

**MUNICIPAL PLANNING COMMISSION AGENDA  
SUMMER VILLAGE OF NORGLNWOLD  
SUMMER VILLAGES ADMINISTRATION OFFICE  
APRIL 21, 2023 @ 8:30 A.M.**

**A. CALL TO ORDER**

**B. ADOPTION OF AGENDA**

**C. DEVELOPMENT ITEMS**

1. 139 Grand Avenue

**D. ADJOURNMENT**

## Summer Village of Norglenwold – Municipal Planning Commission

April 21, 2023

### Agenda Item

**139 Grand Avenue (Lot 20, Block B, Plan 5108EO)**

### Development Permit Application

#### Background:

An application has been submitted on behalf of the registered homeowner for a lakeside deck on the escarpment at 139 Grand Avenue (Lot 20, Block B, Plan 5108EO) in the Summer Village of Norglenwold. This property is in the R1 District (Shoreline Residential).

In August 2021 administration reached out to the homeowner of 139 Grand Avenue as there was landscaping materials at the front of the property and it was suspected that development was taking place. Response from the homeowner included a description of the landscaping taking place, and a submission of site plans. It was found that no development permits were required at the time.

In September 2022 it came to administrations attention that a new deck was being built on the escarpment of the lakeside of the property. Administration reached out to the homeowner and explained that it was a new build and requires a development permit as the development is on the escarpment.

The proposed deck that was in the process of being constructed, is proposed to be “floating” on concrete pads alleviating the need for a buried foundation and the deck would be approximately 15’ from the property line and on the escarpment.

Administration would consider the deck that was previously on the property as a non-conforming building. A non-conforming building is defined as *“Means a building:*  
*a. That is lawfully constructed or lawfully under construction at the date this Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and*  
*b. That on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.”* Also as stated in the Municipal Government Act, and the Land Use Bylaw *“A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:*

*a. to make it a conforming building;*

April 13, 2023

- b. for the routine maintenance of the building, if the Development Authority considers it necessary; or*
- c. in accordance with the variance powers possessed by the Development Authority pursuant to the Act and this Bylaw to approve a development permit despite any non-compliance with the regulations of this Bylaw.*

*5. If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.*

As the deck has been removed and is being rebuilt, it is no longer considered a non-conforming building that can remain in place. For the new deck to remain in the location it is currently being constructed, it will require a variance granted by the Municipal Planning Commission.

### **Discussion:**

This application is before MPC for the following reasons:

- Land located below the top of bank/top of escarpment should be in a natural state, a variance is required.

### **Recommendation:**

After reviewing all relevant planning and other statutory documents, it is the recommendation of administration to deny the application. A variance should only be considered where warranted by the merits of the proposed development and in response to irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or meeting the usual bylaw requirements. The Land Use Bylaw states that land located below the top of escarpment should be in a natural state and while the deck may have been there previously, as it was removed the lands are required to be in compliance with the regulations in the Land Use Bylaw. Adjacent landowners have been notified and administration has not received any comment.

### **Conditions:**

If approved, Administration would recommend the following conditions:

- Completions Deposit of \$500.00
- Zero trees to be removed or any other landscaping changes to be made.
- A final as build real property report from an Alberta Land Surveyor at completion of development that includes parcel coverage.
- Copies of all applicable Superior Safety Codes permits shall be completed.

**Authorities:**

The MPC may:

- Grant a variance to reduce the requirements of any use of the LUB and that use will be deemed to comply with LUB.
- Approve application even though the proposed development does not comply or is a non-conforming building if:
  - It would not unduly interfere with the amenities of the neighborhood, or
  - Materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land, And
  - It conforms with the use prescribed for that land or building in the bylaw.
- Consider a Variance only where warranted by the merits or the proposed development and in response to irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements, except there shall be no variance for Parcel Coverage or Building Height.

**Decision:**

In order to retain transparency of the Commission, Administration recommends one of the following:

1. Approve the application with or without conditions (*Section 642 of the MGA*), or
2. Deny the application stating reasons why (*Section 642(4) of the MGA*).



