

**MINUTES OF THE MEETING OF THE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
TUESDAY, JUNE 3, 2014 AT 7:00 p.m.**

PRESENT: Members: B. Hawrelak, V. Lutz, P. Monteith,
 G. Shipley, C. Crozier, D. Kilpatrick

 Development Officer B. Stehr
 Planning Consultant K. Snyder
 Recording Secretary C. Cranston
 Appellant F. Klassen
 P. Klassen
 C. Brown

1. CALL TO ORDER

Recording Secretary called the appeal hearing to order at 7:00 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

P. Monteith nominated C. Crozier to be Chairman, seconded by G. Shipley. C. Crozier accepted and assumed control of the appeal hearing.

**3. Appeal of Development Application 14-DP-039
Lot 33, Block 139, Plan 3042AV (823 3 Street SE)**

Chairman Crozier asked the appellant if he had any objection to any board members hearing the appeal. The appellant advised he had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

The appellant advised the Board that he has an existing deck and wants to put a cover over it. The Development Officer told him he needs 4.5 m but he only has 3.81m for the sideyard setback.

**b) Presentation of Development Officer
Background:**

The Development Officer advised that on April 15, 2014 F. Klassen, applied to construct a roof over his existing deck. Upon review of the Development Permit Application it was noted that the deck is 3.81m from the south property line, which is contrary to the Land Use Bylaw. The Town of Redcliff's Land Use Bylaw Section 104.d (i) states:

- (i) Manufactured Home and Modular Home: 4.5 m on the side wall containing the main entrance door and 1.5 m on the other side.

The constructed deck encroaches into the minimum setback by 0.69 m. This exceeds the 10% variance power of the Municipal Planning Commission.

The Development Officer met with F. Klassen to explain his options. The options discussed during this meeting were to:

- a. Reconstruct his deck to meet the Town of Redcliff's Land Use Bylaw minimum setback of 4.5 m
- b. Appeal the decision of the Development Officer to deny the Development Permit Application. Request a relaxation of the minimum side yard setback to 3.81m from the Subdivision and Appeal Board.

Development Permit Application 14-DP-039 was denied on May 8, 2014 for the following reason:

1. The side yard setback of 3.81m is less than the minimum 4.5m as required by the Town of Redcliff's Land Use Bylaw Section 104.6.d.(i)

On May 12, 2014 F. Klassen appealed the decision of the Development Officer.

c) Presentation of Municipal Planning Commission (MPC)

No comments were provided by the Municipal Planning Commission

d) Presentation of Planning Consultant

The Planning Consultant advised that Scheffer Andrew Ltd. has reviewed the Appeal of Development Application 14-DP-039 and has the following comments:

Background Information and Analysis

- Requesting variance of 0.56m or just under 2 ft.
- MPC's variance power of 10% is just outside of applicability. This relaxation request is approximately 12%.
- Lot to the north is zoned R3 and developed as a fourplex.
- Lot to the south is zoned R4 and developed as a modular home.
- Subject lot is wide for a modular lot (15.5m or 51ft).
- Deck is 30 inches off the ground – thus, a 6ft property fence would not entirely screen south neighbours, entrance and deck.
- Note south adjacent neighbour faces north towards subject site.
- Proposed deck is approximately 20ft wide – thus the encroachment limited to that area.
- Proposed deck is covered so its size and bulk will appear larger than a regular deck.

Recommendation

The Planning Consultant recommended that the Board overturn the Development Officer's decision and approve the Development Permit as presented. The primary rationale being that the proposed deck will not likely negatively impact the neighbours.

e) Presentation of anyone served notice of hearing

No one presented with notice was in attendance to provide comment.

f) Presentation of anyone claiming to be affected

No one claiming to be affected was in attendance to provide comment.

g) Rebuttal of Appellant

The appellant commented that he had nothing more to add. He just wants to build a cover over his deck.

R. Hawrelak asked the appellant to confirm the location of the parking on the lot, the type of fencing, and that the cover over the deck would cover the entire length of the deck to both doors. The appellant confirmed that they park in front of the property, fencing is 6' vinyl, and the proposed cover will include the entire existing deck.

h) Other

There were no additional comments.

i) Decision

G. Shipley moved that the appeal against the decision of the Development Officer to refuse to issue a permit for Development Permit Application 14-DP-039 Lot 33, Block 139, Plan 3042AV (823 3 Street SE) to construct a cover over an existing deck be upheld and the decision of the Development Officer be revoked. Further that Development Permit Application 14-DP-039, Lot 33, Block 139, Plan 3042AV (823 3 Street SE) to construct a cover over an existing deck be approved with a variance to the sideyard setback from 4.5 m to 3.81m, as presented. – Carried.

Reasons for Decision


The Board advised the reasons for its decision is that

1. The Board feels that the 12% variance that this appellant is requesting is minor and the variance of the side yard setback from 4.5m to 3.81m does not negatively affect the neighbouring properties.

Chairman Crozier advised the appellant of the decision and that the written decision would be forthcoming.

4. ADJOURNMENT

D. Kilpatrick moved the meeting be adjourned at 7:12 p.m.



Chairman

C. Cranston, Recording Secretary