



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, April 11, 2018**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

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

a) 79 Enchanted Way – Appellant – Hardwell Homes

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a new single-family dwelling with attached garage.

c) 130 Element Drive North – Appellant – Kaylyn Stark, Invistec Consulting Ltd.

The Appellant is appealing Condition #4 of an approved Development Permit Application to construct a 57 Unit Townhouse Development.

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#9-2018

Re: Lot 4, Block 35, Plan 132 5384 - known municipally as 79 Enchanted Way, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a new single-family dwelling with attached garage.

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:

1. The maximum lot coverage on an R1 (Low Density Residential) Land Use District lot is 40%. This dwelling is proposed with a lot coverage of 40.14% requiring a variance of 0.14%.
2. In accordance with Section 3.14(2), the Development Officer cannot vary lot coverage.

In addition, the Land Use Bylaw had a major amendment implemented on February 09, 2018, which affects side yard setbacks. Where previously this dwelling would have been approved with 1.5m side yard setbacks, the new bylaw states, that on a lot with a width of greater than 12.5m the required setback is now 1.8m with a proposed side yard setback of 1.220m and variance of 0.58m (32.2%).

Administration is granting a grace period until April 30, to grant variances to homes developed before the industry was made fully aware of the changes. In this regard the following variances are also requested by administration:

The Development Officer requested that should the Board approve the appeal that the following conditions and notes be applied:

- 1) Development Permit approval is issued for the construction of a single-detached dwelling with attached garage and deck, issued in accordance with the provisions of Land Use Bylaw 9/2005.
- 2) A variance of 0.58m (32.2%) is approved to the side yard setback.
- 3) No portion of a fireplace chase or cantilevered section including eaves shall project more than 0.6 Metre into a required side yard.

- 4) The finished floor of the main level shall not be located more than 2.0 m above the finished grade.
- 5) The dwelling shall be constructed in accordance with approved site plan.
- 6) The dwelling height shall not exceed 11.0m.
- 7) The lot coverage for the dwelling and attached garage shall not exceed 40.14%.
- 8) 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.
- 9) The exterior finishes must be completed within two (2) years of the date of the development permit.
- 10) Future deck and basement development shall be subject to a separate development permit application.
- 11) The landscaping shall be completed within two (2) years of the date of development permit approval.

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.
- e) 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.

- f) 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 heard from the Appellant who stated that:

They built an identical dwelling next door and thought the same building would fit on the lot without issue.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the appeal to construct a new single-family dwelling with attached garage located at 79 Enchanted Way.

- 1) Development Permit approval is issued for the construction of a single-detached dwelling with attached garage and deck, issued in accordance with the provisions of Land Use Bylaw 9/2005.
- 2) A variance of 0.58m (32.2%) is approved to the side yard setback.
- 3) No portion of a fireplace chase or cantilevered section including eaves shall project more than 0.6 metre into a required side yard.
- 4) The finished floor of the main level shall not be located more than 2.0 m above the finished grade.
- 5) The dwelling shall be constructed in accordance with approved site plan.
- 6) The dwelling height shall not exceed 11.0m.
- 7) The lot coverage for the dwelling and attached garage shall not exceed 40.14%.
- 8) 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.
- 9) The exterior finishes must be completed within two (2) years of the date of the development permit.
- 10) Future deck and basement development shall be subject to a separate development permit application.

- 11) The landscaping shall be completed within two (2) years of the date of development permit approval.

NOTES:

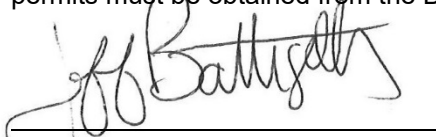
- a) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.
- 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.
- e) 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.
- f) 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 variances 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 other neighbor.

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

April 17, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#10-2018

Re: Lot 3, Block 1, Plan 172 0358 - known municipally as 130 Element Drive North, St. Albert, AB.

The Appellant is appealing Condition #4 of an approved Development Permit Application to Construct a 57 Unit Townhouse Development.

