SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, May 1, 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) 17 Raspberry Road

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

b) 21 Raspberry Road

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

4. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00955 - 2024

Re: PLAN 222 1233; BLOCK 5; LOT 12 - known municipally as 17 Raspberry Road, St. Albert, AB.

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

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

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

This matter was heard together along with the Appeal for 21 Raspberry Road. The Appellant and Development Officer agreed to proceed on this basis as the submissions from both sides were identical for each property. The Board agreed to proceed with both appeals on this basis.

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 a "dwelling, secondary suite" – basement suite.

Section 7.3(1)(b) of Land Use Bylaw 9/2005 states that a dwelling, secondary suite must provide a minimum of one stall for a 1 or 2-bedroom suite. The suite proposed is a 1-bedroom suite. The parking must be provided on private property. The Bylaw also requires that two stalls be provided for the main dwelling unit on the private property or in a garage. The plan submitted for the house and parking pad does provide the main dwelling with two stalls but there is no room to provide the required parking stall for the suite. There is a detached garage permit application waiting for approval based on the results of this appeal.

Parking:

Required parking for the main dwelling: Two stalls – provided on parking pad.
Required parking for the "dwelling, secondary suite": One stall – not provided on the private property.

Variance required: One stall.

There is no location available on the property for this required stall based on the location of the parking pad or future detached garage.

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 a 'dwelling, secondary suite' (basement suite) and waives the required one stall parking requirement of the Land Use Bylaw (Section 7.3(1)(b).

2. The 'dwelling, secondary suite' shall be constructed in accordance with the stamped approved plans.

3. Any changes must first be submitted to the Development Officer for review.

4. The 'dwelling, secondary suite' shall have a separate entry from the principal dwelling unit, either from a common landing or from the exterior. If the entry is from the exterior, it shall be located on the side or rear of the principal dwelling unit.

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 Robert Lu from San Rufo Homes. Mr. Lu made submissions to indicate that the garage pad had already been poured and that the Appellant was claiming hardship to be able to meet the requirements of an additional parking spot. The variance sought would allow the Appellant to renovate the basement into a secondary suite while keeping the rear detached garage at a setback of 1.6m from the lane.

The Appellant submitted that because the pad had been poured last construction season, in order to comply with the City's grading plan the garage pad will need to be removed and re-poured as the slope and drainage will change. The Appellant also indicated that having two sections of pad poured independently of each other will result in a potentially unsafe structure as the slab on grade construction will be subject to movement due to the winter conditions.

Mr. Lu also submitted that the streetscape along the one side is all laned product with no driveways, there is ample room for parking, especially considering the lot is a non-Zero lot line.

Finally, the Appellant submitted that there has been an increase in the desire for secondary suites on all product lines, as not only does it help the lower income homeowners with their mortgage expenses, but it also is being backed by the government with their new incentives. Also, by relaxing the parking regulation for adding a secondary suite this will allow for homeowners to still maintain a substantial backyard amenity space (aka green space) within the property, promoting better overall mental and physical health, as well as help maintain cleaner air and water within that subdivision.

The Appellant did indicate that this property and 21 Raspberry Road would not initially be sold to the public but would be put into San Rufo Homes' rental pool.

The Board also considered/reviewed the following

There were no parties within the radius notification area that provided submissions either for or against the Appeal.

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 secondary suite, a basement suite located at 17 Raspberry Road, St. Albert, AB.

The development is approved with the following conditions:

Conditions:

1. The Subdivision and Development Appeal Board approves a development permit for a 'dwelling, secondary suite' (basement suite) and waives the required one stall parking requirement of the Land Use Bylaw (Section 7.3(1)(b).

2. The 'dwelling, secondary suite' shall be constructed in accordance with the stamped approved plans.

3. Any changes must first be submitted to the Development Officer for review.

4. The 'dwelling, secondary suite' shall have a separate entry from the principal dwelling unit, either from a common landing or from the exterior. If the entry is from the exterior, it shall be located on the side or rear of the principal dwelling unit.

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.

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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 variance sought 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 for or against the variance were received; and

    b. 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 (May 9, 2024 21:43 MDT)

Chair

May 9, 2024

Date

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00956 - 2024

Re: PLAN 222 1233; BLOCK 5; LOT 10 - known municipally as 21 Raspberry Road, St. Albert, AB.

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

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

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

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The Appellant did indicate that this property and 21 Raspberry Road would not initially be sold to the public but would be put into San Rufo Homes' rental pool.

The Board also considered/reviewed the following

There were no parties within the radius notification area that provided submissions either for or against the Appeal.

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 secondary suite, basement suite located at 21 Raspberry Road, St. Albert, AB.

The development is approved with the following conditions:

Conditions:

1. The Subdivision and Development Appeal board approves a development permit for a 'dwelling, secondary suite' (basement suite) and waives the required one stall parking requirement of the Land Use Bylaw (Section 7.3(1)(b).

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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 (May 9, 2024 21:42 MDT)

Chair

May 9, 2024

Date