



**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD**

DATE: **Wednesday, October 9, 2019**  
TIME: **6:00 p.m.**  
PLACE: **Council Chambers**  
FILE: **B02**

## **AGENDA**

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**1. Adoption of Agenda**

**2. Radius Notifications**

**3. Appeals**

**a) 9 Leblanc Place (Adjourned to October 23, 2019)**

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to leave a hot tub and two sheds as built.

**b) 94 & 96 Greenfield Estates**

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to construct an 8'0" fence.

**c) 2 Richardson Drive**

The Appellant is appealing the decision of the Development Officer in refusing a development permit application for an Entry Feature Sign.

**4. Adjournment**

## ALLOWED WITH CONDITIONS

### CITY OF ST. ALBERT

#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#28-2019

**Re: Plan 7520051, Unit 88 - known municipally as 94 Greenfield Estates, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a fence greater than 2.0m in height.

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

Furthermore, no members of the Board had a conflict that would require them to be recused from the hearing.

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

This matter was heard consecutively with the appeal for 96 Greenfield Estates.

The Appellant is appealing the decision of the Development Officer in refusing a development permit to construct a fence greater than 2.0m in height. The Development permit Application was to construct a fence 8'0" (2.44m) high. The variance of 0.44m or 22% is within the variance capacity of the Development Officer, but the City was made aware of an objection to the fence height. The Development Officer indicated that no other fences in the complex were constructed at a height of 2.44m.

**The Board heard from the Appellant who stated that:**

The owner of 94 Greenfield Estates appeared in person even though the appeal was filed by the condominium corporation. The owner of 94 Greenfield Estates, Mr. Tooth, indicated that he wanted to build the fence which would have a height of 6'0" at the house and this would provide him with privacy from the next door neighbour at 92 Greenfield Estates as she has an above ground deck.

The yard slopes to the back fence and the proposed fence would be level to the rear fence and be approximately 8'0" at that point. Mr. Tooth also indicated that he wanted to have this fence similar and consistent with the one built between his yard and 96 Greenfield Estates, so that they would match.

## **The Board also considered/reviewed the following**

The Board heard from several people both for and against this appeal. The same people also made submissions with respect to the appeal with respect to 96 Greenfield Estates.

First were the people in support of the appeal. Mr. Hayes, the Condominium board treasurer indicated that the board had approved this fence. There may have been others in the complex who had not obtained approval for such a fence. Mr. Colville also spoke in favour of the appeal and the fence proposed by Mr. Tooth. Also, Mr. Vangrinsven from 90 Greenfield Estates supported the appeal, as did Ms. Verlik from 94 Greenfield Estates.

There was also two people who spoke in opposition. Mr. Moayer was an engineer and he spoke about the design of the fence and that he opposed he appeal.

Next was Mr. Moayer. He indicated that allowing these types of appeals over time would change the design of the City. Ms. McCormick from 92 Greenfield Estates also spoke against the appeal. She indicated that she had lived there for 30 years. She made extensive submissions on how the fence would affect her residence. She has mobility issues and vision issues and she depends on the natural light in her unit. She provided several photographs that illustrated the interior of her unit, the location of her deck, rear patio door and existing 4-foot fence.

She suggested that the 8"0" fence would reduce the natural light in her residence and potentially cause her problems because of the reduced light.

## **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 an 8'00" (2.44m) fence located at 94 Greenfield Estates.

The development is approved with the following conditions:

1. The fence shall not exceed 2.0m in height at its nearest point at the house and shall not exceed 2.44m at the rear of the property where the fence intersects with the rear fence.
2. Any changes in design, elevation, or location shall be submitted for approval.
3. Future over-height fences are subject to a variance 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



## **ALLOWED WITH CONDITIONS**

### **CITY OF ST. ALBERT**

#### **SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAD#29-2019**

**Re: Plan 7520051 Unit 87- known municipally as 96 Greenfield Estates, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a fence greater than 2.0m in height.

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

Furthermore, no members of the Board had a conflict that would require them to be recused from the hearing.

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

This matter was heard consecutively with the appeal for 94 Greenfield Estates.

The Appellant is appealing the decision of the Development Officer in refusing a development permit to construct a fence greater than 2.0m in height. The Development permit Application was to construct a fence 8'0" (2.44m) high. The variance of 0.44m or 22% is within the variance capacity of the Development Officer, but the City was made aware of an objection to the fence height. The Development Officer indicated that no other fences in the complex were constructed at a height of 2.44m.

**The Board heard from the Appellant who stated that:**

The owner of 96 Greenfield Estates appeared in person even though the appeal was filed by the condominium corporation. The owner, Shelley Verlik had brief submissions. The fence had already been built. It was 6'0" high at the building and extended to the back fence in a sloped yard. Where this fence met the rear fence it was 2.44m (8'0") high. The fence was built to provide greater privacy between her unit and unit 94, owned by Mr. Tooth. The Appellant indicated that Mr. Tooth was happy with the fence as is.

**The Board also considered/reviewed the following**

The Board heard from a number of people both for and against this appeal. The same people also made submissions with respect to the appeal with respect to 94 Greenfield Estates. The Condominium board Treasurer, Mr. Hayes indicated that the fence had been approved by the Condominium Board and there were other 8'0" fences that had been approved and were built in the complex.

Mr. Colville also supported the appeal, and indicated that he was on the Condominium board previously and there were other fences in the complex that were 8'0" in height.

Mr. Tooth, whose property is most directly affected by this fence spoke out in favour of the appeal. Also, Rick Vangrinsven spoke in favour of the appeal.

