



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

**DATE: Wednesday, February 1, 2017
TIME: 6:00 p.m.
PLACE: Council Chambers
FILE: B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 15 Legacy Terrace – Appellant – Jack Pleckaitis

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a single detached dwelling with attached garage and deck.

b) 23 Red Fox Way – Appellant – John Stabile – San Rufo Homes Ltd.

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a single detached dwelling with basement development, attached garage and attached deck.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#02-2017

Re: Lot 63, Block 10, Plan 1423776 - known municipally as 15 Legacy Terrace, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a single-family dwelling with basement development, attached garage and attached deck.

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 8.20(12) of Land Use Bylaw 9/2005 states that the maximum lot coverage for an R1 lot is 40%.
2. This dwelling is proposed with a lot coverage of 42.03%. The variance required is 2.03% or 134 square feet.
3. In accordance with Section 3.14(2)(a) the Development Officer cannot vary the lot coverage.

The Board heard from the Appellant who stated that:

1. Only the covered deck is at issue, there are no other problems with any other setbacks.
2. To remove the 2% variance would require cutting 3 feet off the deck which would make the deck unusable.
3. There will be no visual impact to neighbours as there is no property behind the home as the home backs onto a park.
4. The additional 2% coverage would have minimal impact to the rest of the neighbourhood.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a single-family dwelling with basement development, attached garage and attached deck located at 15 Legacy Terrace.

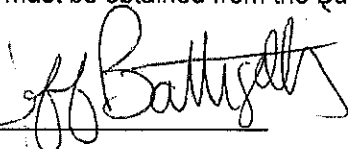
The development is approved with the following condition:

- a) The covered deck cannot be enclosed in the future.

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) The structure will not impact any adjacent neighbours,
 - b) No objections from any neighbours were received by the board.
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

February 7, 2017
Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#03-2017

Re: Lot 68, Block 3, Plan 162 3664 - known municipally as 23 Red Fox Way, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a single detached home with attached garage and deck.

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 8.20(12) of Land Use Bylaw 9/2005 states that the maximum lot coverage for an R1 lot is 40%.
2. This dwelling is proposed with a lot coverage of 41.12%. The variance required is 1.12% or 45 square feet.
3. In accordance with Section 3.14(2)(a) the Development Officer cannot vary the lot coverage.

The Board heard from the Appellant who stated that:

1. Building this 1,152 sq. ft. bungalow presented unique challenges as the client was design the house to accommodate future disability.
2. The home needs to be a barrier free design to accommodate future wheelchair access. There were no setback issues, only the covered deck which caused the lot coverage to be exceeded by 1.12%.
3. Normally this could would have been accommodated by reducing the garage size but that space is required for future wheelchair vehicle access.


Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a single detached home with attached garage and deck located at 23 Red Fox 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) The structure will not impact any adjacent neighbours;
 - b) No objections from any neighbours were received by the Board.
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

February 7, 2017

Date