SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, September 4, 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) 146 Jennifer Cres, St. Albert

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a concrete exterior stairwell for access to the basement of a single detached dwelling.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00946 - 2024

Re: PLAN 2322086; BLOCK 9; LOT 101 - known municipally as 146 Jennifer Crescent, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct an exterior concrete stairwell.

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

Also, none of the member of the Board indicated that they had a conflict in 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 decision of the Development Officer in refusing a development permit application to construct an exterior concrete stairwell.

Section 8.8 of Land Use Bylaw 9/2005 - Below Grade Development - states that stairways and steps attached to the principal building that are located below finished grade must not:

a) project more than 1.0m into a required side yard setback unless the yard provides or is required to provide driveway access

b) be located less than 1.0m from the side property line.

This stairwell is 1.22m wide: variance required of 0.22m or 22%
The stairwell is located 0.433m from the side property line: variance required of 0.567m or 56.7%.

Administration is in favor of the Board granting these variances as the original house application showed the location of the stairwell, but the Development Officer did not recognize that these variances were required at that time. The Development Permit was issued for the house and the builder proceeded to pour the foundation as per the stamped approved plot plan. See attachment 1.

The Development Officer noticed the stairwell matter later when the adjacent dwelling was applied for and contacted the builder. It was determined that the concrete

stairwell was already poured. The builder was advised to apply for a leave-as-built permit for the stairwell. The permit was refused as per the details above.

Should the Board grant the Appeal, administration requests that the conditions below be applied to the decision:

Conditions

1. The Subdivision and Development Appeal Board approves a development permit for the existing exterior concrete stairwell with the variances required.

2. The exterior concrete stairwell shall be constructed in accordance with the stamped approved plans.

3. The exterior stairwell shall not be covered or enclosed.

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.

The Board heard from the Appellant who stated that:

The Appellant was represented by Josh Benko. He submitted that the below grade side entrance for this home was originally approved in the development and building permit; after receiving a rejection for the neighboring lot to have the same below grade side entrance, we inquired about this lot being approved.

It was determined the original permit was approved in error. The Appellant was told to re-submit the permit for revision however we had already started construction on the structure. The Appellant was instructed to submit a variance and as-built permit application for the below grade side entrance for them to be rejected. The Appellant is now appealing the rejection as the Appellant started construction on the home and cannot undo the foundation and redesign the stairs for the home at this time.

The Board also considered/reviewed the following

There were no objections from any of the parties that were notified of this appeal. The Appellant was asked about the location of the building on the lot plan and the drainage for the stairs.

The Board was satisfied with the answers and that there was drainage for the stairs.

The Board finds the following:

The Subdivision and Development Appeal Board of the City of St. Albert hereby grants the Appeal to construct a concrete exterior stairwell for access to the basement at a single detached dwelling located at **146 Jennifer Crescent, St. Albert, AB.**

The development is approved with the following conditions:

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1. The Subdivision and Development Appeal board approves a development permit for the existing exterior concrete stairwell with the variances required.

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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 neighbours were consulted and there was no opposition to the variance being sought;

    b. There were no objections from any of the other neighbours in the radius notification area; and

c. City administration supported the appeal for 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.

Michael Kirk
Michael Kirk (Sep 9, 2024 15:50 MDT)

Chair

September 9, 2024

Date

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File: 10010.146

August 16, 2024

APPELLANT:	Parkwood Homes - Builder
MUNICIPAL ADDRESS:	146 Jennifer Cres., St. Albert
LEGAL DESCRIPTION:	Lot 101, Block 9, Plan 2322086
PROPOSED DEVELOPMENT:	To construct an exterior concrete stairwell (leave as built)
LAND USE CLASSIFICATION:	RX
DATE OF HEARING:	September 04, 2024
DATE OF DEVELOPMENT PERMIT DECISION:	Aug 12, 2024

