



**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD**

DATE: **Wednesday, June 30, 2021**  
TIME: **6:00 p.m.**  
PLACE: **Via Zoom Platform**  
FILE: **B02**

## **AGENDA**

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- 1. Adoption of Agenda**
- 2. Radius Notifications**
- 3. Appeals**

- a) 140 Goodridge Drive**

The Appellant is appealing the decision of the Development Officer in refusing a development permit to leave a front yard deck as built.

- 4. Adjournment**

**ALLOWED WITH CONDITIONS**

**CITY OF ST. ALBERT**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#LEG00885-2021**

**Re: Lot 59, Block 1, Plan 1790TR - known municipally as 140 Goodridge Drive, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a front yard deck as built.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

Further, no members of the Board identified a conflict that would prevent them from hearing this matter.

**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 leave a deck as built located at 140 Goodridge Dr. The property is located within a Low-Density (R1) residential land use district.

In accordance with Section 8.9(1)(a) a deck in a front yard must meet the setback requirements of the dwelling. The deck is required to be located a minimum of 6.0m from the front property whereas this deck is located 4.43m from the front property line. The variance required of 1.57m or 26% exceeds the variance capacity of the Development Officer to grant.

It may interest the Board to note the following:

Deck front yard Required front yard setback: 6.0m

Actual front yard setback: 4.43m

Variance required: 1.57m or 26%

The following conditions should apply to the permit:

- 1) A development permit is issued by the SDAB to leave a front yard deck as-built.
- 2) The deck shall be located in accordance with the stamped approved plan.
- 3) Future deck construction is subject to separate development permit approval.
- 4) The deck shall remain uncovered and unenclosed.

## NOTES:

a) The deck 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 heard from the Appellant who stated that:**

The Appellant was represented by Brandon Hans of Barr LLP. The Appellant has sold the residence. Mr. Hans indicated that no real property report had been provided when the last transferred in 2009. There have been no complaints about the deck on front of the house.

There are also letters of support from other residents in the neighbourhood. Mr. Hans indicated that there were other similar structures in the neighbourhood that would also appear to be encroaching like the subject deck and that it was not a "one off". There was no negative impact from the deck on the neighbourhood, including drainage or access.

Finally, Mr. Hans suggested that there would be a greater impact if the deck had to be removed then if it were allowed to stay.

### **The Board also considered/reviewed the following:**

The Board noted that there were three letters in support of the Appeal to leave the front yard deck as built. There were no letters or submissions in opposition. One of the letters was from a neighbour whose property is next to the subject property.

**The Board finds the following:**

**Allowed with conditions:**

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a front deck as built located at 140 Goodridge Drive.

The development is approved with the following conditions:

- 1) A development permit is issued by the SDAB to leave a front yard deck as-built.
- 2) The deck shall be located in accordance with the stamped approved plan.
- 3) Future deck construction is subject to separate development permit approval.
- 4) The deck shall remain uncovered and unenclosed.

**NOTES:**

a) The deck 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.

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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. One of the most affected neighbours was consulted and advised he has no issue with the variance, along with support from other neighbours in the radius notification area; and

- b. 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.

*Rachelle Inverall*

July 6, 2021

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Chair

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Date