SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, February 21, 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) 10 Chambery Cres

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

b) 5 Night Bloom Drive

The Appellant is appealing a decision of the Development Officer in a conditional approval regarding Development Permit Decision (condition #7) – for an exterior wall and common walkway distance – approved permitted use with variance.

4. Adjournment

DENIED

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00950 – 2024

Re: PLAN 2320410; BLOCK 2; LOT 56 - known municipally as 10 Chambery Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a 'dwelling, secondary suite' (basement suite).

There were no objections 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:

- The Secondary Suite requires one extra parking stall that cannot be provided on-site due to the current configuration and location of the rear concrete pad.
- The plot plan submitted for the house shows a double car garage which accommodates the required 2 stalls for the house.
- The driveway shown on the plot plan does not provide the required 1 stall for a secondary suite.
- A parking stall is required to be a minimum of 5.8m in length whereas the driveway to property line is only 1.554m and the property line to lane edge is only 1.6m – 3.154m.
- The Development Officer provided advice to the appellant to have the garage and associated concrete pad built closer to the house, thus creating a larger parking pad to the rear of the garage, which could provide the on-site space necessary for the extra parking stall.
- This alternative would reduce the amount of amenity space in the rear yard.
- The appellant chose not to pursue this alternative, instead seeking approval for a variance from the appeal board.
- The Board heard from the Development Officer that the reduction in amenity area in the backyard would not require a variance, and that the application would be in full compliance if the garage and its concrete pad was moved closer to the principal dwelling.
- The proposed new Land Use Bylaw (not yet in effect) would likely not require this extra parking stall.

The Board heard from the Appellant who stated that:

- The appellant did not attend the hearing

The Board also considered/reviewed the following

- Without the appellant in attendance, the board relied on their written submission and the Development Officer's written and verbal submissions

The Board finds the following:

Denied

The Subdivision and Development Appeal Board of the City of St. Albert hereby denies the Appeal to construct a Secondary Suite (Basement Suite) located at **10 Chambery Crescent, 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 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 because:

    - The Board heard from the Development Officer that there was an alternative solution to provide the required on-site parking by building the future garage closer to the house, thus allowing for a large enough parking pad to provide for the extra parking stall .
    - The Board was unable to question the Appellant as regards their reasons for rejecting the proposed solution.
    - The Board has concerns about possible increased parking congestion along Chambery Crescent due to the smaller lot sizes in the neighborhood.
    - The appellant had an opportunity to mitigate parking congestion but chose not to pursue that opportunity.
    - The Board was not given any evidence from the appellant how the proposed solution from the Development Officer would negatively impact their enjoyment of amenities.
    - While the Board understands that the future Bylaw may eliminate the need for an extra parking stall for Secondary Suites, the Board is dealing with the Bylaw in effect today, which requests one parking stall be provided for a Secondary Suite.

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 _____ Feb 29th, 2024

Chair Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00951 – 2024

Re: PLAN 2222054; BLOCK 4; LOT 1 - known municipally as 5 Night Bloom Drive, St. Albert, AB.

The Appellant is appealing Condition #7 of the approved development permit DP070890:

> **Condition #7:**
> *"As per Section 8.6(1)(b)(i), the minimum separation distance between the exterior wall of an apartment building and a common walkway shall be 4m."*
>
> Development Permit DP070890 was approved and issued on January 31, 2024 to authorize the construction of a a 143-unit apartment development consisting of one 71-unit 4-storey building and one 72-unit 4-storey building and related site improvements. The development was approved as a permitted use under the provisions of Section 8.33(3)(a) of Land Use Bylaw 9/2005.
>
> The property at 5 Night Bloom Drive is districted R3A (Medium Density Residential).

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 8.6(1)(b)(i) of the land use bylaw, the minimum separation distance between the exterior wall of an apartment building and a common walkway shall be 4m.
- As proposed, the common walkway adjacent to the north end elevations of Building A and Building B is 0m. A variance of 4m (100%) is required to allow the walkways to be located as proposed.
- The variance amount exceeds the variance capacity of the Development Officer to grant under the provisions of Section 3.14(3) of Land Use Bylaw 9/2005.
- The Development Officer is in support of the Board granting approval to remove the condition.
- The Development Officer noted that the future Land Use Bylaw will not likely have the regulation stipulating a 4 metre setback of an internal walkway from a building.

The Board heard from the Appellant who stated that:

- The Developer did consider other options including just removing the walkway altogether, but found that other options weren't feasible
- The walkway serves as a pedestrian route from a required exit
- The appellant confirmed that one of the walkways leads directly to the waste enclosures
- There are no window openings along the walkway, thus reducing any intrusion of privacy on those dwellings adjacent to it.
- If they were to consider moving the walkway, there would be a "ripple effect" on other features including the parkade ramp and surface parking.
- The proposed location of the walkway still ensures safe access into the building
- Having the walkway 4 metres from the building seems counterintuitive
- This will be a purpose built rental building
- The walkways are six feet wide and the doors at 36 inches wide
- If the door swings out onto the walkway, there will still be some egress on the walkway because of the above stated dimensions
- They are providing the appropriate number of parking stalls. They are overparked by 8-10 stalls, but this is to provide EV parking options.

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 vary Condition #7 for the approved Development Permit DP070890. located at **5 Night Bloom Drive, St. Albert, AB.**

The development is approved with the following conditions:

1) Conditions 1-6 and 8-18 inclusive, as well as Notes a to h inclusive, of Development Permit DP070890 shall remain in effect and apply.

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 of Condition #7 for DP070890 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:

- The Board accepts the arguments of the Development Officer that the 4 metre setback requirement for the internal walkways is excessive and impractical, especially when there are no privacy issues.
- Neither of the buildings have window openings along the length of wall which the proposed walkway is adjacent to. As such, there will be no intrusion of privacy for ground floor dwellings.
- The Board accepts that the positioning as required by the Bylaw of the walkway is difficult to achieve without requiring removal of required parking stalls.
- There was no opposition to the proposed variance and the City is in support of the variance

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

Mark Harrison _____ Feb 29th,2024

Chair Date