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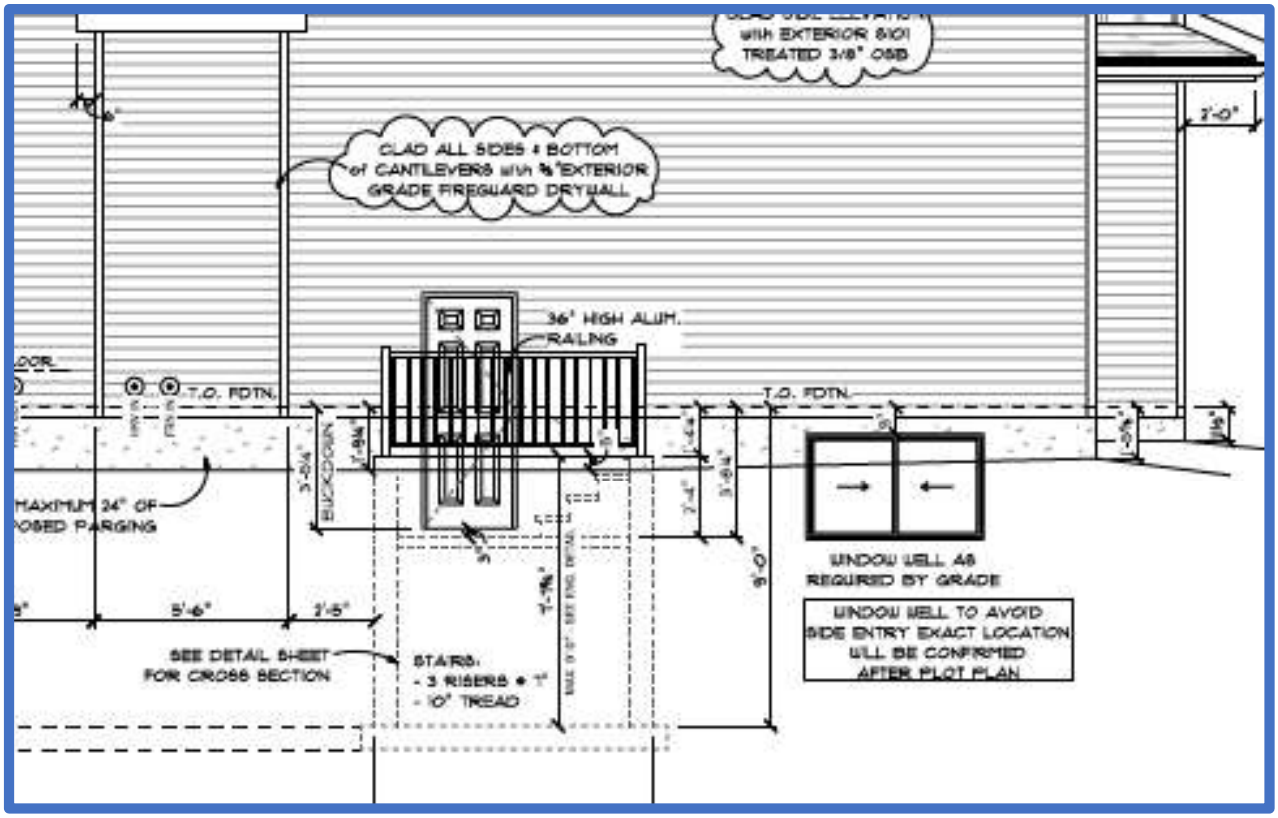
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