SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: **Wednesday, January 8, 2025**
TIME: **6:00 p.m**.
PLACE: Council Gallery, 3rd flr, St. Albert Place
FILE: B02

AGENDA

1. Election of Subdivision & Development Appeal Board Chair and Vice Chair for 2025

2. Adoption of Agenda

3. Radius Notifications

4. Appeal

a) 99 Jennifer Cres, St. Albert

The Appellant is appealing a decision of the Development Officer in refusing a Development Permit application for a proposed 7.32m x 7.92m detached garage.

5. Adjournment

ALLOWED WITH CONDITIONS

CITY OF ST. ALBERT

SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION
SDAB #LEG00974 - 2024

Re: PLAN 2322086; BLOCK 13; LOT 52 - known municipally as 99 Jennifer Cres., St. Albert, AB.

Regarding the appeal of a decision of the Development Officer in refusing a development permit application for a proposed 7.32m x 7.92m detached garage.

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 site is zoned (LLR) Laned-Lot Residential
- The proposed height of the detached garage is 5.76 metres
- The maximum height for a detached garage in this zone is 4.50 metres
- A variance of 1.26 metres (28%) is necessary
- The Development Officer cannot support such a variance request, as it exceeds the variance consideration limitations of Section 2.15(1) Land Use Bylaw 18/2024
- The proposed development meets all other zoning regulations.
- The property to the west has a Garage Suite with a greater height than the proposed detached garage
- The property to the east has a garage pad, but no structure built on it
- The Development Officer recommended a change in design to meet height regulations.

In response to questions from the Board, the Development Officer provided the following information;

- A Garage Suite is a Permitted Use in the LLR Zone
- The maximum height for a Garage Suite is 7.0 metres

The Board heard from the Appellant who stated that:

- The Appellant indicated they were the home builder for the site.
- The adjacent property to the west has a Garage Suite which is 6.7 metres in height
- The development is a customized request from the customer
- The increased height of the walls was to accommodate a storage system in the truss system

In response to questions from the Board, the Appellant provided the following information:

- The garage is partially built and was started without appropriate permits.
- The garage door is currently on the garage as is the roof. The siding is not completed.
- There is no extra floor area being provided within the truss system of the garage. The extra height only accommodates the storage system being built into it.
- There were no concerns raised by adjacent neighbours.

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 detached garage located at 99 Jennifer Cres, St. Albert.

The development is approved with the following conditions:

1. The Development Permit approval is issued for a detached garage with variance for height.

2. The garage height shall be permitted by the Subdivision Development and Appeal Board at 5.76m.

3. The detached garage shall be constructed in accordance with the approved site plan.

4. A hard-surfaced driveway (minimum 1.5m), as approved by the Development Officer in consultation with Engineering Services, is required from lane to face of the garage.

5. 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.

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

7. The exterior finishes of the approved development shall match or complement the exterior finishes of the existing dwelling.

8. Failing to comply with the conditions of the 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

The Board concludes that (in accordance with section 687(3)(d) of the *Municipal Government Act*) the proposed detached garage at 5.76 metres in height 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:

- There were no neighbours in opposition to the proposed development.
- The Garage Suite on the adjacent lot is a Permitted Use, with a greater height than the proposed development. As such, the Board is of the opinion that the extra

height on this building, which is less than the Garage Suite, is acceptable within the LLR Zone.
- The Board has no concerns with massing or shadowing.
- Other than the height of the building, the proposed development meets all other zoning regulations.
- The extra height will not accommodate any further floor area. As such, there is not a noticeable increase in the intensity of the use from a detached garage of a normal size.

1. 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 — Jan 15th, 2025

Chair — Date