



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: Wednesday, August 1, 2018
TIME: 6:00 p.m.
PLACE: Douglas Cardinal Boardroom
FILE: B02

AGENDA

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

a) 7 Lawrence Crescent – Alan and Carol Herbert – Affected Party

The Appellant is appealing the decision of the Development Officer in approving a development permit for a Home Occupation use – Family Day Home.

- 4. Adjournment**

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#29-2018

Re: Lot 24, Block 10, Plan 5669RS - known municipally as 7 Lawrence Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in approving a development permit application for a Home Occupation (Family Day Home) – Discretionary Use.

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 Appellant is appealing the decision of the Development Officer in approving a development permit application for a Home Occupation – Family Day Home, at 7 Lawrence Crescent.
2. This property is located within the Low Density Residential (R1) Land Use District, and regulated by Section 8.30(4)(f) and 6.12 of Land Use Bylaw 9/2005.
3. The scope of the development is for a Home Occupation.
4. The Development Permit approval was issued for the following Use, as defined by the Land Use Bylaw:
 - Home Occupation (Family Day Home) – Discretionary Use
5. The Development Permit approval was deemed as discretionary and therefore, a mandatory radius notification was completed, as per the provisions of Section 3.10 (2)(b) of Land Use Bylaw 9/2005, and the Municipal Government Act.
6. The Development Permit was issued with conditions to set parameters for the Home Occupation operation.
7. The conditions covered days of operation, hours of operation, maximum daily number of clients and parking requirements.
8. The proposal is for a Discretionary Use, Home Occupation - Family Day Home (an Accessory Development in a dwelling unit).

9. The development permit was approved based on the applicant's Development Permit submission, neighbourhood properties consultation results, and the application of Land Use Bylaw 9/2005.
10. Care is to be provided for a maximum of 6 customers per day, with operating hours limited to Monday to Friday, 7:30 a.m. to 5:00 p.m.
11. Parking generated by the home occupation is to be accommodated on site.
12. As a discretionary use, the permit was circulated to a 30m radius upon approval.
13. One objection was received from an adjacent landowner within the radius area.
14. The approval was issued with a condition specifying that the permit is valid for a period of one year, expiring on June 18, 2019, at which time the applicant may re-apply for development permit approval.

The Board heard from the Appellant who stated that:

The Family Day Home has been in operation for 25 years. There have been ongoing issues with parking, and early and late pick up times with children. According to the Appellant, the City has not done its due diligence in holding the operator accountable for issues over the 25 years of operation.

The Board also considered/reviewed the following

1. Two letters from the operator of the Family Day Home.
2. Two letters from the Husband of the operator of the Family Day Home.
3. Reviewed emails from 17 Family Day Home clients, and friends speaking in support of the Family Day Home.
4. Residents at #5, #6, #8, #9, #24 and #26 Lawrence Crescent signed neighbourhood consultation forms stating no issues with drop off and pick up and that the parents are parking only in front of the Family Day Home.
5. Heather Thoma, client of the Family Day Home, spoke in favor of the Family Day Home.
6. Nathan Schmidt, client of the Family Day Home, spoke in favor of the Family Day Home.
7. Lindsay Elder, client of the Family Day Home, spoke in favor of the Family Day Home.

8. Matthew Beck, client of the Family Day Home, spoke in favor of the Family Day Home.
9. Larry Menzel, husband of the Family Day Home operator, spoke in favor of the Family Day Home.
10. Karen Watts, neighbour, spoke in opposition to the operation of a Family Day Home at 7 Lawrence Crescent

The Board finds the following:

Denied:

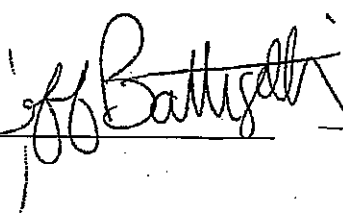
The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal and upholds the decision of the Development Officer in approving a permit for a Home Occupation Use – Family Day Home located at 7 Lawrence Crescent.

The Board makes its decision for the following reasons:

1. The Board concludes that, in accordance with section 687(3)(d)(i) 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 because:
2. The conditions placed on the Family Day Home, in conjunction with the year permit period, should present an adequate venue for addressing any issues when re-applying to renew the development permit. The Family Day Home will need to demonstrate its ability to follow the conditions outlined by the Development Officer and City in order to continue operations. The clients of the Family Day Home must also do their part to follow the rules outlined by the City. Neighbors are encouraged to use their words in a polite and respectful manner, similar to what we teach our children to do in kindergarten, in order to resolve issues in a neighbourly fashion

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



August 13, 2018
Date