



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, December 5, 2018**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeals

a) 37 Deane Crescent

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

b) 2 Easton Close

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

c) 515 St. Albert Trail

The Appellant is appealing the decision of the Development Officer in refusing a development permit application for a billboard sign with a digital display.

4. Adjournment

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB# 44-2018

Re: Lot 76, Block 6, Plan 8722000 - known municipally as 37 Deane Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a shed 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 side yard provided that it is located a minimum of 1.5m from the dwelling and 1.2m from the side property line.

Required side yard setback: 1.2m

Actual side yard setback: 0.00m Variance required: 1.20m (100%)

The Board heard from the Appellant who stated that:

Roger Leachman, property owner and resident:

The shed was built in 1999, and was constructed so that it was movable, if necessary. Was updating the RPR and noted the non-compliance issue and are applying for variance. Mr. Leachman has approached the most affected neighbor with no indication of any issues and/or objection to the shed in its' present location.

The Board also considered/reviewed the following:

Emails from 34 Deane Crescent, 36 Deane Crescent and 39 Deane Crescent noting no objections to the shed and it being unsightly and/or threatening.

The Board finds the following:

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a shed as built located at 37 Deane Crescent.

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 (e.g. "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 most affected neighbour was consulted and advised he has no issue with the variance;*
 - b. *There were no objections from any of the other neighbours.*
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: Ivan Sorensen

December 18, 2018

Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB# 45-2018

Re: Lot 2, Block 1, Plan 1723545 - known municipally as 2 Easton Close, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a 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:

Section 8.9(1)(c) of the Land Use Bylaw 9/2005 states a deck must be located at least 3m from the rear property line.

Required rear yard setback: 3.0m

Actual rear yard setback: 2.09m Variance required: 0.91m (31%)

The Board heard from the Appellant who stated that:

Adrianna Chiumento, Property Developer:

The house and deck were constructed as per the plot plan, with the deck shown. This was also approved under the Development Application and permit.

The Board also considered/reviewed the following

Within the R1 (Low Density residential District), a deck under 1.5m height is permitted use and this deck does not hinder any of the adjoining neighbours. The original development permit (DP-2018-000071) was approved with a rear yard setback of 2.09m, which was an oversight in the approval process.

The Board finds the following:

As submitted, this was an oversight during the application, and was approved. This variance and appeal would have applied at the time of the application for the dwelling but was overlooked in the approval process.

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a rear deck as built located at 2 Easton Close.

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 (e.g. "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. *Only a small portion of the overall structure being proposed encroaches into the required side yard; and*
 - b. *There were no objections from any of the other neighbours.*
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: Ivan Sorensen

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB# 46-2018

Re: Lot OT, Plan 3483RS - known municipally as 515 St. Albert Trail, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application for a billboard sign with digital display.

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 C.5(2)(b)(viii) of the Land Use Bylaw 9/2005 states that a billboard with a Digital Display must be located a minimum of 3m from all property lines.

Required setback: 3.0

Proposed setback (west property line) 0.27m Variance required: 2.73m (91%)

Proposed setback (south property line) 1.14m Variance required: 1.86m (62%)

The setback distance is measured from the point of the sign closest to the property line, Section (C.4(1)(o))

The Board heard from the Appellant who stated that:

James Murphy, Partner, Ogilvie LLP:

The sign has existed in present location for over 20 years. The site is extremely irregular and would be impossible to meet the setback requirements set forth within the Land Use Bylaw. The client wishes to utilize both the existing structure and services if the variance is granted. A detailed package was provided detailing all elements associated with the location and proposal and also identified that the digital display would only be on one side (facing south) of the billboard. Mr. Murphy also indicated the client has no objections with the conditions and notes set forth (Attachment A – Proposed Conditions and Notes) by the Development Officer.

The Board also considered/reviewed the following

Upon review of the information provided, there is little impact on existing conditions. Also reviewed were Attachment "A" – Proposed Conditions and Notes and Attachment "B" – Digital Display Assessment – 515 St. Albert Trail.

The Board finds the following:

Allowed with conditions:

