



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, July 19, 2017**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 9 Grandville Avenue – Appellant – David & Elizabeth Ducharme

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a chain link fence over 1.0m with privacy slats and widen the driveway.

b) Units 1 – 3 and Units 7- 18, 30 Ironwood Point – Appellant – Daryl Empson, Condo Association President (Plan 922-2991)

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to grant a variance to rear yard setback of decks for Units 1-3 and 7-18.

c) 20 Boudreau Road – Terry Hodgson – 2003596 Alberta Ltd.

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a new hotel facility and site.

d) 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#15-2017

Re: Lot 9, Block 5, Plan 5480KS- known municipally as 9 Grandville Avenue, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a fence over 1.0m in height in a front yard and to 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. The Appellant is proposing to construct a fence in and around a front yard at 1.8m to 1.2m;
2. Section 8.8(1) states that a fence in and around a front yard must not exceed 1.0m in height;
3. The variance required of 0.2m (20%) to 0.8m (80%) exceeds the variance capacity of the Development Officer to grant.

The Board heard from the Appellant who stated that:

David and Elizabeth Ducharme, Owners, submitted:

1. They did not realize that the area in question was the front yard.
2. They came to the Development Officer prior to construction.
3. This functions as his side yard.
4. Proposed fence is shorter than previously existing hedge.
5. Planned lower fence near property lines to improve sight lines and safety.

The Board also considered/reviewed the following

No complaints received by the Board in writing or from the gallery.

The Board finds the following:

With no complaints from the most affected neighbors or any safety concerns, the Board rules in favor of the Appellant.

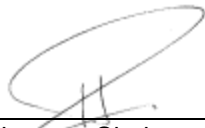
Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a fence over 1.0m in height in a front yard and to widen a driveway located at 9 Grandville 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 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

July 28, 2017

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#16-2017

Re: Units 1-18, Plan 922 2991 - known municipally as 1-3 & 7-18, 30 Ironwood Point, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to grant variances to rear yard setbacks.

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 medium-density residential (R3) District.
2. Within the R3 district, accessory developments are a Discretionary Use.
3. As per Section 8.6(1)(c), a deck up to 1.5m in height must be located as least 3m from the property line.
4. As per Section 8.6(3), a deck over 1.5m in height must be located 5m from the property line.
5. The decks are proposed to be located at various distances from the property line, short of the minimum setbacks required.
6. The setbacks proposed are also a variance from those approved by the Subdivision and Development Appeal Board on June 6, 2017.
7. The conventional condominium development was built around 1992. There are 18 units located on a single lot.
8. All of the decks on this property previously came before the Subdivision and Development Appeal Board on May 24, 2017, as it had been discovered that the City had no record of decks having been approved with the original development permit for 30 Ironwood Close.
9. On June 6, 2017, the Subdivision and Development Appeal Board of the City of St. Albert granted the Appeal to leave all rear decks as built and replace decks on Units 12, 13, 14, 17 and 18 located at 1-18, 30 Ironwood Point.

10. While working on the first deck replacement, the contractor encountered unforeseen challenges with the support posts for the deck. In order to be able to effectively support the re-built deck, the support posts will have to be relocated approximately 0.15m (6") further away from the dwelling. This would result in an increase of the deck size. Additionally, the deck would be located an additional 0.15m closer to the property lines. It is anticipated that this issue could potentially affect all of the deck re-builds.

11. The increase in deck size and decrease in the setbacks to the property line are variations from the June 6, 2017 Subdivision and Development Appeal Board approval.

12. Proposed setbacks and related variances:

30 Ironwood Point - Decks						
Unit #	Deck Height	RYSB (Min. Req'd)	RYSB (Proposed)	Variance Req'd (rear yard setback)	Deck Depth	Deck Width
1	0.43	3.00	1.76	1.24 (41%)	3.21	4.88
2	0.62	3.00	1.76	1.24 (41%)	3.21	4.88
3	0.70	3.00	1.71	1.29 (43%)	3.21	4.88
7	2.62	5.00	2.76	2.24 (45%)	3.21	4.88
8	2.72	5.00	4.41	0.59 (12%)	3.21	4.88
9	2.67	5.00	4.41	0.59 (12%)	3.21	4.88
10	2.69	5.00	4.38	0.62 (12%)	3.21	4.88
11	2.73	5.00	4.38	0.62 (12%)	3.21	4.88
12	2.75	5.00	4.38	0.62 (12%)	3.21	4.88
13	2.70	5.00	1.21	3.79 (76%)	3.21	6.10
14	2.73	5.00	1.21	3.79 (76%)	3.21	4.88
15	2.73	5.00	1.21	3.79 (76%)	3.21	4.88
16	2.73	5.00	1.26	3.74 (75%)	3.21	10.06
17	2.73	5.00	1.26	3.74 (75%)	3.21	4.88
18	2.76	5.00	1.26	3.74 (75%)	3.21	4.88

(All measurements are in metres and decimals thereof)

13. The Development Officer indicated that Administration cannot vary a decision made by the Subdivision and Development Appeal Board.