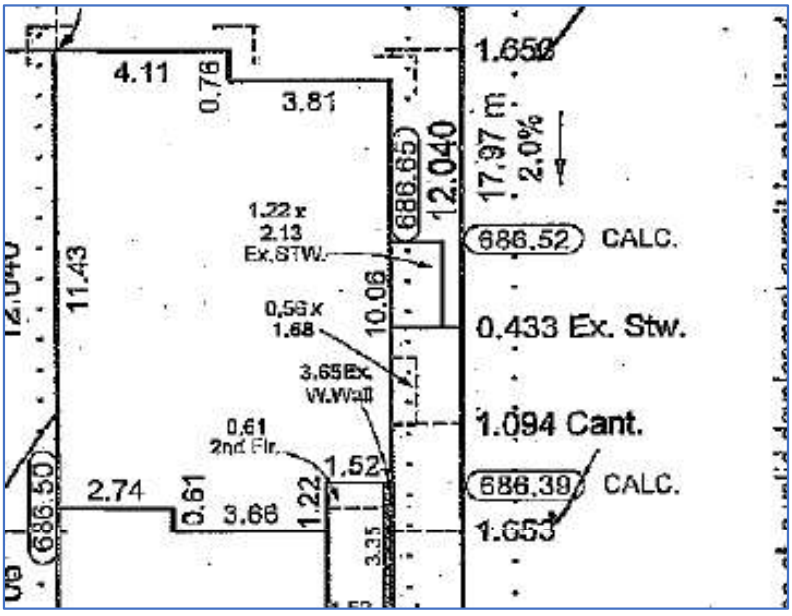
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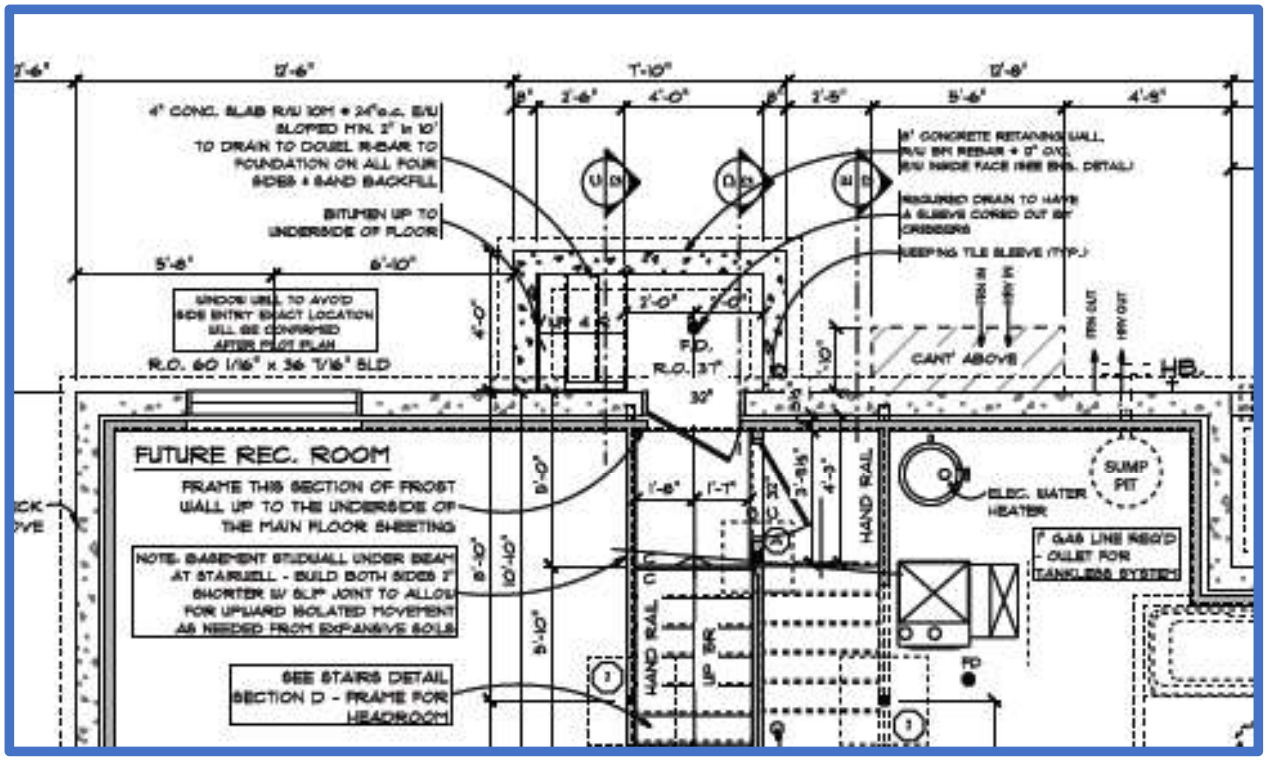