139 Grande Avenue  
Norglenwold, AB

The Summer Village of Norglenwold  
Planning and Development  
2 Erickson Drive  
Sylvan Lake, AB

28 Feb 2023

Dear Kara,

RE: Proposed Deck Permit at 139 Grande Avenue, Norglenwold

This letter of intent is required to provide purpose for a proposed deck permit application submitted to the Summer Village of Norglenwold for the property at 139 Grande Ave. This property originally accommodated a standalone deck structure which was located approximately 6 meters from the water's edge. This deck was a highly valued asset, both recreationally and aesthetically, however, the deck structure began to degrade over time and also became misaligned due to recent neighbouring development, becoming less functional and causing concerns of safety. Due to these uncontrollable circumstances, the original existing deck had to be removed.

This was an unfortunate circumstance considering that this deck was highly valued by those dwelling at the property, adding an increased quality of living and was aesthetically pleasing to the landscaping of the back yard. Thus, it is for these reasons that the proposed replacement deck is being requested, to replace the original deck that previously existed on this property, and to regain the substantial value that was lost. The proposed location of the new deck is similar to that of the original deck, repositioned to correct for misalignment. The proposed deck is dimensioned the same as the previous existing deck, although is designed to be "floating" on concrete pads, thereby alleviating the need for a buried foundation, which results in less disturbance or impact.

The intent of the proposed replacement deck is an attempt to retain the value that was lost from the removal of the original existing deck, which held significant value and sentiment to the property owners.

Yours truly,

[Redacted Signature]

# SURVEYOR'S SKETCH

## LEGAL DESCRIPTION

Lot(s) 20 Block B Plan 5108 EO

## MUNICIPAL ADDRESS

#139 GRANDE AVENUE, S.V. of NORGLNWOLD, ALBERTA

## CLIENT

## NOTES:

- Distances to building corners are at right angles from property lines, unless shown otherwise.
- Distances are in metres and decimals thereof.
- Fences are shown thus: — \* — \* — \* — \*
- Area referred to bounded thus: —————
- Statutory iron posts found are shown thus: ●
- Found Iron Bars are shown thus: ◆
- Found Spikes are shown thus: ▲

\*NOTE: THE INFORMATION SHOWN ON THIS PLOT PLAN WAS PRODUCED FROM REAL PROPERTY REPORT DATED JULY 15TH, 1998.

Certified correct this 14th day of July, 2022.

