



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

**DATE: Wednesday, Dec. 18, 2019
TIME: 6:00 p.m.
PLACE: Council Chambers
FILE: B02**

AGENDA

- 1. Adoption of Agenda**
- 2. Radius Notifications**
- 3. Appeals**

- a) 21 Kingsmeade Crescent**

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to leave a side deck/landing and dual staircase as built.

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #38-2019

Re: Lot 33, Block 5, Plan 0722005 - known municipally as 21 Kingsmeade Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a side deck/landing and dual staircase as built.

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

Also, no members of the Board identified any conflicts that prevented 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 side deck and stairs as built located at 21 Kingsmeade Crescent. The property is located within a Low-Density (R1) residential district, land use district. Within the district, decks less than 1.5m in height and accessory buildings are a permitted use.

Decks which are greater than 0.60m in height require Development Permit approval. As built, the deck is 0.95m in height and 1.93m wide by 1.21m in depth.

The existing deck is not in compliance with Section 8.9(1)(b) of Land Use Bylaw 9/2005. As built, the side deck is 0.0m from the side property line, whereas a minimum setback of 1.0m is required. A variance of 1.0m (100%) is required.

The variance amount required to leave the side deck (and stairs as built) exceeds the variance capacity of the Development Officer to approve.

The Board heard from the Appellant who stated that:

The Appellant was represented by Aili Mattar and Krista Smith. The Appellants indicated that the deck was required to be able to exit out of the house. The design was limited by the window well and the garage man door. Railings are to be installed on the deck and the house is now sold.

The Appellants also indicated that their options were limited because of the height of the side door, and the deck was close to the fence. They indicated that they spoke with the neighbour most directly affected and the deck was not an issue. They also indicated that

they had consulted with both adjacent neighbours throughout the time the property was developed. In answer to one question from the Board, the Appellants indicated that they could not have the stairs coming directly from the door because of the height of the door and the restricted space eliminated that option.

The Board also considered/reviewed the following

There were no members of the public who attended in person to speak for or against the appeal, and there were no written submissions for or 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 to leave a side deck/landing and dual staircase as built located at 2 Kingsmeade Crescent.

The development is approved with the following conditions:

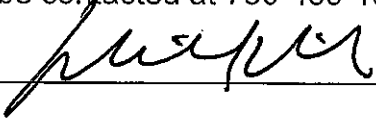
1. The existing deck shall remain uncovered and unenclosed.
2. Future alterations to the deck may require separate Development Permit approval.

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. There were no objections from any of the neighbours, including the neighbor that was most directly affected.

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

Dec 15/2019