

TELEPHONE: (403) 223-5500 FAX: (403) 223-5530

# NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING REGARDING THE APPROVAL OF A DETACHED GARAGE AT 18 WESTVIEW BOULEVARD

HEARING DATE: WEDNESDAY, APRIL 24, 2013

TIME: 7:00 PM

LOCATION: TOWN OF TABER COUNCIL CHAMBERS

A - 4900 50TH STREET

Pursuant to the requirements of the Municipal Government Act, you are being advised of a public hearing being held by the Town of Taber's Subdivision and Development Appeal Board. If you have received this package of information, you are either directly involved in the issue at hand or are a nearby landowner.

At issues is a decision by the Town's development authority to give approval for construction of a detached garage at 18 Westview Boulevard. The Town has received an appeal against that approval, and the Subdivision and Development Appeal Board will make a decision as to whether or not to issue a development permit for the proposed garage, with or without conditions, after it has heard from anyone claiming to be affected by the proposal.

The Board will hold its hearing on April 24, 2013 as noted above. You are invited to attend this hearing and speak to the matter, either in support of the appeal against the garage or in support of the development authority's approval. You do not have to register for the hearing in advance, and can simply voice your opinion at the appropriate point in the hearing. You can also provide a written comment, whether or not you speak at the hearing. Any written comment must be delivered in person at the hearing or be provided to the Town's Municipal Office by 2:00 pm on the day of the hearing (April 24). The Town's office address for delivery or mail purposes is: A – 4900 50<sup>th</sup> Street Taber, AB, T1G 1T1.

To assist you in understanding this matter, enclosed are:

- Subdivision and Development Appeal Board Hearing Procedure
- Area Map to Show Property Location
- Development Permit Application No. 13-21
- Notice of Decision (Form C)
- Notice of Appeal (Form G)
- Excerpts from the Land Use Bylaw that were used in making the decision

The Town of Taber hopes that you find this information package sufficient to address your questions but, if not, please do not hesitate to contact Greg Birch, Secretary to the Subdivision and Development Appeal Board, at (403)223-6023.

Sincerely,

T. Greg Birch, RPP, MCIP Secretary to the Board



# Subdivision and Development Appeal Board (S/DAB) Hearing

Procedure No.: ADM- 4 Council Resolution No.: N/A

Department: Administrative Authority: CAO
Effective Date: April 16, 2013 Revision Date:
Review Date: April 2016 Repealed Date:

Supersedes: N/A

Related Policy No.: N/A
Related Policy Name: N/A

# **Purpose**

The Purpose is to develop operating guidelines for the Subdivision and Development Appeal Board (S/DAB) Hearing.

# **Operating Guidelines**

When hearing a subdivision or development appeal, the S/DAB shall follow the following procedure:

- 1) The Chair will call the hearing to order and describe the hearing procedure and protocols.
- 2) The Chair will ask the Secretary to the S/DAB to provide an overview of the appeal, including the property involved and any relevant material from the Town's files. (Questions from the Board, if any.)
- 3) The Chair will introduce the Board and ask if there are any objections to these persons hearing the appeal from the appellant or other parties directly affected.
- 4) The appellant will be asked to present the appeal details, explaining the reasons for the appeal and the remedy being sought. (Questions from the Board, if any.)
- 5) Persons in support of the appellant will be asked to speak. Written submissions in support of the appeal will also be presented. (Questions from the Board, if any.)



- 6) The development authority will be asked to present its case: the reason the decision was made, and any other pertinent conditions or factors. (Questions from the Board, if any.)
- 7) Persons in support of the development authority's decision will be asked to speak. Written submissions in support of the development authority's decision will also be presented. (Questions from the Board, if any.)
- 8) The Chair will then provide an opportunity for the person(s) making the appeal, not those in support, to make any rebuttal. (Questions from the Board, if any.)
- 9) The Chair will ask the Board members whether or not they require additional information, or if the hearing can be closed. (The Board may choose to recess the hearing to a future date, if necessary.)
- 10) The Chair will then ask the appellant and the development authority to express an opinion as to the fairness of the hearing.
- 11) The Chair closes the hearing.

