SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, August 7, 2024**
TIME: **6:00 p.m**.
PLACE: Council Gallery, 3rd flr, St. Albert Place
FILE: B02

AGENDA

1. Adoption of Agenda

2. Radius Notifications

3. Appeal

a) 328 Jensen Lakes Blvd, St. Albert, AB

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a basement suite in an existing single detached house.

b) 30 Lombard Cres, St. Albert, AB

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a 2.0 m high front yard fence.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00964 - 2024

Re: PLAN 2122373; BLOCK 10; LOT 16 - known municipally as 328 Jensen Lakes Blvd., St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a basement suite in an existing single detached house.

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

None of the members of the Board identified a conflict that would prevent them from 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 construct a "dwelling, secondary suite" – basement suite.

Section 7.3(1)(b) of Land Use Bylaw 9/2005 states that a dwelling, secondary suite must provide a minimum of 1 stall for 1 or 2-bedroom suite. The suite proposed is a 1-bedroom suite. The parking must be provided on private property. The Bylaw also requires that 2 stalls be provided for the main dwelling unit on the private property or in a garage. The plan submitted for the house and parking pad does provide the main dwelling 2 stalls but there is no room to provide the required parking stall for the suite. There is a detached garage permit application waiting approval based on the results of this appeal.

Parking
Required parking for the main dwelling: 2 stalls – provided on parking pad
Required parking for the "dwelling, secondary suite": 1 stall – not provided on the private property

Variance required: 1 stall

There is no location available on the property for this required stall based on the location of the parking pad or future detached garage.

Should the Board grant the Appeal, Administration requests that the conditions below be applied to the decision:

Conditions

1. The Subdivision and Development Appeal board approves a development permit for a 'dwelling, secondary suite' (basement suite) and waives the required 1 stall parking requirement of the Land Use Bylaw (Section 7.3(1)(b).

2. The 'dwelling, secondary suite' shall be constructed in accordance with the stamped approved plans.

3. Any changes must first be submitted to the Development Officer for review.

4. The dwelling, secondary suite' shall have a separate entry from the principal dwelling unit, either from a common landing or from the exterior. If the entry is from the exterior, it shall be located on the side or rear of the principal dwelling unit.

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 Appellant was represented by Chris Barker, the contractor for the owner. He indicated that residents in the area do not use their garage pads for parking and park in front of their houses.

The subject property has a backlane access with a garage pad. He also indicated that there is plenty of street parking. The street in front of the house is quite wide and the on-street parking will not impact the traffic.

The Board also considered/reviewed the following

There was no opposition from any owner within the radius notification area. Also, the Board was satisfied that given the width of the street, that on-street parking would not affect the movement of emergency vehicles in the area.

The Board finds the following:

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal ton construct a basement suite in an existing single detached house located at 328 Jensen Lakes Blvd, St. Albert, AB.

The development is approved with the following conditions:

Conditions

1. The Subdivision and Development Appeal board approves a development permit for a 'dwelling, secondary suite' (basement suite) and waives the required 1 stall parking requirement of the Land Use Bylaw (Section 7.3(1)(b).

2. The 'dwelling, secondary suite' shall be constructed in accordance with the stamped approved plans.

3. Any changes must first be submitted to the Development Officer for review.

4. The dwelling, secondary suite' shall have a separate entry from the principal dwelling unit, either from a common landing or from the exterior. If the entry is from the exterior it shall be located on the side or rear of the principal dwelling unit.

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 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 most affected neighbours were consulted and there was no opposition to the variance;

    b. The width of the street in front of the house was such that on-street parking would not impact the movement of emergency vehicles in the area; and

    c. 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.

Michael Kirk
Michael Kirk (Aug 13, 2024 09:47 MDT)

August 13, 2024

Chair

Date

ALLOWED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00965 - 2024

Re: PLAN 7922714; BLOCK 25; LOT 10 - known municipally as 30 Lombard Cres., St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a 2.0 m high front yard fence.

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

None of the members of the Board identified a conflict that would prevent them from 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 CONSTRUCT A FENCE IN THE FRONT YARD (OVER 1.0m HIGH) on the property of 30 Lombard Crescent. The property is located within a Low-Density (R1) residential district land use district. Within this district, fences are a permitted use.

Under Section 8.15, the maximum height permitted in a front yard is limited to **1.0m**. As proposed, the new wood fence would be **2.0m** in height. The required variance of **1.0m or 100%** exceeds the variance capacity of the Development Officer to grant.

It may interest the Board to note the following:

1. Fences are a permitted use in this land use district

2. A Development Permit is not required for the proposed fence.

3. Front Yard Fencing

   Maximum Height Permitted: 1.0m
   Proposed fence Height: 2.0m
   Variance required: 1.0m or 100%

4. The requested variance amount exceeds the powers of the Development Officer to grant (Section 3.14.3).

5. Issuance of a development permit does not relieve the Applicant 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.

The Board heard from the Appellant who stated that:

The Appellant was Edward Monk, the owner of the subject property. He wants to construct the 2m high fence for a number of reasons. The lot is an irregular shaped lot, essentially a reverse pie lot.

The 2m high fence will provide some privacy and deter people from coming into his yard and looking into his garage. There is also a tree that he does not want people climbing on. The fence will not affect any site-lines from his driveway.

The most directly affected neighbours provided written support for the appeal.

The Board also considered/reviewed the following

The Development Officer did not propose any conditions or notes as part of the Development Permit if the Appeal was allowed.

The most directly affected neighbours, beside and across from the subject property, did not oppose the appeal.

The Board finds the following:

Allowed:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a 2.0m high front yard fence located at 30 Lombard Cres, St. Albert, AB.

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 most affected neighbours were consulted and advised they had no issue with the variance;

    b. The fence was a permitted use; and

c. There were no objections from any of the other neighbours within the radius notification area.

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.

Michael Kirk
Michael Kirk (Aug 13, 2024 09:47 MDT)

Chair

August 13, 2024

Date