

<b>PRESENT:</b>	Members:	C. Crozier, G. Shipley, B. Christian
	Development Officer	B. Stehr
	Planning Consultant	J. Johansen
	Recording Secretary	S. Simon
	Recording Secretary	B. Andres
	Appellant:	Steve Heid of Lacey Homes Ltd.

Recording Secretary called the appeal hearing to order at 7:04 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

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

Chairman Crozier asked the Appellant if he had any objection to any board members hearing the appeal. Steve Heid, Partner and Project Manager of Lacey Homes advised he had no objection to any member of the Subdivision and Development Appeal Board.

Steve Heid, Partner and Project Manager for Lacey Homes Ltd advised they are seeking a deviation to the front 6 meter setback. They are looking to encroach into the front setback by two feet on half of the garage (area of 13 feet by 2 feet).

Mr. Heid commented there is over six metres from the sidewalk to the property line which is over 16 feet and is not the standard. He indicated that usually there is one metre from the sidewalk to a property line so they did not think there would be any issues with the relaxation. As well, in looking at the surrounding area there is one house beside which also have has a large setback and there are a couple duplexes. He commented there is nothing in the area that is going to change the surroundings of the development and sees no reason why the proposed encroachment would not be allowed. He indicated it was denied based on there being enough space on the lot to build within the setbacks and he agrees. However, if you were building a house in an area and it had a nice lot, would you want more back yard or more driveway. This is a presold home. Mr. Heid commented that he advised his customers that the application was denied and they asked him to appeal. They were willing to push this project off for as long as necessary. That is how much it means to them. Mr. Heid asked the Board members if they had any questions. Again commenting, it's not a big encroachment.

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

B. Stehr referenced his report included in the agenda package. Mr. Stehr advised he had discussed the project with Mr. Heid and let him know what his limitations were as the Development Officer and the parameters of the Land Use Bylaw. Further that the Municipal Planning Commission did have the authority to relax the proposed setback and it was forwarded to MPC for consideration. B. Stehr noted the MPC denied the application and were not prepared to grant the variance to the front setback as they felt there was ample room in the backyard to build the home within the setbacks outlined in the Land Use Bylaw.

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

No one was in attendance.

Chairman Crozier referenced a copy of the Notice of Decision from the Municipal Planning Commission included in information provided.

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

Recording Secretary distributed the written comments from the Planning Consultant.

J. Johansen stated pursuant to the rules he would remind the Board that this is a new hearing on the application.

J. Johansen re-stated the Land Use Bylaw requirements from his report as follows:

- 101.6.c.i 6.0 metre front yard setback for R1 single family residential district.
- 101.8.b Vehicular parking shall not be permitted in the front yard of any principal building if that building is less than 6.0m from the property line.
- 11.7 The Commission has the authority to vary any condition or requirement of this Bylaw to a maximum variance allowance of 10% with the exception of sizes of accessory buildings.

The Applicant's position is:

- The Applicant desires the setback relaxation.
- The Applicant has admitted that the proposed development does not require the relaxation.
- Granting the relaxation will result in an improved use of the parcel of land.
- Granting the relaxation will result in less cost to develop and less costs to maintain.

Planning Consultant position:

- There is no technical reason that the relaxation cannot be granted. All utility setbacks, streetscape, impact on adjacent properties is nonexistent.
- There is no need to grant the relaxation. The proposed development can occur without the relaxation.

- The estimated difference in construction and maintenance costs are between 2% and 4% for concrete work.
- The requested relaxation does not appear to be unreasonable.
- To maintain consistent application of the LUB the application should be denied.

J. Johansen indicated he has outlined the issues regarding the application for the Board to consider in making a decision. He has not provided a recommendation either for or against the application.

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

No one was in attendance.

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

No one was in attendance.

**g) Rebuttal of Appellant/Applicant**

Mr. Heid indicated the information / proposal is self-explanatory and sees no reason why it should be denied. He commented that based on the surroundings, and if it was a full development and they were side by side and it was going to make an impact on the surrounding, he would understand not allowing the relaxation, and he would not have made the application the way he did. However, in this situation he thinks it is warranted.

B. Christian asked about the maintenance and construction costs for concrete being 2-4 percent.

S. Heid commented that they are talking \$500 and it is not about the cost. The clients would like more backyard and not 36 feet of driveway. With a two foot relaxation it will bring it down to 34 which is still excessive. He advised if we push the house back they will lose 68 square feet of back yard but keeping it where it is and allowing this encroachment they only lose 26 feet. He noted only 13 feet by 2 feet will encroach into the setback. He reiterated the cost of the concrete is not the reason why they appealed the application.

**h) Other**

Nothing further was discussed.

**i) Recess**

No recess was called.

**j) Decision**

B. Christian requested clarification on Land Use Bylaw Section 101.7.b (*correct Section is 101.8.b*), as referenced in the report by J. Johansen which states "vehicular parking shall not be permitted in the front yard of any principal building if that building is less than 6.0 m from the property line.

Brief discussion ensued.