**Note:** The S/DAB will discuss the appeal and make its decision in closed session. A decision will be made public within 15 days of the conclusion of the hearing.

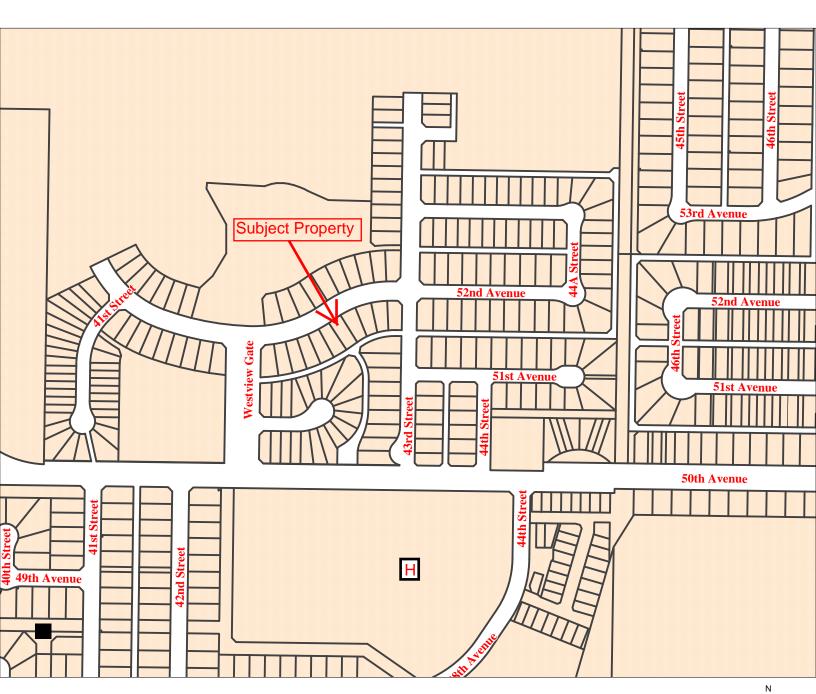
CHIEF ADMINISTRATIVE OFFICER

APRIL 16 2013

DATE



# Area Map





# **Application For A Development Permit** FORM A (OFFICE USE ONLY)

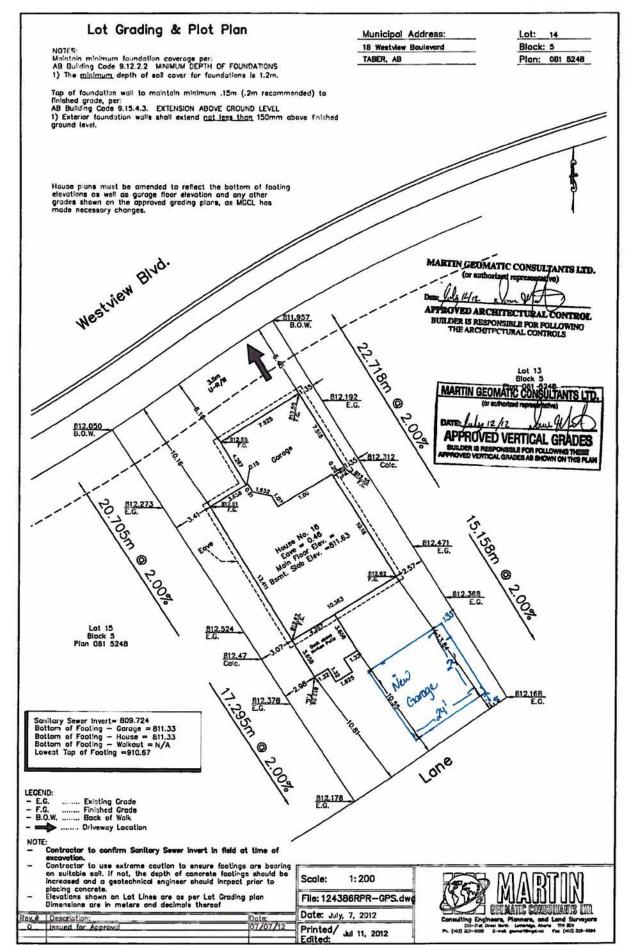


Planning Department A4900-50 Street Taber AB T1G 1T1 ph: (403) 223-5500 fx: (403) 223-5530 email: planning@taber.ca

