SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, March 6, 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) 370 Carleton Drive

The Appellant is appealing the decision of the Development Officer in refusing a development permit application to construct a new building (accessory) on an existing site.

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4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00952 - 2024

Re: PLAN 0325644; BLOCK 5; LOT 9 - known municipally as 370 Carleton Drive, St. Albert, AB

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct an accessory building on an existing site.

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:

- The Appellant is appealing a refusal of a DP application to construct a new building (accessory).
- Section 9.20(8)(e) of the Land Use Bylaw requires a 3.5m rear yard setback for a new building in this land use district.
- The building is proposed with a 0.22m rear yard setback.
- The variance required of 3.28m or 93.7% exceeds the variance capacity of the Development Officer.
- The adjacent site owned by the City of St. Albert appears to have accessory buildings which are not in conformance with the Land Use Bylaw and are too close to the rear property line
- The City is in support of granting the variance

The Board heard from the Appellant who stated that:

- The existing accessory building is being removed
- They believe there will be no drainage impact on the adjacent sites
- The previous building was also too close to the rear property line.
- The shed will have a similar facade to the main building

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 construct a new building (accessory) on an existing site located at 370 Carleton Drive, St. Albert, AB

The development is approved with the following conditions:

1. Development Permit approval is issued for the construction of an industrial storage building. A variance has been granted by the Subdivision and Development Appeal Board to relax the required rear yard setback of 3.5m to the proposed setback of 0.22m.

2. The building shall be constructed in accordance with the stamped approved plan(s).

3. 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.

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

5. The exterior finishes shall match or complement the existing dwelling.

6. The proposed development shall not adversely impact the drainage of adjacent sites to the satisfaction of the Development Officer.

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 oras to the presence or absence of any environmental contaminants on or within the property.

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 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 0.22m Setback to the new building (accessory) 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 previous accessory building was also too close to the property line and did not negatively impact the adjacent neighbour
   - The adjacent neighbour (City of St. Albert) also has accessory buildings that are too close to the shared property line and do not appear to disturb the appellant's property.
   - The City supports the requested 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 — March 14th, 2024
Chair — Date