



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, July 18, 2018**
TIME: **6:00 p.m.**
PLACE: **Douglas Cardinal Boardroom**
FILE: **B02**

AGENDA

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

- a) **100, 20 Circle Drive – Carol Olivier – Condo Corporation
Represented by: Ross Korpi, Wendy Graham Bennett and Wade
McKinley**

The Appellant is appealing the decision of the Development Officer in approving a Development Permit Application a new of use – distillery with taproom and spirit sales.

- b) **560 St. Albert Trail – John Engel – 1652664 AB Ltd.**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a 40' C-can as located on the property of 560 St. Albert Trail.

- c) **60 Liberton Drive – John Engel – Mission Fun & Games**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to leave a 40' C-can as located on the property of 60 Liberton Drive.

- d) **33 Fair Oaks Drive – Veronica Van Diepen – Owner**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a dwelling addition (sunroom on existing deck).

- e) **915 St. Albert Trail – Cesar Escobar – Cameron Development**

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

f) **22 Edison Drive – Veneto Homes – Applicant**

The Appellant is appealing the decision of the Development Officer in refusing a Development Permit Application to construct a new single family dwelling.

g) **23 Oakhill Place – William Pahal – Owner**

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

4. Adjournment

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#22-2018

Re: Unit 10, Plan 072 7059 - known municipally as #100, 20 Circle Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in approving a development permit application for a change of use for a distillery with drinking establishment (Tap Room) and retail liquor sales.

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. This property is located within the Business Park Direct Control (BP2) Land Use District and regulated by Section 9.22 of Land Use Bylaw 9/2005.
2. The scope of the development is for a micro-distillery of spirits in the rear warehouse of the unit, with a public taproom (seating for 30) and sales of the produced spirits in the front end.
3. The Development Permit approval was issued for the following Uses, as defined by the Land Use Bylaw:
 - a) Light Industrial Use (Distillery) – Permitted
 - b) Drinking Establishment up to 50 seats (Taproom) – Discretionary
 - c) Liquor Store (Spirit Sales) – Discretionary
4. The Development Permit approval was deemed as discretionary and therefore, a mandatory radius notification was completed, as per the provisions of the Municipal Government Act.
5. The Development Permit was approved based on the applicants DP submission and the application of Land Use Bylaw 9/2005.
6. As a discretionary use, the Development Permit was circulated to a 30m radius upon approval.

The Board heard from the Appellant who stated that:

The approval of the new use in Unit 100 will create issues with parking. Further, there is a potential for increased cost to enforcing parking bylaws. There are issues with clients hanging out and loitering near the establishment. The presence of a drinking

establishment on site would be unsuitable for the development.

The Board also considered/reviewed the following

Presentation from Darren Trufyn, Owner of MD Distillery who explained that the business has only 2 staff with limited hours of operation. The development permit providing space for 30 people is required to host private functions and tours on site. There are no bar or drinking establishment being created. The location to distribution centers and availability of raw materials were key factors in selecting this location. The hours of operation would be limited to between 17:00 and 22:00.

The Board finds the following:

That the appeal is denied; the decision of the Development Officer is upheld.

Denied:

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal regarding a change of use for a distillery with drinking establishment (Tap Room) and retail liquor sales located at #100, 20 Circle Drive.

The Board makes its decision for the following reason:

There was a lack of communication between the company (MD Distillery) and the owners of the building that has created a large misunderstanding with the current tenants and the condo association including what type of business is being proposed and how it will operate on the site. SDAB encourages a more open dialogue between the building owners, the condo association, current tenants of the building and the owners of MD Distillery in order to alleviate and resolve further issues moving forward.

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

July 27, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#23-2018

Re: Lot 7, Block 30, Plan 812 2926 - known municipally as 560 St. Albert Trail, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a 40' C-can as located.

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. This property is located within a Corridor Commercial (CC) Land Use District.
2. Section 9.14 of the Land Use Bylaw regulates development within the CC land use district.
3. Accessory Development is a discretionary use within this district, with the location of such structures at the discretion of the Development Officer.
4. As located, the existing C-can is placed within the front parking lot of the site (adjacent to and visible to St. Albert Trail).
5. C-cans are not specifically regulated by the Land Use Bylaw; however, they are considered by Administration to be industrial in nature and appearance.
6. The appearance and finishing of all development is controlled by Section 6.7 of Land Use Bylaw 9/2005. It identifies that the design, character and appearance of a building must be compatible with the surrounding buildings on the site or in the vicinity, unless the building sets a higher standard of design.
7. The existing C-can has been painted to match the existing building in a themed finish.
8. This C-can was previously appealed to SDAB back in 2013, where it was permitted and approved as a *temporary* use for on-site storage for Mission Fun and Games. A 4-year term of validity was applied to that SDAB decision. This term expired on November 11, 2017 and, therefore, this item is again before the SDAB for review and consideration.