ZONING: LP-1 ROLL NUMBER: 5242140 APPLICATION NO. 13-2
Date of Application: Date Application Deemed Complete:
I hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.
New Construction: Addition: Renovation: Change of Use: Moved in Building: Change of Use: Moved in Building: Change of Use: Change of Use: Change of Use: Moved in Building: Change of Use: Change of Use: Moved in Building: Change of Use: Change of
Applicant: Dixon McGregor Homes Phone Res: Bus:
Address:
Registered Owner: Constant Developmen Prone Res: Bus:
Address: Cell: Fax: Postal Code:
Legal Description of Property to be Developed: Lot: 14 Block: 5 Plan: 681 5248
Municipal Address: K Westview Blvcl  Proposed Use of Site: (describe in detail- attach additional information if necessary)  K Westview Blvcl  Erection of 24'x24' Garage in Rear of Yard
Existing Use of Site:
If Development is Temporary, State for What Period
Adjacent to Highway: Yes: No:
Proposed Setback from Property Lines:
Front Yard: Side Yards: 1 1/35 2 Rear Yard: 1.35
General Information:
Present Use of Adjacent Properties:

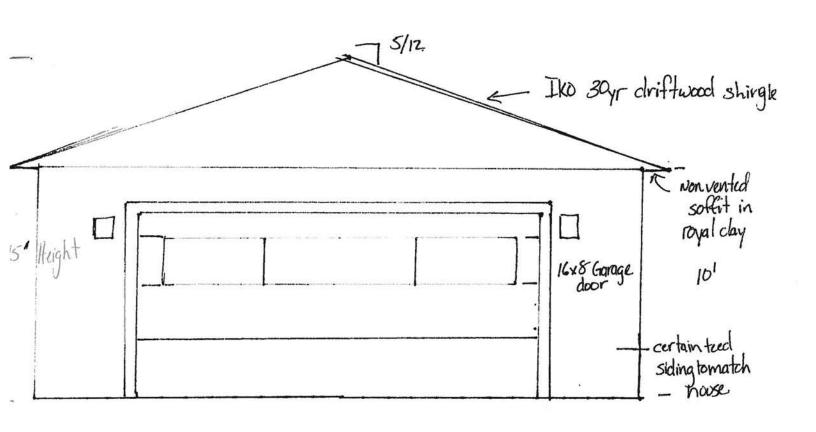
Access:  Provincial Highway #  Municipal Road			
Municipal Doad	F 3		
		[]	[ ]
Internal Subdivision Road		[]	[]
Undeveloped Road Allowance		[]	[]
Private Road (i.e. Condominium)		[]	[]
Other (specify)			
Services: Water Supply Municipally owned and operated piped water syst Other (specify)		[]	[]
Sewage Disposal			
Municipally owned and operated sanitary sewer s	vstem	[]	[]
Other (specify)		LJ	LJ
Storm Drainage	22	(2258)	80%
Municipal Sewers		[]	[ j
Ditches		[]	[ ]
Swales		[]	[]
<u>Additional Information</u> (Based on Proposed Develo	ppment)		
Will you be applying for a Building Permit?	[] yes [] no [] yes [] no [] yes [] no		
I at Width	Lot Denth:		
Lot Width:	Lot Depth:		
Lot Area:	Lot Depth: New Construction Area	(ft²)	576
	2		576
Lot Area: Lot Coverage By New	New Construction Area	)	
Lot Area: Lot Coverage By New Construction (%):	New Construction Area Total Site Coverage (%	)	
Lot Area: Lot Coverage By New Construction (%): Number of Loading Spaces:	New Construction Area Total Site Coverage (% Building Height:	2 (%):	
Lot Area: Lot Coverage By New Construction (%): Number of Loading Spaces: Driveway Width:	New Construction Area Total Site Coverage (% Building Height: Landscaped Open Space	) e (%); spaces:	
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Lot Area: Lot Coverage By New Construction (%): Number of Loading Spaces: Driveway Width: Number of Units: Estimated Commencement Date: Mar 31/13 Application Fee:	New Construction Area Total Site Coverage (% Building Height: Landscaped Open Space No. Off Street Parking S  Estimated Completion Construction Value : PLICATION WILL NOT BE	)	[Uly 31/13 ∞0°°
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2.12.2