14. The Development Officer requested that should the Board grant the Appeal, that the following conditions and notes below be applied to the permit:

- 1) The decks shall be constructed in accordance with approved plans.
- 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) Future deck development shall be subject to a separate development permit application.
- 4) The decks, as approved, shall remain uncovered and unenclosed.

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:

Harry Gaffney (Owner and Board Representative) submitted:

1. Decks were constructed on cement pilings that were not dug deep enough and the condition has deteriorated.
2. Supports are cracking.
3. Contractor suggested that a second set of deeper pilings added 6" out.
4. This causes a maximum of 6" extra of deck space.
5. Conditions per the Development Officer do not present any issues.

The Board also considered/reviewed the following

No objections were received by the Board in writing or from the gallery.

The Board finds the following:

The Board finds in favor of the Appellant as this variance will not have any negative effect on surrounding properties.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to grant variances to rear yard setbacks.

The development is approved with the following conditions:

- 1) The decks shall be constructed in accordance with approved plans.
- 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) Future deck development shall be subject to a separate development permit application.
- 4) The decks, as approved, shall remain uncovered and unenclosed.

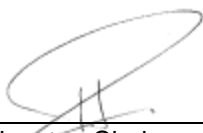
NOTES:

- 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 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.
 - b. No negative impact on surrounding 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



Dana Popadynetz - Chair

July 28th, 2017

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#17-2017

Re: Lot A, Plan 802 1992 - known municipally as 20 Boudreau Road, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a Development Permit application to construct a new hotel facility requiring a height variance and parking variance.

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 Appellant is appealing the Decision of the Development Officer, in refusing a Development Permit application to construct a new 141-suite hotel facility.

The maximum height in the CIS (Commercial and Industrial Services) Land Use District is 15m. The hotel is proposed with a 23.8m height. The 8.8m (59%) variance required exceeds the variance capacity of the Development Officer to grant.

Additionally, the required number of parking stalls for the proposed development is 200 stalls. The Applicant proposes to provide 155 stalls, which is a shortfall of 45 stalls or 22%. In support of this shortfall the Applicant did provide a motivation, which is attached to this report. Although the Development Officer has the variance capacity to approve of the shortfall, this matter is before the Board as the Development Officer cannot approve and refuse items on the same Development Permit.

2. On October 12, 2014, the Applicant at the time, received an approved Development Permit from the Subdivision and Development Appeal Board (SDAB). The then Appellant wanted to address the issue of the height variance prior to moving forward with the project and investing in full development, construction and engineering drawings. The Development Permit issued by the SDAB was valid for one year and, in accordance with s 3.12(7) of the Land Use Bylaw (LUB), the permit could be extended once for a period not exceeding 12 months. In 2015, the then Applicant requested a time extension of 12 months to 11 October 2016.
3. The original Development Permit was issued by the SDAB without any conditions other than the approval of the height variance. No other conditions, which would normally have been attached to a permit should it have been issued by a Development Officer, were included as part of the Permit.

4. On August 30, 2016, an application for the 141-suite hotel facility was submitted.
5. The LUB requires that, at the time of application for a Development Permit, the application complies with the requirements of s 3.3. At the time of the August 30, 2016, application, not all of the required application documentation was submitted. Administration continued to request the required additional documentation (mostly drawings) while, at the same time, forwarding comments to the Applicant as they related to the limited drawings available at the time.
6. It needs to be noted that the City's Engineering Services received the required drawings on March 21, 2017 and the required landscape plans, on May 19, 2017.
7. In summary, the Board needs to note that, after having submitted the incomplete application on August 30, 2017, the 40-day processing time legislated in the Municipal Government Act and the Land Use Bylaw, had been exceeded. No drawings other than the Development Permit plans for the application were received until 200 days after the application date.
8. On June 1, 2017, Administration established and later confirmed, that an access from an extension to Carswell Street, that the Applicant had indicated on application drawings as being a public roadway, in fact, belonged to a neighbouring property owner. Therefore, no access could be had from this private roadway. Thus, the site was accessible from Boudreau Road only.
9. On June 14, 2017, this information was presented to the Applicant. At the same time, the Applicant was informed that the proposed development required more parking than what had been indicated by the Applicant on drawings in possession of the City.
10. On June 29, 2017, the Applicant was informed that the August 30, 2016, application was deemed to be incomplete and that it should be considered refused. The Applicant was requested to re-submit a complete application, which would be refused (height variance required and parking variance required) and could, upon refusal, be appealed to the SDAB.
11. On July 4, 2017, a new application was submitted. The application was refused (height variance required and parking variance required), which refusal was appealed.
12. Notwithstanding that this matter was the subject of an earlier application and, that the Board did render a decision on October 12, 2014, the current application is considered to be a new appeal application.
13. In this regard, the Board is referred to s 3.12(10); s.3.12(11); s 3.12(12) and s 3.12(13) of Land Use Bylaw 9/2005, which stipulate:

1. *An application for a Development Permit for the same or similar use shall not be accepted by the Development Officer from the same or any other Applicant for the same site:*
 - *within six months of the date of a refusal by the Development Officer; or*
 - *within six months of the date of a written decision of the Subdivision and Development Appeal Board on a previous application, if the previous application was appealed to, and subsequently refused by, the Subdivision and Development Appeal Board; or*
 - *within six months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or*
 - *during the time prior to the decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, if the application has been appealed to the Subdivision and Development Appeal Board or the Alberta Court of Appeal.*
2. *Subsection (10) shall not apply in the case of an Application for a Development Permit for a Permitted Use if the Application complies with all the regulations of this Bylaw.*
3. *If upon review of any application for a Development Permit, the Development Officer determines that subsection (10) applies, then the application shall be returned to the Applicant, along with any fees that have been submitted. The application shall not be considered as having been refused, but shall be deemed not to have been submitted.*
4. *Notwithstanding subsection (10) above, if two or more Development Permit Applications for the same or similar use on the same site have been refused by the Development Officer, the Subdivision and Development Appeal Board, the Alberta Court of Appeal, or any combination of the above, the third and any subsequent Development Permit application for that use on that site shall not be accepted by the Development Officer until one year from the date of the most recent refusal, unless that application is for a permitted use and complies in all respects with the requirements of this Bylaw.*
14. This being considered to be a valid appeal, the Board does have jurisdiction to consider it.
15. Further, this application is an appeal regarding the height of the building (variance of 59% required) and a parking variance of 22%, respectively, being required.
16. In summary,

Proposed Building Height of Hotel:

Maximum building height (LUB):	15m
<u>Proposed building height:</u>	<u>23.8m</u>
Variance Required:	8.8m (59%)

Parking Provision for Hotel:

Parking required (LUB):	200 stalls
<u>Proposal:</u>	<u>155 stalls</u>

Variance Required: 45 stalls (22%)

17. In considering an appeal with respect to the variance of the height of the proposed hotel and the variance in the number of parking stalls, the scope of the Board's jurisdiction is set in s. 687(3)(d) of the Municipal Government Act (*RSA 2000 Chapter M-26*) which stipulates:

“(3) In determining an appeal, the subdivision and development appeal board

(a) . . .;

(b) . . .;

(c) . . .;

(d) may make an order or decision or issue or confirm the issue of a Development Permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

*(A) unduly interfere with the amenities of the neighbourhood,
or*

*(B) materially interfere with or affect the use, enjoyment or
value of neighbouring parcels of land,*

and

*(ii) the proposed development conforms with the use prescribed
for that land or building in the land use bylaw.”*

18. The variance amount for the proposed building height exceeds the capacity of the Development Officer to approve. Administration supports the application for a variance in height.

19. The variance amount for the proposed parking shortfall could be granted by the Development Officer, but, as a Development Officer cannot approve and refuse items on the same Development Permit, this decision is also one for the Board to deliberate and decide on. Administration supports the application for a variance in parking requirements.

