



**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD**

DATE: **Wednesday, August 30, 2017**  
TIME: **6:00 p.m.**  
PLACE: **Council Chambers**  
FILE: **B02**

## **AGENDA**

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**1. Adoption of Agenda**

**2. Radius Notifications**

**3. Appeals**

**a) 52 Enchanted Way – Appellant – Samton Homes – James Lawlor**

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

**b) 1 Gate Avenue – Appellants – Shiloh Pentecostal Church**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a c-can (shipping container) storage shed as built.

**4. Adjournment**

**ALLOWED**

**CITY OF ST. ALBERT**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#23-2017**

**Re: Lot 142, Block 7, Plan 132 5384 - known municipally as 52 Enchanted Way, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a rear deck 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. Section 8.6(1)(c) of the Land Use Bylaw states that a deck in a rear yard must be located 3.0m from a rear property line.
2. This deck is located 1.92m from the rear property line.
3. The variance required of 1.08m or 36% exceeds the variance capacity of the Development Officer to grant.

**The Board heard from the Appellant who stated that:**

1. The deck is already built and is less than 2 feet in height;
2. The house is adjacent to a walk on the side and rear of the property so there is only one affected neighbor;
3. No objection was received, either verbally or written, from any neighbour.

**Allowed:**

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a rear deck as built located at 52 Enchanted Way.

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:
  - a) No objections were received by the city regarding the requested variance.

- b) The side of the structure is adjacent to a public walkway and the rear property line is adjacent to another walkway providing ample separation distance between the proposed structure and the most affected properties.
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 31, 2017  
Date

**DENIED**

**CITY OF ST. ALBERT**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#24-2017**

**Re: Lot 7A, Block 1, Plan 3981RS - known municipally as 1 Gate Avenue, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a C-Can (shipping container) storage shed 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:**

This lot is located in a PS (Public and Private Service) Land Use District.

1. Accessory development to a Permitted Use in this district is a Discretionary Use requiring a Development and Building Permit.
2. The C-Can was placed in its current location without benefit of permit approval.
3. The City did receive a complaint related to the location of the C-Can and the nature of such containers being used as storage sheds.
4. The Land Use Bylaw does not regulate C-Cans as a use, however, when used as an accessory develop the unit should meet the Design, Character and Appearance criteria of Section 6.7(1) of the Land Use Bylaw. In this regard, the design character and appearance of an accessory building, must be:
  - a) compatible with any other buildings existing on the site and in the vicinity, unless the building in the opinion of the Development Officer sets a higher standard of design character and appearance for a land use district or part of it; and
  - b) consistent with the purpose and regulation of the land use district in which the building is located.
5. To date, Administration has advised that if the City is going to consider a C-Can as a storage shed, the C-Can must be treated to look like a typical shed, i.e. siding, a roof line if possible, visual screening, painting out.
6. The Appellant did paint the shed white to make it blend in with the church on the site, however, one side was not painted and could be seen above the fence.
7. The maximum height of a shed is 3.7m or 12 feet.

8. The container is under the height maximum.
9. Administration did suggest that the storage container be relocated on the site however, that would affect the parking area and would be far more visible than it is now.
10. Section 10.2(7) of the Land Use Bylaw states:
  - a) the minimum building setback is 6.0m from any property line in a PS land use district; and
  - b) notwithstanding (a) all developments must provide a minimum building setback of 10.0m from any property line which adjoins a residential use or district.
11. The Church was approved in its current location in 198? (5) by the Municipal Planning Commission in its current location. The Land Use Bylaw in place at that time stated setbacks to be determined by the Commission.
12. The Applicant is willing to complete the white painting of the storage container.

**The Board heard from the Appellant who stated that:**

1. The C-can had been purchased and delivered in May 2017 to replace an older shed that had fallen into disrepair.
2. The church was looking for a cost-effective, short-term storage solution.
3. Two sides had been painted and the church was committed to painting the rest of the C-can.
4. The church acknowledged the poor communication with it's neighbours and the fact that no permit approval from the City was granted.

**The Board also considered/reviewed the following**

1. Reviewed three emails from neighbours objecting to the presence of the C-can and lack of consultation with the Church over the placement of the C-can.
2. The Board also heard from Carol Watamaniuk, who also objected to the presence of the C-can, its location and lack of communication with the church prior to the appearance of the C-can.

**Denied:**

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal to leave a C-Can (shipping container) storage shed as built at 1 Gate Avenue.

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 unduly interfere with the amenities of the adjacent neighbours, and/or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. The massing of the proposed structure will compromise the privacy of the most adjacent properties and the church property has limited capacity to accommodate re-locating the C-can on site with proper set-backs due to limited space and not wanting to lose parking space.
2. The Church has 60 days to remove the C-can from the property.

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.

  
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Chair

August 31, 2017  
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