

**MINUTES OF THE MEETING OF THE SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD  
TUESDAY, JULY 7, 2015 at 7:00 p.m.**

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

                  Development Officer           B. Stehr  
                  Recording Secretary         S. Simon

                  Appellant(s)                 Dwayne Sharpe  
  Shannon Sharpe

**1.    CALL TO ORDER**

Recording Secretary called the appeal hearing to order at 7:02 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

**2.    ELECTION OF CHAIRMAN**

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

**3.    **Appeal of Development Application 15-DP-045  
Lots 16-18, Block 10, Plan 1117V (505 - 1 Street SE)  
Accessory Building - Detached Garage****

Chairman D. Kilpatrick asked the appellants if they had any objection to any board members hearing the appeal. The appellants advised they had no objection to any member of the Subdivision and Development Appeal Board.

**a)    **Presentation of Appellant****

The Appellants advised that they want to expand their current garage to store their collection of vehicles and antiques. They realize that this garage will exceed the allowed size and coverage as per the Land Use Bylaw but they appeal to the fact that their lot is abnormally large and the addition will not be an eyesore. They advised they are willing to match the siding with the main building.

The Appellants described their development proposal and added that they have looked around the neighbourhood for comparables and state that this addition would help them do their part to keep the neighbourhood visually appealing by storing their assets in a building.

**b) Presentation of Development Officer (Report Attached)**

B. Stehr referenced his report and confirmed that he explained to the Appellants the limitations of the Land Use Bylaw and the next steps in the process.

B. Hawrelak had a question regarding Section 40 of the Land Use Bylaw; the statement in Subsection 11 with respect to the maximum size. Is this applicable to all buildings individually or as one.

B. Stehr advised the Town's interpretation has been that all accessory buildings are included in the 92.9 m<sup>2</sup>.

**c) Presentation of Municipal Planning Commission (MPC)**

No one was in attendance.

**d) Presentation of Planning Consultant (Report Attached)**

D. Kilpatrick confirmed the Planning Consultant was not in attendance.

S. Simon advised that the Planning Consultant submitted a written report and was available via conference call if required. S. Simon distributed the Planning Consultant's written comments for all to review.

**e) Presentation of anyone served notice of hearing**

No one in attendance.

**f) Presentation of anyone claiming to be affected**

No one in attendance.

**g) Rebuttal of Appellant/Applicant**

The Appellants commented on the Planning Consultant's report and further stated that they feel 2% overage on their building plans is not a lot to ask for. Their purpose is to store their assets inside to help keep the tidiness of the neighborhood and reminded us to consider that some of the other neighbors are not doing the same. They understand there are rules in place but would like their requests to be considered.

B. Hawrelak asked the Appellants if they would consider splitting the buildings to conform to the LUB standards.

D. Sharpe confirmed that this is not preferable due to the wasted space and he feels it would be an eyesore and that splitting would be their last option.

**h) Other**

Nothing further was discussed.

**i) Recess**

G. Shipley moved to meet in camera at 7:22 p.m. – Carried.

The Appellant, Development Officer, and Planning Consultant left the meeting at 7:22 p.m.

**j) Decision**

G. Shipley moved to allow the appeal of Development Permit 15-DP-045, Lots 16-18, Block 10, Plan 1117V (505 - 1 Street SE) for an oversized accessory building. Further that Development Permit 15-DP-045 for an oversized accessory building be approved to allow the existing accessory building to be enlarged to a maximum of 15% lot coverage, conditional to the following:

- 1) The accessory building shall maintain a minimum distance of .72 m from the South property line; and
- 2) The exterior of the accessory building and principle building are to match.

- Carried.

**Reasons for Decision**

The Board advised the reasons for its decision are that the property is an extra-large lot in comparison to other lots in the neighborhood and it will not look out of place. Further, the 15% coverage maximum for the lot size will be maintained as stipulated in the Land Use Bylaw Section 40, and the existing massing will not change from the street view.

B. Hawrelak moved to return to regular session at 7:56 p.m. - Carried.

The Appellant(s), Development Officer, and Planning Consultant returned to the meeting at 7:56 p.m.

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

**5. ADJOURNMENT**

B. Hawrelak moved the meeting be adjourned at 8:02 p.m.



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Chairman



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S. Simon, Recording Secretary

## **SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

### Development Officer's Report

Date: May 27, 2015

Development Permit Application: **15-DP-045 (Accessory Building – Detached Garage)**  
Applicant: **Dwayne Sharpe**  
Owner: **Dwayne Sharpe**  
Property Address: **505 1 Street SE**  
Legal Address: **Lot 16-18, Block 10, Plan 1117V**  
Land Use: **R-1 Single Family Residential District**  
Development Officer: **Brian Stehr**

#### **Background:**

D. Sharpe and I had a pre-application meeting on May 8, 2015 to discuss his proposed development at his home. During the meeting, D. Sharpe advised me that he wanted to add a 50' addition to the east side of his garage. I did note that on the supplied site plan that the front yard and sideyard setbacks were less than allowed by the Land Use Bylaw. I explained to D. Sharpe what information would have to be submitted when making application for a Development Permit.

