SUBDIVISION AND DEVELOPMENT APPEAL BOARD

AGENDA

DATE: **Wednesday, Sept 18, 2024**
TIME: **6:00 p.m**.
PLACE: Council Gallery, 3rd Floor, St. Albert Place
FILE: B02

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1. Adoption of Agenda

2. Radius Notifications

3. Appeal

a) 55 Riverhill Crescent

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a new single detached house.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00968 - 2024

Re: PLAN 2320861; BLOCK 4; LOT 49 - known municipally as 55 Riverhill Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a new single detached house.

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

Also, none of the Board members identified a conflict that would prevent them from hearing this Appeal.

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. Section 8.30(8) states that the maximum lot coverage in this land use district is 40%. This house is proposed with 42.32% lot coverage. In accordance with Section 3.14(2)(a), the Development Officer cannot vary lot coverage.

It may interest the Board to note the following:
Maximum lot coverage: 40%.
Proposed lot coverage; 42.32%
Variance required: 2.32% or 9.02 sq. metres or 97 sq. feet.

If the Board approves the appeal, the following conditions should be noted on the decision:

Conditions

1. Development Permit approval is issued for the construction of a single-detached dwelling with attached garage, deck, issued in accordance with the provisions of Land Use Bylaw 9/2005.

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 2.0m above the finished grade.

4. The dwelling shall be constructed in accordance with approved site plan.

5. The dwelling height shall not exceed 11.0m.

6. The lot coverage shall be permitted by SDAB at 42.32%.

7. Any proposed 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.

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

9. The deck as approved shall remain uncovered and unenclosed.

10. Future deck and basement development shall be subject to a separate development permit application.

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

12. Failing to comply with the conditions of development permit approval shall render this permit invalid.

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.

The Board heard from the Appellant who stated that:

The Appellant was represented by Gary Hoeft. Mr. Hoeft advised that this home was previously designed by Morrison Homes, which had been inherited by Cantiro Homes LP, and had been designed for the subject lot.

The house is a bungalow and is 1258 sq ft and is 26 feet wide. There is no excessive pace to cut down to bring it within the 40% lot coverage.

The house backs onto a green space and future school, and also has a walkway on the left side. There are no neighbouring homes on the back or the left of the subject property.

The Appellant considered narrowing the garage as there is a setoff between the garage and the width of the house. This would only result in a further 44 sq ft reduction and 97 sq ft are required.

The Board also considered/reviewed the following:

There were no opposition submissions received from lots located in the radius notification area.

The Board finds the following:

Allowed with conditions:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal for a development permit to construct a new single detached house located at **55 Riverhill Crescent, St. Albert, AB.**

The development is approved with the following conditions:

Conditions

1. Development Permit approval is issued for the construction of a single-detached dwelling with attached garage, deck, issued in accordance with the provisions of Land Use Bylaw 9/2005.

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 2.0m above the finished grade.

4. The dwelling shall be constructed in accordance with approved site plan.

5. The dwelling height shall not exceed 11.0m.

6. The lot coverage shall be permitted by SDAB at 42.32%.

7. Any proposed 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.

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

9. The deck as approved shall remain uncovered and unenclosed.

10. Future deck and basement development shall be subject to a separate development permit application.

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

12. Failing to comply with the conditions of development permit approval shall render this permit invalid.

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.

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 neighbours were consulted, and no submissions were received;

   b. The proposed residence backs on to a proposed green space and future school, and is also located adjacent to a public walkway and therefore ample separation distance exists between the proposed residence on three sides, including the front yard; and

   c. There were no objections from any of the other neighbours.

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 (Sep 23, 2024 16:18 MDT)

Chair

September 23, 2024

Date