



**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD**

DATE: **Wednesday, August 29, 2018**  
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) 19 Oakdale Place – Deborah & Kenneth Wolfe – Owner**

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

**b) 17 Ellesboro Close – Greg Groves – Owner**

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to leave an accessory building (skateboard ramp) as built.

- 4. Adjournment**

**ALLOWED WITH CONDITIONS**

**CITY OF ST. ALBERT**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #32-2018**

**Re: Lot 88, Block 2, Plan 9422311 - known municipally as 19 Oakdale Place, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a pond 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. As per Section 8.26 of Land Use Bylaw 9/2005, private pools and decorative ponds must be located at least 1m from the side and rear property lines.
2. The existing decorative pond is located 0m from the rear property line.
3. The variance required to approve the decorative pond exceeds the capacity of the Development Officer to grant (Section 3.14.3)

Covered Rear Attached Deck:  
Required rear yard setback: 1.0m  
Proposed rear yard setback: 0m  
Variance required: 100%

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

A recent survey for an RPR identified an issue with the pond feature in the yard. They built the pond but did not think that the development bylaw would apply to this type of feature. It is only 14 inches deep. Their property backs onto a greenbelt and there are no neighbors behind the property.

**Allowed with conditions:**

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal of the decision of the Development Officer in refusing a development permit application to leave a pond as built located at 19 Oakdale Place.

The development is approved with the following conditions:

Approval is for a decorative pond to leave as-built and shall be constructed in accordance with the approved site plan, as per the provisions of Section 8.26 of Land Use Bylaw 9/2005.

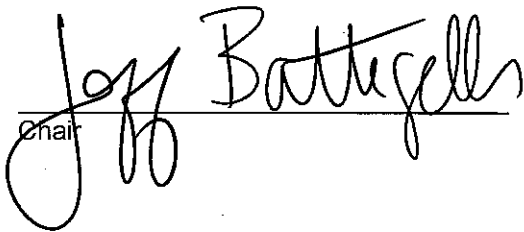
Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.

The Board makes its decision for the following reasons:

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:

The structure s located backing onto a greenbelt and there is ample separation distance between the feature and any neighbor.

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

A handwritten signature in black ink, appearing to read "Jeff Battagella". The signature is written over a horizontal line that serves as a signature line.

Sept 8, 2018  
Date

**ALLOWED WITH CONDITIONS**

**CITY OF ST. ALBERT**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB #33-2017**

**Re: Lot 37, Block 8, Plan 0627914 - known municipally as 17 Ellesboro Close, St. Albert, AB.**

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a skateboard ramp 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. Based on the land use district of the property being low-density residential (R1) and testing the defined purpose of this district under Section 8.20(2) of Land Use Bylaw 9/2005; it is determined that the existing skateboard ramp does not meet the intent of, nor is compatible with the district.
2. As part of the 'test' for compatibility, the following elements were considered by the Development Authority:
  - Potential Nuisance Factors - including noise & visibility;
  - Impact on adjacent properties;
  - Appropriateness of the development (including the size and scale of the development);
  - Closest determination of Use under the Land Use Bylaw; and
  - Whether the Use was considered as Active or Passive.

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

The appellant found no specific bylaws against having a skateboard ramp built in his backyard. The ramp was professionally built, quiet and safe, and well maintained. There is limited use of the ramp, with sessions lasting 15 minutes to 2 hours, with no use of the ramp before 10 AM or after 9 PM. The appellant had 27 signatures from neighbors on a petition in support of the ramp. He is in communication with his neighbors and interacts with them on a regular basis. The appellant is seeking a temporary variance for 2 years. He plans to limit the hours of use and is planning to take down the ramp in the spring of 2019.

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

The board also reviewed 7 emails received by the City in support of the skateboard ramp. There was one email received with a concern about the skateboard ramp.

The board also heard from Aidan F who uses the ramp twice a week. Greg Ouellette and Gary Groves also spoke in support of the ramp.

The board also heard from Jeffrey Storke who backs directly onto the property and the skateboard ramp. He stated that the skateboard ramp is not used by children but mainly by adults. There is an issue with noise when the ramp is used, and he feels there is an impact to the privacy of his yard when adults are using the skateboard ramp. While there have been discussions about use of the ramp, Mr. Storke stated that there have been few other complaints from neighbors in person to the appellant. He feels that there is no recourse to limit the use of the ramp and the impact to his yard and several neighbours have expressed to him verbally their disapproval with the presence and use of the ramp.

**Allowed with conditions:**

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal of the decision of Development Officer in refusing a development permit application to leave a skateboard ramp as built located at 17 Ellesboro Close.

The development is approved with the following conditions:

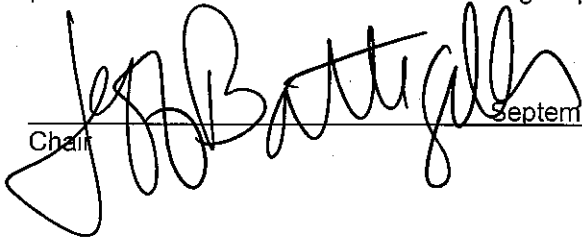
The appellant has a temporary approval for one year and must re apply for a new, separate development permit no later than September 1<sup>st</sup>, 2019. Furthermore, the hours of operation for the skateboard ramp will be limited to 10 AM until 5 PM daily.

The Board makes its decision for the following reasons:

The Board concludes that (in accordance with section 687(3)(d) of the *Municipal Government Act*) the temporary 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:

The temporary variance will provide an opportunity for the appellant to continue using the skateboard ramp while ensuring continued engagement and discussion with neighbors will alleviate any conflict or issues with respect to the use of the ramp, noise created by the ramp or loss of privacy during the use of the ramp. The board hopes the appellant will continue and endeavor to communicate with adjacent and nearby neighbors in his ongoing discussions when using the skateboard ramp to limit any potential impact to his neighbors when using their own yards.

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

September 8, 2018

Date