

**MINUTES OF THE MEETING OF THE SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD  
TUESDAY, MARCH 29, 2016 at 7:00 p.m.**

**PRESENT:** Members: D. Kilpatrick, V. Lutz, G. Shipley

Development Officer	B. Stehr
Planning Consultant	J. Johansen
Recording Secretary	S. Simon

Appellant(s): Richard & Jacqueline Hammel

**ABSENT:** B. Christian

**1. CALL TO ORDER**

Recording Secretary called the appeal hearing to order at 7:15 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

**2. ELECTION OF CHAIRMAN**

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

**3. Appeal of Development Application 16-DP-008  
Lot 13, Block 49, Plan 7361JK (99 - 6 Street SE, Redcliff)  
(Addition to existing detached garage)**

Chairman G. Shipley 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**

R. Hammel thanked the panel for hearing the appeal and distributed a written presentation. The Appellants would like this addition to the existing garage so that their three vehicles, (one of which is being restored), may be parked inside and protected from the elements of weather as well as any possible vandalism. The addition would also serve as a storage area for their outdoor ornaments, garden furniture and yard equipment, as well as a work area. At present the appellants have the ornaments, furniture and equipment stored in sheds and in the house. They have two sheds at present and on the drawing submitted, one will be removed to accommodate the addition. The appellants advise that if the request for this addition is granted, they will remove the additional garden shed, and have only one accessory building. The appellants advised that they take pride in their property and also like to do their part to keep the neighbourhood visually appealing. The addition, if granted will be completed this year and as stated in the appeal letter of March 2, 2016, the siding will be done to match the existing garage. The appellants advised that they have contacted the City

utilities and are well aware of the extra cost to have the gas line relocated. The overhead electrical wires, underground Telus line and Cable line will not be affected. The current garage also has a light sensor (no motion) located above the doors so the alley behind the garage is always well lit.

D. Kilpatrick confirmed that the appellant would remove the second garden shed and the appellants advised yes. D. Kilpatrick asked if the addition is not approved as is, would they consider a reduction in size to the addition? The appellants advised that no, the project would not work for what they are planning to do if it was smaller.

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

The Development Officer referred to his report and discussed the Land Use Bylaw Regulations.

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

No one was in attendance.

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

The recording secretary distributed the Planning Consultant's written report.

As the Town of Redcliff's planning consultant and having reviewed this application, our position is:

Clause 11.7 in the LUB has been crafted specifically to not allow the relaxation of the site coverage of accessory buildings. Considering clause 11.7 and with how clause 40.11 was written our interpretation is that Council specifically wanted to limit the size of accessory buildings.

In clause 40.13 there is language that allows the development officer to relax the maximum rear yard exposure.

Examining the definitions of Accessory Building and Principle Building in the Land Use Bylaw raises a question of what is the Principle Building as the proposed garage is substantially larger than the house and would no longer appear to be incidental to the house.

To maintain consistent application of the LUB, the application should be denied. Examining the LUB, if the applicant had proposed a 4.12 meter addition of the same depth of the existing garage, to the garage, the Development Officer could have approved it.

If the application is approved the following conditions are recommended:

- a. Exterior finish of detached garage to match &/or compliment house and neighborhood.
- b. Exterior finish of the garage addition to match &/or compliment the existing garage.

- c. It is the responsibility of the applicant to ensure that the development does not interfere with existing utilities, and utility right-of-ways. Relocation of utility services may be required to accommodate the addition. Any relocation of services or requirements of utility service providers is the responsibility of the applicant and is at the applicant's expense. The Town has not confirmed utility locations.

**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 appellant referred to the Town's pathway advising that this addition, in their opinion, would not affect the views. The area would still be visually appealing and the setbacks are in compliance. There would be no clutter in the yard. They further advised that they could do a 16 foot addition.

**h) Other**

Nothing further was discussed.

**i) Recess**

V. Lutz moved to meet in camera at 7:32 p.m.

The Appellants, Development Officer and Planning Consultant left the meeting at 7:32 p.m.

**j) Decision**

D. Kilpatrick moved to approve an addition to an accessory building to the maximum size of 90.56 m<sup>2</sup>, which is 15% of the lot coverage, with the following conditions:

- a. Exterior finish of detached garage to match &/or complement house and neighborhood.
- b. Exterior finish of the garage addition to match &/or complement the existing garage.
- c. It is the responsibility of the applicant to ensure that the development does not interfere with existing utilities, and utility right-of-ways. Relocation of utility services may be required to accommodate the addition. Any relocation of services or requirements of utility service providers is the responsibility of the applicant and is at the applicant's expense. The Town has not confirmed utility locations.
- d. Removal of one shed.

