



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, June 2, 2021**
TIME: **6:00 p.m.**
PLACE: **Via Zoom Platform**
FILE: **B02**

AGENDA

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

a) 6 Mount Royal Drive

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

b) 87 Kingsbury Crescent

The Appellant is appealing the decision of the Development Officer in refusing a development permit to leave a hot tub and two accessory buildings (sheds) as built.

c) 36 Enchanted Way

The Appellant is appealing the decision of the Development Officer in refusing a development permit to construct a new single detached house.

a) 16 Kingswood Drive

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

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#LEG00880-2021

Re: Lot 25, Block 9, Plan 3159KS - known municipally as 6 Mount Royal Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a new detached garage.

The Appellant was not in attendance at the Appeal. Therefore, did not confirm any objection to the members of this Board hearing and deciding this Appeal.

No members of the Board identified a conflict that would prevent them from hearing this Appeal.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

- The Appellant is appealing a decision of the Development Officer in refusing a Development Permit for a detached garage.
- A detached garage is a permitted use in the low-density residential (R1) land use district.
- Detached garages are regulated by Section 8.11 of Land Use Bylaw 9/2005.
- The detached garage will be 36' x 22' in dimension and be located at the rear of the lot, accessible from the laneway.
- Due to the grade/slope of the property, the proposed garage exceeds the maximum permissible height for a detached garage, in accordance with the provisions of Section 8.11 of Land Use Bylaw 9/2005.
- The detached garage is proposed to be 4.44m in height at the 'front' (adjacent to the lane), but the maximum height of the detached garage at the 'back' is 7.21m. Section 8.11 limits the maximum height of a detached garage to 4.5m.
- The lot has a substantial grade change from the rear of the lot (high) to the front of the lot (low) along Mount Royal Drive.
- The front of the garage – along the lane, is under the height maximum and complies.
- The proposed garage requires a height variance of 2.71m (60%) at the rear of the structure, which exceeds the powers of the Development Officer to approve, under the variance capacities of Section 3.14.3 of Land Use Bylaw 9/2005.
- The proposed structure complies with all required development setbacks.
 - From Lane (4.5m minimum): Complies
 - Side Yard Setback (1.0m minimum): Complies
 - Setback from House (1.5m minimum): Complies

- The Development Officer submitted to the Board, by way of PowerPoint presentation, aerial photos of the subject property and the subject developments in relation to adjacent lands.
 - The Development Officer highlighted the grade change/incline of the property via the aerial photos.

The Appellant was not in attendance at the Appeal, however, the Board considered the Appellant’s written reasons for appeal which stated that:

- The lot is twelve feet higher on the back than the front therefore when a garage is built, the back of the garage will be higher than code.

The Board finds the following:

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

- The Lands are located at Lot 25, Block 9, Plan 3159KS and are municipally described as 6 Mount Royal Drive, St. Albert.
- The Lands are located within the R1 – Low Density Residential District.
- The subject development fall within the definitions of Accessory Building (detached garage).
- Accessory Building (detached garage) is a permitted use.
- The front (lane side) of the structure meets height requirements.
- The existing grade and natural incline of the property create undue hardship on the Appellant in order to meet the 4.5m height maximum at the rear of the structure.
- The proposed structure complies with all required development setbacks.
- The proposed structure is compatible with the neighbouring uses.

The Board is of the view that proposed structure will not unduly interfere with the amenities of the neighbourhood, and/or material interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and as such, the Appeal is allowed subjected 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 new detached garage located at 6 Mount Royal Drive (Plan 3159KS, Block 9, Lot 25).

The development is approved with the following conditions:

- 1) Development Permit approval is issued for the construction of a detached garage (36’ x 22’ in dimension) with a permitted total building height of 7.21m, as measured at the rear of the building.
- 2) The detached garage shall be constructed in accordance with the stamped, approved plan(s).

- 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) The exterior finishes of the approved development shall match or complement the exterior finishes of the principal dwelling.
- 5) The exterior finishes must be completed within two (2) years of the date of the development permit approval.
- 6) The location of the detached garage shall comply with the provisions of Section 8.11 of Land Use Bylaw 9/2005.

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 the height of the garage, 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 existing grade and natural include of the property create undue hardship on the Appellant in order to meet the 4.5m height maximum at the rear of the structure;
 - b. The proposed structure complies with all required development setbacks; and,
 - c. There were no objections received from any adjacent 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


Vice Chair

June 11, 2021
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#LEG00881-2021

Re: Lot 28, Block 21, Plan 9925388 - known municipally as 87 Kingsbury Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave two sheds and a hot tub as located.

