



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, August 2, 2017**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 5 Savoy Place – Appellants – Mary & Ernest Caouette

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a detached garage as built.

b) 6 City Annex – Appellant – South Riel Development Ltd.

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to allow and leave as built 5 Developer Marketing signs.

4. Adjournment

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#19-2017

Re: Lot 6, Block 12, Plan 7061KS - known municipally as 5 Savoy Place, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a detached garage as built.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

1. This property is located within a Low-Density Residential District (R1).
2. Within an R1 district, a detached garage is identified as a permitted Use.
3. The existing detached garage has Development Permit approval from 1972 at the time of construction.
4. The approved side yard setback was shown on the site plan at 0.92m (3 feet).
5. As built, the shed is located 0.65m from the side property line.
6. Under the current Land Use Bylaw, Section 8.7 identifies that a minimum side yard setback of 1.0m is required for a detached garage. Applying today's provisions, a variance of 0.35m (35%) is required to leave the garage as located.
7. The variance amount required to leave the shed as built exceeds the powers of the Development Officer to approve.
8. These matters were identified following an application for Compliance on the property.

The Board heard from the Appellant who stated that:

Gordon Sedgewick was speaking on behalf of the owners. A letter was presented to the Board indicating permission for Mr. Sedgewick to speak on the owner's behalf. A permit had been received from the City to build garage in 1972 and was built by the owner. The current neighbor has no issues with current location of the garage based on a verbal discussion between the Appellant and the neighbor.

The Board finds the following:

The appeal is allowed and the variance of 0.35 m (35%) is approved.


Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a detached garage as built located at 5 Savoy Place.

The Board makes its decision for the following reasons:

The structure has been in place since 1972 with no objections received by the city from any affected neighbor during that time. Currently, the most affected neighbour was consulted and advised he has no issue with the variance.

The Applicant is responsible for complying with all applicable federal, provincial and municipal enactment and any other applicable law and for obtaining all applicable permits, licenses and approvals. Building permits must be obtained from the Building Inspector who can be contacted at 780-459-1655

 August 21, 2017
Chair _____ Date _____

REVISED APPROVAL WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#18-2017

Re: Lot A, Block 1, Plan 082 8697 - known municipally as 6 City Annex, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to allow and leave as built 5 Developer Marketing signs.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

1. The signs at location A (proposed) and location D (existing) are located within the Medium Density Residential (R3A) District.
2. The existing sign at location C is located within the Medium/High Density Residential District (R4).
3. The Development Officer considered the general purpose and intent of the signs, and determined that the existing and proposed signs do not meet Land Use Bylaw Control of Development (Variance) or Schedule C requirements.
4. The requested sign height and area variances, including the number of signs, (a maximum of 2 (two) Developer Marketing Signs are allowed per site) exceeds the capacity of the Development Officer to grant as per Section 3.14(3).
5. Within the R3A and R4 land use districts, as per Land Use Bylaw 9/2005, Schedule C Sign Regulations, Section C.6(8)(a)(iii), a Developer Marketing Sign is a Permitted Use in a residential district...*provided that the sign is located in a subdivision or development that is subject to a subsisting development agreement.* Currently a development agreement does not exist for this property.
6. Additionally, as per Land Use Bylaw 9/2005, Sign Regulations, Section C.3(m), a "developer marketing sign" means a temporary sign promoting vacant lots or show homes within a subdivision, of which this site has neither vacant lots nor show homes to promote.
7. Therefore, a Development Permit refusal decision was issued.

8. As proposed, the five marketing signs exceed either the maximum 3 sq. m. in area and 3m in sign height or both.
9. The variances required to allow the Developer Marketing Signs or leave as-built exceeds the capacity of the Development Officer to grant (Section 3.14.3).