G. Shipley moved the appeal against the decision of the Municipal Planning Commission to refuse to issue a permit for Development Application 15 DP 088 (Lot 46, Block 33, Plan 1213639 [314 – 4<sup>th</sup> Avenue SW]) for a single family dwelling with reduced front setback, be upheld and the decision of the Municipal Planning Commission be revoked. Further, that Development Permit Application 15 DP 088 (Lot 46, Block 33, Plan 1213639 [314 – 4<sup>th</sup> Avenue SW]) for a single family dwelling with reduced front setback, be approved as presented. - Carried.

#### **Reasons for Decision**

1. Relaxing the setback required by Land Use Bylaw Section 101.8.b, will not make an impact on the sidewalk, utilities or any area of concern.
2. Relaxing the setback will not affect the neighborhood adversely.

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

#### **4. ADJOURNMENT**

B. Christian moved the meeting be adjourned at 7:20 p.m.



C Crozier, Chairman



S. Simon, Recording Secretary

## **SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

### Development Officer's Report

Date: February 11, 2015

Development Permit Application: **15-DP-088 Single Family Home**  
Applicant: **Lacey Homes Ltd.**  
Owner: **Lacey Homes Ltd.**  
Property Address: **314 4 Avenue SW**  
Legal Address: **Lot 46, Block 33, Plan 1213639**  
Land Use: **R-1A – Low Density Reduced Landfill Setback  
Residential District**

Development Officer: **Brian Stehr**

#### **Background:**

On December 12, 2015 Lacey Homes Ltd. submitted a Development Permit Application for single family home at the above mentioned address.

Prior to the submission of the Development Permit Application, I did have a conversation with the Project Manager, S. Heid, of Lacey Homes Ltd. S. Heid wanted to know if there was a possibility of relaxing the front yard setback from the required 6.0 m setback as per the Land Use Bylaw.

I informed S. Heid that I did not have the authority to relax the required front yard setback, but that the Municipal Planning Commission had the authority to relax the required front yard setback to a maximum of 10% as per section 11.7 of the Land Use Bylaw. S. Heid informed me that the clients wished to move the home forward as much as possible because of the required 6.0 m setback, and the 6.35m blvd. to the edge of the road.

Upon review of the Development Permit Application I noted the following:

- The minimum front yard setback is 5.401 m. This setback applies to only that section of the front attached garage that is stepped out from the rest of the garage.
- This section is 3.962 m (50%) of the front attached garage
- The balance of the garage is within the required front yard setback as per the Land Use Bylaw.
- The proposed site is in the southwest area of Redcliff, and generally surrounded by horticultural (greenhouses) and vacant lands
- There is a 4 m setback from the back edge of the sidewalk to the edge of property
- There appears to be minimal impact to the surrounding properties in relaxing the required front yard setback by 0.6m.

Development Permit Application 15-DP-088 was presented to the Municipal Planning Commission on January 20, 2016 for their consideration with a recommendation from the Development Officer.

During the Municipal Planning Commission it was noted that there was ample room in the rear yard to accommodate the front yard setbacks as per the Land Use Bylaw.

Development Permit Application 15-DP-088 was denied by the Municipal Planning Commission for the following reason(s):

- Municipal Planning Commission is not prepared to vary the 6.0 m setback as required by the Land Use Bylaw. Further, the Municipal Planning Commission noted that there is sufficient room to accommodate the proposed development and comply with the Land Use Bylaw.

On February 3, 2016 S. Heid of Lacey Homes Ltd. appealed the decision of the Municipal Planning Commission.

February 29, 2016

File No.: 283-62

Town of Redcliff  
Box 40 - #1 – 3<sup>rd</sup> Street NE,  
Town of Redcliff, AB  
T0J 2P0

**Re: Appeal of Development Permit Application 15-DP-088**

The purpose of this letter is to layout our position with respect to this appeal.

1. LUB requires:

- 101.6.c.i 6.0 metre front yard setback for R-1 single family residential district.
- 101.8.b Vehicular parking shall not be permitted in the front yard of any principal building if that building is less than 6.0 m from the property line.
- 11.7 The Commission has the authority to vary any condition or requirement of this Bylaw to a maximum variance allowance of 10% with the exception of sizes of accessory buildings.

2. The applicants position is:

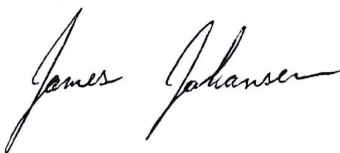
- The applicant desires the setback relaxation,
- The applicant has admitted that the proposed development does not require the relaxation,
- The granting the relaxation will result in an improved use of the parcel of land,
- The granting the relaxation will result in less costs to develop and less costs to maintain.

3. Our position is:

- There is no technical reason that the relaxation cannot be granted. All utility setbacks, streetscape, impact on adjacent properties is non existent.
- There is no need to grant the relaxation. The proposed development can occur without the relaxation.
- The estimated difference in construction and maintenance costs of is between 2% and 4% for concrete work.
- The requested relaxation does not appear to be unreasonable.
- To maintain consistent application of the LUB the application should be deigned.

Yours truly,

**Scheffer Andrew Ltd., Medicine Hat**



James Johansen, P.Eng  
Senior Engineer