

Topic: Proposed Bylaw 2013-21 Amendment to the boundaries of Environmental Reserve Lot 36 ER, Block 1, Plan 8021782

**Introduction:**

Bylaw 06-2012 was passed by Council to amend the boundaries of Environmental Reserve Lot 36 ER, Block 1, Plan 8021782 to rectify the encroachment of a detached garage. The applicant has failed to register the amended boundaries within the 365 days allotted. Therefore Bylaw 06-2012 is now redundant and this bylaw is needed to allow for an additional 365 days for the applicant to register the lands.

**Facts (Background Information):**

The following includes the information that was presented to Council with Bylaw 06-2012:

**Summary of Application**

- A portion of Lot 36ER runs between Lots 13 and 14 Block 1 Plan 802 1782 as shown on the Existing ER Location and Lot Configuration Map.
- The applicants own both Lots 13 and 14.
- In 2000 the landowner received a building permit for a 965.00 sq ft detached garage on Lot 13.
- The garage was not built according to the submitted site plan and was erected over a portion of Lot 36ER as shown on the Existing ER Location and Lot Configuration Map and Proposed Relocation Map.
- Administration has noted the main purpose for this portion of 36ER is access to the larger portion of 36ER and water body.
- The lands are currently not able to provide the needed access due to the landowner's garage and fencing encroachments across the ER.
- In order to rectify the encroachment by the detached garage the applicant proposes the relocation of a portion of Lot 36ER.
- The area to where the portion of 36ER is to be relocated is elevated and on a hill.
- The relocated ER will be used for access to the larger portion of 36ER only and not for drainage purposes.
- The applicant will complete the ER relocation and lot line adjustment between Lots 13 and 14 as part of a subdivision application file No 12-S-016 approved by MPC on May 7, 2012.

**Additional Encroachments into Lot 36ER**

- Upon site inspection, Administration noted a number of additional encroachments made by the landowner within Lot 36ER.
- These improvements include landscaping, gravel pathways, retaining walls as shown in Site Plan 36ER and Additional Encroachment Pictures.
- A skating shack has also been noted in Lot 36ER which the landowner has indicated was put there for use by the entire Douglas Meadows Subdivision.
- Parkland County entered into a License of Occupation Agreement with the landowner dated 22, February, 2013 for the additional encroachments into Lot 36ER

**Interdepartmental Comments**

- This application was referred under the initial Bylaw 06-2012 to the County's Engineering, Public Works, Agricultural, and Community and Protective Services Departments.
- Engineering Services has noted the landowner has placed fill on their property which has blocked the natural water runoff in the front ditch along Lakeside Road.
- To rectify the drainage issues, Engineering Services advises either swale construction in order to allow the water to run through the drainage path or placement of fill in the ditch to force run off through the landowner's property.
- Engineering advises that an easement is not required just the restoration of natural drainage.
- Comments were not received from any other department.

The subdivision application related to this bylaw has already been extended for one year.

**Alternatives:**

1. Council may table First Reading of Bylaw 2013-21 and request Administration to provide additional information, research, or policy improvements.
2. Council may defeat Bylaw 2013-21 at First Reading.

**Conclusion/Summary:**

Council approved the amendment to the boundaries of Environmental Reserve Lot 36 ER, Block 1, Plan 8021782 under Bylaw 06-2012 and this decision is now in need of renewal.

**Author:** Deanna Cambridge

**Department:** Planning and Development

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