SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, December 11, 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) 136 Redwing Wynd

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a single detached dwelling with attached garage and deck.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00973 - 2024

Re: PLAN 2422352; BLOCK 13; LOT 29 - known municipally as 136 Redwing Wynd, 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 attached garage and deck.

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

Also 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 refusal of a development permit application to construct a new single detached house with attached garage and deck.

Section 5.3(6)(a) states that the maximum lot coverage in this land use district (SLR) is 40%. This house is proposed at a lot coverage of 42.08%. In accordance with Section 2.15(5), the Development Officer cannot vary lot coverage. *There are no lot features that would present a hardship to achieve the maximum lot coverage. Administration does not support the variance request.*

It may interest the Board to note the following:
Maximum lot coverage: 40% Proposed lot coverage: 42.08%
Variance required: 2.08% or 9.3square metres or 100.3 sq. feet. The Development Officer cannot vary lot coverage.

If the Board supports the appeal, the following conditions are requested on the decision:

1. Development Permit approval is issued for the construction of a single-detached dwelling with attached garage, basement development, covered and uncovered deck, issued in accordance with the provisions of Land Use Bylaw 18/2024.

   A variance has been approved by the Subdivision and Development Appeal board to allow the lot coverage of 42.08%, above the maximum lot coverage of 40%.

2. No portion of a fireplace chase or cantilevered section including eaves shall project more than 0.6 Metre into a required sideyard.

3. The finished floor of the main level shall not be located more than 2.0 m above the finished grade.

4. The dwelling height shall not exceed 11.0 m.

5. Any 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.

6. The maximum width of the driveway is 5.5m at back of walk. The driveway shall be as approved on the stamped plot plan.

7. A concrete driveway apron from curb to sidewalk is required. A hard-surfaced driveway, as approved by the Development Officer in consultation with Engineering Services, is required from sidewalk to face of the garage.

8. The development shall be constructed in accordance with the stamped, approved plan(s).

9. The lot coverage of the dwelling shall not exceed 40%.

10. The landscaping shall be completed within two (2) years of the date of building permit approval.

11. The exterior finishes must be completed within two (2) years of the date of development permit approval.

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

13. The deck as applied for 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 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.

In her submissions, the Development Officer also expressed that with the “one offs” that could be allowed with a variance such as in this Appeal, the storm drainage system could be affected because of a reduction in permeable land.

With respect to this property, with a 2.08% variance or approximately 100 sq. ft. of permeable land would be removed. This reduction would potentially divert the water that would permeate into the lot, into the storm drainage system.

Also, the Development Officer indicated that the Appellant did not contact her to see if there were any changes that could be made with the proposed development such that a variance wouldn’t be needed.

The was no concern with massing or any other issue in the submissions. The main concern was that the proposed development could have been changed to bring it within the 40% lot coverage and therefore not require a variance. This would require a change of the proposed development to reduce the floor plan by approximately 100 sq. ft.

The Board heard from the Appellant who stated that:

The Appellant was represented by Jordan Pelletier. The proposed dwelling is a pre-sold custom client home. It is a small bungalow that exceeds the site coverage slightly, but remains within required setbacks.

It has very modest massing due to being a single storey and has standard roof lines. There would have minimal impact on neighborhood from a visual perspective.

The proposed dwelling is on a rectangular lot, standard sized garage with a deck. The purchasers wanted a house that had the amenities as set out in the development permit application. A number of options were considered to bring the house under the 40% lot coverage but the changes would have affected the desired amenities. The purchasers wish to build this bungalow to allow them to age in place.

As for the concerns of the Development Officer, the Appellant submitted, that the proposed dwelling complies with all set-back requirements, there is no issue with massing, and the proposed lot coverage increase would have minimal impact on the surface drainage. The Appellant also indicated the developer of the area was in support of the Appeal. Finally, the Appellant submitted that the proposed development would not negatively affect the neighbourhood.

The Board also considered/reviewed the following

There were no submissions from any adjacent neighbors in the radius notification area that were opposed to the Appeal.

The Board finds the following:

The Board considered the submissions from the Appellant and the Development Officer and the materials before the Board.

The Appeal was requesting a variance of the 40% lot coverage to 42.08%. The proposed dwelling, with attached garage and uncovered deck otherwise was in compliance with all other bylaw provisions including front, back and side-yard set-back requirements.

The Board is mindful of the submissions from the Development Officer, relating to “one offs” and the suggestion of a potential impact of increased lot coverage on the storm drainage system. The Appellant submitted that the proposed development would comply with lot sloping and drainage requirements.

The Board was not convinced that granting this variance would have a significant or any effect on the storm water drainage system as there was no substantive evidence put before the Board by the Development Officer on this point. Further, the Board is also mindful of the suggested or inferred “flood gates” argument put forward by the Development Officer regarding these types of variance appeals relating to lot coverage. The Board considers each appeal on its merits based on the submissions before it during each appeal.

There were no issues with respect to the proposed development with respect to excessive or any massing because of the structure. Further, as the proposed development is a bungalow, it would not have a negative effect on any of the neighbouring properties in relating to casting a shadow on the properties. The proposed development is adjacent to a walkway so the properties that are adjacent to the walkway have the added space buffer if there were any shadowing concerns.

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 attached garage and deck located at 136 Redwing Wynd, St. Albert, AB.

The development is approved with the following conditions:

1. **Development Permit approval is issued for the construction of a single-detached dwelling with attached garage, and uncovered deck, issued in accordance with the provisions of Land Use Bylaw 18/2024.**[1]

A variance has been approved by the Subdivision and Development Appeal board to allow the lot coverage of 42.08%, above the maximum lot coverage of 40%.

2. No portion of a fireplace chase or cantilevered section including eaves shall project more than 0.6 Metre into a required sideyard.

3. The finished floor of the main level shall not be located more than 2.0 m above the finished grade.

4. The dwelling height shall not exceed 11.0 m.

5. Any 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.

6. The maximum width of the driveway is 5.5m at back of walk. The driveway shall be as approved on the stamped plot plan.

7. A concrete driveway apron from curb to sidewalk is required. A hard-surfaced driveway, as approved by the Development Officer in consultation with Engineering Services, is required from sidewalk to face of the garage.

8. The development shall be constructed in accordance with the stamped, approved plan(s).

9. **This condition has been deleted as the appeal was allowed to grant a variance for the lot coverage of the dwelling to exceed 40% lot coverage at 42.08%.**[2]

[1] This condition proposed by the Development Officer was amended to be consisted with the development that was proposed.
[2] The condition proposed by the Development Officer proposed that the maximum lot coverage for the dwelling would not exceed 40%. The variance allowed for a development that exceeded the 40% lot coverage.

10. The landscaping shall be completed within two (2) years of the date of building permit approval.

11. The exterior finishes must be completed within two (2) years of the date of development permit approval.

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

13. The deck as applied for 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 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.

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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 neighbor was consulted pursuant to the radius notification and no submissions were received with respect to the proposed variance;

    b. The proposed dwelling is located adjacent to a public walkway and therefore additional separation distance exists between the proposed dwelling and the properties adjacent to the public walkway; and

    c. There were no objections from any of the other neighboring properties that were provided with notice in the radius notification.

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 (Dec 17, 2024 13:51 MST)

Chair

December 17, 2024

Date