SUBDIVISION AND DEVELOPMENT APPEAL BOARD

AGENDA

DATE: **Wednesday, May 29, 2024**
TIME: **6:00 p.m**.
PLACE: Council Gallery, 3rd flr, St. Albert Place
FILE: B02

1. Adoption of Agenda

2. Radius Notifications

3. Appeal

a) 69 North Ridge Drive

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application to construct a rear yard deck.

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00957 - 2024

Re: PLAN 0425747; BLOCK 12; LOT 40 - known municipally as 69 North Ridge Drive, St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application to construct a new rear yard 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 had any conflicts 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 rear yard deck.

Section 8.9 of the Land Use Bylaw states that a deck under 1.5m in height requires a rear yard setback of 3.0m. This deck is proposed with a rear yard setback of 0.63m. The variance required of 2.37m exceeds the variance capacity of the Development Officer to grant.

It may interest the Board to note the following:

Deck: under 1.5m in height
Required rear yard setback: 3.0m
Proposed rear yard setback: 0.63m
Variance required: 2.37m or 79%

Should the Board decide in favour of the Appellant, the following approval conditions and notes are requested:

Conditions:

1. Development Permit approval is issued for the construction of a rear deck. The rear yard setback variance of 0.63m was approved by the Subdivision and Development Appeal Board.

2. The deck 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 deck as approved 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) 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 Lisa Prosser. Ms. Prosser indicated that they attempted to obtain letters in support from the adjacent neighbours. The neighbours to the back were approached but none were at home at the time. The neighbour to the right of the subject property was in the process of selling the home and Ms. Prosser did not obtain any letters of support from either the former or new owners.

The Appellants have lived in St. Albert for 17 years. They submitted in their written submissions that the variance would not affect privacy and not offend any rules regarding the landscape of their home and lot.

Ms. Prosser indicated that the proposed deck would put it close to the rear fence and therefore encroach on the rear setback. There are large trees on the other side of the fence that provide privacy in relation to the rear of the yard.

When advised that there was a letter provided by the adjacent neighbour to the left of the subject property, and they raised increase in drainage, Ms Prosser indicated that any grading from the deck construction would direct the flow to the front yard for drainage.

The Board also considered/reviewed the following:

The Board reviewed the one letter received with respect to the appeal. The owner of the adjacent property indicated that they opposed any variance that could result in an increase in water drainage to their property.

The Board was satisfied after questioning Ms. Prosser about drainage and that drainage would not be affected by the proposed development.

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 allow the construction of a new rear deck located at **69 North Ridge Drive, St. Albert, AB.** The development is approved with the following conditions:

Conditions:

1. Development Permit approval is issued for the construction of a rear deck. The rear yard setback variance of 0.63m was approved by the Subdivision and Development Appeal Board.

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

Notes:

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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. The only concern was a possible increase in drainage to that lot, but the evidence before the Board indicated that drainage would not affect that lot; and

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

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 (Jun 6, 2024 14:16 MDT)

Chair

June 6, 2024

Date