20. The Development Officer requested that if the Board decides in favor of the appeal the following conditions of approval must accompany the decision over and above the Boards consideration of the height and parking variances requested:

1. Approval is to authorize construction of a 141 suite 7-storey hotel and related facilities, approved as a discretionary use in accordance with Section 9.17(4)(u).
2. The site and building shall be developed as per the plans stamped, signed and conditionally approved as per the Standards, Land Use Bylaw requirements and satisfaction of the City of St. Albert.
3. 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.
4. As per Section 7.6, 3% of the approved parking shall be provided for the disabled to a maximum of 10.
5. To ensure the building is located in accordance with the approved site plan and Bylaw requirements, the Applicant/developer shall be responsible to provide a Real Property Report at the footing forms stage. No further work is to proceed on the foundation until the Development Officer has provided written confirmation to do so.
6. The building elevations and materials to as indicated on the stamped approved plans with final appearance and type of exterior finishing materials to be approved by the Development Officer.
7. The exterior finishes must be completed within two (2) years of the date of the Development Permit.
8. Outdoor lighting for the development shall comply with the provisions of Section 6.16 of the Land Use Bylaw. In this regard, outdoor lighting must be located and arranged so that rays of light are not directed at an adjacent site and indirect rays of light do not adversely affect an adjacent site. Down lighting is preferable.
9. The landscaping must be completed within two (2) years of the date of Development Permit approval.
10. The site is to be serviced and landscaped as per the plans accepted by the Development Approving Authority, in consultation with the City Engineering Department as may be required; which acceptance may impose any conditions, including but not limited to, completion deadlines, the provision of security and minimum insurance requirements that the City considers appropriate.
11. Screening Requirements:
 - a) all rooftop mechanical equipment must be visually and acoustically screened to the satisfaction of the Development Officer;
 - b) any exterior garbage and/or recycle containers, as proposed and future installations of same, shall be located within enclosures that are screened to the satisfaction of the Development Officer or in alternate collection systems as approved.
12. Prior to issuance of a building permit, the following fees, levies, charges securities and documentation shall be provided to the City:
 - a) development Approval fee in the amount of \$24,832.00;
 - b) detailed site grading and drainage plan;

- c) detailed plans for underground power, water, sanitary and storm sewer servicing including the location of all service connections proposed for the building;
- d) a detailed landscape plan prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects, to the standards, Land Use Bylaw requirements, and satisfaction of the Development Approving Authority
- e) the posting of a Letter of Credit in an amount satisfactory to Engineering Services as security for the due and proper performance of all obligations under this Development Permit. The City of St. Albert may call on such security in such amounts and at such times as it determines appropriate in the event the City determines that;
 - i) the Applicant/developer has failed to comply with any provisions of this Development Permit;
 - ii) this Development Permit is suspended or cancelled;
 - iii) work has been commenced under this Development Permit but has not been properly completed within a reasonable period of time as determined by the City.
- f) A Certificate of Insurance to the satisfaction of the City;
- g) Off-site charges;
- h) Construction water charges;
- i) Street cleaning levy;
- j) Two (2) sets of detailed construction drawings, including detailed architectural, structural, electrical and mechanical drawings;
- k) Applicable building permit fees;
- l) Payment of any outstanding property taxes;

Note: All fees are per Master Rates Bylaw, as approved by City Council on yearly calendar basis.

- 13. The following shall be subject to separate Development Permit applications;
 - a) On-site signage;
 - b) Future development; or interior alterations;
 - c) Any change of use or change in intensity of use.
- 14. Prior to the occupancy of the building, all conditions of Development Permit approval shall be fulfilled, unless written authorization is provided by the City.
- 15. Failing to comply with the conditions of Development Permit approval shall render this permit invalid.

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) Without limiting the generality of the foregoing clause, the Applicant/developer shall be responsible for acquiring various permits as required from the City's Engineering Department, including an On-Street Construction Permit, Water and Sewer Connection Permit, etc. In this regard, please contact the Development Coordinator (Jonathan Reid at 780-459-1661).
- 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.
- e) An 'as-built' Mylar sepia of the underground servicing plan is to be submitted (including a digital copy) to the satisfaction of the Development Approving Authority.
- f) The Applicant and/or developer shall be responsible for the following:
 - i) the costs and installation of paving, drainage and curbing of all driveway, parking and loading area;
 - ii) installation of fire hydrants to the satisfaction of the Development Approving Authority.
 - iii) Coordinating with the various utility companies regarding their respective services.
- g) 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.

The Board heard from the Appellant who stated that:

Jim Der – Primary Architect Submitted:

- 1. Height is identical to the plan submitted and approved by the Board in 2014.
- 2. Some changes made to the exterior to improve the appearance.
- 3. More modern facility.
- 4. Previous sun and shadow studies show there is no effect to any residential properties.
- 5. Full support from Alberta Gaming and Liquor Control.
- 6. No objections received.
- 7. Support surrounding civic facilities like Servus Place.

The Board also considered/reviewed the following

No objections received by the Board in person or in writing.

The Board finds the following:

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 construct a new hotel facility requiring a height variance and a parking variance located at 20 Boudreau Road.

