



**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD**

DATE: **Wednesday, February 26, 2020**
TIME: **6:00 p.m.**
PLACE: **Council Chambers**
FILE: **B02**

AGENDA

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

- a) 4 Kingsmoore Ct**

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

- b) 86 Lester Cres**

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

- 4. Adjournment**

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #DP065507-2020

Re: Lot 33, Block 23, Plan 052 3398 - known municipally as 4 Kingsmoor Place, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a hot tub and shed as built.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

None of the members of the Board identified any conflicts in hearing this matter.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

The appellant is appealing a decision of the Development Officer in refusing a development permit application to leave a rear deck under 0.6m in height as built at 4 Kingsmoor Place. The application was for a variance to the rear yard setback.

The property is located within a low-density (R1) residential land use district. Within the R1 district, decks are a permitted use.

As per Section 8.9(3) (c), a deck must be located at least 3m from the rear property line. As built, the deck is located 1.26m from the rear property line. A variance of 1.74m (58%) is required to leave the deck as built. The variance exceeds the capacity of the Development Officer to approve.

The Board heard from the Appellant who stated that:

The appellant Tri Investments Inc. was represented by Tyler Anderson who was making the appeal on behalf of the title insurance. The house is being sold and as part of the new survey, it became apparent that the deck required a variance.

This issue caused one sale to fall through. The 2008 RPR showed the upper portion of the deck and the lower portion of the deck had been added after that time without a development permit.

Mr. Anderson indicated that there were well established trees providing cover between the property that blocked the deck from the adjacent property. Mr. Anderson indicated that he had not spoken to any of the neighbours.

No letters or communication opposing the appeal had been received.

The Board also considered/reviewed the following

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave the rear deck as built at 4 Kingsmoor Place.

The development is approved with the following conditions and notes:

CONDITIONS:

1. The rear deck 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:

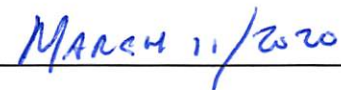
- a) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.
- 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 confirm 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; and
2. There were no objections from any of the other 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


Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #DP065512-2020

Re: Plan 5126TR; BLOCK 9; LOT 26 - known municipally as 86 Lester Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to leave a hot tub and shed as built.

The Appellant had no objection to the members of this Board hearing and deciding this Appeal.

None of the members of the Board identified any conflicts in hearing this matter.

The Board considered the Development Officer's written report and heard from the Development Officer who stated that:

The appellant is appealing the decision of the Development Officer in refusing a development permit application to leave a hot tub and shed as built. The property is located within a low-density (R1) residential land use district. Within the R1 district, accessory buildings (shed) are permitted whereas a hot tub is discretionary.

As per Section 8.2(a) of the Land Use Bylaw 9/2005, an accessory building must not be located in a front yard. This shed is located in a front yard of the property as described in Section 1.9(1)(a), due to the orientation of the house on the lot. As such it is effectively a side yard for the property. An accessory building located in a side yard must be located a minimum of 1.2m from the side property line and a minimum of 1.5m from the dwelling. If the Board approves the appeal, this shed is located 1.53m from the side (front) property line and 2.93m from the dwelling.

The hot tub meets all requirements for private pools, hot tubs and decorative ponds but appears with this appeal as the Development Officer cannot approve and refuse items on the same permit.

The Board heard from the Appellant who stated that:

Benjamin McNabb appeared for the owner, Antoni Ruban, and made submissions in support of the appeal. He is the homeowner and has lived in the house for 10 years. The house has been sold and the closing date is April 8, 2020. It was determined when compliance was being sought for the house sale that the shed required a development permit. Mr. McNabb also indicated that the fence surrounding the property was just under 6 feet high.

There were no letters received opposed to the appeal.

The Board also considered/reviewed the following

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to leave a hot tub and shed as built at 86 Lester Crescent.

The development is approved with the following conditions:

1. The accessory building shall be finished to match the dwelling on the site.
2. Any new accessory development shall be subject to a separate development permit application.
3. The hot tub shall be enclosed by fences equipped with gates that lock and/or in accordance with the Alberta Building Code in effect at the date of the application for 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 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; and
2. There were no objections from any of the other 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 

Date 