

**MINUTES OF THE MEETING OF THE SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD  
March 20, 2019 at 7:00 p.m.**

**PRESENT:** Members: B. Christian, T. Read,  
G. Shipley, C. Storle

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

Appellant/Applicant	W. Chantler
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**ABSENT:** C. Crozier, E. Solberg (Alternate Member)

**1. CALL TO ORDER**

Recording Secretary called the appeal hearing to order at 7:03 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

**2. ELECTION OF CHAIRMAN**

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

**3. APPEAL**

**Appeal of Development Application 19-DP-012**

**Lot 21 and 22, Block 25, Plan 1117V (302 5 Street SE, Redcliff)**

**Accessory Building – Detached Garage with Garden Suite**

Chairman Storle asked the appellants if they had any objection to any board members hearing the appeal. W. Chantler advised they had no objection to any member of the Subdivision and Development Appeal Board.

**a) Presentation(s) by Development Authority**

The Development Officer referenced the appeal of proposed development of a garden suite over a double car garage. Development Officer advised the Land Use Bylaw allows garden suites. However, noted that accessory buildings do have maximum heights allowed. The Development Officer referenced the old Municipal Development Plan, the new Municipal Development Plan, and the South Saskatchewan Regional Plan all of which recognize the need for different types of and denser types of residential development. The Planning & Engineering Department feel this is a good development and fits the needs of the community.

The Development Officer indicated the proposed development does not meet the flankage setbacks as per the Land Use Bylaw (proposed 5.72 m, LUB specifies 6 m).

minimum). A variance to the flange setback could have been considered/granted by the Municipal Planning Commission. However, the height of the proposed structure of 6.72 m exceeds the allowed height of 4.5 m in the LUB and exceeds the authority of the Municipal Planning Commission to grant a variance. Thus, the application was denied.

The Development Officer noted that should the Subdivision and Development Appeal Board (SDAB) find this to be an acceptable development, Planning & Engineering Department has in its report, suggested several conditions for SDAB to consider to be attached to the approval.

**b) Presentation by the Appellant**

The appellant explained his proposed development and referenced the drawings provided. Mr. Chantler spoke to the distance between the garage and main house, the elevation differences on the property, and the height of the garage. He indicated with the distance and the elevation the appearance of the proposed development would not be as large or intrusive as it appears on the drawings. He also referenced the large setback distance in the front as the main house when originally built was set further back. He further indicated the proposed development would allow him to be in proximity to family members.

**c) Presentation by the Applicant (if Applicant is different from the Appellant)**

Comments above. Applicant is the appellant.

**d) Presentation by other persons in favor of the appeal**

No one in attendance.

**e) Presentations from any person(s) opposed to the appeal**

The Board received the letter for information from William & Cathy Crozier with regard to the proposed development.

**f) Summation and response from all participants**

The Director of Planning & Engineering indicated the garage setback is 10.4 m from the back of sidewalk to the garage door (approx. 30 feet).

The Development Officer reviewed the parking requirements as per the Land Use Bylaw for single-family dwellings and garden suites. He referenced the type of homes currently in the surrounding neighbourhood - mainly made up of one storey, single family homes. The proposed development would not be out of the ordinary for the area.

T. Read questioned if there is sufficient parking. Director of Planning & Engineering indicated a larger vehicle may encroach into the boulevard. However, there would be no encroachment into the sidewalk as there is sufficient distance from the garage doors to the sidewalk and from a practical standpoint there is sufficient space to park a vehicle having a 5.92 m setback. The applicant indicated that with his size of vehicles and using the garage there would be sufficient space for parking. The Director of Planning &

Engineering clarified the concerns are due to the overhang of a vehicle on the boulevard, not the sidewalk.

The Appellant continued to review the garage and suite designs and clarified all trees and shrubs would stay in their current locations. He also explained the height and width of the development will not interfere with the power pole. After discussions with the City of Medicine Hat Utilities Department and the Safety Council, both parties indicated that the Appellants plans meet the requirements of the new (2016) electrical code. The Safety Council also advised the Appellant could ground the metal roof and gutters as an added precaution.