- Carried.

**Reasons for Decision**

The Board advised the reasons for their decision are as follows:

1. To be consistent with the maximum accessory building site coverage as outlined in the Land Use Bylaw (Section 40.11);
2. The pathway breaks up the massing of the neighborhood so the oversizing of the accessory building will not appear as obvious.


D. Kilpatrick moved to return to regular session at 8:06 p.m. - Carried.

The Appellants, Development Officer, and Planning Consultant returned to the meeting at 8:06 p.m.

Chairman G. Shipley advised the appellants of the decision and that the written decision would be forthcoming.

**4. ADJOURNMENT**

V. Lutz moved the meeting be adjourned at 8:13 p.m.

  
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G. Shipley, Chairman

  
\_\_\_\_\_  
S. Simon, Recording Secretary

## **SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

### Development Officer's Report

Date: March 9, 2016

Development Permit Application: **16-DP-008 Accessory Building – Addition to Detached Garage**  
Applicant: **Richard Hammel & Jacqueline Hope-Hammel**  
Owner: **Richard Hammel & Jacqueline Hope-Hammel**  
Property Address: **99 6 Street SE**  
Legal Address: **Lot 13, Block 49, Plan 7361JK**  
Land Use: **R-1 Single Family Residential District**

Development Officer: **Brian Stehr**

### **Background:**

As the Development Officer, I had the opportunity to visit the site with the home owner, R. Hammel. During the visit he outlined his proposed development of adding an addition to his existing detached garage. During this visit, I did inform R. Hammel the required setbacks, lot coverage, and size of accessory buildings as per the Town of Redcliff's Land Use Bylaw. I also informed R. Hammel, that as the Development Officer, I had no authority to alter the coverage as per the Land Use Bylaw. During the visit, I did note that there were 2 additional accessory buildings (garden sheds). I informed R. Hammel that these buildings would have to be included in the site coverage.

During the discussion R. Hammel let me know that on the north side of his property is an asphalt walking path, and that his proposed development would not change the setbacks on the south side of the property.

On February 8, 2016 R. Hammel submitted a Development Permit Application for an addition to an existing Accessory Building – Detached Garage.

Upon review of the Land Use Bylaw I noted the following:

- An accessory building is a Discretionary Use – Development Officer.
- The maximum size of an accessory building(s) is limited to 15% of lot size or 92.9 m<sup>2</sup> whichever is less.
- No more than three (3) accessory buildings shall be permitted on a lot. Their total site area coverage may not exceed 15%.
- No accessory building shall occupy more than two-thirds of the width of the rear yard of any lot or as required by the Development Authority.

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

- There are currently three (3) accessory buildings on the site. However the site plan does note that one of the accessory buildings (garden shed) will be removed;
- The proposed setbacks comply with the Section 40 of the Land Use Bylaw;
- The proposed development will cover 12.79 m of the rear yard width which is more than 10.34 m (two-thirds of the width of the rear yard);
- The proposed development allows for a site coverage of 17.64% site coverage (including the accessory building not indicated to be removed) or 108.66 m<sup>2</sup>, which exceeds the maximum site coverage as per the Land Use Bylaw.

Development Permit Application 15-DP-008 was denied on March 2, 2016 for the following reasons:

- The proposed addition exceeds more than two-thirds of the width of the rear yard as per Section 40.13 of the Land Use Bylaw.
- The footprint of the accessory building(s) is greater than 15% of the lot size as per Section 40.11 of the Land Use Bylaw.

On March 2, 2016 R. Hammel appealed the decision of the Development Officer.

March 22, 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 16-DP-08**

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

The applicant proposed construction of a 5.48 metre extension on the north side of their garage that accesses the Town's lane east of the property.

1. The proposed garage addition does not meet the following provisions of the LUB:

- Section 40.11 – *The maximum size of an accessory building(s) is limited to 15% of lot size or 92.9m<sup>2</sup> whichever is less, and*
- Section 40.13 – *No accessory building shall occupy more than two-thirds of the width of the rear yard of any lot or as required by the Development Authority.*

The proposed addition would also make the accessory building larger than the principle building.

