

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
THURSDAY, MAY 6, 2010 @ 7:00 p.m.**

Present:	Members:	C. Brown, B. Hawrelak, V. Lutz, D. Kilpatrick, G. Shipley, D. Mastel S. Simon K. Snyder Tim McRoberts
	Development Officer	
	Acting Municipal Manager	
	Planning Consultant	
	Applicant/Appellant	
Absent:	Member	P. Montieth
	MPC Representative	W. Duncan

1. CALL TO ORDER

Acting Municipal Manager 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

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

3. APPEAL

Development Permit No 10-DP-034
Tim McRoberts
Lots 27, Block 80, Plan 0510122
18 – 6th Street N.E.
Redcliff, Alberta
Oversize Garage (Accessory Building)

Chairman B. Hawrelak asked T. McRoberts if he had any objections to any board members hearing the appeal. T. McRoberts advised he had no objections to any of the board members.

a) PRESENTATION OF APPELLANT

T. McRoberts explained to the Board that he had applied 6 months earlier for a development application for an oversized garage (26'x32') and it went through the appeal process at that time. His appeal was denied but it was suggested that he could constructed a 24' x 28' garage. He noted that it has been over six months and he has now resubmitted his application and is seeking a development permit to construct a 26' x 28' garage. The Development Officer refused his application and he is appealing the decision.

T. McRoberts referred to the development in the area noting that to the rear of him is RV storage and felt that his garage poses no concerns aesthetically. Further that his neighbours would be pleased to see a garage versus just gravel and vehicles.

b. PRESENTATION OF DEVELOPMENT OFFICER

D. Mastel referenced her report dated May 6, 2010 and is attached for reference. She further noted that the maximum site coverage for an accessory building is 15%. The site coverage for the development as proposed is at 17%. Thus he will be exceeding the maximum site coverage for an accessory building by 2%.

c. PRESENTATION OF MUNICIPAL PLANNING COMMISSION

No one from the Municipal Planning Commission was in attendance. K. Snyder advised the Commission had no comments.

d. PRESENTATION OF PLANNING CONSULTANT

K. Snyder referenced the Land Use Bylaw which states that "the maximum size of an accessory building is limited to the lesser of 15% of lot size or 67.6 m² (728 ft²). The lot size is 400 m² (4,307 ft²), therefore the maximum allowable accessory building is 60.02 m² (646 ft²). He noted that the proposed development actually exceeds the maximum size for an accessory building by 13%.

K. Snyder noted the surrounding development as being R2 (Low Density Residential) and C3 (General Commercial).

K. Snyder further commented that the Board is not bound by precedent and each application should be reviewed on its own merit. He indicated that impact on neighbours, drainage issues and building mass should be factors of consideration. Further noting that a 10% variance to the provision of the land use bylaw is common and he would be comfortable suggesting a 10% variance.

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 APPLICANT

Chairman B. Hawrelak questioned the height of the peak of the proposed garage and residence. The garage will be roughly 14.9' with the walls being 10'. The height of the peak of the residence was unknown.

B. Hawrelak questioned if the entry was from the lane, he was advised it was, it was also confirmed that the proposed garage meets the proposed setbacks from the lane.

T. McRoberts had no further comments.

h) RECESS

D. Kilpatrick moved the Board to recess at 7:12 p.m. and the Board met in camera.

Development Officer, Planning Consultant and Tim McRoberts left the room at 7:12 p.m.

i) DECISION

G. Shipley moved that the appeal against the decision of the Development Officer, to refuse to issue a permit for an oversized accessory building (26' x 28') be upheld, and the decision of the Development Officer be revoked and a development permit be issued approving the oversized accessory building (26' x 28').

The Board indicated the reason for their decision is that

- The proposed development of an oversized accessory building (garage) would not negatively impact the neighborhood as there is commercial development adjacent to the parcel.

D. Kilpatrick moved that the Board reconvene at 7:51 p.m.

Development Officer, Planning Consultant and Tim McRoberts rejoined the meeting at 7:51 p.m.

Chairman B. Hawrelak advised the applicant of the Board's decision and reasoning. Further that a letter stating the decision of the Board would be forthcoming.

4. ADJOURNMENT

D. Kilpatrick moved the meeting be adjourned at 7:53 p.m.