After the pre-application meeting, I had an opportunity to review the property file for 505 1 Street SE. It was noted that a Permit to Stay for the garage setbacks was issued on July 19, 2006.

On May 15, 2015 D. Sharpe came in to apply for a Development Permit to put an addition onto his detached garage. Prior to accepting the Development Permit Application, I noted that the proposed addition would be larger than allowed as per the Town of Redcliff's Land Use Bylaw Section 40.11. D. Sharpe indicated that his lot was larger than the typical lot, and that there would still be ample greenspace even with the addition. I informed D. Sharpe of his options should he want to proceed with his Development Permit Application.

On May 15, 2015 D. Sharpe submitted a Development Permit Application for an addition to a Detached Garage.

Development Permit Application 15-DP-045 was denied on May 26, 2015 for the following reason(s):

1. The accessory building size of 155.09 sq. m. is larger than the maximum size of 92.9 sq. m as per Section 40.11 of the Town of Redcliff's Land Use Bylaw.
2. The accessory building coverage of 17% is larger than the maximum coverage of 15% as per Section 40.11 of the Town of Redcliff's Land Use Bylaw.

On June 8, 2015 D. Sharpe appealed the decision of the Development Officer to deny his Development Permit Application for an addition to an Accessory Building – Detached Garage.



## **Scheffer Andrew Ltd. Presentation Notes for Appeal of 15-DP-045**

Presented by David Collins,

Senior Planner

### **Introduction**

My name is David Collins and I am acting on behalf of the SDAB in the appeal of the refusal of **Development Permit 15-DP-045**.

I have reviewed the documentation provided by the Town with regard to the appeal of the refusal of Development Permit application **15-DP-045**. I offer the following planning comments.

### **Background and Description of Development**

- . An application for a Development Permit was received by the Development Officer on May 14 2015, from Dwayne and Shannon Sharpe to build a 15.24 m. (50 ft.) x 4.99 m. (16.4 ft.) addition to an existing 12.26 m. (40.2 ft.) x 7.43 (24.4 ft.) detached garage. The overall size of the accessory buildings ( existing and proposed ) is 155.09 sq. m. (1669.4 sq. ft.) which results in an accessory building coverage of 17 %. The Town of Redcliff's Land Use Bylaw Section 40.11 provides for a maximum accessory building coverage of 15 % or 92.9 sq. m. (1000 sq. ft.). The appellant's proposal will result in a relaxation of 66.9 % over the maximum allowable area.
- . On May 26, 2015, the Development Officer denied the Development Permit Application for the following reasons:
  - 1 ) The accessory building size of 155.09 sq. m. is larger than the maximum size of 92.9 sq.m. as per Section 40.11 of the Town of Redcliff's Land Use Bylaw.
  - 2) The accessory building coverage of 17 % is larger than the maximum coverage of 15 % as per Section 40.11 of the Town of Redcliff's Land Use Bylaw.
- . A Notice of Appeal was submitted to the Municipal Manager (June, 2015) citing the grounds of appeal to the Subdivision and Development Appeal Board Hearing which is scheduled for Tuesday, July 07, 2015.
- . The application was processed in accordance with the Municipal Government Act.
- . In respect of the refusal, the requiring of the maximum site coverage is to control the bulk



and mass of accessory buildings to ensure that they are ancillary to the primary building (main dwelling ), to mitigate the impact to and to be in context with the adjoining neighbours including the overall neighbourhood.

**Municipal Development Plan Considerations:**

- . The subject is consistent with the Residential policies of the Municipal Development Plan.

**Land Use Bylaw Considerations**

- . The subject site is located in an 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 residential development appears to meet the provisions of Section 101 R-1 Single Family Residential District
- . The main purpose of the maximum of 15 % site coverage of accessory buildings is to ensure that they are ancillary in size ( bulk and mass) and use to the primary dwelling and do not interfere with context and impact to adjacent neighbours and the overall neighbourhood.
- . The existing detached garage has a front driveway and setback from the street of 5.81 m (19 ft) and is closer to the front street than the main residential dwelling. The existing garage is also 12.26 m (40.2 ft) adjacent to and .72 m (2.36 ft) from the south property line. The detached garage addition as proposed will continue along the same alignment toward the rear (east) of the property for 15.24 m (50 ft) thereby resulting in a total length of 27.5 m (90.2 ft.) along the south property line.

**Summary and Conclusions:**

In respect of the Municipal Development Plan:

- . The proposal does not conflict with the Municipal Development Plan

In respect of the Land Use Bylaw:

- . The attachment to the existing detached garage as proposed is not in sync with the spirit and intent of the Land Use Bylaw, is out of context with the neighbourhood and in particular, with the adjoining neighbour on the south.

**Recommendation:**

My recommendation is that the Board **UPHOLD** the decision of the Development Officer and to deny the appeal for Development Permit 15-DP-045 as proposed.