SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, June 26, 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) 42 Nettle Cres, St. Albert, AB

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

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00958 - 2024

Re: PLAN 2222054; BLOCK 2; LOT 20 - known municipally as 42 Nettle Cres., St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a 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 1 on-site parking stall for a one or two bedroom suite.
- The suite that is proposed is a one bedroom suite.
- The Principal Dwelling (House) requires two on-site parking stalls
- The development provides a garage pad built to support two parking stalls.
- The plot plan submitted for the house shows a double car parking pad which accommodates the required two stalls for the main dwelling.
- As such, there is a deficiency of one parking stall.
- The variance required of one parking stall exceeds the authority of the Development Officer to grant.
- The distance from the garage pad to the property line is 3.10 metres
- The distance from the garage pad to the asphalt lane is 4.60 metres
- The required length for a parking stall is 5.80 metres.
- Tandem Parking is not allowed on the rear parking pad.
- This property is a zero lot line property.

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

- The maintenance easement on the side of the yard cannot be utilized for parking
- The average width of a parking stall is 2.60 metres
- A portion of the garage pad made of concrete was allowed to be developed on city right of way, but that this portion is to be used for access to the actual garage pad
- The expectation of the Land Use Bylaw is to provide parking on-site, not on the street

- The Development Officer clarified that the concrete driveway crosses over the property line at the rear and is an extra 1.50 metres long on city property.

The Board heard from the Appellant who stated that:

- They believe there is enough room behind the garage pad to park a small compact car.
- They believe they can park either in parallel or at any angle behind the existing parking.
- They acknowledge that parking on the rear pad will mean they are partially in the lane, but that they don't believe there will be any issues and that other property owners park the same way
- They believe the long term strategy in St. Albert is provide more affordable housing options in the form of Secondary Suites

In Response to questions from the Board, the Appellants provided further evidence:

- They spoke to approximately four neighbors, none of who were opposed to the development
- They had just moved into the house
- They had built their concrete driveway right up to the asphalt lane.
- The owners of the home intended to park their vehicles on the garage pad in the back and not in front of the house.

The Board also considered/reviewed the following

The appellant provided their summation of a CMHC Report on Secondary Suites which was entered into evidence.

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.

- The Development Officer is unable to grant this variance as it exceeds their variance capacity. However, 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 appellant argued that by utilizing space behind the garage pad, they could safely park another vehicle for the Secondary Suite, though this space would be partially on the city laneway

- The Board disagrees with this assessment based on the following evidence provided:

    - The Development Officer stated that tandem parking is not allowed on the rear parking pad. As such, any arrangement involving tandem parking would not comply with the Land Use Bylaw.
    - If the appellant were to be in non compliance of this regulation, the City could take enforcement action to ensure compliance is met.
    - The appellant was not able to provide evidence that partially parking on the rear laneway would not obstruct service or other vehicles from passing by safely.
    - The Development Officer stated that the purpose of allowing a portion of the parking pad to be developed on city property was to provide access to the garage pad.
    - The Board is of the opinion that parking vehicles on the portion of the parking pad that is on city property goes beyond simply providing access

- As such, the board is of the opinion that a variance cannot be granted to reduce parking based solely on evidence of parking at the rear of the parking pad as it could result in negative impacts on laneway traffic.

- However, the board also considered evidence concerning street parking in front of the house.

- The Board notes that several images provided in the submission to the Board shows on-street parking in front of the house.

- The survey plan of the property indicates that the property is 7.70 metres wide. The appellant provided a diagram indicating that the average length of a car is 4.48 metres. As such, the space in front of the house could suitably provide parking, although there is no guarantee that space would be available to the tenant(s) of the secondary suite.

- The appellants (who are the homeowners) indicated they would park their vehicles on the garage pad behind the building, which thus gives the tenant of the Secondary Suite more space to park in front of the house on the street.

- The Board did consider evidence from the Development Officer that the Bylaw requires parking to be provided on-site.

- However, the Board is of the opinion that on-street parking is an available option, should the occupant(s) of the Secondary Suite require it and there was no evidence provided that there will not be ample on-street parking available as an option.

- The appellant indicated that they had spoken to approximately four neighbors and that none of the neighbors had concerns

- Furthermore, there was no evidence brought forth indicating any opposition from immediate neighbors within 30 metres of the property who were notified of the appeal, and would be most affected by on-street parking in front of the Dwelling.

- Based on this evidence, the Board is of the opinion that if the Secondary Suite tenant(s) were to park on the street in front of the proposed development, it would not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the enjoyment, operations or value of adjacent property owners.

- The Board is also of the belief that the occupants of the Secondary Suite will have no choice but to park in front of the house, rather than behind the garage pad, as parking behind the garage pad would put them in contravention of the Land Use Bylaw regulation prohibiting tandem parking on-site.

- 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 'dwelling, secondary suite' located at 42 Nettle Cres.

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 one 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 the 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 cleaned 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 Servies 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

Mark Harrison — July 1st, 2024

Chair — Date