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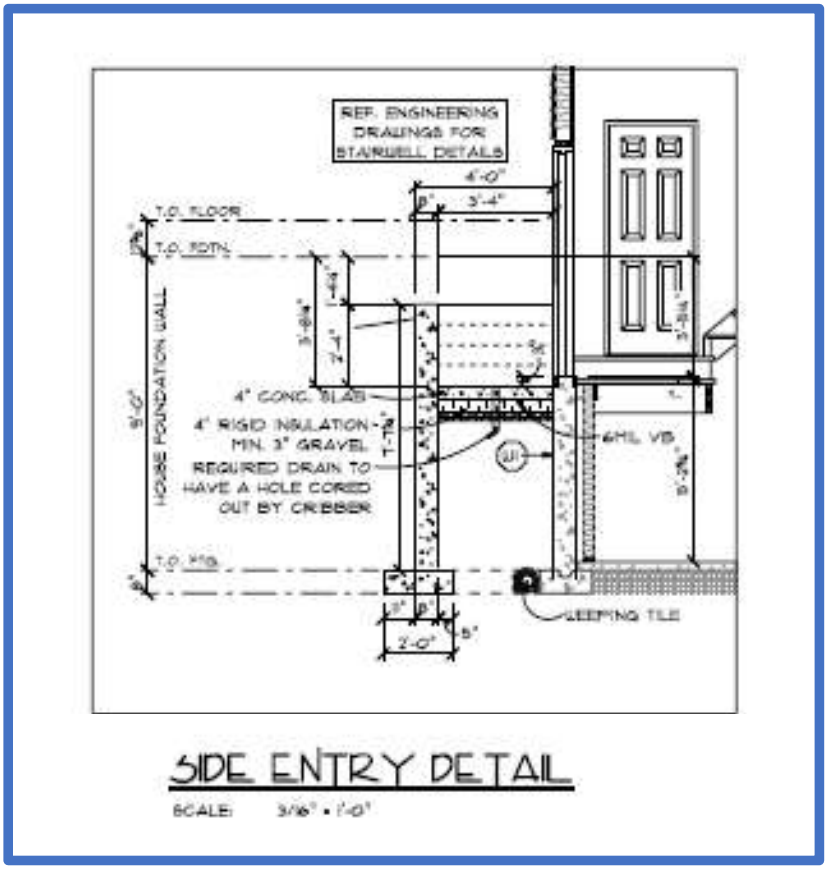
Kathleen Short,
Development Officer II