From the desk of Charles MCTighte Regarding 18 Westview Block Date Mar 12/13













ANCOUVER KELOWNA EDMONTON CALGARY

800-232-9407 888-932-3387

04 513-5744 250 860-5666 780 451-0670 403 720-0022 403 348-0701 403 327-0701 306 242-9600 306 761-2600 204 947-2433 905 696-0005 902 463-7045

RED DEER LETHBRIDGE SASKATOON REGINA

WINNIPEG

TORONTO 800 892 5340 800-291-6501 866-922-766

# Notice of Decision FORM C

DEDMIT NO



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ZONITNIC.

ranning Department A4900-50 Street Taber AB T1G 1T1 ph: (403) 223-5500 fx: (403) 223-5530 email: planning@taber.ca

ISSUE DATE:	10070	arch 14,	2013	ROLL		5242140	
Applicant					Owne	r of Land	
Name:	Duncan McGregor Homes			Cor	nstant I	nvestments Inc.	
Address: _			W				
Tel:							
Location							
Municipal Address: 18 Westview Blvd.							
Lega	l Description:	Lot:	14				
		Block:	5	Plan:	08152	48	_
Description of	f Work Do	etached o	garage in rear yard as pe (Discretionary Use in Lo				

Note: This is *not* a Development Permit Final date for appeals to the Notice of Decision is April 4<sup>th</sup>, 2013.

### Permit Conditions (see Standard Conditions on Reverse)

12.021

- Pursuant to Section 2(12)(a)(i) of Land Use Bylaw No. 4-2006, as amended, a 2<sup>nd</sup> garage waiver is granted for the development of the detached garage.
- 2. The site is to be developed as per the site plan submitted, including the exterior finishing.
- The applicant must obtain a Building Permit to ensure the development complies with the Alberta
  Fire Code and Alberta Building Code. It shall be the responsibility of the applicant to obtain the
  necessary Building, Plumbing, Electrical, and Gas permits.

4. Prior to occupancy, the applicant will provide an Updated Real Property Report to the Town of Taber.

Issued by:

Development Officer

This decision may be appealed to the Subdivision and Development Appeal Board within 14 days after the date on which a person qualified to appeal is notified of the decision by submitting a written notice of appeal along with payment of \$350.00 to the office of the development officer. If the appeal is upheld, \$150.00 is refundable to the appellant.

The personal information provided as part of this application is collected under Section 303 and 295 of the Municipal Government Act and in accordance with Section 32(c) of the Freedom of Information and Protection of Privacy Act. The Information is required and will be used for issuing permits, Land Use Bylaw enforcement and property assessment purposes. The name of the permit holder and the nature of the permit are available to the public upon request.

If you have any questions about the collection or use of the personal information provided, please contact the Town of Taber FOIP Coordinator at A4900 – 50<sup>th</sup> Street, Taber, Alberta T1G 1T1 or phone at (403) 223-5500.

#### STANDARD DEVELOPMENT CONDITIONS

The development outlined on the reverse side is subject to the following conditions:

- This permit indicates that only the development to which it relates is authorized in accordance with the provisions of the Land Use By-law, and in no way relieves or excuses the applicant from complying with the Land Use By-law or any other by-law, laws, order and/or regulations affecting such development.
- This permit, issued in accordance with the Notice of Decision, is valid for a period of 24 months
  from the date of issue if development has commenced within 12 months. If, at the expiry of 12
  months, the development has not been commenced or carried out with reasonable diligence,
  this permit shall be null and void.
- 3. If this Development Permit is issued for the construction of a building,
  - a) all finished grades shall be consistent with the approved site/grading plan.
  - b) the finished exterior cladding shall be consistent with that shown in the submitted architectural plans.
  - c) the exterior of the building, including painting, shall be completed within 24 months from the date of the issue of the Development Permit.
- The development officer may, in accordance with the Municipal Government Act, take such action as is necessary to ensure that the provisions of this by-law are complied with.
- This Permit is not transferable.
- Compliance with Town of Taber Bylaws, Alberta Building Code, and all other Provincial Codes and Regulations. It shall be the responsibility of the applicant to obtain the necessary Building, Plumbing, Electrical, and Gas permits from an accredited agency approved by the Town of Taber.
- 7. Any alterations or improvements deemed necessary to Municipal Services or Local Improvements adjacent to the property shall be the sole responsibility of the applicant.



