



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

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

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 44 Legacy Terrace – Appellant – Minh Tran

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a duplex bungalow with basement development, attached garage, deck and covered veranda.

b) 42 Legacy Terrace – Appellant - Minh Tran

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a duplex bungalow with basement development, attached garage, deck and covered veranda.

c) 32 Legacy Terrace – Appellant – Minh Tran

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a duplex bungalow with basement development, attached garage, deck and covered veranda.

d) 16 Desmarais Place – Appellant – Brad Cody Professional Corp.

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

e) 12 Kingsbury Crescent – Appellant – Robert McRae

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

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#04-2017

Re: Lot 87, Block 10, Plan 142 3776 - known municipally as 44 Legacy Terrace, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a duplex bungalow with basement development, attached garage, deck and covered front veranda.

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. In accordance with Section 8.21(10) states that the maximum lot coverage on an R2 lot is 40%.
2. 44 Legacy Terrace: 41.83% Variance:1.83% (6.96 square metres or 75 square feet)
3. In accordance with Section 3.14(2)(a) the Development Officer cannot vary lot coverage.

The Board heard from the Appellant who stated that:

Minh Tian, Appellant submitted:

1. Variance is because the roof covers the front deck.
2. Introduces a new look to the neighbourhood and buildings would look much better with covered front decks.

The Board also considered/reviewed the following:

1. No complaints registered with the Board.
2. The Appellant stated that there has been no consultation with the surrounding neighbours.

The Board finds the following:

With no objections noted from neighbouring properties, 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 duplex bungalow with basement development, attached garage, deck and covered front veranda located at 32 Legacy Terrace.

The development is approved with the following conditions:

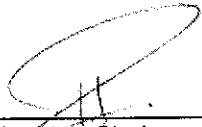
1. The dwelling shall be constructed in accordance with the stamped, approved plot plan;
2. The dwelling height shall not exceed 11.0 metres;
3. The landscaping must be completed within two (2) years of the date of the Development Permit approval;
4. The exterior finishes must be completed within two (2) years of the date of the Development Permit approval;
5. The deck, as approved, shall remain uncovered and unenclosed; and
6. The basement development shall not be used as a separate dwelling unit or suite.

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.

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

March 8, 2017



Dana Popadynetz - Chair

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#05-2017

Re: Lot 88, Block 10, Plan 142 3776 - known municipally as 42 Legacy Terrace, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a duplex bungalow with basement development, attached garage, deck and covered front veranda.

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. In accordance with Section 8.21(10) states that the maximum lot coverage on an R2 lot is 40%.
2. 42 Legacy Terrace: 41.51% Variance:1.51% (5.76 square metres or 62 square feet)
3. In accordance with Section 3.14(2)(a) the Development Officer cannot vary lot coverage.

The Board heard from the Appellant who stated that:

Minh Tian, Appellant submitted:

1. Variance is because the roof covers the front deck.
2. Introduces a new look to the neighbourhood and buildings would look much better with covered front decks.

The Board also considered/reviewed the following

1. No complaints registered with the Board.
2. The Appellant stated that there has been no consultation with the surrounding neighbours.

The Board finds the following:

With no objections noted from neighbouring properties, 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 duplex bungalow with basement development, attached garage, deck and covered front veranda located at 32 Legacy Terrace.

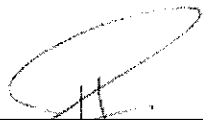
The development is approved with the following conditions:

1. The dwelling shall be constructed in accordance with the stamped, approved plot plan;
2. The dwelling height shall not exceed 11.0 metres;
3. The landscaping must be completed within two (2) years of the date of the Development Permit approval;
4. The exterior finishes must be completed within two (2) years of the date of the Development Permit approval;
5. The deck, as approved, shall remain uncovered and unenclosed; and
6. The basement development shall not be used as a separate dwelling unit or suite.

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.

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



March 8, 2017

Dana Popadyrnetz - Chair

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#06-2017

Re: Lot 93, Block 10, Plan 142 3776 - known municipally as 32 Legacy Terrace, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a duplex bungalow with basement development, attached garage, deck and covered front veranda.