The City of Medicine Hat has requested the Appellant sign an agreement prior to construction to ensure construction activities are in accordance with all health and safety regulations.

The Appellant was questioned about who would be pulling all the permits. The Appellant advised he would obtain all required permits. He also mentioned the waterline to his property is a one inch line, which is large enough to expand to the garage and garden suite.

The Appellant described the discussion he had with the City of Medicine Hat regarding Utility Right of Ways (ROW's) and applying for a variance. The Director of Planning & Engineering provided clarification of the legalities regarding Road Right of Ways and Utility Right of Ways.

The Appellants final statement recapped the design of the development and how it would compliment the neighbourhood.

The Development Officer asked the board if the Development Permit is approved, that an additional condition be included that a new site plan be provided showing the setback from the lane being increased to 1.5 metres.

**g) Recess**  
No recess

**h) In Camera Discussion**

B. Christian moved to meet in camera at 7:36 p.m.

The Appellant, Director of Planning & Engineering, Development Officer left the meeting at 7:36 p.m.

**i) Decision**

G. Shipley moved the appeal against the decision of the Development Officer to refuse to issue a permit for Development Permit Application 19-DP-012 (Lot 21 and 22, Block 25, Plan 1117V [302 5 Street SE, Redcliff] for an Accessory Building – Detached Garage with Garden Suite be revoked. Further that Development Permit Application 19-DP-012 (Lot 21 and 22, Block 25, Plan 1117V [302 5 Street SE, Redcliff] for an Accessory

Building – Detached Garage with Garden Suite be approved with the following conditions:

1. Applicant to provide a grading plan to the satisfaction of the Director of Planning & Engineering;
2. Applicant to provide a servicing plan for potable water, sanitary sewer, electrical, gas and telecoms to the satisfaction of the Director of Planning & Engineering.
3. Exterior finish of garage to match &/or compliment house and neighbourhood;
4. Applicant to apply for and receive all relevant Safety Codes permits from the Town of Redcliff;
5. Relocation of affected utility services to the satisfaction of all utility departments. Please be advised that relocation of services is at the applicant's expense. The Town has not confirmed utility locations and it shall be the responsibility of the applicant to ensure that the development does not interfere with the utilities, and utility right-of-ways.
6. Applicant to provide to the Town of Redcliff a new updated site development plan showing the revised setbacks.

### **Reasons for Decision**

#### Evidence / Documents used in making decision:

Original application  
Appeal Form  
Appellant Submission  
Development Officer Submission  
Adjacent Land owner submission.  
Land Use Bylaw

The Board indicated that the proposed development does not adversely affect the neighborhood for the following reasons:

In considering the variance of the 6.m flankage setback to 5.72 m the board considered the distance between the garage and sidewalk in the town boulevard and indicated the relaxation would not interfere with pedestrian traffic.

The applicant meets or exceeds the required minimum separation distances (1.5 m) from the structure to the electric lines both vertically and horizontally and is in compliance with legislation.

There are other two storey residences in the area and granting a variance to the maximum height specified in the LUB of 4.5 m for an accessory building to 6.72 m is acceptable.

The Board weighed each of the four items identified by the adjacent landowner and did not find them to be an issue as the developer satisfied the requirements.

T. Read moved to return to regular session at 8:01 p.m. – Carried.

The Appellant, Director of Planning & Engineering, Development Officer and Planning Intern rejoined the meeting at 8:01 p.m.

