



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: Wednesday, August 25, 2021

TIME: 6:00 p.m.

PLACE: Via Zoom Platform

FILE: B02

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 37 Wentworth Crescent

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

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#LEG00890-2021

Re: Lot 37, Block 11, Plan 7922780 - known municipally as 37 Wentworth Crescent, 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:

- The appellant is appealing the decision of the Development Officer in refusing a development permit application to leave a shed as built.
- A shed located in a side yard is required to be located a minimum of 1.5m from the dwelling and 1.2m from the side property line.
- The shed is located 0.40m from the side property line.
- The variance required of 0.80m or 66.6% exceeds the variance capacity of the Development Officer to grant.
- The Development Officer submitted to the Board, by way of PowerPoint presentation, aerial photos of the subject property and the location of the existing shed in relation to the dwelling and adjacent lands.

The Board heard from the Appellant who stated that:

- Mr. Wayne Thronson, Q.C., is acting on behalf of the appellants, Matthew and Kristen Hansen, who wish to leave the existing shed as built.
- The shed was likely built fifteen (15) years ago.
- As situated, the shed integrates nicely into the property.
- The most affected neighbour has provided an email with no objects to the shed being left as built.
- Relocating the shed would create negative issues with the property demonstrated through a submitted photo to the Board.
- The photo shows the impact that moving the shed would have as it impedes gate access.
- Additionally, moving the shed further from the property line would likely make it too close to the dwelling and would present serious cost to the owner.

The Board also considered/reviewed the following

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

- 39 Wentworth Crescent: Daniel Dove
 - Most affected adjacent landowner

- Supports the appeal and has no issues with leaving the shed as located.

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 37, Block 11, Plan 792 2780 and are municipally described as 37 Wentworth Crescent, St. Albert.
- The Lands are located within the R1 – Low Density Residential District.
- The subject development falls within the definition of Accessory Building (shed).
- An Accessory Building is an allowable use within the R1 District.
- The structure complies with the minimum required setback from the dwelling.
- The most affected adjacent landowner submitted a written response in support of the appeal.
- The structure is compatible with the neighbouring uses.

The Board is of the view that the 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 leave a shed as built at the property located at 37 Wentworth Crescent (Plan 792 2780, Block 11, Lot 37).

The development is approved with the following conditions:

CONDITIONS

1. The shed shall exist as per the stamped approved plans and the variance(s) granted by the Subdivision and Development Appeal Board.
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 of the shed addition shall match or compliment the existing detached garage.
4. Future shed/accessory development is subject to separate development 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:

- 1. The Board concludes that (in accordance with section 687(3)(d) of the *Municipal Government Act*) allowing the shed to remain as built 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 they had no issue with the shed as located;
 - b. 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

09-01-2021

Date