

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
WEDNESDAY, SEPTEMBER 21, 2016 at 7:00 p.m.**

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

Development Officer	B. Stehr
Director of Planning & Engineering	J. Johansen
Recording Secretary	S. Simon

Appellant(s)	Appeal No. 1 Lillian Witherspoon Amanda Robins
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Appeal No. 2
Meadowlands Development Corp.
- Curtis Presber

Appeal No. 3
Farwest Land & Properties Inc.

ABSENT:

1. CALL TO ORDER

Recording Secretary called the appeal hearing to order at 7:06 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

Garry Shipley nominated Brad Christian to be Chairman, seconded by V. Lutz. B. Christian accepted and assumed control of the appeal hearing.

3. APPEAL NO. 1

**Appeal of Development Application 16-DP-055
Lot 18-20, Block 6, Plan 1117V (701 - 1 Street SE, Redcliff)
(Over height fence in front yard)**

Chairman B. Christian asked the appellants if they had any objection to any board members hearing the appeal. Lillian Witherspoon and Amanda Robins advised they had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

Lillian Witherspoon commented that her house faces the avenue which she considers the back yard noting the fence has been there for 36 years at that height. L. Witherspoon explained that cutting it down leaves it exposed to anybody walking by on the sidewalk as well as the expense to cut it down. She advised there are underground sprinklers that are there and manifolds under the deck right on that corner where the fence would have to come back to. L. Witherspoon further commented that the fence is

mostly for security at the back as the kitchen door faces that area. L. Witherspoon commented that the fence has been there so long and commented there are other fences all over Town that are similar. She indicated that she has never had a complaint before; three other families have moved in beside her and she has never had a complaint before. She further commented that the fence is not hindering a driver's line of vision.

b) Presentation of Planning & Engineering Department

B. Stehr referenced his report and advised that this matter was complaint driven. He explained that he reviewed old aerial photos and the earliest photo that the fence can be identified in was 1999. Aerial photos do not tell us how high the fence was but we do know that there was a fence in the front yard in 1999. The Land Use Bylaw in effect in 1999, only allowed a four foot maximum fence height in the front yard.

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

d) Presentation of anyone served notice of hearing

No one was in attendance.

e) Presentation of anyone claiming to be affected

No one was in attendance.

f) Planning Consultant comments

No one was in attendance.

g) Rebuttal of Appellant/Applicant

The appellant had no further comments.

h) Other

Nothing further was discussed.

i) Recess

C. Brown moved to meet in camera at 7:13 p.m.

The Appellants, Director of Planning & Engineering and Development Officer left the meeting at 7:13 p.m.

The Board called the Development Officer in to provide additional information / clarification.

j) Decision

V. Lutz moved to confirm the decision of the Development Officer to deny the Development Permit Application 16-DP-055 for an over height fence at 701 -1 Street SE (Lot 18-20, Block 6, Plan 1117V). Further that the over height fence be brought to a maximum height of 1 metre by December 31, 2016.

- Carried.

Reasons for Decision

With reference to the Land Use Bylaw in 1980 (Bylaw 710/1980), it shows that fences were restricted to a maximum height of 1 metre in the front yard. Further, reducing the fence height increases the visibility and safety to pedestrians and vehicular traffic.

D. Kilpatrick moved to return to regular session at 7:40 p.m.

The Appellants, Director of Planning & Engineering, and the Development Officer rejoined the meeting at 7:40 p.m.

Chairman B. Christian advised the appellants of the decision and that the written decision would be forthcoming.

L. Witherspoon inquired if she would be allowed to relocate the fence, while keeping the height of the fence, to be next to the deck extending to the side yard property line. It would still protrude slightly into the front yard due to the deck posts.

C. Brown moved to amend the decision to further allow a fence to a maximum height of 1.8 m height in the front yard not projecting past the front face of the neighbours garage at 707 – 1 Street SE.

- Carried.