9. The C-can use is not identified specifically within the CC district as either permitted or discretionary.
10. The site has two front yards, visible from both the adjacent roadways.
11. The existing C-can is not screened from view, but the metal exterior of the C-can has been painted to match the principal building, as per the previous SDAB decision.
12. The existing C-can received SDAB approval as a temporary use for on-site storage back in 2013 and that approval expired on November 11, 2017.
13. The Development Officer requested that should a favourable decision be rendered for the Appellant by the SDAB, that the following conditions or considerations by the Board:
 - a) Identify that the SDAB approval is for one (1) 40' C-can unit only;
 - b) That a new expiration date (validity) be identified for the C-can unit and DP approval to keep the use as temporary;
 - c) The C-can shall not impede or block safe traffic sight-lines for pedestrians or vehicles on-site; and
 - d) The exterior finishing of the C-can shall match the exterior finishing of the principal building.

The Board heard from the Appellant who stated that:

Storage is temporary in nature and plans for adding an addition to the main store will take 4 years to complete. Once finished, the addition will end the need for off-site storage and result in removal of the storage unit.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a 40' C-can as located at 560 St. Albert Trail.

The development is approved with the following conditions:

- Identify that the SDAB approval is for one (1) 40' C-can unit only;
 - That a new expiration date (validity) be identified for the C-can unit and DP approval to keep the use as temporary;
 - The C-can shall not impede or block safe traffic sight-lines for pedestrians or vehicles on-site; and
 - The exterior finishing of the C-can shall match the exterior finishing of the principal building.
- This approval is for this unit only and will expire in four (4) years from approval date.

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

July 27, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#24-2018

Re: Lot 2, Block 31, Plan 812 2926 - known municipally as 60 Liberton Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a 40' C-can as located.

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. This property is located within a Public and Private Service (PS) Land Use District and owned by Grace Family Baptist Church.
2. Section 10.2 of the Land Use Bylaw regulates development within the PS land use district.
3. Accessory Development is a discretionary use within this district, with the location of such structures at the discretion of the Development Officer.
4. As defined by the Land Use Bylaw, accessory means "*subordinate, incidental to, and exclusively devoted to a principal use or principal building.*" The C-can in question belongs to a third party (Mission Fun and Games) and not the principal use, being the Church.
5. As located, the C-can is placed within the southwest corner of the paved parking lot.
6. C-cans are not specifically regulated by the Land Use Bylaw; however, they are considered by Administration to be more industrial in nature and appearance.
7. The appearance and finishing of all development is controlled by Section 6.7 of Land Use Bylaw 9/2005. This section identifies that the design, character and appearance of a building must be compatible with the surrounding buildings on the site or in the vicinity, unless the building sets a higher standard of design.
8. The existing C-can is beige in colour and the exterior of the unit has not been altered, which in the opinion of the Development Officer, does not meet the above noted appearance considerations of Section 6.7.

9. A C-can use is not identified specifically within the PS district as either permitted or discretionary.
10. The purpose of the C-can is to accommodate off-site storage of Mission Fun and Games stock and not for the accessory use of the principal user (Grace Family Church), which does not meet the definition of “accessory” in the Land Use Bylaw 9/2005.
11. The exterior finishing of the unit is typical of an industrial C-can and has not been altered in any way. The existing exterior finishing does not comply with Section 6.7 – Design, Character, and Appearance of Buildings.
12. Should a favourable decision be rendered for the Appellant by the SDAB, the Planning and Development Department requests the following conditions or considerations by the Board:
 - a) Identify that the SDAB approval is for one (1) 40’ C-can unit only;
 - b) That an expiration date (validity) be identified for the C-can unit and DP approval to keep the use as temporary;
 - c) The C-can shall not impede or block safe traffic sight-lines for pedestrians or vehicles on-site; and
 - d) The exterior finishing of the C-can must be altered to the satisfaction of the Development Officer to match or compliment the exterior finishing of the principal building; OR other acceptable screening and mitigation measures (including landscaping or fencing) be pursued.

The Board heard from the Appellant who stated that:

Storage is temporary in nature and plans for adding an addition to the main store will take 4 years to complete. Once finished, the addition will end the need for off-site storage and result in removal of the storage unit.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a 40’ C-can as located at 60 Liberton Drive.

The development is approved with the following conditions:

- Identify that the SDAB approval is for one (1) 40' C-can unit only;
 - That an expiration date (validity) be identified for the C-can unit and DP approval to keep the use as temporary;
 - The C-can shall not impede or block safe traffic sight-lines for pedestrians or vehicles on-site; and
 - The exterior finishing of the C-can must be altered to the satisfaction of the Development Officer to match or compliment the exterior finishing of the principal building; OR other acceptable screening and mitigation measures (including landscaping or fencing) be pursued.
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- This approval is for this unit only and will expire in four (4) years from approval date.