LOCATION A:

Maximum sign height: 3 m
Proposed sign height: 6.09 m
Variance required: 103%

Maximum sign area: 3.0 sq. m
Proposed sign area: 11.89 sq. m
Variance required: 296%

LOCATION C:

Maximum sign area: 3.0 sq. m
Proposed sign area: 52.06 sq. m
Variance required: 1635%

LOCATION D:

Sign (a) Maximum sign area: 3 sq. m
Proposed sign area: 22.29 sq. m.
Variance required: 643%

Sign (b) Maximum sign area: 3 sq. m
Proposed sign area: 8.92 sq. m.
Variance required: 197%

Maximum sign height: 3 m
Proposed sign height: 3.65 m
Variance required: 22%

Sign (c) Maximum sign area: 3 sq. m
Proposed sign area: 22.29 sq. m.
Variance required: 643%

10. The Development Officer requested that should the Board grant the Appeal, that the following conditions and notes be applied to the Permit:
 1. Approval is for 5 (FIVE) Developer Marketing Signs only.
 2. The Developer Marketing Signs shall be located in accordance with the approved site plan.

3. The sign permit is valid for a period of two (2) years. Re-assessment and a new permit application will be required in order for the sign to remain as originally approved. Should the sign permit not be re-issued, the owner of the sign has six (6) months from the date of expiry to remove the sign.
4. The signs shall be located a minimum 3.0m within the property boundaries from all outermost edges of the sign (not just the post). It is the responsibility of the applicant to establish the exact location of all property lines.
5. The back of the Developer Marketing Signs shall be enclosed and shall be finished with materials that are consistent with the finishing of the front of the sign, to the satisfaction of the Development Officer.
6. The signs shall not display nor be illuminated with a flashing light source.
7. The signs shall advertise on site marketing only. No third-party advertising is permitted.
8. The signs shall not impede or block safe traffic sight-lines to the satisfaction of the Development Officer.
9. The signs shall not be constructed nor located such that it interferes with the safe or orderly movement of pedestrian, motor vehicles or the sightlines under this or any other Bylaw.
10. The signs shall not obstruct the view of, or be confused with an official traffic sign, signal or device, as determined by the Development Officer in consultation with Engineering Services.
11. Encroachment of the signs over any utility rights-of-way shall be subject to the approval of applicable approving authorities.
12. The signs shall be located entirely on the subject lot and shall not project or encroach onto City property or rights-of-way.
13. It is the responsibility of the applicant to ensure the Developer Marketing Signs are constructed and installed in accordance with the requirements of the Alberta Building Code and/or proper engineering standards.
14. It is the responsibility of the applicant to obtain the consent of the property owner for the location of the signs.
15. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.

16. Failing to comply with the conditions of the development permit approval shall render this permit invalid.

NOTES:

1. A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.
2. The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.
3. All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations and standards.
4. The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.
5. The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.
6. An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

The Board heard from the Appellant who stated that:

1. The signs had been constructed and put in place to generate interest in the project being developed in the area with the hope that some ground work would be starting in 2017.
2. The site is large (almost 50 acres) and requires multiple large signs to market the area and generate interest.
3. The signs are of a high quality and temporary in nature.
4. Conversations between the Appellant and the City are on-going with the hope that an Area Structure Plan will be signed soon and a Development Agreement in place for construction season in 2018.

The Board also considered/reviewed the following

Several other definitions for signage in the Land Use Bylaw, including “construction site identification signs”.

The Board finds the following:

Revised approval with conditions. See below.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to allow and leave as built 4 (four) “**construction site identification signs**”.

Regarding the appeal of the decision of the Development Officer in refusing a Development Permit application to allow and leave as built 4 (four) “**Developer Marketing signs**” at Lot A, Block 1, Plan 082 8697 - known municipally as 6 City Annex, St. Albert, AB, the Board has redefined the type of signs being considered for use. Instead of “**developer marketing signs**” (LUB – Schedule C.3 (n)), the Board feels that the definition of “**construction site identification signs**” - a temporary sign erected on a construction site for the purpose of advertising or providing information related to the referenced construction project (Schedule C.3 (l)) is more accurate for the signage being requested by the Appellant.

Specific regulations for these types of signs are outlined in Schedule C.6 (6) as
(a) A construction site identification sign is a permitted use in all districts, and no development permit is required, provided that the sign:

- i. is a self-supported or wall-mounted sign;
- ii. does not exceed 3.5 m in sign height;
- iii. does not exceed 5 sq. m in sign area; and

- iv. is not erected for a period longer than 12 months from the issuance of a building permit relating to the construction project.
- (b) No more than 2 construction site identification signs are allowed per site.

