

REQUEST FOR DECISION

TITLE:	03.21 Bylaw – Environmental Reserve (ER) and Municipal Reserve (MR) adjustment of lands
DATE:	March 4, 2021
PRESENTED BY:	Darryl Drohomerski, C.E.T. CAO

SUMMARY:

The Hillsview Subdivision on 10th Avenue SE was created in 2015 with a mixture of lots that have front street only access and as well as the more traditional alley access. At that time, the Land Use Bylaw had a front yard set back of 6.0 meters from the property line to the front edge of the building. In 2016/17, the front yard setbacks was changed to 7.6 meters because of the length of vehicles that are parked in the driveway hanging over sidewalks.

As a result of these changes, the homes on the south side of 10th Ave SE are all pushed an additional 1.5 m (5 feet) towards the back of the lot. However, the lots were not designed for a setback of 7.6 meters and all of the homes constructed to date have applied for development variances to allow for the homes to be constructed with the proper front yard setback. With the lot at 149 10th Ave SE being a reverse pie lot, pushing the home towards the rear has created issues with both the side yard and rear yard setback that variances alone cannot alleviate.

Behind these lots is a municipal reserve that was created to allow for equipment to access and clean the open swale at the bottom of the hill. For whatever reason though, the MR designation was not extended to the front street and therefore access to the MR must be accessed across the ER.

RECOMMENDATION:

The proposed bylaw will allow for the home at 149 10th Av SE to meet the front, rear and side yard setback, without significant variances. The extension of the MR to the road allows for permanent access to the rear of the properties and swale.

FINANCIAL IMPACT:

The land will be sold to the builder at fair market value.

COMMUNICATION STRATEGY:

The process for land bylaw approvals include the publishing of advertisements in the newspaper, website and a public hearing to be held on March 22, 2021.

MOTION:

That Council gives first reading of Bylaw 03.21 as presented and set a Public Hearing on this bylaw for 5:30 pm on Monday March 22, 2021.

Presented By: Darryl Drohomerski, C.E.T.
Chief Administrative Officer

TOWN OF DRUMHELLER

BY-LAW NUMBER 03.21

THIS IS A BY-LAW OF THE TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of changing the boundaries of an Environmental Reserve pursuant to Section 676(1)(d) of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000 to satisfy a proposed building front and side yard setback concern and to create a strip of Municipal Reserve to provide access for drainage ditch maintenance purposes.

WHEREAS: Lot 20 E.R. (Environmental Reserve) in Block 6 was created by Subdivision Plan No. 811 1554 and this boundary change affects only a small amount of that; and

WHEREAS: Section 676(1)(d) of the said Municipal Government Act provides for altering the boundaries of Environmental Reserves to resolve concerns deemed advantageous to the Town of Drumheller; and

WHEREAS: this change of boundaries does not affect a swamp, gully, ravine, coulee, natural drainage course, nor is along the bed of any body of water and this small change in not detrimental to this Environmental Reserve; and

WHEREAS: Council of the Town of Drumheller finds the said Environmental Reserve boundary amendment and dedication of Municipal Reserve beneficial to resolve a building setback requirement for the adjacent Lot and to provide equipment access for drainage ditch maintenance purposes; and

WHEREAS: a notice was published in the Drumheller Mail once a week for two consecutive weeks on March 10, 2021 and again on March 17, 2021 the last of such publications being at least five days before the day fixed for the passing of this By-Law, and a notice was mailed to adjacent owners in the immediate area advising them of this By-Law including the date and location of a meeting to be held where concerns can be heard or alternatively the name and address where any concerns may be sent; and

WHEREAS: the Council of The Town of Drumheller was not petitioned by any person claiming to be adversely or prejudicially affected by this By-Law;

NOW THEREFORE; be it resolved that the Council of the Town of Drumheller in the Province of Alberta does hereby enact to resolve this concern by amending the boundaries of the said Environment Reserve as shown on the attached plan marked "Schedule A" to create the lands more particularly described as:

1. "THAT PORTION OF LOT 20 E.R., BLOCK 6, PLAN 811 1554"
THAT LIES WITHIN:
PLAN BLOCK 6, LOT 35
EXCEPTING THEREOUT ALL MINES AND MINERALS.

AND

2. "THAT PORTION OF LOT 20 E.R., BLOCK 6, PLAN 811 1554"
THAT LIES WITHIN
PLAN BLOCK 6, LOT 36 M.R.
EXCEPTING THEREOUT ALL MINES AND MINERALS

TOWN OF DRUMHELLER

BYLAW NUMBER 03.21

and hereby requests the Registrar of the South Alberta Land Titles District to issue two new Certificates of Title to the Town of Drumheller, a Municipal Body Corporate with a mailing address of: 224 Centre Street, DRUMHELLER, Alberta T0J 0Y4 and to amend the remaining Certificate of Title to the said Lot 20 E.R., Block 6, Plan 811 1554 accordingly.

THIS BYLAW takes effect on the day it is registered in the Land Titles Office.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER this 8th day of March, 2021.


MAYOR: HEATHER COLBERG

Seal


DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER this 6th day of April , 2021.

MAYOR: HEATHER COLBERG

Seal

DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER this 6th day of April 2021.

MAYOR: HEATHER COLBERG

Seal

DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

This is to certify this is a true and complete copy of the original bylaw it purports to represent.

Darryl Drohomerski, C.E.T., CAO

—DRUMHELLER, ALBERTA—

PLAN SHOWING BOUNDARY ADJUSTMENT OF
 LOT 20 E.R. (ENVIRONMENTAL RESERVE),
 BLOCK 6, PLAN 811 1554
 WITHIN THE
 N.E.1/4 SEC.2, TWP,29, RGE.20, W.4M.

N

—SCALE= 1:400 ————— MARCH, 2021 —

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is outlined thus.... — — —

