



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

**DATE: Wednesday, March 13, 2019
TIME: 6:00 p.m.
PLACE: Council Chambers
FILE: B02**

AGENDA

- 1. Adoption of Agenda**
- 2. Radius Notifications**
- 3. Appeals**
 - a) 46 Holmgren Crescent**

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to leave two (2) sheds as built.

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #05-2019

Re: Lot 21, Block 4, Plan 8922723 - known municipally as 46 Holmgren Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave two (2) sheds 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:

This property is located within a Low-Density (R1) residential district land use district. Within this district, accessory buildings are a permitted use. The two sheds require a variance to the setback provisions.

Shed #1 Setback – Side Yard:

Section 8.2, Shed #1 is located within the side yard of the property. Accordingly, a shed in a side yard is required to be located a minimum of 1.2m from the side property line and 1.5m from the dwelling.

Required setback from side property line:	1.20m
Actual separation distance from property line:	<u>0.04m</u>
Variance required	1.16m or 97%

Required setback from the dwelling:	1.50m
Actual separation distance from dwelling:	<u>0.90m</u>
Variance required	0.60m or 40%

Shed #2 Setback – Rear Yard:

Section 8.2, Shed #2 is located within the rear yard of the property, is more than 10.0 sq.m in floor area and requires a Development Permit, due to the size/area. Accordingly, a shed in a side yard is required to be located a minimum of 1.0m from a property line and 1.5m from the dwelling.

Total Area of Shed #2 = 12.6 sq. m.

Required setback from side property line:	1.00m
Actual separation distance from property line:	<u>0.69m</u>
Variance required	0.31m or 31%

Required setback from rear property line:	1.00m
Actual separation distance from dwelling:	<u>0.69m</u>
Variance required	0.31m or 31%

The Board heard from the Appellant who stated that:

Michael L. Oehm – Lawyer for Damian Cunningham & Shanlyn Finley (Beneficial owners of the residential home at 46 Holmgren Crescent, St. Albert). It was noted that both structures were in place at the time of original purchase completed in June, 2011. From date of purchase to present day, there have been no complaints from any of the affected neighbors.

The Board also considered/reviewed the following

No neighbors and/or anyone in the notification area, were in attendance.

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 two (2) sheds as built located at 46 Holmgren Crescent.

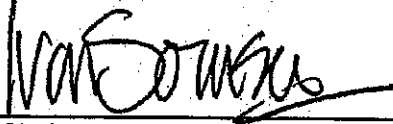
The development is approved with the following conditions:

- 1) The exterior finishes of the sheds shall match or complement the exterior finishes of the principle dwelling.
- 2) The exterior finishes must be completed within two (2) years of the date of the 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 variance will not unduly interfere with the amenities of the neighborhood, and/or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land based on the following because:
 - a. *The most affected neighbor was consulted and advised he has no issue with the variance;*
 - b. *There were no objections from any of the other neighbors.*
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



March 20, 2019

Chair
Ivan Sorensen

Date