The development is approved with the following conditions:

1. The signs at location A (proposed) and location D (existing) are located within the Medium Density Residential (R3A) District.
2. The existing sign at location C is located within the Medium/High Density Residential District (R4).
3. The requested sign height and area variances, including the number of signs, (a maximum of 2 (two) “**construction site identification signs**” are allowed per site) as per Section C.6(6).
4. As proposed, the five marketing signs exceed either the maximum 5 sq. m. in area and 3.5 m in sign height or both.
5. The variances required to allow the “**construction site identification**” signs exceeds the capacity of the Development Officer to grant (Section C.6(6)).

LOCATION A:

- Maximum sign height: 3 m
- Proposed sign height: 6.09 m
- Variance required: 103%

- Maximum sign area: 3.0 sq. m
- Proposed sign area: 11.89 sq. m
- Variance required: 296%

LOCATION C:

- Maximum sign area: 3.0 sq. m
- Proposed sign area: 52.06 sq. m
- Variance required: 1635%

LOCATION D:

Sign (a)

- Maximum sign area: 3 sq. m
- Proposed sign area: 22.29 sq. m.
- Variance required: 643%

Sign (b)

- Maximum sign area: 3 sq. m
- Proposed sign area: 8.92 sq. m.
- Variance required: 197%

- Maximum sign height: 3 m
- Proposed sign height: 3.65 m
- Variance required: 22%

Sign (c)

- Maximum sign area: 3 sq. m
- Proposed sign area: 22.29 sq. m.
- Variance required: 643%

The Board grants an amended Appeal and variances for maximum sign heights and maximum sign areas as outlined above with the following conditions and notes applied to the Permit:

1. Approval is for 4 (FOUR) **Construction Site Identification Signs** only to remain as built. The sign for location A is **NOT** to be built or installed under this appeal.
2. The Construction Site Identification Signs shall remain in their current locations in accordance with the approved site plan.
3. The sign permit is **not erected for a period longer than 12 months from the issuance of a building permit relating to the construction project** as per Section C.6(6)(a)(iv).
4. The signs shall be located a minimum 3.0m within the property boundaries from all outermost edges of the sign (not just the post). It is the responsibility of the applicant to establish the exact location of all property lines.
5. The back of the Construction Site Identification Signs shall be enclosed and shall be finished with materials that are consistent with the finishing of the front of the sign, to the satisfaction of the Development Officer.
6. The signs shall not display nor be illuminated with a flashing light source.
7. The signs shall identify on site construction activity only. No third-party advertising is permitted.
8. The signs shall not impede or block safe traffic sight-lines to the satisfaction of the Development Officer.
9. The signs shall not be constructed nor located such that it interferes with the safe or orderly movement of pedestrian, motor vehicles or the sightlines under this or any other Bylaw.
10. The signs shall not obstruct the view of, or be confused with an official traffic sign, signal or device, as determined by the Development Officer in consultation with Engineering Services.

11. Encroachment of the signs over any utility rights-of-way shall be subject to the approval of applicable approving authorities.
12. The signs shall be located entirely on the subject lot and shall not project or encroach onto City property or rights-of-way.
13. It is the responsibility of the applicant to ensure the Construction Site Identification Signs are constructed and installed in accordance with the requirements of the Alberta Building Code and/or proper engineering standards.
14. It is the responsibility of the applicant to obtain the consent of the property owner for the location of the signs as required.
15. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.

NOTES:

1. A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.
2. The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.
3. All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations and standards.
4. The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.
5. The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman or suppliers shall be repaired to the satisfaction of the

City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.

6. An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

The Board makes its decision for the following reasons:

1. The Board concludes that (in accordance with section 687(3)(d) of the *Municipal Government Act*) the variance will not unduly interfere with the amenities of the neighbourhood, and/or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land based on the following because reclassifying the four (4) existing signs as construction site identification signs allow the current signs to remain in place, as is, and conforms with the LUB definitions and regulations. The signs will be temporary in nature and provide the Appellant with the opportunity to generate the necessary interest for the project being considered in the area.
2. The proposed development conforms with the use prescribed for the land within the Land Use Bylaw.

The Applicant is responsible for complying with all applicable federal, provincial and municipal enactment and any other applicable law and for obtaining all applicable permits, licenses and approvals. Building permits must be obtained from the Building Inspector who can be contacted at 780-459-1655


Chair

August 21, 2017
Date