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

5. **ADJOURNMENT**

T. Read moved the meeting be adjourned at 8:04 p.m.

  
Chairman  
S. Simon, Recording Secretary

March 18 2019

Proposed Development: 19-DP-012 Accessory Building with second storey Garden Suite

Location: 302-5 Street SE Lot 21-22, Block 25, Plan 1117V

Redcliff

To whom it may concern:

We are in agreement with the Development Officer to deny the proposed development at this location, for the following reasons:

1. The proposed development does not meet the flankage setback of 6.0 meters as required by the Land Use Bylaw. Section 40.8 requires a 6.0 m setback from the flanking street where there is vehicle access to the accessory building.
2. The proposed development Real Property Report shows a 5.72 meter flankage setback to the Avenue. I believe the required one (1) extra off-street parking stall required for the garden suite does not meet the parking space dimension. According to Section 68 Parking & Loading Requirements, "When a building is enlarged, altered, or a change in use occurs, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The additional off-street parking spaces proposed does not meet the small vehicle parking space dimension of 6.4 meters. Any vehicle parked on the 5.72 m flankage setback would encroach onto Town property and create a safety concern as any vehicle parked on the apron of the garage will encroach onto the existing sidewalk. This will create issues for pedestrians using the sidewalk, especially given that this proposed development is one block east of a school yard.
3. The proposed development does not meet the maximum height requirement of 4.5 meters as per the Land Use Bylaw. Section 40.10 limits the maximum height of an accessory building to 4.5 meters. This proposed development exceeds the maximum height requirement by 2.22 m, which is over 7 feet high. We believe this additional height may impose restrictions or limitations on the proximity to the Utility-Right-of-Way high voltage overhead powerlines. This development is also proposed for an older area of Redcliff which consists mostly of one story single family dwellings. At the requested height, this structure will not blend in with its surroundings and be in harmony with the neighbourhood.
4. The proposed development Real Property Report shows a proposed 1.00 meter rear setback to the back lane and Utility Right-of-Way high voltage overhead power lines. Failing to consider the proximity of a structure to power lines poses significant safety risks. According to the Alberta Electrical Utility Code, there are mandatory requirements for clearances between power lines and structures. Clearance requirements vary depending on the voltage of the power line. For example, a power line operating at between 750 volts and 22,000 volts requires a vertical clearance of 3.0 metres; and a horizontal clearance of 3.0 metres. The proposed development does not meet the 3.0 metre setback requirement.

For these reasons, we as adjacent landowners would like the Town of Redcliff to deny the proposed development with these safety concerns in mind.

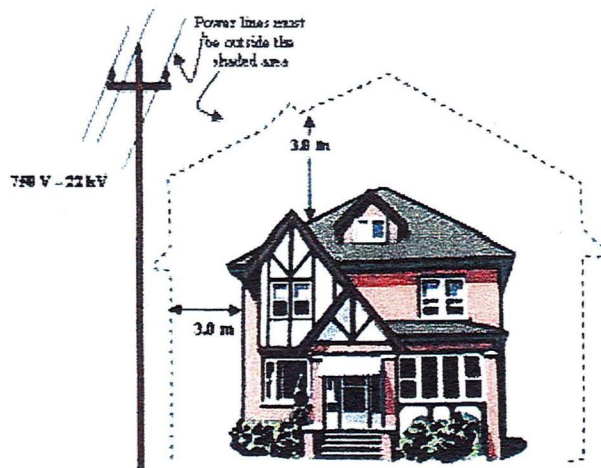
Thank You.



William & Catherine Crozier

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### Attention: Designers, Developers, Builders and Building Owners

Minimum clearance requirements between overhead lines and other structures are in place for your protection and safety.

- Regulations require minimum horizontal and vertical clearances between overhead lines and other structures.
- Clearance requirements vary depending on the voltage of the power line. For example, a power line operating at between 750 and 22,000 Volts requires:
  - A vertical clearance of 3.0 metres; and
  - A horizontal clearance of 3.0 metres.

See the diagram above and the table inside the brochure for more information

### Contact your Electric Power Company before developing your property.

This will reduce the likelihood of shock or electrocution. It will also help you avoid having to move a structure or paying for the relocation of a power line.

## Alberta's Safety System

Alberta Municipal Affairs works in partnership with the Safety Codes Council, municipalities, corporations, agencies, and other organizations to deliver effective community-focused public safety programs and services to Albertans.