146 Jennifer Cres – exterior concrete stairwell drawings





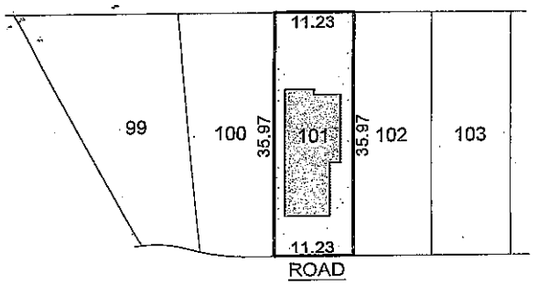


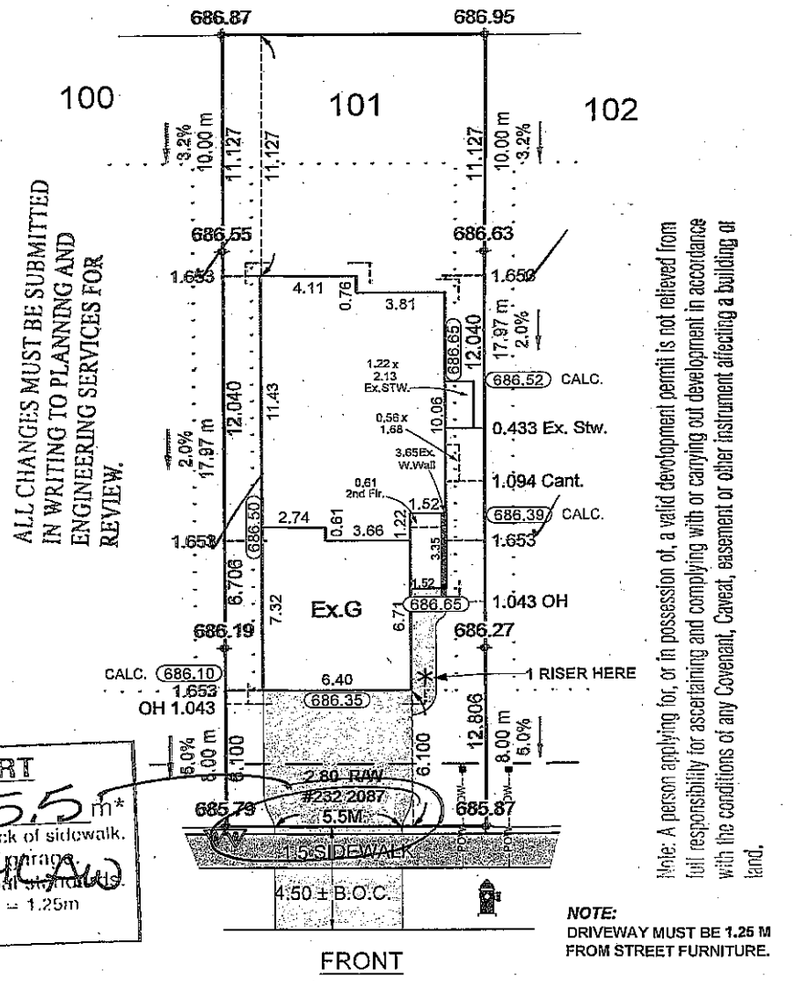


SIDE ENTRY DETAIL

SCALE: 3/16" = 1'-0"

PLOT PLAN





ALL CHANGES MUST BE SUBMITTED IN WRITING TO PLANNING AND ENGINEERING SERVICES FOR REVIEW.

Note: 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 a building or land.

CITY OF ST. ALBERT

Maximum driveway width = 5.5 m*
*Where the driveway connects to the back of sidewalk.
Restriction based upon width of garage.
Restriction based upon municipal standards.
Minimum clearance from street furniture = 1.25m
Minimum clearance from trees = 1.50m

LAND USE BYLAW

NOTE:
DRIVEWAY MUST BE 1.25 M FROM STREET FURNITURE.

ELEVATION DETAILS

HOUSE TYPE:	2 STOREY
FINISHED FLOOR:	687.49
BOTTOM OF FOOTING:	684.24
BASEMENT HEIGHT:	9'0"
FINISHED GRADE AT-FRONT STEP:	686.65
4 RISE, DOWN 4" +1 IN WALK	
FINISHED GRADE AT-BACK OF HOUSE:	
L-686.75, M-686.90, R-686.80	
GRADE BELOW-BACK/SIDE DOOR SILL:	686.65
GRADE AT STAIRWELL ENTRY	
GRADE BELOW-BASEMENT WINDOWS:	WELL AS REQ'D
TOP OF CONCRETE BASEMENT WALL:	687.19
GARAGE FLOOR:	*SEE NOTES*
SANITARY SEWER SERVICE INVERT:	682.67
FOOTING SIZE:	0.20

