



**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD**

DATE: **Wednesday, November 7, 2018**  
TIME: **6:00 p.m.**  
PLACE: **Douglas Cardinal Boardroom**  
FILE: **B02**

**AGENDA**

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

a) **26 Orchard Court**

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to leave a multi level deck as built.

b) **5 Beaverbrook Crescent**

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

4. **Adjournment**

**ALLOWED WITH CONDITIONS**

**CITY OF ST. ALBERT**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB# 42-2018**

**Re: Lot 83, Block 3, Plan 1320026- known municipally as 26 Orchard Court, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a multi-level rear deck 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:**

Property is located within a low density (R1) residential land use district. As per Section 8.9(1)(c), a deck must be located at least 3m from the property line. As built, the multi-level deck is located 1.89m from the rear property line. A variance of 1.11 m (37%) to the rear year setback is required.

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

Maryann Paradis:

Deck was installed 3 /12 years ago with no objection from any of the neighbors. Shape of the lot and the existing grades provided limited options.

**Allowed with conditions:**

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a multi level rear deck as built located at 26 Orchard Court.

The development is approved with the following conditions:

As per the "Recommended Conditions and Notes", Attachment A as outlined by the Development Officer:

- 1) The rear deck shall be constructed in accordance with approved plan(s).
- 2) 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.

- 3) Future deck development shall be subject to a separate development permit application.
- 4) The deck, as approved, shall remain uncovered and unenclosed.


**NOTES:**

- a) 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.
- b) 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.
- c) 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.
- d) 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.

The Board makes its decision for the following reasons:

Only a small portion of the overall structure being proposed encroaches into the required side yard and there were not any objections from any of the other neighbors.

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  
Ivan Sorensen

November 21, 2018

Date

**ALLOWED WITH CONDITIONS**

**CITY OF ST. ALBERT**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB # 43-2018**

**Re: Lot 34, Block 17, Plan 4448TR - known municipally as 5 Beaverbrook Crescent, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave two sheds and two decks 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:**

Section 8.2 of Land Use Bylaw 9/2005 states that a shed may be located IN a sideyard provided that it is located a minimum of 1.5m from the dwelling and 1.2m from the side property line.

Shed C - located IN side yard too close to side property line and dwelling

Required side yard setback: 1.2m

Actual side yard setback: 0.05m Variance required: 1.15m (95.8%)

Required separation distance from dwelling: 1.5m Actual separation distance from dwelling: 0.70m Variance required: 0.80m (53.3%)

Shed D - located IN side yard too close to side property line and dwelling

Required side yard setback: 1.2m

Actual side yard setback: 0.0m Variance required: 1.2m (100%)

Required separation distance: 1.5m Actual separation distance: 0.90m Variance required: 0.60m (40%)

Section 8.9 of Land Use Bylaw 9/2005 states that a deck of any height must be located a minimum of 3.0m from a rear property line.

Deck A - 0.20m above grade - no permit required - variance permit Required

Rear yard setback: 3.0m

Actual rear yard setback: 0.04m

Variance required: 2.96m (98.6%)

Deck E - 1.06m above grade requires development and building permit

Required side yard (5.0m or inline with dwelling)

Actual side yard setback: 2.23m

Variance required: 2.77m (55.4%)

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

Sean Warshawski, Ritzen Olivieri, LLP

Deck A which is .20 m. high will be removed in the spring of 2019.

Shed C is located on the property with no adjacent property owners and is an existing path.

Shed D does not exist as depicted on the mark up from the Development Officer.

Deck E is also located on the property that is under the same conditions as Shed C with no adjacent property owners.

**Allowed with conditions:**

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave two sheds as built located at 5 Beaverbrook Crescent.

The development is approved with the following conditions:

Deck A which is .20m above grade is to be removed in Spring 2019.

Shed C is permitted and a variance of 0.80 (53.3%) is provided.

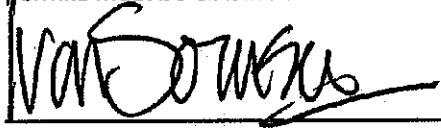
Shed D as outlined, does not exist based on all the information provided and presented. No new structures and/or sheds can be constructed without a new application (variance) submitted.

Deck E is permitted and a variance of 2.77 m 55.4% is provided.

**The Board makes its decision for the following reasons:**

The structures, Shed C and Deck E, are located adjacent to a public walkway and therefore ample separation distance exists between the existing structure and the most affected property. There were no objections from any of the neighbors.

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



November 21, 2018

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Chair  
Ivan Sorensen

Date