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

July 27, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#25-2018

Re: Lot 36, Block 22, Plan 5267RS - known municipally as 33 Fair Oaks Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a 3 season sunroom on an existing 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. This property is located within a low-density (R1) residential land use district.
2. Within the R1 district, a dwelling addition is a permitted use.
3. As the addition (sunroom) is considered part of the dwelling, it must meet the setback requirements of the principal building.
4. As per Section 8.30(13)(a)(i), the minimum rear yard principal building setback is 6m.
5. As proposed, the addition (sunroom) would be located 3.76m from the rear property line.
6. A variance of 2.24m (37%) is required.
7. The variance required exceeds the variance capacity of the Development Officer to approve (Section 3.14.3).
8. The variance requirement for the dwelling addition (sunroom) was discovered as a result of a development permit application.
9. The dwelling addition (sunroom) is proposed to be built on an existing deck.
10. The property backs onto an approximately 50m wide Public Utility Lot (PUL).

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

- 1) The dwelling addition (sunroom) 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) The exterior finishes of the dwelling addition (sunroom) shall match or complement the exterior finishes of the existing dwelling.
- 4) The exterior finishes must be completed within two (2) years of the date of the development permit.

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.
- e) 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.

- f) 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 heard from the Appellant who stated that:

The deck has already been in place with no issues from any neighbour

The Board also considered/reviewed the following

Two letters of support from neighbors

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a 3 season sunroom on an existing deck located at 33 Fair Oaks Drive.

The development is approved with the following conditions:

- The dwelling addition (sunroom) shall be constructed in accordance with approved plan(s).
- 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 exterior finishes of the dwelling addition (sunroom) shall match or complement the exterior finishes of the existing dwelling.
- The exterior finishes must be completed within two (2) years of the date of the development 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 2.24m 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:

There were no objections from any neighbors and the property backs onto a green space.

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

July 27, 2018
Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#26-2018

Re: Lot 4, Block 32, Plan 152 1937- known municipally 915 St. Albert Trail, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave two freestanding signs 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. This property is located within the Corridor Commercial (CC) Land Use District.
2. Schedule C of Land Use Bylaw 9/2005 regulates the placement of signage within the City.
3. Within the CC district, freestanding signs are a permitted use.
4. Under Schedule C(15), freestanding signs are to be located a minimum of **3.0m** from a property line adjacent to a highway. A highway is any public roadway and, in this case, that is St. Albert Trail.
5. As located, the northern most sign is 1.87m from the side property line and requires a variance of 1.13m (38%).
6. The second southern sign is located 1.46m from the side property line and requires a variance of 1.54m (51%).
7. The two existing signs did receive Development Permit approval for construction; however, were not located as per the stamped, approved drawings.
8. The requested variances exceed the powers of the Development Officer for approval (as per Section 3.14.3).
9. The two freestanding signs obtained DP approval for construction.
10. The site is adjacent to St. Albert Trail and therefore, a minimum setback of 3.0m from the side property line is required.

The Board heard from the Appellant who stated that:

The surveyor located the build locations for both signs incorrectly resulting in both signs being built in the wrong location.

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave two freestanding signs as built located at 915 St. Albert Trail.

The Board makes its decision for the following reasons:

- No objections from any neighbors. The signs are already built and do not impede visibility along the roadway or walkway at the site.
- 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

July 27, 2018
Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#27-2018

Re: Lot 3, Block 2, Plan 172 3581- known municipally 22 Edison Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a Development Permit Application to construct a new single family dwelling.

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 is 40%. This dwelling is proposed with a lot coverage of 41.05% requiring a variance of 1.05%.
2. In accordance with Section 3.14(2), the Development Officer cannot vary lot coverage.

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a new single family dwelling located at 22 Edison Drive.

The development is approved with the following conditions:

- A Development Permit is issued for construction of a single-detached dwelling with attached garage, attached deck and developed basement.
- The dwelling shall be constructed in accordance with approved site plan.
- 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.
- No portion of a fireplace chase or cantilevered section including eaves shall project more than 0.06m into a required sideyard.
- The finished floor of the main level shall not be located more than 2.0m above finished grade.
- The exterior finishes must be completed within two (2) years of the date of the development permit.

- The basement development shall not be used as a separate dwelling unit. Basement suites are subject to a separate Development Permit approval process.
- The deck as approved shall remain uncovered and unenclosed.
- The landscaping shall be completed within two (2) years of the date of the development permit.
- The dwelling shall not exceed 11.0m in height.
- Future deck development is subject to separate development permit approval.

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 1.05% 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:

There were no objections from any other neighbor and will provide functional garage for homeowner's needs.

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

July 27, 2018
Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION SDAB#28-2018

Re: Lot 28, Block 13, Plan 052 5565 - known municipally 23 Oakhill 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. When the deck is covered it is considered an addition to the dwelling and therefore must meet the regulations of the dwelling.
2. A 6.0 m rear yard setback is required from the covered deck to the rear property line and the deck is located 3.96 m from the rear property line. The variance required is 2.04 m or 34% which exceeds the variance capacity of the Development Officer.

The Board heard from the Appellant who stated that:

The deck was built by builder who misinformed the appellant with respect to getting proper permits for build. The house is for sale and compliance is needed for RPR

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a deck as built at 23 Oakhill Place.

The Board makes its decision for the following reasons:

There were no objections from any neighbors. There have been no complaints to the city.

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

July 27, 2018
Date