2. Information

	Proposed		
Size of Site	603.75 m	603.75 m	
Maximum Site Coverage (45%)	271.7 m <sup>2</sup>	184.13 m <sup>2</sup>	30.5%
Maximum Size of Accessory Building shall be the lesser of:			
▪ 92.9 m <sup>2</sup>	90.56 m <sup>2</sup>	101.3 m <sup>2</sup>	16.78%
▪ 15% of Site = 90.56 m <sup>2</sup>			
Size of Principle building	83.83 m <sup>2</sup>	83.83 m <sup>2</sup>	13.7%
Maximum rear yard exposure (2/3) of rear yard.	10.17 m	12.79 m	84%

Bylaw Definitions:

**Accessory Building** means a building which is not attached to, or part of, the principle building, and which is incidental and subordinate to the use of the principal building.

**Principal Building** means a building which comprises the principal use of the site.



Section 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.** (emphasis added)

3. As the Town of Redcliff's planning consultant having reviewed this application our position is:

- Clause 11.7 in the LUB has been crafted specifically to not allow the relaxation of the site coverage of accessory buildings. Considering clause 11.7 and with how clause 40.11 was written our interpretation is that Council specifically wanted to limit the size of accessory buildings.
- In clause 40.13 there is language that allows the development officer to relax the maximum rear yard exposure.
- Examining the definitions of Accessory Building and Principle Building in the LUB raises a question of what is the Principle Building as the proposed garage is substantially larger than the house and would no longer appear to be incidental to the house.
- **To maintain consistent application of the LUB the application should be denied.**

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Yours truly,

**Scheffer Andrew Ltd., Medicine Hat**



James Johansen, P.Eng  
Senior Engineer





Job #:

Project:

Name:

Date:

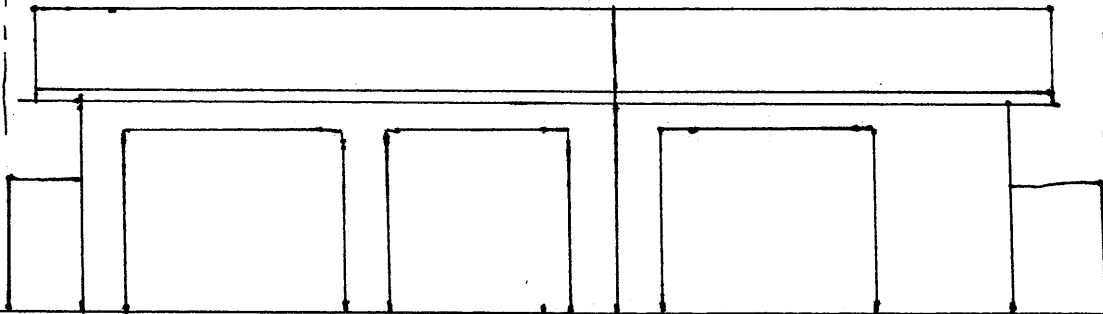
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Existing ← → New

R



9' Door

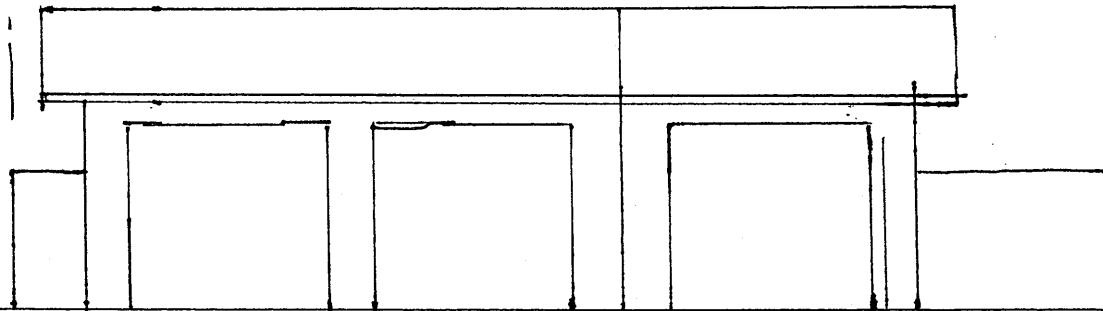
9' Door

10' Door

Proposed By Applicant

R

R



9' Door

9' Door

9' Door

Max to meet 15% Bylaw Requirement