



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, May 23, 2018**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

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

a) 16 St. Vital Avenue – Joelle Chelkowski

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a single detached dwelling, attached garage, covered rear deck and attached rear deck as built.

b) 49 Salisbury Avenue – Oddleifson & Kaup

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a single detached dwelling, front deck, attached rear covered area and detached side covered area (carport) as built.

c) 12 Westview Place – Jerry Sunderland

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

d) 21 Kingsmeade Crescent – Smith Homes

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a rear covered deck.

e) 13 Edison Drive – Romaya Homes Inc.

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a single family dwelling with attached garage & deck.

- 4. Adjournment**

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#14-2018

Re: Lot 27, Block 11, Plan 3159KS - known municipally as 16 St. Vital Avenue, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a single detached dwelling, attached garage, covered rear deck and attached 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:

1. The covered deck acts as a breezeway between the house and garage therefore they are considered attached and must meet the setback requirements for the house.
2. The attached garage is required to be located 6.0m from the rear property line.
3. The garage is located 1.17m from the rear property line.
4. A variance of 4.83m or 80.5% is required, which exceeds the variance capacity of the Development Officer to grant.
5. The attached garage is also required to be located 4.0m from the side property line along Mission Place.
6. The garage is located 2.24m from the side property line.
7. A variance of 1.76m or 44% is required, which exceeds the variance capacity of the Development Officer to grant.
8. All other items meet the regulations of the LUB.

The Board heard from the Appellant who stated that:

1. The house is a 100-year-old farmhouse moved to the site approximately 50 years ago.
2. It only covers 20% of the lot.

3. The placement of the house presents no safety issues and provides good sight lines to the road.
4. There have been no issues or complaints from any of the neighbors as far as the appellant knows.

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 single detached dwelling, attached garage & covered rear deck as built located at 16 St. Vital Avenue.

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 variances 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 house and structures have been in place for several years and there have been no objections or issues documented from any of the neighbours.

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

June 3, 2018
Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#15-2018

Re: Lot 16, Block 16, Plan 5215MC - known municipally as 49 Salisbury Avenue, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a single detached dwelling, front deck, attached rear covered area and detached side covered area (carport) 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:

Dwelling:

The attached rear and side covered areas are considered additions to the dwelling and therefore must meet the requirements for the dwelling.

The single detached dwelling, including the attached rear and side covered areas must be located a minimum of 1.5m from the detached garage.

As-built, the dwelling is located 0.0m from the detached garage.

The variance required of 1.5m or 100% exceeds the variance capacity of the Development Officer to grant.

The single detached dwelling, including the attached rear and side covered areas, must be located 1.8m from the side property line.

The dwelling is located 0.57m from the side property line.

The variance required of 1.23m or 68.3% exceeds the variance capacity of the Development Officer to grant.

Deck:

The front deck on the property is required to be located a minimum of 6.0m from the front property line.

This deck is located 4.51m from the front property line.

The variance required of 1.49m or 24.8% is within the variance capacity of the Development Officer to grant however, items cannot be approved and refused on the same permit. This variance must be considered in your decision.

The Board heard from the Appellant who stated that:

The house has been sold and the owners are seeking compliance of the structures to complete the sale of the house. There have been no documented issues or complaints from any neighbor to date with respect to the issues identified by the Development Officer.

The Board also considered/reviewed the following:

Seven letters of support from neighbors provided by the appellant.

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 single detached dwelling, front deck, attached rear covered area and detached side covered area (carport) as built located at 49 Salisbury Avenue.

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 variances 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) There were no objections from any of the neighbours.

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 

June 3, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#16-2018

Re: Lot 20, Block 10, Plan 7822623 - known municipally as 12 Westview Place, St. Albert, AB.

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

1. Decks less than 0.60m in height do not require a permit approvals and are a permitted use.
2. The existing deck is 0.30m in height and is located 0.90m from the rear property line.
3. Decks of this height are required to be located a minimum of 3.0m from the rear property line.
4. A variance of 2.10m (70%) is required to leave the deck as located.
5. The variance amount required exceeds the powers of the Development Officer to approve.
6. It should be noted that the deck encroaches onto a 3.0m wide utility right-of-way at the rear of the property. Engineering Services is aware and addressing the encroachment through a formal Encroachment Agreement.

The Board heard from the Appellant who stated that:

1. The deck was built 10 years ago to cover the stump of a large tree that was removed.
2. The owner is currently in discussion with Engineering Services to secure a formal Encroachment Agreement.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a deck as built located at 12 Westview Place.


The development is approved with the following condition:

1. Ensure a formal Encroachment agreement is signed and registered with 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) No complaints from any of the neighbours have been documented and the Encroachment Agreement is almost complete.
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

June 3, 2018

Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#17-2018

Re: Lot 33, Block 5, Plan 0722005 - known municipally as 21 Kingsmeade Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a rear covered 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. When a deck is covered it is considered a part of the dwelling and therefore must meet the regulations for the dwelling.
2. A covered rear deck is required to be located a minimum of 6.0m from a rear property line.
3. The proposed covered deck would be located 3.18m from the rear property line.
4. The variance required of 2.82m or 47% exceeds the variance capacity of the Development Officer to grant.
5. The addition of the covered rear deck does not exceed the 40% maximum lot coverage.

The Board heard from the Appellant who stated that:

1. The design of the house meets the lot coverage, but placement of structure resulted in the deck being too close to property line.
2. Deck will be constructed with high privacy glass on side and decorative post to match exterior of the home.

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a rear covered deck located at 21 Kingsmeade 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 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) No objections from any of the neighbours were received.

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

June 3, 2018
Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#18-2018

Re: Lot 2, Block 9, Plan 1723581 - known municipally as 13 Edison Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a single-family dwelling with attached garage & 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. Section 8.30(8) of Land Use Bylaw 9/2005 states that the maximum lot coverage on an R1 Low Density Residential Land Use District is 40%.
2. This dwelling is proposed with a lot coverage of 41.97%, a variance of 41.97% (7.164sq m).
3. In accordance with Section 3.14, the Development Officer cannot vary lot coverage.

The Board heard from the Appellant who stated that:

1. The builder is using this lot location, across from the current show homes, to highlight their design for other lots located deeper in the neighborhood.
2. This lot is smaller than the other lots owned by the builder, which will accommodate this bungalow design without lot coverage issues.

The Board finds the following:

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal construct a single-family dwelling with attached garage & deck located at 13 Edison Drive.

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:

No objections were received from any neighbours.

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.



Handwritten signature of Jeff Battaglia in black ink, written over a horizontal line.

Chair

June 3, 2018
Date