

**MINUTES OF THE MEETING OF THE SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD  
THURSDAY, NOVEMBER 9, 2017 at 7:00 p.m.**

**PRESENT:** Members: B. Christian, C. Crozier  
G. Shipley, E. Solberg  
C. Storle

Development Officer	B. Stehr
Planning Consultant	D. Fleming
Recording Secretary	S. Simon

Appellant: Dan Bender

Owner: Tammy Harvey

**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 B. Christian to be Chairman, seconded by E. Solberg. B. Christian accepted and assumed control of the appeal hearing.

**3. Appeal of Development Application 17-DP-080  
Lot 1, 2, Block 17, Plan 3042AV (837 – 2 Street SE, Redcliff)  
(Attached deck with variance to side yard setback)**

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

**a) Presentation of Appellant**

D. Bender advised the changes to the deck were intended make it more user friendly, as it was very small and they wanted to update it. The original deck was very high and gave little privacy. They came up with a plan of a three-tiered deck which would drop it down and provide more privacy. D. Bender commented that the positioning of the house off the avenue provided very little space for a deck in the rear. D. Bender further commented about other similar deck developments which are near fences in both Redcliff and Medicine Hat. D. Bender commented he feels the deck is presentable, built with good materials and the appearance was good. He advised there is no roof over the deck. Further that it is attached to the house.

- b) Presentation of Planning & Engineering (Report Attached)**  
Development Officer referred to his report included in the materials provided with the Agenda. He indicated that matter was identified through a request of a compliance letter. The Development Officer further referenced a previously approved Development Permit for the deck which was approved conditional to a setback of 1.5 m from the property line. At some point the development changed and confirmed that the deck does not meet the Land Use Bylaw.
- c) Presentation of Municipal Planning Commission (MPC)**  
No one was in attendance.
- d) Presentation of anyone served notice of hearing**  
The Clerk distributed a written letter received from the current owners Steve & Tammy Harvey. Ms. Harvey was in attendance but provided no further comment.
- e) Presentation of anyone claiming to be affected**  
No one was in attendance.
- f) Rebuttal of Appellant/Applicant**  
The appellant commented that if the deck were to be scaled back, it would be very small, likely the width of the door.
- g) Appeal Board Questions**  
Nothing further was discussed.
- h) Other**  
Nothing further.
- i) Recess**  
E. Solberg moved to meet in camera at 7:12 p.m.

The Appellant, Owner, Development Officer, Planning Consultant left the meeting at 7:12 p.m.

The Planning Consultant rejoined the meeting at 7:15 p.m., and left at 7:18 p.m.

The Development Officer rejoined the meeting at 7:23 p.m. and left at 7:24 p.m.

**j) Decision**

G. Shipley moved the appeal against the decision of the Development Officer to refuse to issue a permit for Development Permit Application 17-DP-080 - Lot 1, 2, Block 17, Plan 3042AV (837 – 2 Street SE, Redcliff) for an attached deck with variance to side yard setback be upheld and the decision of the Development Officer be revoked. Further that Development Permit Application 17-DP-080, Lot 1, 2, Block 17, Plan 3042AV (837 – 2 Street SE, Redcliff) for an attached deck with variance to side yard setback be approved as presented conditional to:

1. The Applicant apply for and receive a Building Permit to ensure that the deck meets the requirements of the Alberta Building Code;
2. The railing around the deck on the north side to be visually obscuring.

- Carried.

**Reasons for Decision**

Given that the house is setback a disproportionate distance from the avenue, and given that the house is facing the avenue the only way to make usable space on the north side of home is to allow for the variance to the setback in the Land Use Bylaw in this instance. Further there were no objections received from the neighbouring landowners. And further that there is no apparent adverse effect to the neighboring properties.

C. Crozier moved to return to regular session at 7:34 p.m. – Carried.

The Appellant, the Owner, Development Officer and Planning Consultant, rejoined the meeting at 7:34 p.m.

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

**4. ADJOURNMENT**

E. Solberg moved the meeting be adjourned at 7:37 p.m.



B. Christian, Chairman



S. Simon, Recording Secretary