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

When the Chair inquired whether any of the Board members had a conflict in hearing the matter, one Board member identified a potential conflict. Board member, Sandy Clark advised that her spouse was friends with the Appellant, Mr. Ritzen.

Ms. Clark disclosed their possible conflict and no party participating in the Appeal, whether it be the Appellant or City had any objection to her hearing the Appeal.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

- The Appellant is appealing a refusal decision of the Development Officer to leave two sheds and a hot tub as built.
- The deficiencies arose following an application for compliance on the property.
- The property is located within a low-density residential (R1) District.
- Within the R1 district, accessory developments such as sheds are a permitted use, while hot tubs are discretionary.
- The Development Officer addressed each development on its own merits:
 - Shed in the side yard (#1):
 - All accessory buildings are regulated by Section 8.2 of Land Use Bylaw 9/2005.
 - The existing shed in the northern side yard requires a minor variance to remain as built.
 - A shed in the side yard is required to be located a minimum of 1.5m from the principal dwelling and 1.2m from the side property line.
 - As located, shed #1 meets the building separation requirement, but is only 0.93m from the side property line.
 - A variance of 0.27m (23%) is required to leave the structure as located.
 - Shed in the side yard (#2):
 - The second smaller shed on the property is located within the south side yard.
 - The shed has not been placed in accordance with Section 8.2 of Land Use Bylaw 9/2005.

- As built, this shed is located 0.90m from the principal dwelling and 0.20m from the side property line.
 - The required 1.5m building separation requirement is deficient by 0.60m (40%), while the 1.2m side yard setback is short by 1.0m (83%).
 - The required variance amounts exceed the powers of the Development Officer to approve under the powers of Land Use Bylaw Section 3.14.3.
 - Hot Tub:
 - Hot tubs are regulated by Section 8.26 of the Land Use Bylaw and require Development Permit approvals.
 - Hot tubs are to be located a minimum of 1.0m from the side and rear property lines.
 - As located, the Hot Tub is 0.56m from the side property line and 0.30m from the rear.
 - A variance of 0.44m and 0.70m (44% and 70%) is required to leave the structure as built.
 - The required variance to leave the Hot Tub as located exceeds the powers of the Development Officer to approve.
- The Development Officer submitted to the Board, by way of PowerPoint presentation, aerial photos of the subject property and the subject developments in relation to adjacent lands.

The Board heard from the Appellant who stated that:

- The Appellant, RITZEN WARHAWSKI LLP, represented by Douglas Ritzen, was appealing a decision of the Development Officer denying their application to leave two sheds and a hot tub as located.
- Mr. Ritzen stated the following:
 - The three structures have remained in place with no complaints or objections from neighbours.
 - Relocating the hot tub would be difficult because of the mature trees which surround it.
 - The property has been sold and the Purchasers are desirous of having all three structures remain in their present locations.
 - The subject property slopes dramatically, with a majority of walk out basement developments in the area. As a result, no adjacent lots can see the developments.
 - The neighbours to the north have their pool house adjacent to the fence line / shed #1.
 - The neighbours to the south have a taller deck, so views are not impeded by the developments.

The Board finds the following:

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

- The Lands are located at Lot 28, Block 21, Plan 9925388 and are municipally described as 87 Kingsbury Close, St. Albert.

- The Lands are located within the R1 – Low Density Residential District.
- The subject developments fall within the definitions of Accessory Building (sheds) and Hot Tub.
- Accessory Buildings (sheds) are permitted uses and Hot Tub is a discretionary use.
- The subject developments, as located, do not visually impede on the neighbouring land uses due to the topography of the parcel and existing mature tree covering.
- The subject developments, as located, are compatible with the neighbouring uses.

The Board is of the view that the developments as located, do not unduly interfere with the amenities of the neighbourhood, and/or material interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and as such, the Appeal is allowed subjected 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 leave two sheds and a hot tub as located at 87 Kingsbury Crescent (Plan 9925388, Block 21, Lot 28).

The development is approved with the following conditions:

1. Approval is to leave two accessory buildings as built within the side yard of the property and to leave a hot tub as located in the rear yard.
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. The exterior finishing of the accessory buildings shall match or compliment the principal dwelling. The exterior finishing of the two sheds must be completed within two years of permit approval.
4. The Hot Tub shall be enclosed by a fence equipped with gates that lock (or other alternative solution) in accordance with the Alberta Building Code in effect at the date of the application for development permit.