*Kevin Vennard*

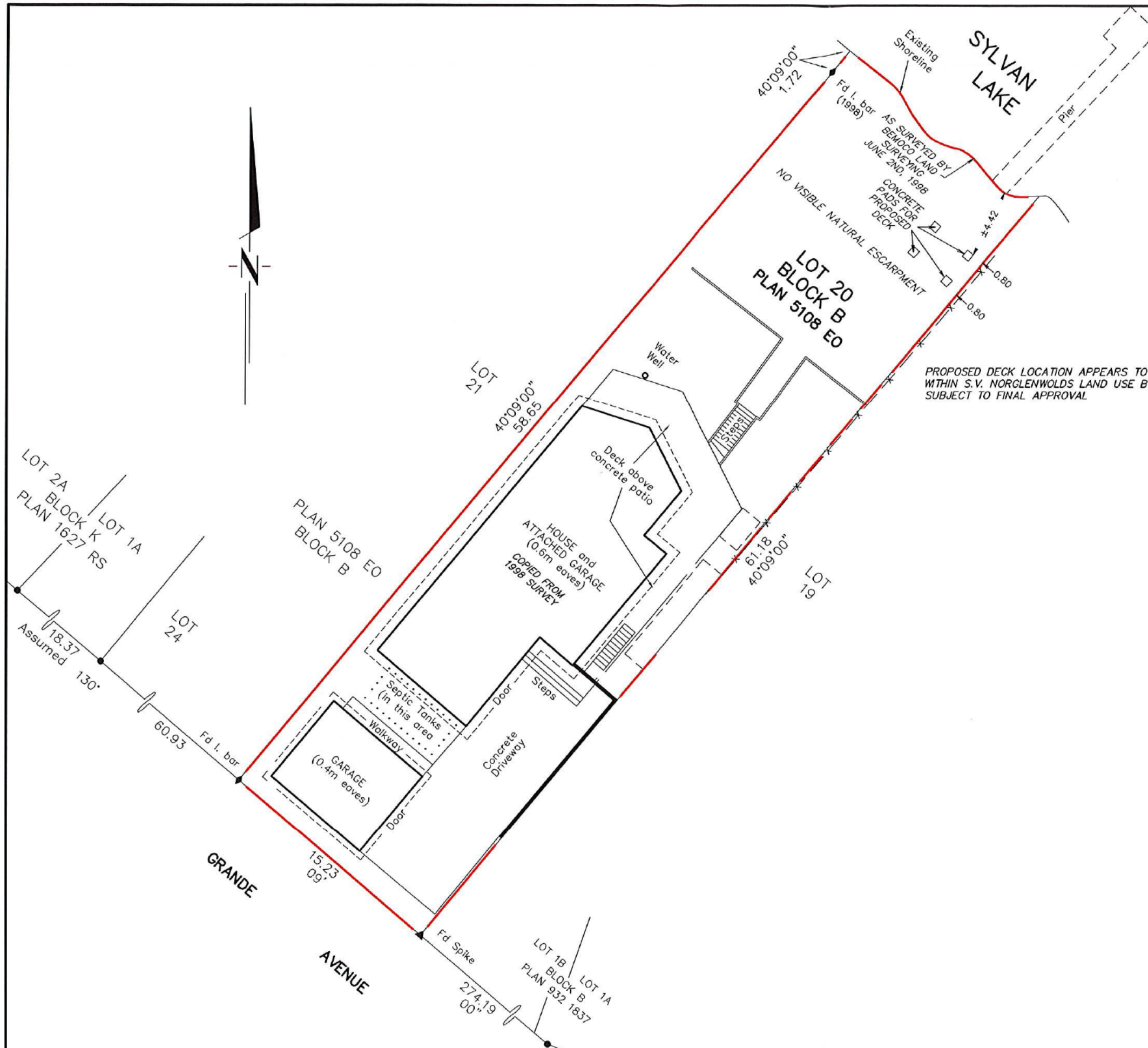
Alberta Land Surveyor  
© KEVIN VENNARD, A.L.S., 2022



