting a greater variance and added a side yard deck variance request.

DISCUSSION ON BENEFITS, DISADVANTAGES & OPTIONS

As per the attached plot plan in Appendix F, the highwater mark is further into the lot than what was presented to Council on March 12, 2024. The applicant has engaged a company for the geotechnical and is awaiting the report. They have been made aware of the waiver and restrictive covenant and are agreeable to that condition. Additionally, they are requesting a 25% variance from the side yard deck setback which would site the deck at 0.375m (1.2 ft) from the property line. The deck width will be updated, if approved.

Attached for Council's review:

- Appendix A: 2024-D-019 Background Report
- Appendix B: 2024-D-019 Location, Aerial, and Application
- Appendix C: Land Use Bylaw No. 1667, Section 41 Development Near Water Bodies (Courses) & Slopes
- Appendix D: Land Use Bylaw No. 1667, Section 20 Variance Authority
- Appendix E: Land Use Bylaw No. 1667, Section 45 Existing Substandard Lots
- Appendix F: 2024-B-074 Plot Plan
- Appendix G: Land Use Bylaw No. 1667, Section 36 Decks, Fences, and Swimming Pools

REFERENCE TO STRATEGIC PLAN

N/A

REFERENCE TO PROVINCIAL/FEDERAL LEGISLATION

Municipal Government Act 2021
Lower Athabasca Regional Plan (2012)

COSTS & SOURCE OF FUNDING

The applicant paid a \$175.00 application fee.

COMMUNICATIONS STRATEGY

The decision will be advertised in the subsequent week's newspaper and on the M.D. of Bonnyville's website.

ADMINISTRATION RECOMMENDED ACTION

THAT Council approves development permit application no. 2024-D-019 for a front yard variance from 25 ft to 14 ft, side yard deck variance from 1.6 ft to 1.2 ft, and a rear yard variance from 98.4 ft to 33 ft for the construction of a single family dwelling with garage on Lot 12, Plan 5847 MC within SE-9-61-6-W4M as a discretionary use pursuant to Part 3, Section 20, and Part 7, Section 71.2 of the Land Use Bylaw for Jeff Odowichuk and Heather Ross 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. As per section 71.4 of the Land Use Bylaw No. 1667, the minimum setbacks shall be:
 - West side yard: 1.5 metres (5 feet).
5. Upon foundation completion, but prior to inspection, an Alberta Land Surveyor Building Certificate shall be provided to the Development Authority.
6. 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.
7. 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.

COUNCIL OPTIONS

1. THAT Council approves development permit application no. 2024-D-019 for a front yard variance from 25 ft to 14 ft, side yard deck variance from 1.6 ft to 1.2 ft, and a rear yard variance from 98.4 ft to 33 ft for the construction of a single family dwelling with garage on Lot 12, Plan 5847 MC within SE-9-61-6-W4M as a discretionary use pursuant to Part 3, Section 20, and Part 7, Section 71.2 of the Land Use Bylaw for Jeff Odowichuk and Heather Ross with the following conditions ...[listed as recommended or revised list of conditions].
2. THAT Council refuses development permit application no. 2024-D-019 for the following reasons
_____.

Report Approval Details

Document Title:	Development Application No. 2024-D-019 Variance Request Revision.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - 2024-D-019 Background Report.pdf- Appendix B - 2024-D-019 Location, Aerial, and Application.pdf- Appendix C - Land Use Bylaw No. 1667, Section 41 Development near Water Bodies.pdf- Appendix D - Land Use Bylaw No. 1667, Section 20 Variance Authority.pdf- Appendix E - Land Use Bylaw No. 1667, Section 45 Existing Substandard Lots.pdf- Appendix F - 2024-D-019 Plot Plan.pdf- Appendix G - Land Use Bylaw No. 1667, Section 39 Decks, Fences, and Swimming Pools.pdf
Final Approval Date:	Jun 3, 2024

This report and all of its attachments were approved and signed as outlined below:

Lisa Folliott

Esther Quiambao

Stephanie Severin