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 variances to leave the two sheds and hot tub as located 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 topography of the parcel and existing mature tree covering visually screen the subject developments from adjacent land uses; and,

- b. There were no objections received from any of the immediate 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

	June 11, 2021
Vice Chair	Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#LEG00880-2021

Re: Lot 134, Block 7, Plan 1325384 - known municipally as 36 Enchanted Way North, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a new single detached house.

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 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 constructed a new single-family dwelling on the property.
- A single-family dwelling is a permitted use in the low-density residential (R1) district.
- The proposed home is a single-storey bungalow with covered deck.
- Section 8.30(8) of the Land Use Bylaw states that the maximum lot coverage on a Low Density Residential (R1) land use district is 40%.
- A covered deck on a home counts towards the lot coverage of the property.
- The dwelling (not including the covered deck) accounts for 204.59m² (38.84% coverage).
- The covered deck accounts for 15.61m² (2.96% of coverage).
- Total building area covered is 220.2m².
- The total lot area is 526.72m².
- Therefore, the total lot coverage is 41.9%.
- Required variance is 1.9% (10.0m² or 107 square feet)
- In accordance with Section 3.14(2)(a), the Development Officer cannot vary lot coverage.
- No other variances are required.

The Board heard from the Appellant who stated that:

The Appellant, DANSON CUSTOM HOMES, represented by Dan and Sandy Chikie, stated the following:

- The proposed dwelling itself (without covered deck) is under 40% lot coverage (38.84%).

- Have included a covered deck on the home that falls within the building pocket but must be included in the lot coverage once the deck is considered a covered deck, pushing the total lot coverage to 41.9%.
- The covered deck is only over the allowable lot coverage by 1.9%.
- The home itself is only 1409 square feet and is not oversized or overpowering on the lot size.
- Received letters of support from adjacent landowners which were provided to the Board.
- The lot is south facing, so they would like to be able to enjoy the deck.
- The covered deck adds character to the home which would otherwise be a straight line without the deck as an element of architectural appeal.
- The 1.9% increase would not affect any adjacent properties.

The Board also considered/reviewed the following

The Board received and reviewed three written submissions in support of the Appellant's appeal:

- 34 Enchanted Way: Melanie and Dan McCulloch
 - No concerns with the consideration of a variance or relaxation of the required development regulations of Land Use Bylaw.
- 38 Enchanted Way: Dave and Linda Marcinyshyn
 - No concerns with the consideration of a variance or relaxation of the required development regulations of Land Use Bylaw.
- 40 Enchanted Way: Amy Harris
 - No concerns with the consideration of a variance or relaxation of the required development regulations of Land Use Bylaw.

The Board finds the following:

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

- The Lands are located at Lot 134, Block 7, Plan 1325384 and are municipally described as 36 Enchanted Way, St. Albert.
- The Lands are located within the R1 – Low Density Residential District.
- The subject development falls within the definition of Dwelling, Single-Detached House.
- Single Detached Dwelling is a permitted use.
- A variance of 1.9% is considered minor in nature, however, is not within the Development Officer's variance capacity as per Section 3.14(2)(a) of Land Use Bylaw 9/2005.
- No portion of the proposed structure will encroach into required development setbacks.

- Most affected adjacent landowners submitted written submissions in support of the Appeal.

The Board is of the view that the proposed structure will not unduly interfere with the amenities of the neighbourhood, and/or material interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and as such, the Appeal is allowed subjected 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 new single detached dwelling located at 36 Enchanted Way (Plan 132 5384, Block 7, Lot 134).

The development is approved with the following conditions:

1. Development Permit approval is issued for the construction of a single-detached dwelling with attached garage, deck and basement development, issued in accordance with the provisions of Land Use Bylaw 9/2005.
2. No portion of a fireplace chase or cantilevered section including eaves shall project more than 0.6m into a required side yard.
3. The finished floor of the main level shall not be located more than 2.0m above the finished grade.
4. The dwelling height shall not exceed 11.0m.
5. Any 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.
6. A Driveway shall not exceed a maximum width of 7.5m in width.
7. A concrete driveway apron from curb to sidewalk is required. A hard-surfaced driveway, as approved by the Development Officer in consultation with Engineering Services is required from sidewalk to face of the garage.
8. The development shall be constructed in accordance with the stamped approved plan(s).
9. The lot coverage is permitted at 41.9% by the Subdivision and Development Appeal Board.
10. The landscaping shall be completed within two (2) years of the date of building permit approval.

