



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, May 8, 2019**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

- 1. Election of Chair and Vice Chair**
- 2. Adoption of Agenda**
- 3. Radius Notifications**
- 4. Appeals**

a) 46 Kingsmoor Close

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to construct a sunroom addition on an existing rear deck.

b) 130 Element Drive North

The Appellant is appealing conditions #4 and #5 of approved Development Permit DP-2019-000246.

- 5. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 8-2019

Re: Lot 77, Block 23, Plan 0523398 - known municipally as 46 Kingsmoor Close, St. Albert, AB.

This Appeal relates to a decision of the Development Officer in refusing a development permit application to construct a sunroom on an existing deck.

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 property is located in the Low Density Residential (R1) land use district. When a deck is covered it is considered part of the dwelling unity and therefore is required to meet the requirements for a dwelling set out in the Land Use Bylaw.

There are two matters that are being appealed. The first is that the proposed sunroom addition exceeds the maximum allowable lot coverage. The maximum lot coverage on a residential R1 lot is 40% for the dwelling. The addition of the sunroom will make the lot coverage 43.8%. As per Section 3.14(2)(a) of the Land Use Bylaw, a Development Officer does not have the authority to vary lot coverage therefore a variance is required.

Second is that per Section 8.30(13)(a)(i) of the Land Use Bylaw, the minimum rear yard setback required is 6.0m. The proposed rear yard setback is 4.89m. The required variance is 1.11m or 18.5%. The variance that is required is within the authority of the Development Officer. However, items requiring a Development Permit cannot be approved and refused on the same permit.

The Board heard from the Appellant who stated that:

The Appellant made submissions regarding the Appeal. He indicated that the backyard faces north-northwest and abuts a future residential development, which is currently vacant and has been for some time. The land is currently used for agricultural purposes. The Appellant's use and enjoyment of the dwelling and the uncovered deck is currently affected by the agricultural use of the adjacent land.

He indicated that because of agricultural activities that occur between 12 to 20 times a year, which include preparing the land, seeding, cultivating and transporting the crop, significant dust is created and airborne. Furthermore, the prevailing winds tend to blow the dust into his yard and deck and make it difficult to use and enjoy the current deck, and it also needs frequent cleaning of the dust from the deck. The existing deck is 6'

above grade and as such it is susceptible to the elements and also the effects from the adjacent property.

The Appellant indicated that the neighbor to the right of his dwelling cannot see the deck in any event as it is inset. With respect to the neighbor to the left, the one window that would be exposed to the deck is obscured by trees planted in front of that window.

The Board also considered/reviewed the following

There were no people making submissions and no submissions received in support or in opposition to the Appeal.

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 construct a sunroom on an existing deck located at 46 Kingsmoor Close.

The development is approved with the following conditions:

1. Development Permit approval is for a dwelling addition (sunroom).
2. The dwelling addition (sunroom) shall be constructed in accordance with approved plans.
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 dwelling addition (sunroom) shall match or complement the exterior finishes of the existing dwelling.
5. 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 variances 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 neighbors, on either side of the dwelling did not make submissions with respect to the variances; and*

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.

Chair

A handwritten signature in black ink, appearing to read "Michael", written over a horizontal line.

Date

MAY 20, 2019

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 7-2019

Re: Lot 3, Block 1, Plan 1720358 - known municipally as 130 Element Drive North, St. Albert, AB.

Regarding the appeal of Conditions #4 and #5 of approved Development permit DP-2019-000246.

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

One member of the Board, Rachelle Trovato indicated that she had a conflict and recused herself at the beginning of this Appeal. She did not take part in the hearing or deliberations with respect to this Appeal.

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

The Appellant is appealing Conditions #4 and #5 of Development Permit DP-2019-000246. DP-2019-00246 was issued on April 17, 2019 to authorize the construction of a 76 unit town house development, which consists of one four-unit building, four five-unit buildings, four six-unit buildings and four seven-unit buildings.

The town house development is a permitted used in the Medium Density (R3A) land use district. Condition #4 is as follows:

"Under the provisions of Section 8.29(2)(b)(iii) of Land Use Bylaw 9/2005, the minimum separation distance between the rear wall of all buildings and the on-site roadway shall be 6m."

The proposed variances ranged from 33% to 50%, as the proposed separation distance between the rear of the building and the on-site roadway varied from 3m to 4m.

Condition #5 is as follows:

"Under the provisions of Section 8.29(2)(b)(ii) of Land Use Bylaw 9/2005, the minimum separation distance between the front wall of Buildings B, C, D, E, F, G, H, I, L and M and a common walkway shall be 6m."

The proposed variances ranged from 17% to 33%, as the proposed separation distance between front of building and common walkway varied from 4.5m to 6m.

The variances sought exceed the authority of the Development Officer.

The Board heard from the Appellant who stated that:

The project was increased from 57 to 76 units and construction was to start very soon if the Appeal of the two conditions was granted.

With respect to Condition #4, the changes sought would allow for parking standards to be achieved, would ensure that the fire access route would be clear and would limit the ability of vehicles to be parked on the driveways, overhanging onto the internal roadway. The density targets were also being met with this development.

With respect to Condition #5, the changes sought were mitigated because of the private amenity space in the decks accessed through each unit, the large common area amenity and the connectivity of the sidewalks in the development. That is the separation between the dwelling units and the sidewalk did not impact the enjoyment of the site but provided connectivity for the residents.

The Board also considered/reviewed the following

The Board considered that there were no submissions from any parties in favor or against the Appeal. The Board also did not consider any effect on parking on Element Drive, as well as any effect on internal parking. There were no submissions whatsoever on these points.

As there was no evidence before the Board on these points, they were not considered in the Board's decision. The Board also noted that no parties made written or oral submissions against the Appeal.

The Board finds the following:

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal of Conditions #4 and #5 of approved Development permit DP-2019-000246 located at 130 Element Drive North.

The development is approved with the following conditions:

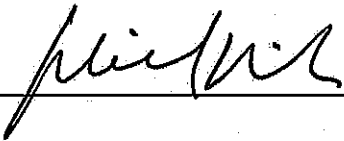
1. Conditions 1 to 3 and 6 to 20 inclusive, as well as Notes a to h inclusive of Development Permit DP-2019-000246 shall remain in effect and apply.

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 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 neighbors did not make submissions in favor or against the Appeal was consulted and advised he has no issue with the variance;*
 - b. *There were no objections from any of the other neighbors;*
 - c. *The overall effect of the variances sought will allow the densities sought in the development to be maintained.*
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

MAY 20, 2019 _____
Date