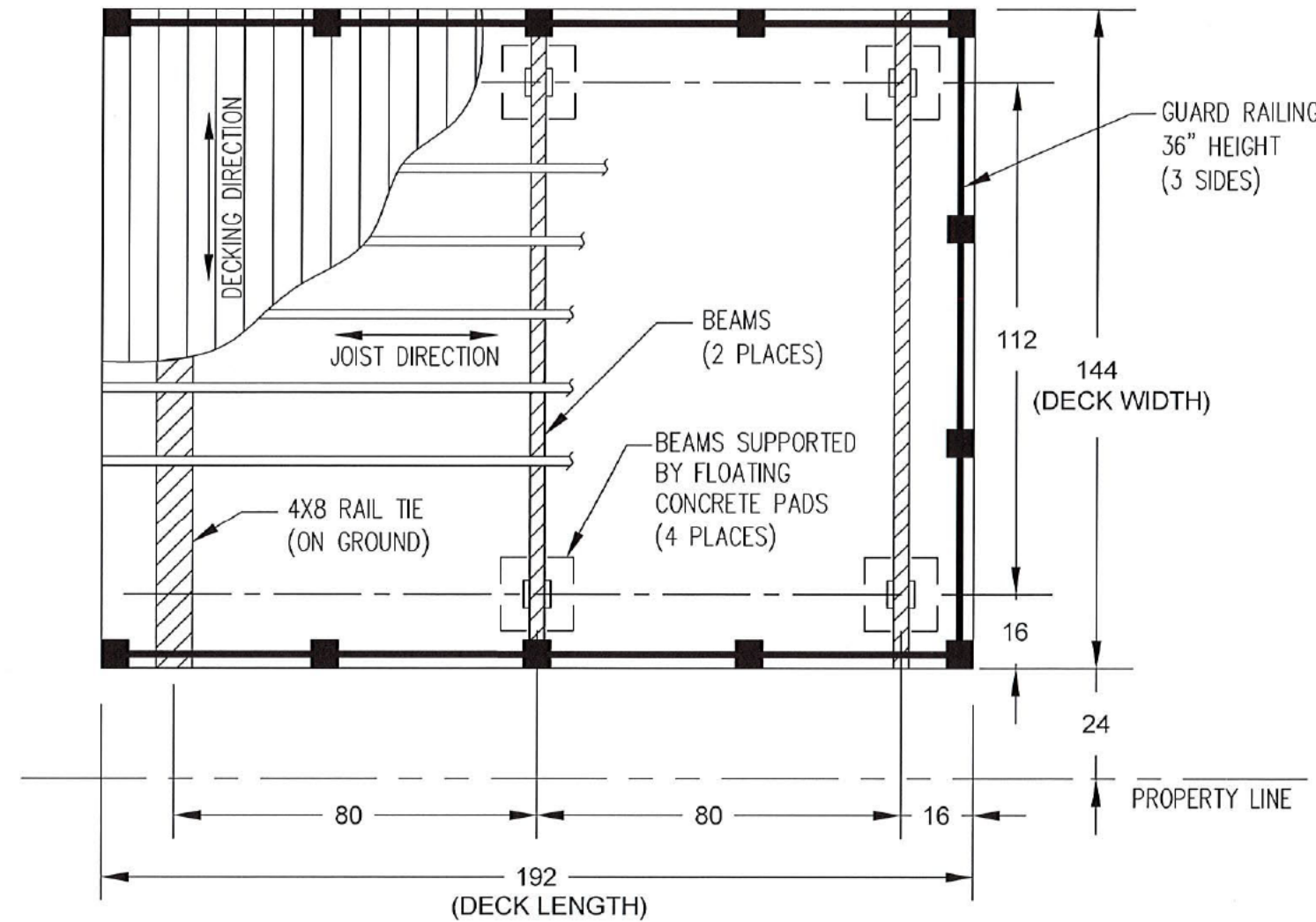
Drawn By: DB	Chk'd: KV
Date: July 13th, 2022	
Scale: 1:250	
File No.: L-024-22 ss	