Notice of Appeal FORM G



Planning Department A4900-50 Street Taber AB TIG ITI ph: (403) 223-5500 fx: (403) 223-5530 email planning@taber.ca

PERMIT NO. DECISION DATE:	ZONING: ROLL NO.
Appellant  Name: FRAN DOGTERORY  Address:	APPLICANT  REGISTERED OWNER  AFFECTED PERSONS  AFFECTED PERSONS
Legal Description of Property	WA
Municipal Address:	Westview Blud.
Legal Description: Lot: [4	
Block: 5	Plan: <u>0815248</u>
Description of Work Detached 54	sam. Garage.
	9
The development as specified in Development/Subdivision Approved Approved with con-  Reason for Appeal: (please attach additional information if re-	ditions: REFUSED
	the rest of the properties
	The mighborhood is comprunised
2. There is a two ear of	wage attached topust ofhouse.
3. Having more building in	a small aver could be a fire
n + 1	e Anul 5/13
The personal information requested on this form is being collected for th Municipal Government Act (MGA) and is protected by the Freedom of Informany questions about the collection, contact our FOIP Coordinator at (403) 22	ation and Protection of Privacy (FOIP) Act. If you have
5. & Garage would increase as	bruity in the back alley
that could be noisy and dus	turbing to heighbors.
6. A huilding of the demension	is presented world indicate
that it would be used for	were then source.

# SECTION 5: Low Density Residential (LR-1) DISTRICT

### 1. PURPOSE

This District provides for single detached dwelling units.

# 2. USES

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

# **Permitted Uses**

- (a) Single Detached Dwelling Unit
- (b) Garage (attached)
- (c) Utilities
- (d) Park

# Discretionary Uses

- (a) Accessory Use, Building or Structure
- (b) Garage (detached)
- (c) Home Occupation
- (d) Public use
- (e) Sign
- (f) Modular Home (Bylaw amendment 24-2007, January 28, 2008)

# 3. DISTRICT REQUIREMENTS

In addition to the General Land Use Provisions contained in Section 3, the following regulations shall apply to every development in this district.

Minimum Lot Area: 450 m<sup>2</sup>
Minimum Lot Width: 14 metres
Minimum Front Yard: 6.0 metres
Minimum Rear Yard: 7.0 metres

Minimum Interior Side Yard:

a) Rear Lanes: 1.2 metres

b) Laneless: 1.2 metres if garage attached; 3 metres on one side and 1.2 metres on the other if no

attached garage

Minimum Exterior Side Yard: 3.0 metres
Maximum Building Height: 10.5 metres
Maximum Coverage: 45%

# SECTION 5: Low Density Residential (LR-1) DISTRICT

Minimum Landscaped Area:

30%

Minimum Floor Area (excludes basement):

80 m<sup>2</sup>

# 4. SPECIAL REQUIREMENTS: GARAGES, ACCESSORY BUILDINGS AND STRUCTURES

- (a) No accessory building or structure shall be erected in any yard other than the interior side yard or rear yard and shall be no closer to any lot line than 1.2 metres (4 feet). This special requirement shall not be applied to garages.
- (b) Garages accessed from a lane shall be a minimum of 1.5 metres from the lane right-ofway.