### Questions or more information:

#### Alberta Municipal Affairs

Safety Services Branch  
16th Floor, Commerce Place  
10155 - 102 Street  
Edmonton, Alberta T5J 4L4

Phone toll-free: 1-866-421-6929

Fax: 780-427-8686

E-mail: [safety.services@gov.ab.ca](mailto:safety.services@gov.ab.ca)

[www.municipalaffairs.alberta.ca](http://www.municipalaffairs.alberta.ca)

#### Safety Codes Council

Suite 1000, 10665 - Jasper Avenue  
Edmonton, Alberta T5J 3S9

Toll-free within Alberta:

Phone: 1-888-413-0099

Fax: 1-888-424-5134

[www.safetycodes.ab.ca](http://www.safetycodes.ab.ca)

Please place your agency or municipality contact information in the space below.

These brochures may be updated periodically. They have no legal status and cannot be used as an official interpretation of the various bylaws, codes and regulations currently in effect.

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# Safety Tips

## Structures near power lines

### A potentially dangerous combination

Failing to consider the proximity of a structure to power lines poses significant safety risks with potentially fatal consequences.

If you don't consider this proximity, you may also be faced with a costly relocation of either the structure or power line, because the distance between them was not thoroughly assessed during the planning stages.

The Alberta Electrical Utility Code has mandatory requirements for clearances between power lines and structures such as the following:

- signs;
- billboards;
- light standards;
- traffic signs;
- antennas;
- satellite dishes; or
- buildings, such as houses, apartments, and commercial or farm buildings.

Alberta

SAFETY CODES COUNCIL



## Structures near power lines

### Excerpt from the Alberta Electrical Utility Code

Table 9 ~ Minimum Design Clearances from Wires and Conductors Not Attached to Buildings, Signs, and Similar Plant (all similar situations) - See Clauses 5.7.3.1 and 5.7.3.3

Wire or Conductor		Minimum clearances, in metres, from wire to			
		Buildings**†		Signs, billboards, lamp and traffic sign standards, and similar plant	
Guys, communication cables, and drop wires		Horizontal to surface‡	Vertical to surface	Horizontal to object‡	Vertical to object
		0	0.08	0	0.08
Supply conductors					
0 to 750 V	Insulated or grounded	1.0	2.5§	0.3	0.5
	Enclosed in effectively grounded metallic sheath	0	0	0	0.08
0 to 750 V	Neither insulated nor grounded, nor enclosed in effectively grounded metallic sheath	1.0	2.5§	1.0	0.5
Over 0.75 to 22 kV	Not enclosed in effectively grounded metallic sheath	3.0§§	3.0**	3.0	2.5
	Enclosed in effectively grounded metallic sheath	0	0	0	0.08
Over 22 kV***††		3.0 plus 0.01 m/kV over 22 kV	3.6 plus 0.01 m/kV over 22 kV	3.0 plus 0.01 m/kV over 22 kV	3.6 plus 0.01 m/kV over 22 kV

### Notes to the table

References to other tables and clauses refer to the Alberta Electrical Utility Code

\* Clearances over or adjacent to portions of a building normally traversed by pedestrians or vehicles are covered by Tables 2 and 3.

† The tabulated clearances are applicable to nonmetallic buildings or buildings whose metallic parts are effectively grounded. Otherwise, a study to determine suitable greater clearances may be necessary, due to electrostatic induction (see clause 54.7.3.3).

‡ To these values the conductor swing must be added, in accordance with clause 5.7.3.1.

§ This clearance may be reduced to 1 m for portions of the building considered normally inaccessible.

\*\* Carrying conductors of these voltage classes over buildings should be avoided if other suitable construction can be carried out.

†† Where it appears necessary to carry conductors of these voltage classes over buildings, additional measures should be investigated, including increased clearances, to ensure that safe and suitable use can be made of the building crossed over.

§§ This value may be reduced to 1.5 m when windows that can be opened, fire escapes and balconies are not present on the building adjacent to the conductor.