



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, March 28, 2018**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

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

a) 1155 St. Albert Trail (Adjourned from March 14, 2018)

The Appellant is appealing conditions of the Conditional Subdivision Approval related to wastewater and stormwater conditions and how they affect the existing wetland/drainage area.

b) 15 Howard Crescent – Appellant – Jeff Richards

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a deck and dwelling as built.

c) 27 Orchard Court – Appellant – Babylon Construction

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a new single detached house with basement development and deck.

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#7-2018

Re: Lot 30, Block 6, Plan 912 1497 - known municipally as 15 Howard Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a deck and dwelling 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. The Appellant is appealing the decision of the Development Officer in refusing a development permit application to leave a deck over 1.5m in height and dwelling as built at 15 Howard Crescent.
2. This property is located within a low-density (R1) residential land use district.
3. Within the R1 district, a deck over 1.5m in height is a Discretionary Use, and a single detached house is a Permitted Use.
4. Deck
 - a) As per Section 8.9(3), if a deck is more than 1.5m above finished grade, it must be located at least 5m from all property lines.
 - b) As built, the deck is located 1.68m from the side property line.
 - c) A variance of 3.32m (66%) to the side yard setback is required to leave the deck as built
 - d) The variance required exceeds the variance capacity of the Development Officer to approve (Section 3.14.3).
5. Dwelling
 - a) As per section 8.30(12)(a), the minimum side yard setback is 1.8m.
 - b) As built, the dwelling is located 1.40m from the side property line.

- c) A variance of 0.40m (22%) to the side yard setback is required to leave the deck as built
- 6. The variance required for the dwelling does fall within the capacity of the Development Officer to approve. However, items cannot be approved and refused on the same permit.
- 7. The development permit and variance requirements for the deck and dwelling were discovered as a result of a compliance certificate application.
- 8. The property backs onto an approximately 20m wide Public Utility Lot (PUL).
- 9. The homes along Howard Crescent which back onto the PUL are all walk-outs and have decks over 1.5m in height.
- 10. As per Land Use Bylaw Section 8.9:

“(3) If a deck is more than 1.5 m above finished grade, it must be located at least 5 m from all property lines, unless:

(a) the Development Officer determines that a 5 m separation from all property lines is not required due to site conditions; and

(b) the deck complies with the side yard setback of the principal building.”

Should the Board grant the Appeal, Administration requested that the following conditions and notes be applied to the permit:

- 1) The rear deck and dwelling shall be constructed in accordance with approved plan(s).
- 2) 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.
- 3) Future deck development shall be subject to a separate development permit application.
- 4) The deck, as approved, shall remain uncovered and unenclosed.

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.

The Board heard from the Appellant who stated that:

- 1. The deck was built in 1992 and permits were issued by the City but the contractor did not build it exactly.
- 2. The home has been sold.
- 3. There have been no issues from any neighbor since construction of the deck.

The Board also considered/reviewed the following

- 1. A letter of support from Dennis and Sherry Holyk at 11 Howard Cr.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a deck and dwelling as built located at 15 Howard Crescent.

The development is approved with the following conditions:

- 1) The rear deck and dwelling shall be constructed in accordance with approved plan(s).
- 2) 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.
- 3) Future deck development shall be subject to a separate development permit application.
- 4) The deck, as approved, shall remain uncovered and unenclosed.

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.

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 has been in place since 1992 with no complaints from any neighbor.
 - b) There have been no objections from any current neighbor as a result of the radius notification.
- 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 3, 2018

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#8-2018

Re: Lot 75, Block 1, Plan 142 5355 - known municipally as 27 Orchard Court, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a new single detached house with basement development and deck.

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%.
2. This dwelling is proposed with a lot coverage of 43.41%.
3. In accordance with Section 3.14(2), the Development Officer cannot vary lot coverage.
Lot coverage: maximum 40%
Proposed lot coverage: 43.41%
Variance required: 3.41% (15.5 square metres/166 square feet)
4. 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. 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 were also requested by Administration:
Required side yard setback: 1.8m
Proposed side yard setback: 1.225m (32%)
Proposed side yard setback: 1.565m (13%)
Proposed side yard setback: 1.238m (31.2%)
Proposed side yard setback: 1.286m (28.6%)

The Board heard from the Appellant who stated that:

1. This is a bungalow and it is difficult to reduce the area of the house any further without impacting the living space of the home.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a new single detached house with basement development and deck located at 27 Orchard Court.

The development is approved with the following conditions:

1. Development Permit approval is for a single detached house with basement development and rear deck.
2. The dwelling shall be constructed in accordance with approved site plan.
3. The dwelling height shall not exceed 11.0m.
4. The lot coverage shall not exceed 43.41%.
5. 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.
6. The exterior finishes shall be completed within two (2) years of the date of the development permit.
7. The landscaping shall be completed with two (2) years of the date of the development permit.
8. Future deck development shall be subject to a separate development permit application.
9. The basement development shall not be used as a separate suite.
10. The deck as approved shall remain uncovered and unenclosed.
11. The maximum driveway width shall be 7.5m at back of walk.

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, regulations and standards as well as ensuring compliance with, and be responsible for obtaining all applicable permits, licenses and approvals, 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 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.

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 the 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.

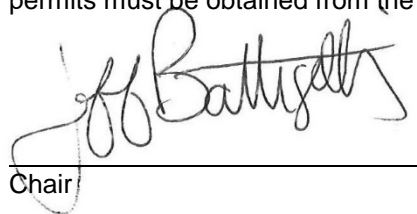
The Board also approved the following proposed side yard variances:

1. Side yard setback: 1.225m (32%)
2. Side yard setback: 1.565m (13%)
3. Side yard setback: 1.238m (31.2%)
4. Side yard setback: 1.286m (28.6%)

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:
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 3, 2018
Date