

## Filing an Appeal

If your development permit application is approved, or has been approved with a variance, the City must notify affected parties within a specified radius of the approval. Notwithstanding the above, be advised that radius notification is not required if located in the RX or RXL Districts as it is a Permitted Use. Property owners affected by the decision have the right to appeal within 21 days of the receipt of the decision. A decision may also be appealed by the applicant if the Development Officer fails to issue a permit within 40 days, or the applicant does not agree with the decision of the Development Officer.

Note: The information contained herein only applies to provisions as set out in the City of St. Albert Land Use Bylaw. Compliance with the Alberta Building Code is subject to a separate review process. It is the responsibility of the applicant to comply with any other regulation, code, or legislation not covered under the Land Use Bylaw.

Additional fees apply to file an appeal, encroachment agreements and building permit applications. The applicant does not have a right of appeal if the Development Officer fails to issue a Development Permit within 40 days if the applicant or owner has signed an extension agreement in accordance with section 684 of the **Municipal Government Act**.

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For additional information or to apply, please contact:

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Planning & Development

City of St. Albert  
 2nd floor, 5 St. Anne Street  
 St. Albert, AB T8N 3Z9

Phone: 780-459-1642  
 Fax: 780-458-1974

Hours: Monday-Friday, 8:00 a.m. to 5:00 p.m.

## Garden Suites

Land Use Bylaw Requirements &  
 Application Checklist for Garden Suites

November 2018



## Garden Suites

The City of St. Albert regulates Garden Suites in residential areas, as per Land Use Bylaw 9/2005, Section 8.13, "Dwelling, Garden Suite". Property owners who wish to build a Garden Suite are required to obtain a development permit. Only one Garden Suite is permitted on a lot with a single-detached house, and must be located in a rear or side yard

A Garden Suite is accessory to the principal single-detached house, and contains cooking, washroom, living, and sleeping facilities which are separate from those of the principal dwelling on the site.

Consideration should be given to privacy for the suite, the principal dwelling unit, and dwelling unit(s) on adjacent properties through the placement of windows, decks, and balconies.

### Bylaw Requirements

A Garden Suite must not be:

- Within 1.8m from the side property lines; or meet the side yard requirements for the principal building within the subject district;
- More than 4.5m in height from finished grade; or 4.0m with a roof slope equal to or less than 2/12;
- Located less than 4.0m from the house;
- Located less than 1.0m from a rear yard as per Section 8.11, Detached Garage requirements;
- More than 50 sq. m. habitable net floor area;
- In excess of the maximum allowable site coverage;

- Architecturally incompatible with the principal dwelling unit;
- Subdivided from the principal dwelling so as to create a separate legal title for the garden suite; and
- Encroaching over a utility right-of-way or easement.\*

\* A Garden Suite may be allowed to encroach onto a utility right-of-way or easement; however, all private utility companies must consent to the encroachment, and an encroachment agreement may be required and subject to a separate fee and review process.

## Application Checklist

An application for a development permit will only be accepted once the application is deemed complete. A complete application includes the following:

**Applicable Fee**

**Certified Copy of Title and copies of any registered instruments that may affect development** (Caveats, Easements, Restrictive Covenants, etc.)

**Two Copies of a Site Plan in metric (minimum 1:100 scale) showing:**

- The footprint of the dwelling with the proposed garden suite outlined;
- All buildings, decks, and any other object that may be considered in the decision;
- Any utility rights-of-way or easements;
- All setback dimensions from the proposed structure to any property line and on-site principal building; and
- Existing and proposed site grades, and any special topographical features or site conditions.

**Elevation Drawings that show:**

- An accurate depiction of the garden suite from each side including the type of exterior finishes, window and door openings, roof pitch and overall height from the lowest point of the finished grade to the highest point of the roof.

**Results of a Neighbourhood Consultation**

Please note that the Development Officer may require additional information.