**BEMOCO LAND SURVEYING LTD**  
100, 6040-47th Avenue  
Red Deer, Alberta

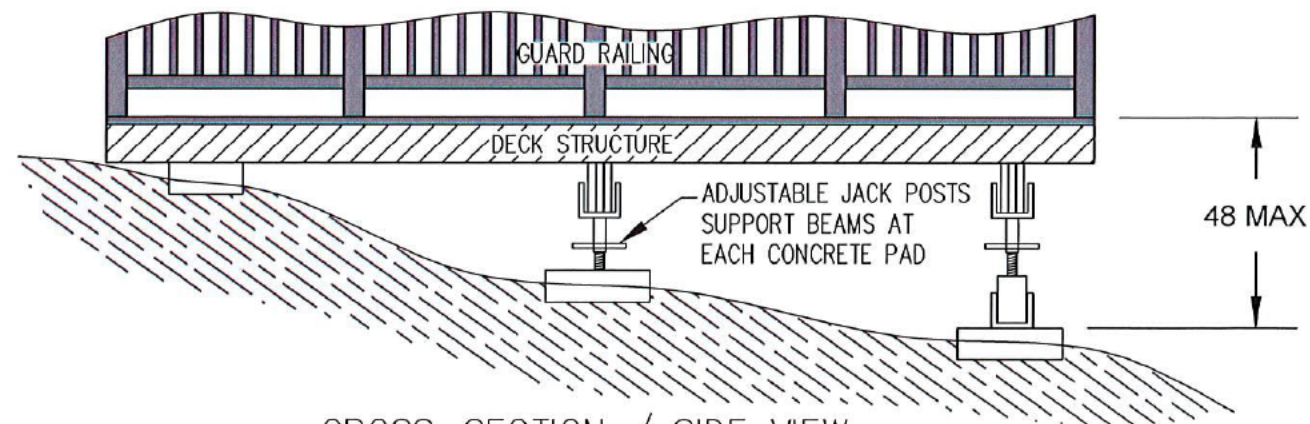
WWW.BEMOCO.COM PHONE: 403-342-2611



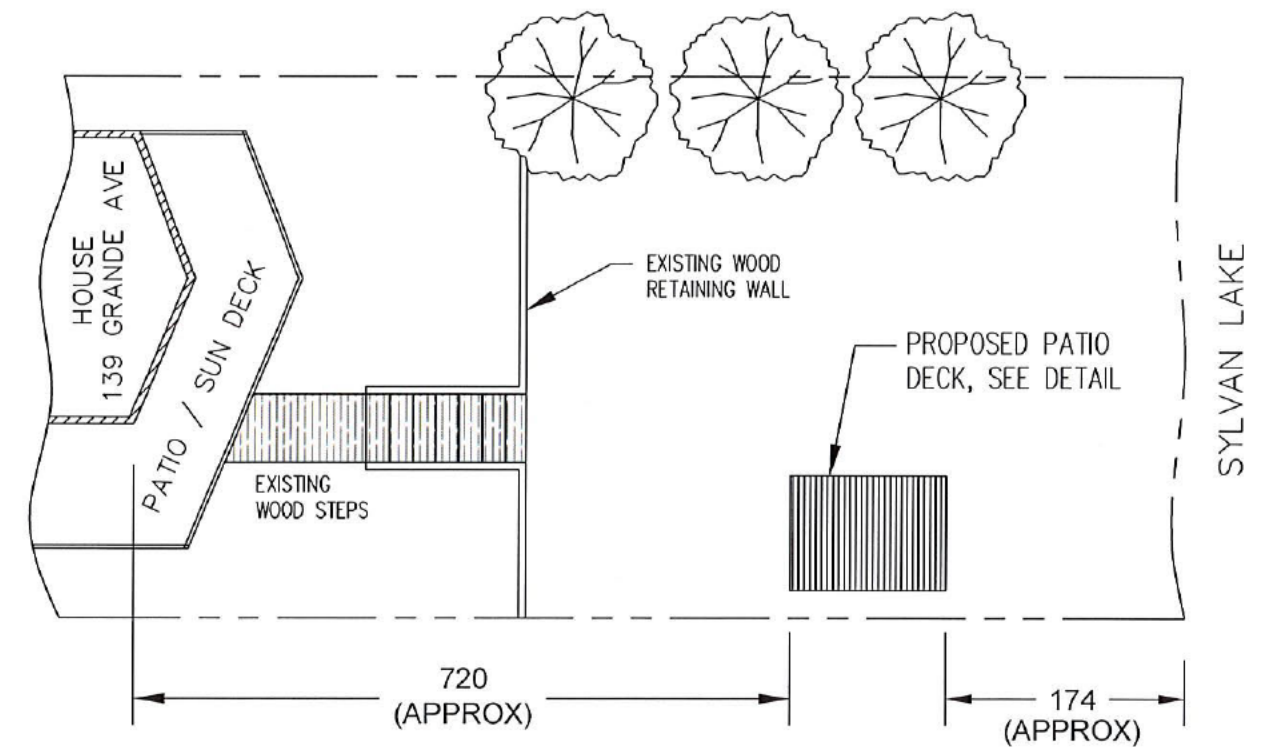




PLAN VIEW DETAIL - PROPOSED PATIO DECK

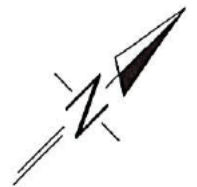


CROSS-SECTION / SIDE VIEW

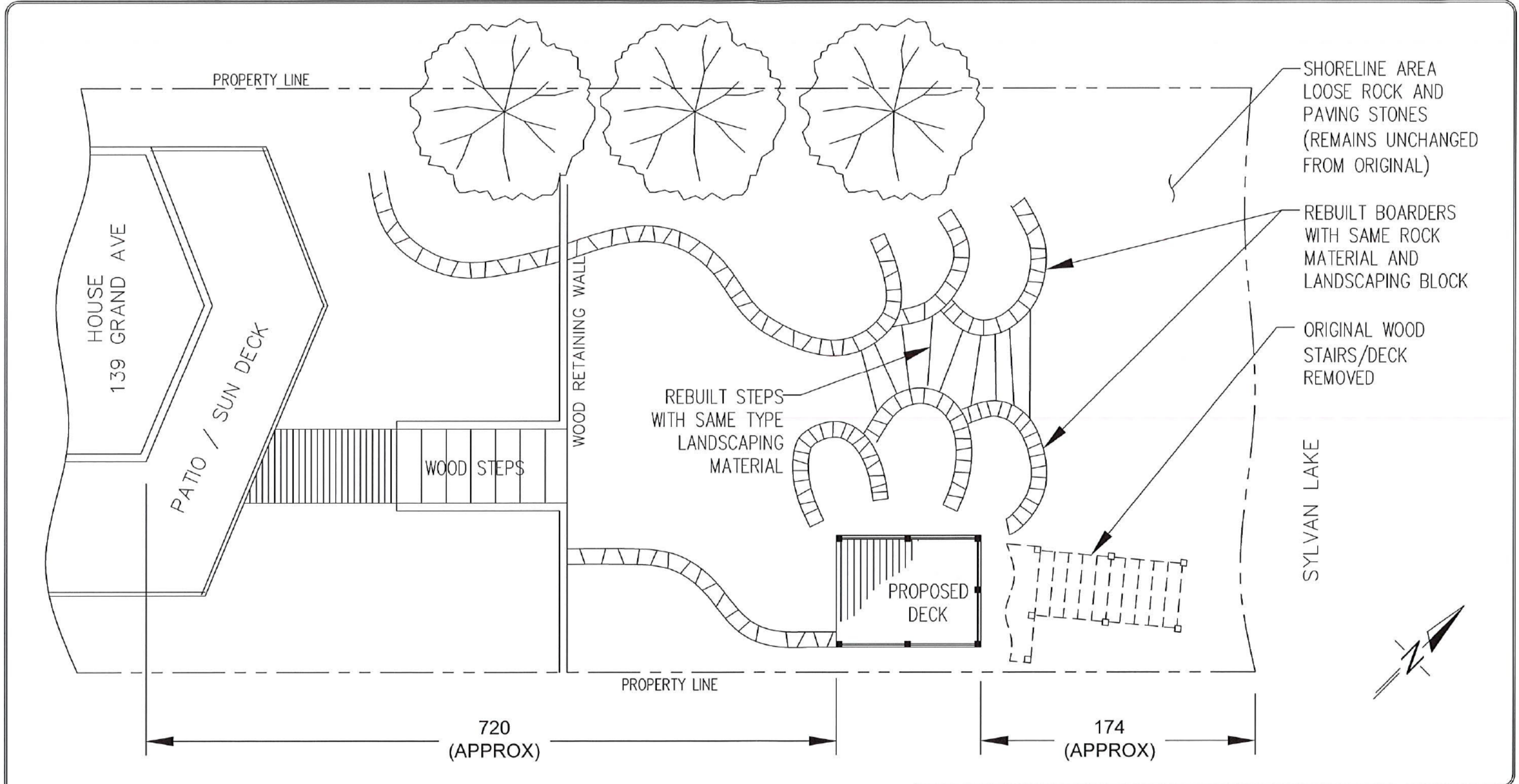


SITE PLAN

- NOTES:
1. ALL DIMENSIONS IN INCHES.
  2. BEAMS: 3 PLY 2X10 SPF PRESSURE TREATED.
  3. JOISTS: SPACING = 16" OC, 2X8 SPF PRESSURE TREATED.
  4. NO TREES OR SHRUBS SHALL BE REMOVED.
  5. DECK STRUCTURE TO MEET ALL LOCAL CODES



[Redacted]			
PROPOSED PATIO DECK 139 GRANDE AVE, NORGLNWOLD, AB			
DESIGN: S.NANNINGA	DATE: 17 MAR 2023	DRAWING NUMBER: RWG02-001	REV. B
DRAWN: S.NANNINGA	CHECKED: S.PATEL		
COMPANY: N/A	SCALE: NTS	SHEET: 1 OF 2	



SITE PLAN WITH CURRENT LANDSCAPE DETAILS  
(AFTER LANDSCAPING IMPROVEMENTS)

