

b) Presentation(s) by Development Authority and Administration

B. Stehr outlined that the Land Use Bylaw does not provide any explicit explanation for the requirement of a 1.0 metre side yard setback for an accessory building. However, it can be inferred that the required setback is to ensure that accessory buildings do not negatively impact adjacent properties, and to allow for full access around all sides of buildings.

B. Stehr also noted that there is a restrictive covenant registered to the title of the property, which states that any outbuildings shall not exceed 200 square feet (19 square metres) and that any outbuildings shall be constructed with exterior finishing materials similar to the personal dwelling house.

As per safety codes standards, all buildings within 1.2 metres of a property line need to be constructed of fire rated materials.

B. Stehr concluded that should the SDAB decide to approve the development permit application 20-DP-055 for an accessory building, that the Development Authority and Administration suggest the following conditions to be placed on the development permit approval:

1. No part of the accessory building (including eaves, gutters, and downspouts) shall encroach onto the adjacent property.
2. That portion of the building which encroaches within 1.2 metres of the property line be covered in non-combustible materials as defined by the *Alberta Building Code*.
3. Applicant shall apply for all applicable Safety Codes Permits.
4. The exterior finish of the building shall match the exterior finish of the home.

c) Presentation by other person(s) in favour of the appeal

No one in attendance. The Board Clerk noted one submission received electronically from adjacent landowner R. Friesen who stated that "I have no problems with the landowner [R. Schaeffer] going ahead with the application".

d) Presentations by other person(s) opposed to the appeal

No one in attendance.

e) Summation and response from Appellant

R. Schaeffer stated that stucco has a fire rating, and he believed that all other construction materials he intends to use will be fire resistant. He also noted that it was important for the usability of the accessory building that access to the side of the structure closest to his house is not impeded.

f) Summation and response from Development Authority and Administration

J. Johansen noted that Administration and the Development Authority will not make comments about the fire rating of specific materials. The applicant will have to follow the requirements of the Town's Safety Codes Officers.

g) Additional questions from the Board

Chairperson Crozier inquired why the accessory building was not going to be located further into the backyard. R. Schaeffer responded that there is a retaining wall which would prevent the accessory building from being placed elsewhere in the backyard.

h) Closed Session

G. Shipley moved to meet in closed session at 7:08 p.m.

The Appellant, Director of Planning & Engineering, and Development Officer left the meeting at 7:08 p.m.

i) Decision

Chairperson Crozier moved the appeal against the decision of the Development Officer to refuse to issue a permit for Development Permit Application 20-DP-055 (Lot 14, Block A, Plan 0412564 [413 Jesmond Drive SW]) for an accessory be upheld and the decision of the Development Officer be revoked. Further that Development Permit Application 20-DP-055 (Lot 14, Block A, Plan 0412564 [413 Jesmond Drive SW]) for an accessory building be approved with the following conditions:

1. No part of the accessory building (including eaves, gutters, and downspouts) shall encroach onto the adjacent property.
2. That portion of the building which encroaches within 1.2 metres of the property line be covered in non-combustible materials as defined by the *Alberta Building Code* and as acceptable to the Town's Safety Codes Officers.
3. Applicant shall apply for all applicable Safety Codes Permits.
4. The exterior finish of the building shall match the exterior finish of the home.

- Carried.

Reasons for DecisionEvidence / documents used in making decision:

Original application

Appeal form

Appellant submission

Development Authority/Administration submission

No objections received from adjacent landowners

Land Use Bylaw

Alberta Building Code

Restrictive Covenant on property title

The Board advised the reasons for its decision are that the development permit application complies with all the suggested conditions of development proposed by the Development Authority as well as the conditions of the restrictive covenant registered to the property title. Further that although the accessory building will be located only six inches from the property line, the Board felt that it will not negatively impact the adjacent property as it will be constructed 30 feet from the adjacent property's personal dwelling house.

T. Read moved to return to regular session at 7:18 p.m. - Carried.

The Appellant, Director of Planning & Engineering, and Development Officer returned to the meeting at 7:19 p.m.

Chairperson Crozier advised the appellant of the decision and that the written decision would be forthcoming.

4. ADJOURNMENT

Chairperson Crozier declared the meeting be adjourned at 7:21 p.m.



Chairperson



E. Engler, Board Clerk