SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, July 24, 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) 24 Resplendent Way, St. Albert, AB

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a single detached dwelling secondary suite, basement suite.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00962 - 2024

Re: PLAN 2320078; BLOCK 3; LOT 50 - known municipally as 24 Resplendent Way, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a single detached dwelling with secondary suite, basement suite.

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:

- As per Section 7.3(1)(b) of the Land Use Bylaw, Secondary Suites must provide a minimum of one on-site parking stall for a one or two bedroom suite
- There is no location available on the property for this required stall based on the location of the parking pad or future detached garage

In response to questions from the Board, the Development Officer provided the following responses

- There currently cannot be a determination as to whether or not there is enough on-street parking to accommodate further parking, as the area is still under development
- There is not enough room on the garage pad to provide tandem parking.

The Board heard from the Appellant who stated that:

- They have a non zero lot line property, which they believe is more amenable to having a Secondary Suite.
- There were multiple approvals for Secondary Suites on Raspberry Road. They have equity concerns in that they should be given the same consideration as approvals on that road.
- A recent survey done by the City shows city citizens have a favorable view of Secondary Suites.
- There is a growing demand for Secondary Suites as it can help with mortgage payments.

In Response to questions from the Board, the appellants provided these further responses:

- A non Zero Lot Line is generally wider than a zero lot line. This lot is 28 feet wide instead of 25 feet wide, which provides greater coverage at the street front.
- They don't believe on-street parking will be any worse than in areas such as Jensen Lakes where Secondary Suites have been approved.
- Waste pick-up would occur on the street in front of the house, and not on the lane behind the house.
- They don't want to relocate the garage further into the property as it would take up amenity area and put the garage right by the rear deck which comes 10 feet out from the house.
- It's difficult to gauge how on-street parking will be as currently it is occupied by construction vehicles being used on developing new houses.

The Board finds the following:

- The issue before the Board is whether or not to grant a variance of one parking stall required as per Section 7.3(1)(b) of the Land Use Bylaw on the property for a Secondary Suite.

- if the Board determines that granting the variance does not unduly interfere with the amenities of the neighborhood and/or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, the Board may grant the variance.

- The Development Officer stated that there was not enough room behind the garage to provide tandem parking. They indicated that the only way to provide space on-site would be to have the appellant to move the garage forward towards the house, into existing amenity space

- The appellant indicated that the removal of amenity space was not ideal and would interfere with the enjoyment of their property.

- The Board agrees with the appellant's position that a reduction in amenity area was not a suitable resolution to the issue, as it would interfere with the enjoyment of their own property.

- The Board inquired whether or not on-street parking was an available option. The Development Officer stated that they could not provide information on whether on-street parking would suffice in this area, as it was still under development.

- The appellant suggested the Board treat the area the same as recently developed areas when it comes to on-street parking options, such as Raspberry Road or newer areas of the City, which recently had Secondary Suites approved.

- The appellant noted that their lot was 28 feet wide, compared to Zero Lot Lines which are 25 feet wide. The Board believes this space in front of the house can be utilized by the tenant(s) of the suite without impacting neighbors.

- Furthermore, nobody spoke in opposition to the appeal

- The Board is of the opinion that the on-street parking should provide ample parking for the users of the Secondary Suite, without negatively affecting the adjacent property owners.

- The Board concludes that (in accordance with section 687(3)(d) of the Municipal Government Act) the lack of one on-site parking stall 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.

Allowed with conditions

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a single detached dwelling with secondary suite, basement suite located at 24 Resplendent Way, St. Albert, AB,

The development is approved with the following 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 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
a

Mark Harrison
Chair

July 31st, 2024
Date