

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
THURSDAY, APRIL 16, 2015 at 7:00 p.m.**

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

 Development Officer B. Stehr
 Planning Consultant G. Smith
 Recording Secretary S. Simon

 Appellant(s) Trevor Evans & Tammy Campbell

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

G. Shipley nominated D. Kilpatrick to be Chairman, seconded by V. Lutz. D. Kilpatrick accepted and assumed control of the appeal hearing.

The Recording Secretary distributed additional information which included additional information from the Development Officer, the Planning Consultant's report and comments from an adjacent property owner.

**3. Appeal of Development Application 15-DP-014
Lot 6, Block 12, Plan 0913590 (1122 - 9 Avenue SE)
Accessory Building - Detached garage
Variance to Rear Yard Setback**

Chairman Kilpatrick asked the appellant if he/she had any objection to any board members hearing the appeal. T. Evans advised they had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

T. Evan addressed the Board advising he and Tammy Campbell are representing themselves in the matter of the appeal of Development Permit 15-DP-014 Accessory Building, Detached Garage. T. Evans advised they purchased a home in the Eastside area which is currently being built by Amron Homes. The home did not include a garage and they would like to build a 28' x 22' detached garage with access from the rear lane. An application for the Development Permit was submitted on March 16, 2015 and was denied on March 27th. T. Evans thanked the Board for this opportunity to appeal that decision. He noted the singular reason for the denial was the Bylaw requirement for a three meter set back from the rear lane right of way. T. Evans proposed a 1.5 meter setback.

Handwritten initials: DOK and a signature

T. Evans explained his reasons and justification for his proposal. T. Evans indicated that it can be reasonably assumed that the 3 meter setback is intended to allow for the parking of a vehicle behind the garage and off the lane right of way. Unfortunately, that same 3 meter setback will disallow parking of all but the smallest of vehicles if any, in that space without encroaching onto the alley right of way. Also the parking on 9th Avenue in front of the house is limited. As well, 9th Avenue is destined to become a major thoroughfare as the subdivision develops, making front street parking unsafe, congested and visually unappealing. He proposes a relaxation of the Bylaw allowing a 1.5 meter setback with the provision that a vehicle parking pad be constructed on the east side of the garage thereby eliminating the need to park behind the garage and potentially protruding into the back alley lane right of way. The placement of the garage presents several benefits. One, the need for curbside parking is reduced and the potential for placing a parking pad in front of the home has been removed creating a safer, less congested and visually appealing main thoroughfare. The distance between the end of the deck and the garage would be increased from 1.5 meters to 3 meters, again, promoting this less crowded expansive look that is admired in the community and that potential future home buyers may find attractive. The garage can be 22 feet deep allowing for the enclosure for a standard sized pickup truck in keeping with the Redcliff Rural lifestyle. The increased garage size also allows for proper storage of tools, seasonal items and household goods eliminating potential eye sores.

T. Evans commented the proposal positively impacts the community by addressing future parking congestion and safety issues on a main thoroughfare, and maintaining an open and roomy character that drew us and many others to the neighbourhood.

T. Evans thanked the Board for their time.

Brief discussion ensued with regard to the proposal and clarification of the garage size, location (two proposals) and location of the parking pad (east side).

b) Presentation of Development Officer (Report Attached)

The Development Officer referenced the information he had provided. He further advised that he reviewed the architectural controls for this site and confirmed a detached garage is allowed. Further that Section 2.4 states that "All outbuildings shall be constructed with exterior finishing or material similar to the personal dwelling house."

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

d) Presentation of Planning Consultant (Report Attached)

The Planning Consultant referenced his report and reiterated his recommendation:

My recommendation is that the Board **not uphold** the Development Officer's decision however to approve the Development Permit with a **0.1m relaxation in the rear lane setback to 2.9m**. However, in the event that the SDAB does not uphold the

DEK BS

Development Officer's decision and approve the Development Permit, the SDAB may consider the following potential conditions;

- Exterior finish of the detached garage to match &/or compliment house and neighbourhood.
- A minimum of 1.5 m distance be maintained between the house and the garage.
- The garage is the same size, height and location as provided by the applicant for the Development Permit as submitted **15-DP-014**.
- Relocation of affected utility services to the satisfaction of all utility departments. Please be advised that relocation of services is at the applicant's expense. The Town has not confirmed utility locations and it shall be the responsibility of the applicant to ensure that the development does not interfere with the utilities, and utility right-of-way.

e) Presentation of anyone served notice of hearing

No one in attendance.