- 1) The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal for a billboard sign with digital display located at 515 St. Albert Trail.
- 2) As per the "Proposed Conditions and Notes", Attachment "A" as outline by the Development Officer:
- 3) Approval is for one Billboard Sign with a Digital Display on the south face only; a discretionary use under the provisions of Section C.5 (2)(a) of Schedule C, Sign Regulations of the Land Use Bylaw. The proposed digital display is a retrofit to an existing billboard sign.
- 4) The maximum area of a billboard with a digital sign must not exceed 18.6 sq.m. as per Section C.5(2)(c) of Schedule C, Sign Regulations of the Land Use Bylaw.
- 5) The sign copy shall be static and remain in place for a minimum of six (6) seconds before switching to the next copy. Transitions must be instantaneous.
- 6) Transitions between each digital display copy shall not involve any visible effects, including but not limited to: action, motion, fading in or out, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.
- 7) Copy shall not be shown on the digital display showing full motion video, movies, Motion Picture Experts Group (MPEG), or any other non-static digital format.
- 8) The proposed billboard sign with a digital display must:
 - a) Be located a minimum of 150m from another billboard without a digital display facing the same oncoming traffic;
 - b) Be located a minimum of 300m from another billboard with a digital display facing the same oncoming traffic;
 - c) A minimum of 25.0m from a freestanding sign without a digital display;
 - d) Be located a minimum of 150m from a freestanding sign with a digital display, facing the same oncoming traffic;
 - e) Be located a minimum 100m from a residential, P, PS, or IF district;
- 9) The proposed billboard sign with a digital display shall be located a minimum 30.5m from a roadway intersection, to all outermost edges of the sign (not just the post). It is the responsibility of the applicant to establish the exact location of the property lines.
- 10) The maximum period for which a development permit may be issued for a billboard sign with a digital display is five (5) years, valid until December 5, 2023. Upon application and reassessment, the Development Officer may renew a development permit for the digital display for up to five (5) additional years. Should the sign permit not be re-issued, the owner of the sign has six (6) months from the date of expiry to remove the sign.

- 11) The proposed billboard sign with a digital display shall not exceed 8.0m in height, measured at right angles from the highest point of the sign or sign structure to the lowest point of finished grade directly below.
- 12) The proposed billboard sign with a digital display shall be located in accordance with the approved site plan.
- 13) The proposed billboard sign with a digital display may advertise advertising only.
- 14) The brightness of the billboard sign with a digital display must be equipped with an ambient light sensor, in accordance with the following:
 - a) The ambient light sensor shall automatically adjust the brightness level of the copy area based on ambient light conditions; and
 - b) Brightness levels of the digital display shall not exceed 0.3 foot-candles above ambient light conditions when measured from the digital display face at its maximum brightness.
- 15) The proposed billboard sign with a digital display shall not display nor be illuminated with a flashing light source.
- 16) At any time, if a Development Officer determines that the brightness or light level of a digital display exceeds the limits set out in subsection C.5(1)(xii)(B), the development Officer may direct the development permit holder to change the settings in order to bring the digital display into compliance with the Bylaw, and if that direction is not complied with, the Development Officer may issue an order directing that the digital display be immediately discontinued.
- 17) If any component on the sign fails or malfunctions in any way and fails to operate as indicated on the approved development permit plans, the sign owner shall ensure that the sign is turned off until all components are fixed and operating as required.
- 18) Copy shown in a manner requiring the intended message to be viewed over multiple copy transitions is not permitted.
- 19) The proposed billboard sign with a digital display shall not impede or block safe traffic sight-lines nor be constructed or located such that it interferes with the safe or orderly movement of pedestrian, motor vehicles or the sightlines under this or any other Bylaw, to the satisfaction of the Development Officer.
- 20) The proposed billboard sign with a digital display shall not obstruct the view of, or be confused with an official traffic sign, signal or device, as determined by the Development Officer in consultation with Engineering Services.
- 21) Encroachment of the billboard sign with a digital display over any utility right-of-way shall be subject to the approval of applicable approving authorities.
- 22) The proposed billboard sign with a digital display shall be located entirely on the subject lot and shall not project or encroach onto City property or right-of-way.
- 23) Underground power is to be supplied to the proposed billboard sign with a digital display sign at the responsibility and cost of the applicant.

- 24) Wiring and conduits for an electrical sign must be concealed from view to the satisfaction of the Development Officer.
- 25) It is the responsibility of the applicant to ensure the proposed billboard sign with a digital display is constructed and installed in accordance with the requirements of the Alberta Building code and/or proper engineering standards.
- 26) It is the responsibility of the applicant to obtain the consent of the property owner for the location of the sign.
- 27) 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.
- 28) The sign owner shall provide a name and telephone contact information of a person having access to the technology controls for the sign, who can be contacted 24 hours a day in the event that the sign malfunctions.
- 29) Failing to comply with the conditions of the development permit approval shall render this permit invalid.

Notes:

1. 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.
2. The applicant shall be responsible for compliance with all applicable federal, Provincial, and Municipal laws, regulation and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approval, at its own expense.
3. 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.
4. 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 not representations and offers not 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.
5. 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.

6. 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 variance (e.g. "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. *Only a small portion of the overall structure being proposed encroaches into the required side yards; and*
 - b. *There were no objections from any of the other neighbours.*
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: Ivan Sorensen

Date