



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, September 22, 2021**
TIME: **6:00 p.m.**
PLACE: **Via Zoom Platform**
FILE: **B02**

AGENDA

- 1. Adoption of Agenda**
- 2. Radius Notifications**
- 3. Appeals**
 - a) 5 Madonna Drive**

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#LEG00892-2021

Re: Lot 3, Block 6, Plan G - known municipally as 5 Madonna Drive, 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.

Also, none of the Board members 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 refusal of a Development Permit application to leave a shed as built. Section 8.2 of Land Use Bylaw 9/2005 states that a shed (accessory building) must be located a minimum of 1.0m from side property lines.

This shed is located 0.70m from the side property line. The required variance of 0.30m or 30% exceeds the variance capacity of the Development Officer to grant.

SHED:

Required side yard setback: 1.0m
Actual side yard setback: 0.70m
Variance required: 0.30m or 30%

Should the Board decide in favour of the Appellant, the following approval conditions & notes are requested:

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 shall match or compliment the existing dwelling.

4. Future accessory building 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 heard from the Appellant who stated that:

The Appellants were Eric Miller and Mary Nielsen. In addition to the written submission that was in the Appeal package, the Appellants made submissions at the hearing.

Mr. Miller indicated that they had proceeded to build the shed and it was an error on their part to not confirm the setback and proceeded to pour the concrete pad before confirming the 1 metre setback for the side yard.

They are upgrading their house and yard and have followed all guidelines and obtained permits and inspections where necessary. The shed will be finished to match the house and the roof will be shingled. Invoices for the siding and shingles were part of the Appeal materials.

They also advised that the approached their neighbours and the neighbour most directly affected at 3 Madonna Drive provided a letter in support (this was part of the Appeal materials).

The Appellants reiterated that it was an error on their part that they did not confirm the side yard setback and the shed was too close to the property line.

The Board also considered/reviewed the following

The Board noted that the most directly affected neighbour at 3 Madonna Drive provided a letter in support of the Appeal. That property is adjacent to where the shed is to be located.

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 shed as built located at 5 Madonna Drive.

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.
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Notes

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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*) 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 they had no issue with the variance and provided a letter in support of the Appeal; and
 - b. There were no objections from any of the other neighbours who were provided notice of the Appeal.
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

SEP 23 / 2021

Date