



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, August 16, 2017**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 7 Amherst Crescent – Appellant – Donald Elicksen

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

b) 31 Greenwich Crescent – Appellants – James and Nicole Stevenson

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a covered storage area and shed as built.

c) 16 Burnham Avenue – Appellant – Brian Spiegl

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct an open carport and widen a driveway.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#20-2017

Re: Lot 51, Block 10, Plan 752 0179 - known municipally as 7 Amherst Crescent, 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 (R1) District.
2. Within the R1 district, a detached garage is a permitted use.
3. The variance requirements for the detached garage were discovered as a result of a compliance certificate application.
4. As per Section 8.7(1)(a), a detached garage must not be located less than 1m from the side or rear property lines.
5. As built, the detached garage is located 0.88m from the side property line and 0.72m from the rear property line.

Required side yard setback (LUB):	1.0m
<u>As built side yard setback:</u>	<u>0.88m</u>
Variance Required:	0.12m (12%)

Required rear yard setback (LUB):	1.0m
<u>As built rear yard setback:</u>	<u>0.72m</u>
Variance Required:	0.28m (28%)

6. The variances required exceeds the variance capacity of the Development Officer to approve (Section 3.14.3).
7. The Development Officer requested that Should the Board grant the Appeal that following the conditions and notes be applied to the permit.

Conditions and Notes:

- 1) The detached garage shall be constructed in accordance with approved site plan.
- 2) 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.
- 3) The exterior finishes of the detached garage shall match or complement the exterior finishes of the existing dwelling.
- 4) The exterior finishes must be completed within two (2) years of the date of the development permit.

NOTES:

- a) 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.
- b) 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.
- c) 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.
- d) 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.

The Board heard from the Appellant who stated that:

Donald Elicksen, Owner, submitted:

1. Garage was built in 1977 and has had three surveys done since.
2. Previous standard was 3' when garage was built which has since been updated to 1m.
3. Previous Building Inspector had no issues.
4. Neighbour has no issues.

The Board also considered/reviewed the following

1. No letters received in support or against this appeal.
2. No members of the gallery spoke for or against this appeal.

The Board finds the following:

With no negative impact to the surrounding neighbourhood and no issues from the most affected neighbour, the Board finds in favor of the Appellant.

Allowed with conditions:

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 7 Amherst Crescent.

The development is approved with the following conditions:

- 1) The detached garage shall be constructed in accordance with approved site plan.
- 2) 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.
- 3) The exterior finishes of the detached garage shall match or complement the exterior finishes of the existing dwelling.
- 4) The exterior finishes must be completed within two (2) years of the date of the development permit.

NOTES:

- a) 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.
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- c) 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.

- d) 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.

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. *There were no objections from any of the other neighbours.*
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



August 30, 2017

Dana Popadynetz - Chair

Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#21-2017

Re: Lot 52, Block 20, Plan 4789MC - known municipally as 31 Greenwich Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a covered storage area and 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:

1. The covered area is deemed attached to the dwelling due to its proximity.
2. As an addition, this structure is required to be located 1.5m from the side property line.
3. It is located 0.0m from the side property line.
4. The variance required of 1.5m or 100% exceeds the variance capacity of the Development Officer to grant.
5. The Real Property Report also shows a shed, which does not require a permit due to its size, but is located in contravention of the regulations for sheds in a side yard.
6. The shed is required to be located a minimum of 1.2m from the side property line and 1.5m from the dwelling.
7. The shed is encroaching onto the adjacent property.
8. The Appellant is willing to remove the encroaching portion but is requesting a 0.0m side property line setback.
9. There is adequate setback to the dwelling.

The Board heard from the Appellant who stated that:

Jim Stevenson, Owner, submitted:

1. He purchased the home 10 years ago.
2. Items on appeal were built prior to that.
3. Shed has been relocated so it is not encroaching on the neighbours property.

4. He would like to leave it as is.
5. No issues from the neighbour.

The Board also considered/reviewed the following:

1. No letters in support of or against the appeal received by the Board.
2. No members of the gallery spoke for or against the appeal.

The Board finds the following:

With no negative impact on the neighbourhood and no complaints from the most affected neighbour, the Board finds in favor of the Appellant.

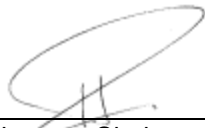
Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a covered storage area and shed as built located at 31 Greenwich Crescent.

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. There were no objections from any of the other neighbours.
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



Dana Popadynetz - Chair

August 30, 2017

Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#22-2017

Re: Lot 7, Block 8, Plan 2459RS - known municipally as 16 Burnham Avenue, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct an open carport and widen a driveway.

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. A carport in a front yard must meet the setback requirements of the dwelling.
2. A 6.0m front yard setback is required, whereas a 2.5m setback is proposed.
3. The property line on this lot is located 2.43m (8'0") from the back of sidewalk.
4. The total distance from posts of the carport to the sidewalk will be 4.93m
5. The boulevard on this lot is 2.0m.
6. The sidewalk is approximately 1.0m wide.
7. The carport posts would be located 7.93m (26'0") from the roadway.
8. The carport shall not be enclosed.

Carport

Required front yard setback: 6.0m

Proposed setback: 2.5m to front property line.

Variance required: 3.5m (58.3%)

Property line from back of sidewalk: 2.43m

Sidewalk width: approx. 1.0m

Boulevard width from road to sidewalk edge: 2.0m

Total setback to posts from roadway: 7.93m (26'0")

9. A variance is required of 3.5m or 58.3% which exceeds the variance capacity of the Development Officer to grant.

The Board heard from the Appellant who stated that:

Brian Spiegl, owner, submitted:

1. There is nowhere to bring in the driveway to access a potential rear garage.
2. No objections from the neighbours.
3. Would improve the curb appeal of the home and neighbourhood.

The Board also considered/reviewed the following

1. No letters received in support of or against the appeal.
2. No members of the gallery spoke for or against the appeal.

The Board finds the following:

With no negative impact on the surrounding neighbourhood and no issues raised by the most affected neighbour, the Board finds in favor of the Appellant.

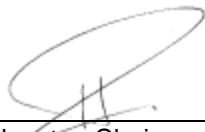
Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a carport in the front yard and widen the driveway located at 16 Burnham 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 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. There were no objections from any of the other neighbours.
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



Dana Popadynetz - Chair

August 30, 2017

Date