In opposition to the appeal was Mr. Moayer He made submissions about the fence, and that it may create a situation where the yard felt closed in. He had concerns about the design of the fence and by-law compliance.

Ms. McCormick at 92 Greenfield Estates, also spoke out against this appeal. The Board also reviewed an email from the owner of 100 Greenfield Estates who opposed 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 fence greater than 2.0m in height located at 96 Greenfield Estates.

The development is approved with the following conditions:

1. The fence height is approved as built.
2. Any changes in design, elevation, or location shall be submitted for approval.
3. Future over-height fences are subject to a variance 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. The most affected neighbour was consulted and advised he has no issue with the variance; and
  - b. Only a portion of the overall structure being proposed exceeds the height maximum and that is the portion nearest where it intersects with the rear fence.

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 Oct 17/2019

## **ALLOWED WITH CONDITIONS**

### **CITY OF ST. ALBERT**

#### **SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#30-2019**

**Re: Lot 1, Block 3, Plan 162 4264- known municipally as 2 Richardson Drive, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to allow an entry feature sign.

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

Furthermore, none of the Board members identified any conflicts that required them to be recused from the hearing.

**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 allow an Entry Feature Sign.

An Entry Feature Sign is a permitted use in the RC (Regional Commercial) District, however, must be a Low Profile Sign as per Schedule C Sign Regulations, section C. 6(13)(c)(i). The proposed sign is 19.04 sq. metres. The maximum allowable sign pursuant to the By-law is 2.5 sq. metres, and 2m in sign height. The proposed sign height is 2.93m, with a sign length of 6.5m.

The variance that is required for the sign area, 16.54 sq. metres (661.6%) exceeds the variance capacity of the Development Officer to grant.

With respect to the sign height, 2.93m (46.5%), this exceeds the variance capacity of the Development Officer.

Also, the proposed sign location of 24.9m does not meet the minimum 30.5m setback from a roadway intersection. This was within the Development Officer's discretion to grant. The Development Officer indicated that the City had not undertaken any studies in relation to traffic visibility in relation to the setback.

The Development Officer did indicate that if the Board was prepared to grant the variances sought, then certain conditions and notes were being sought as part of the variance.



**The Board heard from the Appellant who stated that:**

The Board heard from Carly Zapernick on behalf of the developer, and Eric Langham, the architect made submissions regarding the Appeal.

The Appellants made submissions referencing the site development. They indicated that site was approximately 129 acres and when fully developed would have 1.5 million sq. feet of light industrial space and 270,000 sq. feet of commercial retail development all of which was high quality design. The proposed sign was to be located at the intersection of LeClair Way and Riel Drive facing Northwest. This monument sign is to be highly visible to both pedestrian and vehicle traffic.

The purpose of the sign is to provide project identity and branding for the development as well as potential for key tenant identity as well. The Appellants then made reference to the quality of the sign material and also the landscaping that was going to be put around the sign. With respect to the setback, they submitted that the sign could not be located any further back from the corner because of a temporary catch basin that was located behind the sign. When questioned about its temporary nature, the Appellants submitted that it would likely be located in that area and they had to plan based on it being permanently locate in that area. Furthermore, a visibility triangle at the intersection was studied to ensure that there was appropriate visibility for traffic at the intersection.

The Appellants submitted that the large-scale future industrial/retail development warranted a proper gateway entrance sign that properly provided identity and promoted the branding requirements that were appropriate for a development of this scale.

For comparison purposes, the Appellants provided examples of other signs in the St. Albert and Edmonton areas similar to the proposed sign. They also provided photographs of a similar sign at a development in Balzac where the developer had opened up a similar development.

**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 allow an entry feature sign located at 2 Richardson Drive.

The development is approved with the following conditions and notes that were recommended by the Development Officer:

**CONDITIONS**

1. Approval is for ONE (1) entry feature sign only "Anthony Henday Business Park".

2. The total sign area shall not exceed 19.04 sq.m. (204.94 sq. ft.).
3. The proposed sign shall be located a minimum 1.5 m within the property boundaries. It is the responsibility of the applicant to establish the exact location of all property lines.
4. The proposed sign shall not exceed 2.93 m in height, measured at right angles from the highest point of the sign or sign structure to the finished grade directly below.
5. The proposed sign shall not impede or block safe traffic sight-lines to the satisfaction of the Development Officer.
6. The sign shall not be constructed nor located such that it interferes with the safe or orderly movement of pedestrians or motor vehicles or the sight-lines under this or any other Bylaw.
7. Encroachment of the sign over any utility rights-of-way shall be subject to the approval of all applicable approving authorities.
8. Sign shall be located entirely on subject lot and shall not project or encroach onto City property or rights of way.
9. The sign shall not display nor be illuminated with a flashing light source.
10. It is the responsibility of the applicant to ensure the sign is constructed and installed in accordance with the requirements of the Alberta Building Code and/or proper engineering standards.
11. It is the responsibility of the applicant to obtain the consent of the property owner for the location of the sign.
12. Any changes in design, elevation or site plan configuration shall be submitted for review by the Development Branch.
13. All construction must conform to the relevant requirements of the Alberta Building Code and the City of St. Albert municipal engineering standards.
14. The applicant must comply with all applicable laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.
15. A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.

## NOTES:

1. person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.
2. The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.
3. All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations and standards.
4. The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.
5. The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.
6. An on street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the 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 sought 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, there were no objections from any of the other neighbours.

Furthermore, the proposed monument sign did not fall within any of the current By-laws but the Board determined that it was appropriate for the location, and its size was consistent with and would complement the existing and future development in the area.

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 Oct 17/2019