4. APPEAL NO. 2**Appeal of Development Application 16-DP-048**

Lot 6, Block 1, Plan 1611860 (1401 Highway Avenue, Redcliff)

(Free Standing Sign)

Chairman B. Christian asked the appellant if they had any objection to any board members hearing the appeal. C. Presber advised he had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

C. Presber commented that the sign proposed is part of the Burger King standard. The sign is 6 inches too high and the sign area is 16 square feet too large in overall sign area. The sign is not in a residential neighbourhood and will not oppose anyone's view or be unsightly.

b) Presentation of Planning & Engineering Department

Development Officer referenced his report confirming the sign does exceed the Land Use Bylaw and is beyond the authority of the Municipal Planning Commission with respect to the actual sign base.

Development Officer further commented that if the Board decides to approve the sign it is suggested that the conditions outlined in the report be considered.

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

d) Presentation of anyone served notice of hearing

No one was in attendance.

e) Presentation of anyone claiming to be affected

No one was in attendance.

f) Planning Consultant comments

Not in attendance.

g) Rebuttal of Appellant/Applicant

C. Presber requested clarification of the conditions mentioned in the Development Officer's comments and report. Discussion ensued with respect to the lighting of the sign. It was noted that the concern would be whether it was a spotlight intense lit up sign.

h) Other

Nothing further was discussed.

i) Recess

C. Brown moved to meet in camera at 8:00 p.m.

The Appellant and Development Officer left the meeting at 8:00 p.m.

j) Decision

G. Shipley moved to revoke the decision of the Development Officer to deny Development Permit Application 16-DP-048 Lot 6, Block 1, Plan 1611860 (1401 Highway Avenue, Redcliff) for a Free Standing Sign. Further to allow the Free Standing Sign at Lot 6, Block 1, Plan 1611860 (1401 Highway Avenue) with the following conditions:

1. The sign shall not display lights that will adversely affect adjacent properties;
2. The sign shall not display lights that obstruct the view of, or may be confused with a traffic control device, in the opinion of the Development Authority;
3. The sign shall not obstruct the view of, or otherwise pose a potential hazard to vehicle or pedestrian traffic, in the opinion of the Development Authority;
4. The sign shall be maintained in good repair at all times, notwithstanding the sign shall at all times be structurally sound, the sign shall not be allowed to peel or

become torn, or that any portion of the sign that is metal shall not be allowed to rust;

5. No auxiliary sign shall be attached to the Free Standing Sign.

- Carried.

Reasons for Decision

The location of the sign is far enough away from the roadway that the variance is minimal. Further, it will not negatively impact traffic and neighboring properties.

V. Lutz moved to return to regular session at 8:06 p.m.

The Appellant and Development Officer rejoined the meeting at 8:06 p.m.

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

5. APPEAL NO. 3

Appeal of Development Application 16-DP-029

**Lot 39-40, Block 8, Plan 1117V (638 - 1 Street SE, Redcliff)
(Semi Detached Dwelling)**

a) Presentation of Appellant

No one was in attendance.

b) Presentation of Planning & Engineering Department

The Development Officer referenced his report and commented that this property is zoned R1 and a semi-detached dwelling is a discretionary use which goes to the Municipal Planning Commission for consideration and decision. The Development Officer indicated that initially an incomplete application was taken to the Municipal Planning Commission and they asked for some more technical input from the Developer. They chose to table the Permit Application until this technical information was provided. That information was provided to Municipal Planning Commission at the August meeting and it was decided to defeat the motion.

The Board was advised the site is too small as per the Land Use Bylaw for a semi-detached dwelling. Under the Land Use Bylaw a corner lot requires 9 metres per semi-detached dwelling per side for a total minimum of an 18 metre wide lot. The lot is 15.2m wide. It was noted that the applicant has mentioned subdividing the property in the future. The Municipal Planning Commission had expressed concern that the dwelling would not meet the Land Use Bylaw with front and rear setbacks of 6 metres once subdivided.

It was suggested that if the Board allows this development that attaching the conditions as per the report be considered as follows:

Developer provides the Town with proof that this has been done and paid for or he provides us with a Letter of Credit and a Development Agreement showing these conditions have been met.

