



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, April 25, 2018**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

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

a) 142 & 144 Joyal Way – Appellant – Daytona Homes

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application Sales Centre breezeway between 142 and 144 Joyal Way.

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#11-2018

Re: Lot 3, Block 9, Plan 172 2655 - known municipally as 142 Joyal Way, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a Sales Centre breezeway between 142 and 144 Joyal Way 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:

1. This property is located within a Low-Density Residential District (R2) land use district.
2. Within the R2 district, a showhome (and any associated accessory development) is identified as a discretionary use.
3. As built, the showhome breezeway “bridge” connects two showhomes, located at 142 and 144 Joyal Way.
4. When applying the Land Use Bylaw regulations, those portions of the breezeway located between a principal building and the common property line, are reviewed.
5. A separate Development Permit approval is required for the breezeway portions located within the private property of each address.
6. Considered as an addition to the dwelling, the breezeway must meet the setback requirements of the principal building. Land Use Bylaw Section 8.31(11) identifies that a minimum side yard setback of 1.25m is required for a lot of this width.
7. As built, the breezeway is located 0.0m from the common side property line.
8. A variance of 1.25m (100%) is required to leave the breezeway as located.
9. The existing breezeway is specific to the current showhome use only, approval conditions have been requested that would require the breezeway to be removed upon expiration of the showhome operation and use, as regulated by Section 6.22.
10. Showhomes and related accessory developments are a discretionary Use within the R2 land use district.
11. Separate Development Permits are required for each property.
12. Required side yard setback = 1.25m
Actual side yard setback = 0.00m
Variance Required = 1.25m (100%)
13. The requested variance amount exceeds the powers of the Development Officer to grant (Section 3.14.3).

14. The Development Branch requested approval conditions, should the Board render a decision in favour of the Appellant.

- i. *“Upon expiration of the showhome use, as regulated by Section 6.22 of Land Use Bylaw 9/2005, all portions of the showhome breezeway shall be removed.”*

The Board heard from the Appellant who stated that:

The Appellant did not attend the hearing.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a Sales Centre breezeway between 142 and 144 Joyal Way as built.

The development is approved with the following condition:

- i. *“Upon expiration of the showhome use, as regulated by Section 6.22 of Land Use Bylaw 9/2005, all portions of the showhome breezeway shall be removed.”*

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 structure is temporary in nature and will not impact the neighborhood in the long-term.
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

May 6, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#12-2018

Re: Lot 3, Block 9, Plan 172 2655 - known municipally as 144 Joyal Way, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a Sales Centre breezeway between 142 and 144 Joyal Way 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:

1. This property is located within a Low-Density Residential District (R2) land use district.
2. Within the R2 district, a showhome (and any associated accessory development) is identified as a discretionary use.
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4. When applying the Land Use Bylaw regulations, those portions of the breezeway located between a principal building and the common property line, are reviewed.
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6. Considered as an addition to the dwelling, the breezeway must meet the setback requirements of the principal building. Land Use Bylaw Section 8.31(11) identifies that a minimum side yard setback of 1.25m is required for a lot of this width.
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10. Showhomes and related accessory developments are a discretionary Use within the R2 land use district.
11. Separate Development Permits are required for each property.
12. Required side yard setback = 1.25m
Actual side yard setback = 0.00m
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