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:

1. Development Permit DP-2018-000082, was issued on March 19, 2018 to authorize the construction of a 57-unit residential townhouse development, consisting of three four-unit buildings, one five-unit building, two six-unit buildings, and four seven-unit buildings.
2. Approval includes surface parking of 12 visitor stalls and all perimeter site fencing.
3. The development was approved as a discretionary use under the provisions of Section 8.25(4)(g) of the Land Use Bylaw.
4. The property at 130 Element Drive North is designated as R4 (Medium / High Density Residential).
5. The site is directly bordered by CC (Corridor Commercial) Land Use Districts to the north, west, and south; and Element Drive North to the east.
6. The land across Element Drive North to the east is designated as R1 (Low Density Residential).
7. The Development Officer stated that the review and approval of the permit was based on Land Use Bylaw 9/2005, Consolidated by Bylaw 27/2017 – Approved December 11, 2017. The December 11, 2017 version of Land Use Bylaw 9/2005 was used as the application was received January 22, 2018; prior to the updates to the residential sections of the Land Use Bylaw which were approved by Council on February 9, 2018. The Land Use Bylaw in effect on the date of application applies.

8. Condition #4:

“Under the provisions of Section 8.22(14)(c)(ii) of Land Use Bylaw 9/2005, the minimum separation distance between the side wall of Units #10, #36, #37, and #50 and a common walkway shall be 3m.”

9. As proposed, the separation distance between the side wall and common walkway are:

- Unit #10 – **1.50m**
- Unit #36 – **1.74m**
- Unit #37 – **1.06m**
- Unit #50 – **2.00m**

Unit #10 - Separation Distance Between Side of Building and Common Walkway:

Minimum separation required (LUB):	3.0m
<u>Proposed separation:</u>	<u>1.50m</u>
Variance Required:	1.50m (50%)

Unit #36 - Separation Distance Between Side of Building and Common Walkway:

Minimum separation required (LUB):	3.0m
<u>Proposed separation:</u>	<u>1.74m</u>
Variance Required:	1.26m (42%)

Unit #37 - Separation Distance Between Side of Building and Common Walkway:

Minimum separation required (LUB):	3.0m
<u>Proposed separation:</u>	<u>1.06m</u>
Variance Required:	1.94m (65%)

Unit #50 - Separation Distance Between Side of Building and Common Walkway:

Minimum separation required (LUB):	3.0m
<u>Proposed separation:</u>	<u>2.00m</u>
Variance Required:	1.0m (33%)

- 10. The variance amount for separation distance between side of building and common walkway for Units #10, #36, #37, and #50 exceed the capacity of the Development Officer to approve.
- 11. The intent of Section 8.22(14)(c)(ii) is to provide a buffer between a dwelling unit and the public domain. It should be noted that the main living spaces of these townhouse units are on the 2nd and 3rd floors. The main floor of the units, adjacent to the common walkway, is comprised of the garage and a flex area.

The Development Officer stated that should the Board grant the Appeal, that the following condition be applied to the permit:

- 1) Conditions 1 to 3, and 5 to 20 inclusive, as well as Notes a to g inclusive of Development Permit # DP-2018-000082 shall remain in effect and apply.

The Board heard from the Appellant who stated that:

1. The development is already approved and any redesign would result in a delay of building.
2. The Company worked hard given the design considerations to create a livable space for 57 units adjacent to commercial area.
3. While not meeting the actual setback values, the appellant feels that the design indicates the willingness and intent of the actual guideline values proposed by the City.

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 Condition #4 of the approved development permit DP-2018-00008 located at 130 Element Drive North.

The development is approved with the following conditions:

1. Conditions #1 to 3 and # 5 to 20 inclusive, as well as Notes a to g inclusive of the Development Permit #DP-2018-000082 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 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 overall design meets the intent of Land Use Bylaw and will provide a functional development.
 - b) No objections were heard.
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

April 17, 2018
Date