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. In accordance with Section 8.21(10) states that the maximum lot coverage on an R2 lot is 40%.
2. 32 Legacy Terrace: 41.09% Variance:1.09% (3.90 square metres or 42 square feet)
3. In accordance with Section 3.14(2)(a) the Development Officer cannot vary lot coverage.

The Board heard from the Appellant who stated that:

Minh Tian, Appellant submitted:

1. Variance is because the roof covers the front deck.
2. Introduces a new look to the neighbourhood and buildings would look much better with covered front decks.

The Board also considered/reviewed the following

1. No complaints registered with the Board.
2. The Appellant stated that there has been no consultation with the surrounding neighbours.

The Board finds the following:

With no objections noted from neighbouring properties, 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 duplex bungalow with basement development, attached garage, deck and covered front veranda located at 32 Legacy Terrace.

The development is approved with the following conditions:

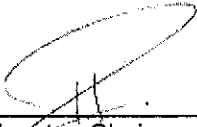
1. The dwelling shall be constructed in accordance with the stamped, approved plot plan;
2. The dwelling height shall not exceed 11.0 metres;
3. The landscaping must be completed within two (2) years of the date of the Development Permit approval;
4. The exterior finishes must be completed within two (2) years of the date of the Development Permit approval;
5. The deck, as approved, shall remain uncovered and unenclosed; and
6. The basement development shall not be used as a separate dwelling unit or suite.

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.

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

March 8, 2017


Dana Popadynetz - Chair

Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#08-2017

Re: Lot 25, Block 2, Plan 902 0478 - known municipally as 16 Desmarais Place, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a 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. Section 8.2 of the Land Use Bylaw states that a shed located in a side yard must be located a minimum of 1.5m from the dwelling and 1.2m from the side property line.
2. This shed is located 0.0m from the dwelling and 0.79m from the side property line.
3. The variances required of 1.5m (100%) and 0.41m (34%) exceed the variance capacity of the Development Officer to grant.

The Board heard from the Appellant who stated that:

Brad Cody, Solicitor, submitted:

1. Survey indicated that this is a portable shed.
2. Property sold and there is a hold back.
3. Shed been there for 10+ years.
4. No complaints over the years.
5. Letter / email in support of the variance received from 10 Desmarais Place.
6. No issues with the shed and it is a practical use of the side yard.

The Board also considered/reviewed the following:

1. Letter in support of the appeal received from Chris Skaggs - #10 Desmarais Place.
2. No objections to the appeal were received by the Board.

The Board finds the following:

The most affected neighbour has indicated in writing that she supports the variance requested. The Board finds in favor of the Appellant.

Allowed:

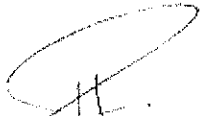
The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a shed as built located at 16 Desmarais Crescent.

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. 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

March 8, 2017


Dana Popadynetz - Chair

Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#09-2017

Re: Lot 127, Block 20, Plan 982 5198 - known municipally as 12 Kingsbury Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a decorative pond 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 8.15(1)(a) of the Land Use Bylaw states that a decorative pond must be located a minimum of 1.0m from side and rear property lines.
2. This pond is located 0.65m from the side property line.
3. The variance required of 0.35m (35%) exceeds the variance capacity of the Development Officer to grant.

The Board heard from the Appellant who stated that:

Robert McRae, Owner, submitted:

1. House was built in 1998/1999.
2. He took possession in May of 1999.
3. A professional landscaping company was hired to complete the yard and build the pond which was inadvertently built too close to the property line.
4. Most affected neighbour has a similar pond that is also adjacent the property line.
5. Pond is built from sculptured cement, not rock with a liner.
6. No complaints from any of the neighbours.

The Board also considered/reviewed the following

1. No objections to the appeal were received by the Board.

The Board finds the following:

As there were no objections to this appeal received, the Board finds in favor of the Appellant.

Allowed:

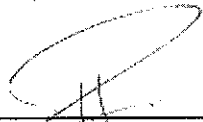
The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a decorative pond as built located at 12 Kingsbury Crescent.

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

March 8, 2017



Dana Popadynetz - Chair

Date