11. The exterior finishes must be completed within two (2) years of the date of development permit approval.
12. Future deck development shall be subject to a separate development permit application.
13. The deck as approved may be covered but shall remain unenclosed.
14. The basement shall not be used as a separate dwelling unit.

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.
- e) The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.
- f) An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.

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 1.9% variance to site 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 they have no issue with the variance; and,
 - b. No portion of the structure will encroach into required development setbacks;
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


Vice Chair

June 11, 2021
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#LEG00880-2021

Re: Lot 36, Block 20, Plan 8621985 - known municipally as 16 Kingswood Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a shed in the side yard and a 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 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 leave a rear deck and shed as built.
- The property is located within a low-density residential (R1) District.
- Within this district, accessory developments, including sheds, are permitted uses.
- The permit was refused as the variances required to allow the shed and deck to remain as built exceed the variance capacity of the Development Officer to grant.
 - Shed
 - As per Section 8.2(c), an accessory building (shed) must be located at least 1.2m from a side property line and 1.5m from the principal building (dwelling).
 - As proposed, the shed is located 0.21m from the side property line.
 - The variance required is 0.99m or 82.5% from the side yard.
 - The variance exceeds the variance capacity of the Development Officer to grant.
 - Deck
 - The deck in the rear yard, which does not require a permit due to its height, is located 0.0m at one corner from the rear property line whereas a 3.0m rear yard setback is required.
 - The variance required of 3.0m or 100% exceeds the variance capacity of the Development Officer to grant.
- The Development Officer submitted to the Board, by way of PowerPoint presentation, photos of the subject developments as well as aerial photos of the subject property and the subject developments in relation to adjacent lands.

The Board heard from the Appellant who stated that:

The Appellant, CLARENCE MAH, represented himself in the matter and stated the following:

- The developments have been in place for over twenty (20) years.
- He was not aware he needed permits and that he was not in compliance.
- The deck does not impede on adjacent neighbours due to mature trees.
- The shed in the side yard is placed opposite to the neighbours shed, so should not impose on them.
- Is seeking approval to have both structures remain as they are as he is moving and selling his house.
- Adjacent landowners have no issue with developments, as shown in submitted emails.

The Board also considered/reviewed the following

The Board received and reviewed three written submissions in support of the Appellant's appeal:

- 14 Kingswood Drive: Mr. Matt Rombough
 - Supports the appeal and the location of the gazebo and deck.
- 18 Kingswood Drive: Ms. Leah Fisher
 - Supports the appeal and has no concerns or issues with the location of the garden shed.
- 21 Kingsborough Court: Mr. Jeremy Rose
 - Supports the appeal and has no concerns with the deck and shed as built.

The Board finds the following:

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

- The Lands are located at Lot 36, Block 20, Plan 8621985 and are municipally described as 16 Kingswood Drive, St. Albert.
- The Lands are located within the R1 – Low Density Residential District.
- The subject developments fall within the definitions of Accessory Building (shed) and Deck.
- Accessory Buildings (shed) and Deck (less than 1.5m high) are permitted uses.
- The subject developments, as located, do not visually impede on the neighbouring land uses due to existing mature tree covering and location of shed in proximity to adjacent structures.
- Most affected adjacent landowners submitted written submissions in support of the Appeal.
- The subject developments, as located, are compatible with the neighbouring uses.

The Board is of the view that the developments as located, do not unduly interfere with the amenities of the neighbourhood, and/or material interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and as such, the Appeal is allowed subjected 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 leave a shed in the side yard and a deck as built located at 16 Kingswood Drive.

The development is approved with the following conditions:

1. Approval is to leave a shed in a side yard as built. A variance is granted to allow the side yard setback of 0.21m. A variance of 0.99m or 82.5% is granted.
2. Approval is to leave a deck in a rear yard as built. A variance is granted to allow the rear yard setback of 0.0m. A variance of 3.0m or 100% is granted.
3. The exterior finishes of the shed shall match or compliment the existing dwelling.
4. The deck as approved shall not be covered or enclosed.
5. 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.
6. Future deck or accessory development is subject to separate permit approval.

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 Manager of Development Engineering.
- 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) 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:

- A. The Board concludes that (in accordance with section 687(3)(d) of the *Municipal Government Act*) the variance to leave a deck and shed as located 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 structures, as located, do not visually impede on the neighbouring land uses due to existing mature tree covering and location of shed in proximity to adjacent structures; and,*
 - b. *The most affected neighbours were consulted and advised they had no issue with the variance;*
- B. 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



Vice Chair

June 11, 2021

Date