



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: Wednesday, July 14, 2021

TIME: 6:00 p.m.

PLACE: Via Zoom Platform

FILE: B02

AGENDA

- 1. Adoption of Agenda**
- 2. Radius Notifications**
- 3. Appeals**
 - a) 42 Olivier Close**

The Appellant is appealing the decision of the Development Officer in refusing a development permit to construct a sunroom addition.

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#LEG00886-2021

Re: Lot 83, Block 5, Plan 0324292 - known municipally as 42 Olivier Close, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a sunroom addition.

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:

- The appellant is appealing the decision of the Development Officer in refusing a development permit application to construct a sunroom addition.
- Section 8.30(8) of the Land Use Bylaw states that the maximum lot coverage in an R1 district is 40%.
- The addition of the sunroom would result in a lot coverage of 42.7%.
- A variance of 2.7% is required.
- In accordance with Section 3.14(2)(a), the Development Officer cannot vary lot coverage.
- The sunroom addition would be located 6.21m from the rear property line.
- The Development Officer submitted to the Board, by way of PowerPoint presentation, aerial photos of the subject property and the location of the proposed development in relation to adjacent lands.
- Upon questioning from the Board, the Development Officer stated that existing access to the yard is from existing stairs from the deck.

The Board heard from the Appellant who stated that:

- The Appellant, Mr. Art Bailey, is acting on behalf of the landowners who wish to construct a sunroom.
- The sunroom addition will not impede on the property.
- Upon questioning from the Board, the Appellant stated that Page 12 of the agenda package is not relevant to the Appeal and should be ignored.
- The Appellant submitted to the Board, by way of photographs identified in the agenda package, the existing deck in relation to the nearest adjacent dwelling.

The Board also considered/reviewed the following

The Board received and reviewed one written submission in support of the Appellant's appeal:

- 43 Olivier Close: Marie and Allan Wiedeman
 - Most affected adjacent landowners.
 - Support the appeal and the variance to lot coverage.

The Board finds the following:

The Board considered all materials before it, as well as the oral and written submissions from the Appeal hearing and find the following:

- The Lands are located a Lot 83, Block 5, Plan 0324292 and are municipally described as 42 Olivier Close, St. Albert.
- The Lands are located within the R1 – Low Density Residential District.
- The Lands are adjacent to a public greenspace (west property line).
- The proposed structure complies with all required development setbacks.
- The most affected adjacent landowners submitted a written response in support of the appeal.
- The proposed structure is compatible with the neighbouring uses.

The Board is of the view that the proposed structure 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, and as such, the Appeal is allowed subject to the Conditions and Notes proposed by the Development Officer.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a sunroom addition at the property located at 42 Olivier Close (Plan 0324292, Block 5, Lot 83).

The development is approved with the following conditions and notes:

CONDITIONS

1. The Board approves a sunroom addition that would result in a 42.7% lot coverage.
2. The sunroom shall be constructed as per the stamped approved plans.
3. The exterior of the sunroom addition shall match or complement the existing dwelling.
4. Exterior finishes of the sunroom shall be completed within two (2) years of the date of development permit approval.
5. Any changes shall be submitted in writing prior to construction.

NOTES:

- a) The sunroom shall be constructed in accordance with approved plans and all relevant requirements of the Alberta Building Code.
- 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) 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.

- 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 to lot coverage 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 neighbours were consulted and advised that they had no issue with the variance;
 - b. The proposed structure complies with all required development setbacks; and,
 - c. There were no objections received from any adjacent landowners.
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

July 19, 2021

Date