Email comments received from Jennifer Eckes (adjacent landowner)

"As per our conversation, you requested that I email you are concerns about the appeal tonight for the rear set back being limited to 1.5 meters from 3 meters at 1122 9 Ave SE Redcliff, AB as we unfortunately are unable to attend tonight. We live directly behind this home and received notice of the appeal.

I apologize for the last minute contact as we had hoped to attend.

Our concerns are as follows:

1. *There is only one exit to our alley, which would limit access to the garage for exit and entry and possibly less space to maneuver.*
2. *We have a garbage bin at the corner of our property that could pose a problem for exiting the garage since there is only one way out of the alley and give less space.*
3. *We are also concerned that when there is snow fall or weather that may cause damage or build up to the alley roadway that once our fence is up there may not be enough room for vehicles to enter and exit the garage. This may also pose a problem for garbage removal from the town.*

We by no means want to limit our neighbors from what they wish to have, but we do have some concerns in regards to how it may affect our home and property. Thank you,"

f) Presentation of anyone claiming to be affected

No one in attendance.

g) Rebuttal of Appellant/Applicant

The appellant had no further comments.

TRC AB

h) Other

Nothing further was discussed.

i) Recess

V. Lutz moved to meet in camera at 7:17 p.m. – Carried.

The Appellant, Development Officer, and Planning Consultant left the meeting at 7:17 p.m.

j) Decision

G. Shipley moved that Development Permit Application 15-DP-014 [Lot 6, Block 12, Plan 0913590 (1122 - 9 Avenue SE)] for an Accessory Building - Detached garage be approved with a reduced rear yard setback of 2.85 m conditional to:

1. All Development Standards, as listed under Section 40 Accessory Buildings and Structures in the Town of Redcliff's Land Use Bylaw shall be adhered to by the applicant excepting subsection 6.
2. Exterior finish of the detached garage to match &/or compliment house and neighbourhood.

Reasons for Decision

In reaching a decision the Subdivision and Development Appeal Board considered the Land Use Bylaw, turning radius, aesthetics, and safety of backing up into a laneway.

The reasons stated for the decision were to maintain alley visibility while backing up a vehicle and for adequate turning radius for entering/exiting the detached garage.


The Appellant(s), Development Officer, and Planning Consultant returned to the meeting at 7:46 p.m.

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

4. ADJOURNMENT

B. Hawrelak moved the meeting be adjourned at 7:50 p.m.


Chairman


S. Simon, Recording Secretary

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development Officer's Report

Date: March 30, 2015

Development Permit Application:	15-DP-014 (Accessory Building – Detached Garage)
Applicant:	Trevor Evans
Owner:	Town of Redcliff under sale to Amron Homes
Property Address:	1122 9 Avenue SE
Legal Address:	Lot 6, Block 12, Plan 0913590
Land Use:	R-1 Single Family Residential District
Development Officer:	Brian Stehr

Background:

T. Evans and I had a pre-application meeting to discuss his proposed development at the above mentioned address. During the meeting, T. Evans was advised on the setbacks for a detached garage as per the Town of Redcliff's Land Use Bylaw. T. Evans mentioned that he required a bigger garage to accommodate his truck. With the proposed development the accessory building would only be 1.5 m from the rear property line, and as the Development Officer, I could not approve the proposed development.

During the pre-application meeting, we did discuss the options available to Mr. Evans.

On March 16, 2015 T. Evans submitted a Development Permit Application for an Accessory Building – Detached Garage.

Development Permit Application 15-DP-014 was denied on March 27, 2015 for the following reason:

1. The rear yard setback of 1.5 m is less than the 3.0m as required by the Town of Redcliff's Land Use Bylaw Section 40.6

On March 27, 2015 T. Evans appealed the decision of the Development Officer to deny his Development Permit Application for a Accessory Building – Detached Garage.



