



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

**DATE: Wednesday, January 4, 2017
TIME: 6:00 p.m.
PLACE: Council Chambers
FILE: B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

- a) **21 Madonna Drive – Appellant – Sarah Moore of Gaffney McGreer & Rowand on behalf of Len Jones**

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

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#01-2017

Re: Lot 11, Block 6, Plan 1437KS - known municipally as 21 Madonna Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a front deck and rear covered 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. This property is located within a Low-Density Residential District (R1).
2. Within an R1 district, a covered deck is considered as part of the dwelling.
3. Both the covered deck and uncovered deck (less than 1.5m in height) are Permitted Uses within the R1 district.

Rear Deck - Covered:

4. Covered decks are considered part of the principal dwelling and must meet the required setbacks for the dwelling unit.
5. Under Section 8.20 of the Land Use Bylaw, a dwelling with a detached garage is required to provide a minimum setback of 10.0m from the rear property line and at least 1.5m from the side property line.
6. The covered deck meets the location requirements for an addition; however, never received Development Permit approval prior to construction.

Front Deck - Uncovered:

7. Under Section 8.6 of the Land Use Bylaw, a front deck is required to meet the required front setback of the principal dwelling.
8. In this regard, the deck requires a minimum setback of 6.0m from the front property line.
9. As built, the uncovered deck is 3.97m from the front property line.
10. A variance of 2.03m (33%) is required to leave the front deck as built.

11. The variance required exceeds the powers of the Development Officer to approve as per Section 3.14.3 of Land Use Bylaw 9/2005.

The Board heard from the Appellant's Agent, Sarah Moore of Gaffney McGreer & Rowand, who stated that:

1. The front deck is actually just steps which replaced old concrete steps.
2. A variance would be required regardless of size of the deck/steps.
3. Front deck/step constructed in the manner is was due to lack of concrete at the time of building a wooden step was built and the steps were flipped to enable the owners to construct a wheelchair ramp in the future.

The Board also considered/reviewed the following:

1. Emails of support from:
 - Stanislaw Salapata – 17 Madonna Drive
 - Doug & Heather Nelson – 22 Maple Drive

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a front deck and rear covered deck as built located at 21 Madonna Drive.

The development is approved with the following conditions:

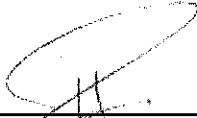
1. The rear covered deck must match or compliment the existing dwelling.
2. The rear covered deck shall be located as shown on the Real Property Report.
3. The rear covered deck shall not be enclosed.
4. Any changes to the rear covered deck shall require a new development/building permit application and approval.
5. The front yard deck shall be located as shown on the Real Property Report.
6. The front yard deck shall not be covered or enclosed.
7. Any changes to the front yard deck shall require a new development permit and approval.

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 most affected neighbour was consulted and advised he has no issue with the variance;
 - b. 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



18-JAN-2017

Dana Popadynetz - Chair

Date