



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

**DATE: Wednesday, Nov. 20, 2019
TIME: 6:00 p.m.
PLACE: Council Chambers
FILE: B02**

AGENDA

- 1. Adoption of Agenda**
- 2. Radius Notifications**
- 3. Appeals**
 - a) 18 Red Tail Way**

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

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #36-2019

Re: Lot 88, Block 1, Plan 1224845 - known municipally as 18 Red Tail Way, 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.

At the beginning of the Hearing, no Board members identified a conflict that would prevent them from hearing 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 located at 18 Red Tail Way. The property is located within a Low-Density (R2) residential land use district. Within the district, accessory buildings are a permitted use.

The as-built shed is located within the side yard of the property. Under s. 8.2 of the Land Use Bylaw, 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.

The existing shed is located 0.28m from the side property line. The required variance of 0.92m or 77% exceeds the variance capacity of the Development Officer to grant.

The shed does not otherwise require a Development Permit, due to its size being less than 10m square in area.

The Board heard from the Appellant who stated that:

The Appellant, Heide Ewanyk made submissions as to why the variance should be allowed. She indicated that the house was being sold. The shed was built on a platform in a location that would least impact the adjacent neighbour. The shed does comply with the set back requirement from the dwelling.

Ms. Ewanyk also had a letter of support from the most affected adjacent neighbor at 20 Red Tail Way.

The Board also considered/reviewed the following

The Board reviewed the submissions from the Development Officer and the Appellant. Furthermore, the Board reviewed the letter in support of the Appeal from 20 Red Tail Way, which is adjacent to the subject property and the most directly affected property.

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 18 Red Tail Way.

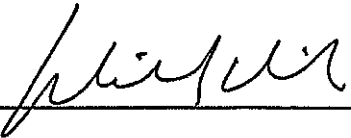
The development is approved with the following conditions:

1. The exterior finishing of the shed should match or complement the principal dwelling unit; and
2. Any future alterations or additions to the shed may require Development Permit approval. Proposed changes should be submitted, in writing, to the attention of the Development Branch for consideration.

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 he has no issue with the variance; and
 - b. There were no objections from any of the other neighbours.

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 

Date NOVEMBER 29 / 2019