The development is approved with the following conditions:

1. Approval is to authorize construction of a 141 suite 7-storey hotel and related facilities, approved as a discretionary use in accordance with Section 9.17(4)(u).
2. The site and building shall be developed as per the plans stamped, signed and conditionally approved as per the Standards, Land Use Bylaw requirements and satisfaction of the City of St. Albert.
3. 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.
4. As per Section 7.6, 3% of the approved parking shall be provided for the disabled to a maximum of 10.
5. To ensure the building is located in accordance with the approved site plan and Bylaw requirements, the applicant/developer shall be responsible to provide a Real Property Report at the footing forms stage. No further work is to proceed on the foundation until the Development Officer has provided written confirmation to do so.
6. The building elevations and materials to as indicated on the stamped approved plans with final appearance and type of exterior finishing materials to be approved by the Development Officer.
7. The exterior finishes must be completed within two (2) years of the date of the development permit.
8. Outdoor lighting for the development shall comply with the provisions of Section 6.16 of the Land Use Bylaw. In this regard, outdoor lighting must be located and arranged so that rays of light are not directed at an adjacent site and indirect rays of light do not adversely affect an adjacent site. Down lighting is preferable.
9. The landscaping must be completed within two (2) years of the date of development permit approval.
10. The site is to be serviced and landscaped as per the plans accepted by the Development Approving Authority, in consultation with the City Engineering Department as may be required; which acceptance may impose any conditions, including but not limited to, completion deadlines, the provision of security and minimum insurance requirements that the City considers appropriate.
11. Screening Requirements:
 - a) all rooftop mechanical equipment must be visually and acoustically screened to the satisfaction of the Development Officer;

- b) any exterior garbage and/or recycle containers, as proposed and future installations of same, shall be located within enclosures that are screened to the satisfaction of the Development Officer or in alternate collection systems as approved.
12. Prior to issuance of a building permit, the following fees, levies, charges securities and documentation shall be provided to the City:
- a) development Approval fee in the amount of \$24,832.00;
 - b) detailed site grading and drainage plan;
 - c) detailed plans for underground power, water, sanitary and storm sewer servicing including the location of all service connections proposed for the building;
 - d) a detailed landscape plan prepared by a Landscape Architect registered with the Alberta Association of Landscape Architects, to the standards, Land Use Bylaw requirements, and satisfaction of the Development Approving Authority
 - e) the posting of a Letter of Credit in an amount satisfactory to Engineering Services as security for the due and proper performance of all obligations under this development permit. The City of St. Albert may call on such security in such amounts and at such times as it determines appropriate in the event the City determines that;
 - i) the applicant/developer has failed to comply with any provisions of this development permit;
 - ii) this development permit is suspended or cancelled;
 - iii) work has been commenced under this development permit but has not been properly completed within a reasonable period of time as determined by the City.
 - f) A Certificate of Insurance to the satisfaction of the City;
 - g) Off-site charges;
 - h) Construction water charges;
 - i) Street cleaning levy;
 - j) Two (2) sets of detailed construction drawings, including detailed architectural, structural, electrical and mechanical drawings;
 - k) Applicable building permit fees;
 - l) Payment of any outstanding property taxes;

Note: All fees are per Master Rates Bylaw, as approved by City Council on yearly calendar basis.

13. The following shall be subject to separate development permit applications;
- a) On-site signage;
 - b) Future development; or interior alterations;
 - c) Any change of use or change in intensity of use.
14. Prior to the occupancy of the building, all conditions of development permit approval shall be fulfilled, unless written authorization is provided by the City.
15. Failing to comply with the conditions of development permit approval shall render this permit invalid.

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

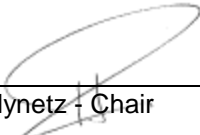
development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.

- 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) Without limiting the generality of the foregoing clause, the applicant/developer shall be responsible for acquiring various permits as required from the City's Engineering Department, including an On-Street Construction Permit, Water and Sewer Connection Permit, etc. In this regard, please contact the Development Coordinator (Jonathan Reid at 780-459-1661).
- 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.
- e) An 'as-built' Mylar sepia of the underground servicing plan is to be submitted (including a digital copy) to the satisfaction of the Development Approving Authority.
- f) The applicant and/or developer shall be responsible for the following:
 - i) the costs and installation of paving, drainage and curbing of all driveway, parking and loading area;
 - ii) installation of fire hydrants to the satisfaction of the Development Approving Authority.
 - iii) Coordinating with the various utility companies regarding their respective services.
- g) 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.

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

June 6th, 2017

Date