[Redacted]			
PROPOSED PATIO DECK 139 GRANDE AVE, NORGLIWOLD, AB			
DESIGN:	S.NANNINGA	DATE: 17 MAR 2023	DRAWING NUMBER:
DRAWN:	S.NANNINGA	CHECKED: S.PATEL	RWG02-001
COMPANY:	N/A	SCALE: NTS	SHEET: 2 OF 2
			REV. B

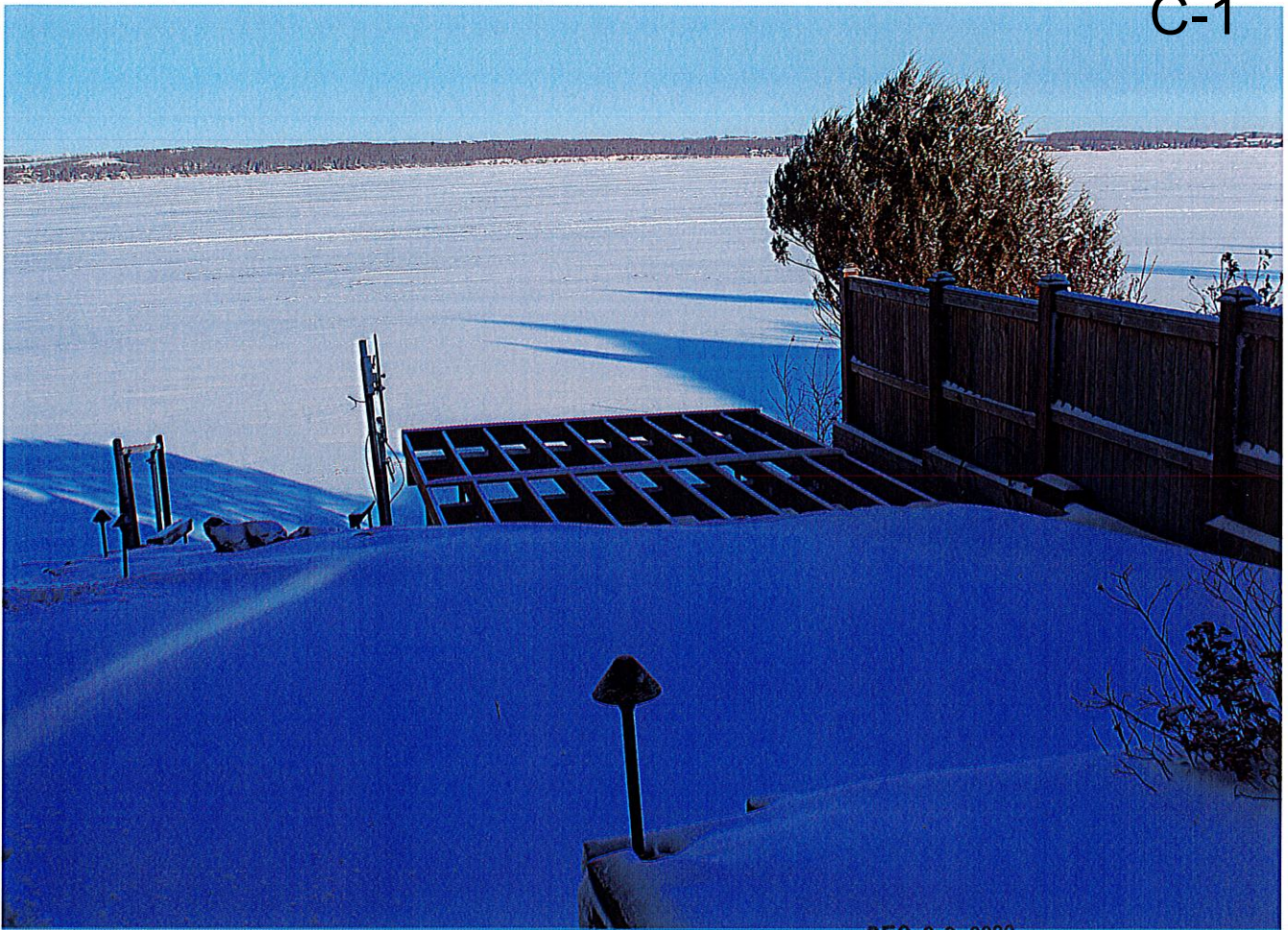


2017

C-1







DEC 22 2022





C-1



DEC 22 2022

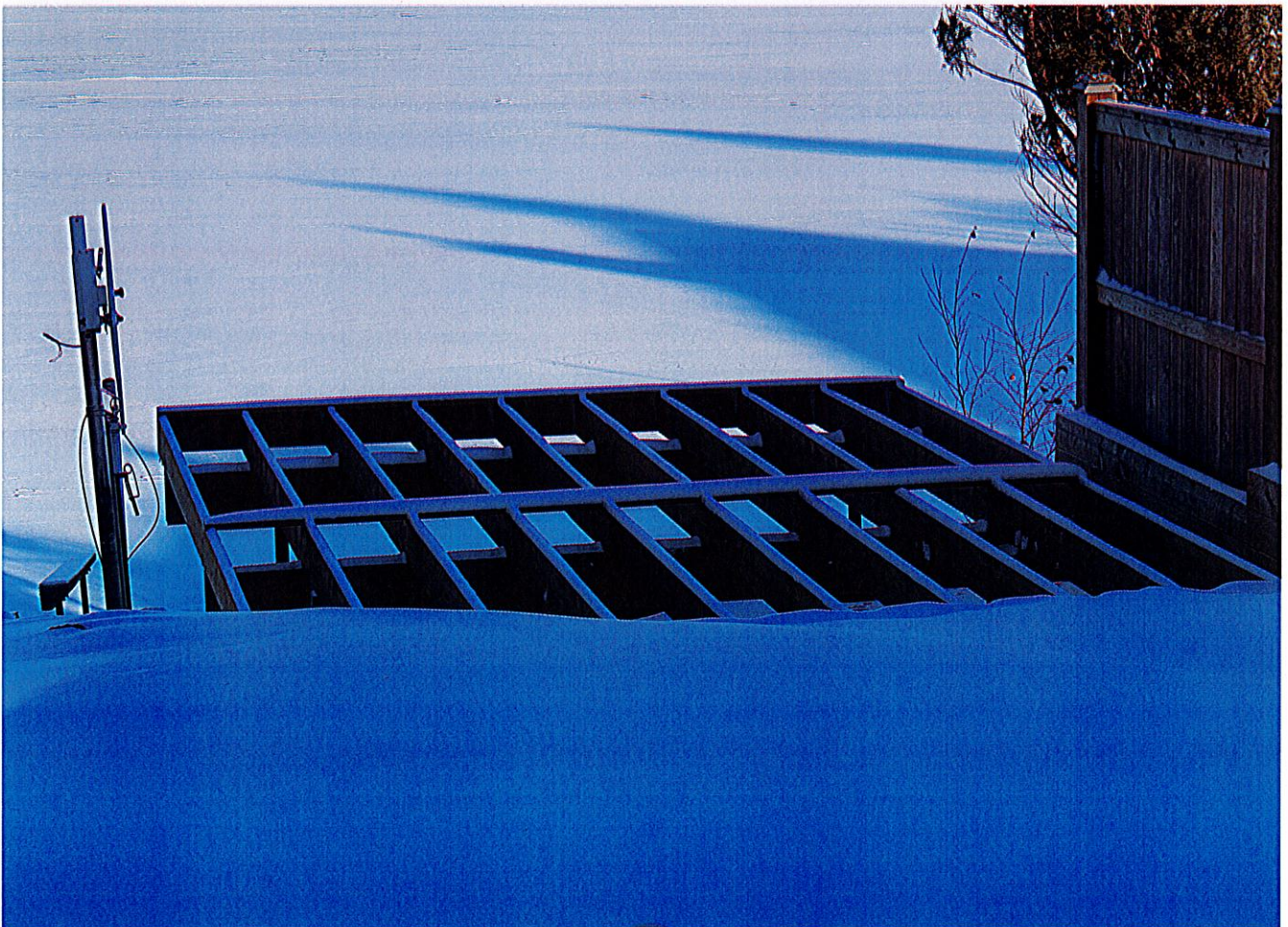




C-1



DEC 22 2022





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DEC 22 2022







MAR 03 2023