Scheffer Andrew Ltd. Presentation Notes for Appeal of 15-DP-014

Presented by Gary Smith, RPP, MCIP
Senior Planner

Introduction

My name is Gary Smith; I am acting on behalf of the SDAB in the appeal of the refusal of Development Permit **15-DP-014**.

I have reviewed the documentation provided by the Town with regard to the appeal of the refusal of Development Permit application **15-DP-014**. I offer the following planning comments.

Background and Description of Development

- An application for a development permit was received by the Development Officer on March 16, 2015, from Trevor Evans to build a 28 ft by 22ft garage located at the rear of 1122 9th Avenue SE. The subject property is located on Lot 6, Block 12, Plan 0913590 otherwise known as 1122 9th Avenue SE.
- On March 27, 2015 the Development Officer denied the development permit application listing the reason for denial as:
 - The proposed setback of 1.5 m from the back alley is less than the minimum setback of 3.0 m as per the Town of Redcliff's Land Use Bylaw Section 40.6.
 - A Notice of Appeal was submitted to the Municipal Manager on March 27, 2015 by Trevor Evans (the "appellant") citing the reason for denial as ground for the appeal. Subsequently a Subdivision and Development Appeal Board Hearing is scheduled for April 16, 2015. The application was processed in accordance with the Municipal Government Act.

Basis for Original Decision

In respect of the refusal, the requiring of a minimum setback of 3.0 m for garages from a rear laneway is a requirement of the Zoning Bylaw 1698/2011.

Municipal Development Plan Considerations:

- The subject is consistent with the Residential policies of the Municipal Development Plan and the East Side Area Structure Plan.

Land Use Bylaw Considerations:

- The subject site is located in R-1 Single Family Residential District. As per the LUB the purpose of the district is primarily to provide for low density single family residential development.
- The existing single detached appears to meet the provisions of Section 101 R-1 Single Family Residential District.
- The planning rationale for requiring a 3.0 metre rear laneway setback is multifaceted including the ability to provide for an onsite parallel parking space to the laneway but also for the safer vehicle access into the laneway, safe operation of a variety of garage doors and finally for aesthetic reasons of the laneway.



- The proposed garage, although consistent with the Zoning Bylaw with regards to size would be providing a 2.85 m setback between the existing house and the proposed garage whereas only 1.5 m is required resulting in a 1.6 m deficiency in the required 3.0 m minimum setback from the laneway.
- Should the garage be located 1.5 m from the existing house, the applicant would require a 0.1 m relaxation from the 3.0 m setback from the rear laneway resulting in a 2.9 m setback.

Summary and Conclusions:

In respect of the Municipal Development Plan and the East Side Area Structure Plan:

- The proposal would be consistent with the Municipal Development Plan

In respect of the Land Use Bylaw:

- The "R-1" – Single Family District is an appropriate land use designation for the proposed development application however the locating of the proposed garage with a setback less than 3.0m from the rear laneway where the applicant has the capability to meet the zoning bylaw requirement in all respects including a 1.5m separation between the existing house and the garage.
- The applicant with regards to the application for the consideration of relaxation of the 3.0 m setback appears to have the ability to require a relaxation of only 0.1m of the zoning bylaw not the 1.6 m as requested without any evidence of planning justification to the contrary.

Recommendation:

My recommendation is that the Board **not uphold** the Development Officer's decision however to approve the Development Permit with a **0.1m relaxation in the rear lane setback to 2.9m**. However, in the event that the SDAB does not uphold the Development Officer's decision and approve the Development Permit, the SDAB may consider the following potential conditions;

- Exterior finish of the detached garage to match &/or compliment house and neighbourhood.
- A minimum of 1.5 m distance be maintained between the house and the garage.
- The garage is the same size, height and location as provided by the applicant for the Development Permit as submitted **15-DP-014**.
- Relocation of affected utility services to the satisfaction of all utility departments. Please be advised that relocation of services is at the applicant's expense. The Town has not confirmed utility locations and it shall be the responsibility of the applicant to ensure that the development does not interfere with the utilities, and utility right-of-way.