# 5. SPECIAL REQUIREMENTS: MODULAR HOME

Modular homes may only be approved by the Development Officer if the proposal meets the following criteria:

- Where a developer's architectural controls, guidelines or standards are registered on title, the Development Officer shall address those guidelines when issuing a development permit on the property and may use these as a basis for refusal of modular construction where the proposal does not comply with those controls, guidelines or standards.
- 2) The proposed roof pitch of a proposed modular home must be consistent with the majority of homes within 100 metres of the proposal or must meet architectural controls, guidelines, or standards put in effect by the subdivision's developer;
- 3) Exterior finishing materials (i.e. siding, brick, stucco, or combinations thereof) and the amount used must be consistent with the majority of homes within 100 metres of the proposal or must meet architectural controls, guidelines, or standards put in effect by the subdivision's developer;
- 4) Modular homes must have a foundation consistent with the majority of homes within 100 metres of the proposal or must meet architectural controls, guidelines, or standards put in effect by the subdivision's developer.

Proposals not meeting these requirements for Modular Homes in this district may be forwarded by the Development Officer to the Municipal Planning Commission for a decision. The Municipal Planning Commission may use these criteria as a basis for refusing the proposal but may also approve non-compliant proposals based on the merits of each particular application".

6. The remainder of By-Law 24-2007 amended by this By-Law remains in full force and effect.

#### TOWN OF TABER

### **BYLAW 19-2012**

A BYLAW FOR THE PURPOSE OF AMENDING THE TOWN OF TABER LAND USE BYLAW IN ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED

WHEREAS the Town of Taber adopted Land Use Bylaw No. 4-2006;

AND WHEREAS Council has directed Administration to undertake a bylaw amendment to amend section 2(12)(a)(i) of Land Use Bylaw No. 4-2006 to include second garages, permitted encroachments and parking requirements in the variance powers section held by the Development Authority;

AND WHEREAS Council, having considered at a public hearing the concerns of persons claiming to be affected by this bylaw amendment application, believes the amendment of the Land Use Bylaw should be allowed in order to achieve the orderly, economical and beneficial use of land in the Town of Taber;

**NOW THEREFORE**, the Town of Taber in the Province of Alberta, duly assembled in Council, enacts as follows:

- 1. Section 2(12)(a) of the Land Use Bylaw 4-2006 is amended by the replacement of (i) with the following statement:
  - The Development Authority may vary any or all of the district requirements, as well as second garages (Section 3(7)), permitted encroachments (Section 3(1)(c)) and parking requirements (Section 3(22)). The variance shall not unduly affect the amenities, use or enjoyment of the site or neighboring properties and shall not conflict with the Subdivision and Development Regulations
- 2. The remainder of section 2(12)(a) of Land Use Bylaw 4-2006, and its subsections, shall remain unchanged.

RES. 377/12 READ A FIRST TIME THIS 17<sup>th</sup> DAY OF DECEMBER, 2012.

RES. 25/13 READ A SECOND TIME THIS 28th DAY OF JANUARY, 2013.

RES. 26/13 READ A THIRD TIME THIS 28<sup>TH</sup> DAY OF JANUARY, 2013.

CHIEF ADMINISTRATIVE OFFICER

MAYOR

person(s).

- (e) All Home Occupations may be approved by the Development Officer, except applications involving or likely to involve more than one business related visit per day or storage of a commercial vehicle will be forwarded to the Municipal Planning Commission for a decision.
- (f) Only one permit shall be active per dwelling unit at any given time.

# 7. Garages

Unless otherwise specified in this by-law, garages shall be limited to one per lot.

# 8. Swimming Pools

# (a) Entry Restrictions

- Every private swimming pool shall be secured against entry by the public other than owners, tenants, or their guests.
- (ii) No privately owned outdoor swimming pool shall be constructed unless fenced; except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence.
- (iii) Every fence enclosing an outdoor swimming pool shall be at least 1.8 metres in height above the level of the grade outside the enclosure and shall be of an approved design such that it will reasonably deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock on the inside of the gate.
- (iv) Barbed wire or electrification of any part of a fence or gate shall not be permitted.

# (b) Safety Requirements

A private swimming pool shall be provided with at least one exit ladder or stair from the deepest part of the pool, where the greatest surface dimension of the pool does not exceed 9 metres. An additional ladder or stair is to be provided at the opposite end of the pool where the pool dimension exceeds 9 metres.

### (c) Treatment of Water

The method and degree of treatment of water for all private swimming pools shall be