SUBDIVISION AND DEVELOPMENT APPEAL BOARD

AGENDA

DATE: **Wednesday, October 30, 2024**
TIME: **6:00 p.m**.
PLACE: Council Gallery, 3rd flr, St. Albert Place
FILE: B02

---

1. Adoption of Agenda

2. Radius Notifications

3. Appeal

a) 53 Jubilation Drive

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to add a roof over a rear deck.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00971 - 2024

Re: PLAN 2221193; BLOCK 4; LOT 55 - known municipally as 53 Jubilation Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to add a roof over a rear 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:

- With the proposed covered deck, the total lot coverage will be 41.5%. Maximum lot coverage on an R1 lot is 40% for the principal building and garage as per Section 8.30(8)
- The Development Officer does not have the authority to vary lot coverage as per Section 3.14(2)(a)
- The Development Branch suggested altering and/or scaling back the the design of the roof in order to meet lot coverage requirements

In response to questions from the Board, the Development Officer stated that:

- In order to meet the 40% lot coverage requirement, 8.71m2 (93.76ft2) of the roof would need to be removed from the proposed roof.
- The lot backs onto a shared use path in the Jensen Lakes neighborhood
- The 40% lot coverage rule is in effect to prevent massing and bulk on the lots
- Lot Coverage percentage can vary from district to district
- In the proposed new Land Use Bylaw, the lot coverage of the equivalent zone for this site will remain at 40% if approved by Council
- They can reduce the size of the roof in order to meet the 40% lot coverage, although this would mean a portion of the deck would no longer be covered.
- This is quite a large deck relative to lots of a similar nature.

The Board heard from the Appellant who stated that:

- The proposed roof is 10ft X 32ft
- The proposed space with be used for three season coverage
- It is being constructed for functionality living and a cooking space
- The decking is being replaced with composite material
- The structural support is already built in
- The development is being built to protect the deck from wind blowing in from a vacant lot adjacent to the house.
- The Board granted two similar approvals in December of 2023 and September of 2023

In response to questions from the Board,the Appellant stated that:

- The lot is currently fenced in alignment with the Community Plan
- It is approximately 6 feet in height
- They will be building pony walls on the sides of the deck to provide partial enclosure to the area, but these will not be full walls and they have no intention of building a full enclosure of the roofed 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 to add a roof over a rear deck located at 53 Jubilation Drive

The development is approved with the following conditions:

1. Development Permit approval is issued to add a roof to a deck.
2. The addition of a roof above the rear deck shall be constructed in accordance with the approved site plan.
3. The lot coverage shall be permitted by the Subdivision Development and Appeal Board at 41.5%.
4. 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.
5. The exterior finishes must be completed within two (2) years of the date of the development permit.

6. The deck as approved shall remain unenclosed.

7. Future deck development shall be subject to a separate development permit application.

8. Failing to comply with the conditions of the development permit approval shall render this permit invalid.

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.

The Board makes its decision for the following reasons:

- The Board needs to determine if the proposed variance will unduly interfere with the amenities of adjacent properties.
- The Development Officer stated that the main reasoning behind limiting lot coverage to forty (40) percent was to limit massing and bulk of the building on the lot and that this was more important on smaller lots due to their smaller size.
- The Board understands that the proposed covered roof will be limited to the rear yard, and as such, the visual impact of massing and bulk will be restricted to properties to either the side or rear of the building. The massing will not be visible from the front of the property.
- The Appellant stated that there are currently no homeowners to the rear of the house, but rather a shared use path, and future residential lots which are not yet developed.
- Even when the future residential lots are developed, the Board is satisfied that the bulk and massing will be minimal enough as to not have a negative impact on those lots. This is in part due to the separation of the lots by a shared use path, and the fact that the rear setback of the house will still comply, thus creating adequate spacing to the future development to the rear.
- Furthermore, the Appellant noted that a six foot high fence has been developed along the rear lot line, providing visual relief for users of the shared use path toward the covered deck.
- As for properties to the sides of the house, the Board notes that there was no opposition from those neighboring properties. Nobody appeared in opposition, and no letters were received in opposition.
- As such, the Board finds that the proposed development will not unduly interfere with or materially affect the enjoyment, operations or value of adjacent property.
- The proposed development conforms with the use prescribed for the land within the Land Use Bylaw.
- Finally, the Board finds that the excess in lot coverage is minimal (8.71m2) and will have minimal impact on those who can see it.

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

Mark Harrison — November 7th, 2024

Chair — Date