1. The exterior of the home to be similar or compliment adjacent properties;
2. Prior to release of the Development Permit the Applicant shall:
 - a. Provide a site grading plan to the satisfaction of the Director of Planning & Engineering;
 - b. Apply for and receive permission from Council to install two (2) services into the property;
 - c. Provide to the Development Officer documentation that they have paid to have the Town of Redcliff's Public Services Department to install:
 - i. water and sanitary sewer services to the edge of property,
 - ii. curb crossings at the driveway locations,
 - iii. Sidewalk along 7th Avenue adjacent to the property,

(Note: The Town of Redcliff's Public Services Department may decline to install the water and sanitary sewer services curb crossings or the sidewalk. If this is the case the developer will have to enter into a development agreement to install this infrastructure)

- d. The Applicant shall pay a damage deposit in the amount of one thousand (\$1000.00). The deposit is to be used to repair any damage to Town of Redcliff infrastructure (i.e. sidewalk, curb, gutter, curbstop) damaged by the applicant, the applicants contractors or suppliers.
3. Provide to the Development Officer Applicant as built grades after project is completed to ensure that approved grades were met;

or

1. The exterior of the home to be similar or compliment adjacent properties;
2. The Applicant shall apply for and receive permission from Council to install two (2) services into the property;
3. The Applicant shall enter into a Development Agreement with the Town of Redcliff with respect to:

	Estimated Value
a. Provision of a site grading plan to the satisfaction of the Director of Planning & Engineering;	\$1000.00
b. The installation by the Applicant of:	
i. water and sanitary sewer services to the edge of property,	\$7,000.00
ii. curb crossings at the driveway locations,	\$4,000.00
iii. Sidewalk along 7 th Avenue adjacent to the property,	\$5,000.00
c. Providing the Development Officer with as built grades after project is completed to ensure that approved grades were met;	\$1,000.00
d. Paying a damage deposit in the amount of one thousand (\$1000.00). The deposit is to be used to repair any damage to Town of Redcliff infrastructure	

(i.e. sidewalk, curb, gutter, curbstop) damaged by the applicant, the applicants contractors or suppliers.

- e. The Applicant providing security in the form of an irrevocable letter of credit in the amount of ten thousand (\$10,000.00) to ensure Applicant carries through with the obligations outlined in the development approval.
- f. Release of security provided by the Applicant to the Town of Redcliff;

Note: If the parcel is subdivided the applicant for subdivision will be required to register an easement to provide for the utility services that will cross one lot to the other lot.

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

d) Presentation of anyone served notice of hearing

Laurie Schick, adjacent landowner was in attendance and is opposed to the proposed development.

Rod Fischer, adjacent landowner submitted a letter dated September 19, 2016, expressing opposition to the Development.

e) Presentation of anyone claiming to be affected

Nothing further.

f) Planning Consultant comments

No one in attendance.

g) Rebuttal of Appellant/Applicant

The appellant was not in attendance.

h) Other

The Director of Planning and Engineering clarified that at the Municipal Planning Commission meeting the motion was to approve the application and as a result of a tie vote was defeated.

i) Recess

D. Kilpatrick moved to meet in camera at 8:24 p.m.

Adjacent landowner, Director of Planning & Engineering and Development Officer left the meeting at 8:24 p.m.

The Board called the Director of Planning & Engineering in to provide additional information / clarification.

j) **Decision**

G. Shipley moved to confirm the decision of the Municipal Planning Commission that Development Permit Application 16-DP-029, 638 - 2 Street SE (Lot 39-40, Block 8, Plan 1117V) be denied. - Carried.

Reasons for Decision

The reasons for the decision were that the proposed development creates a non-conforming development and increases the density of the neighborhood. Further there was opposition expressed from the neighbors to the proposed development.


D. Kilpatrick moved to return to regular session at 9:05 p.m.

Adjacent landowner, Director of Planning & Engineering, and Development Officer rejoined the meeting at 9:05 p.m.

Chairman B. Christian advised of the decision to those present and that the written decision to the Appellant would be forthcoming.

6. **ADJOURNMENT**

V. Lutz moved the meeting be adjourned at 9:06 p.m.



B. Christian, Chairman



S. Simon, Recording Secretary