NOTES

- BUILDER/OWNER RESPONSIBLE TO ENSURE BACK FILL LEVELS MEET ALL CODES.
- **BUILDER / OWNER IS LIABLE FOR ANY COSTS INCURRED DUE TO AN ERROR IN THE ABOVE PLAN IF CONSTRUCTION STARTS PRIOR TO THIS PLAN BEING APPROVED BY THE LOCAL APPROVING AUTHORITY**
- ALL DISTANCES SHOWN ARE IN METER AND DECIMALS THEREOF.
- **ALL DIMENSIONS AND SERVICES SHOWN MUST BE CONFIRMED BY CONTRACTOR PRIOR TO EXCAVATION.**
- ALL DIMENSIONS SHOWN TO FOUNDATION WALL, FINAL EXTERIOR CLADDING MAY ALTER DIMENSIONS
- **THE ELEVATION OF THIS HOUSE HAS BEEN DESIGNED SO THAT IT WILL BE IN CONFORMANCE WITH THE LOT GRADING PLAN.**
- **RAIN WATER LEADERS TO BE DETERMINED.** (NO INFORMATION ON ENGINEERING, CONTACT ENGINEER PRIOR TO CONSTRUCTION)
- CANTILEVER SUBJECT TO ALL BUILDING CODE REGULATIONS BUILDER/OWNER RESPONSIBLE TO ENSURE COMPLIANCE.

- GARAGE SLAB AT OVERHEAD DOOR RECOMMENDED TO BE SET 2'0" BELOW TOP OF CONCRETE FOUNDATION WALL.
SLAB ELEVATION: 686.35 GARAGE FOOTING: 684.93

DETAILS

- LOT AREA: 403.97 m² (4348.3 ft²)
- HOUSE AREA: 138.68 m² (1492.8 ft²)
- HOUSE COVERAGE: 34.33 %
- DRIVEWAY AREA: 54.99 m² (591.9 ft²)
- LOT WIDTH AT 4.5 m FRONT SETBACK = 11.23 m

- LOWEST BOTTOM OF FOOTING 683.75
- LOWEST BUILDING OPENING: 685.80

APPROVED
For Development Permit Only
City of St. Albert
Planning & Development Department
Approved By
July 5, 2024
Date

LEGEND

PROPOSED CLEAN OUT		PROPOSED HYDRANT		PROPOSED BACK OF CURB	B.O.C.	DESIGN GRADE ELEVATION	00.00
PROPOSED STREET LIGHT		PROPOSED SERVICE PEDESTAL		PROPOSED BACK OF WALK	B.O.W.	AS-BUILT ELEVATION	00.00
PROPOSED C.C. LOCATION		PROPOSED POWER SERVICE	—POW—POW—POW—	PROPOSED LIP OF LANE	L.O.L.	PROPOSED ELEVATION	00.00
PROPOSED TRANSFORMER		PROPOSED FENCE LINE	—x—x—x—	PROPOSED UTILITY VAULT		CENTERLINE ELEVATION	CL 0.0

LEGAL INFORMATION

LOT	BLOCK	PLAN NUM.
101	9	232 2086

CIVIC ADDRESS:
146 JENNIFER CRESCENT

LOCATION	SUBDIVISION
ST. ALBERT	JENSEN LAKES

Pals Geomatics Corp.
EMAIL: PLOTPLAN@PALSGEOMATICS.COM
PHONE: 780-455-3177
FAX: 780-481-1301
10704 - 176TH STREET NW
EDMONTON, ALBERTA T5S 1G7

Canadian Home Builders' Association Member Edmonton Region

DWG DETAILS

Rev. No.	Date:	Drafted By:	Description
PP	6/19/24	LALEA	

BUILDER\OWNER: PARKWOOD MASTER BUILDER
MODEL: NEWPORT II PRAIRIE (STANDARD)
JOB NUM.: 24080JLP
LOT ZONING: RX SCALE: 1:300