

**MINUTES OF THE MEETING OF THE SUBDIVISION  
AND DEVELOPMENT APPEAL BOARD  
November 25, 2020 at 7:00 p.m.**

<b>PRESENT:</b> Members	C. Crozier, T. Read, G. Shipley, C. Storle
Development Officer	B. Stehr
Board Clerk	S. Simon
Appellant/Applicant	T. Hulit

**ABSENT:**

**1. CALL TO ORDER**

Board Clerk 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 Chairperson.

**2. ELECTION OF CHAIRPERSON**

G. Shipley nominated C. Crozier to be Chairperson, seconded by T. Reid. C. Crozier accepted and assumed control of the appeal hearing.

**3. APPEAL**

**Appeal of Development Application 20-DP-084  
Lots 35-37, Block 45, Plan 1117V (230 4 Street SE)  
Accessory Building – Detached Garage**

Chairperson Crozier asked the Appellant if he had any objection to any board members hearing the appeal. T. Hulit advised he had no objection to any member of the Subdivision and Development Appeal Board.

**a) Presentation by Appellant**

T. Hulit outlined his proposal to keep and restore the portion of an accessory building on his property 230 4 Street SE that is shared with the adjacent landowner at 226 4 Street SE who wishes to remove the portion of the structure on their property. T. Hulit advised that both he and the adjacent landowner of the shared garage structure are working together and referenced a letter that was included in the agenda package.

Mr. Hulit provided the history of the properties and noted the garage structure was likely built in the 1920s. The properties were owned by one family and there were three houses in a row. Mr. Hulit indicated for a portion of time the structure served as a bus garage for the Redcliff transit system. The transit system originally had a marshalling yard for buses located west of 230 4<sup>th</sup> Street SE. The garage structure was originally built on 230 4 Street SE and at some time the structure was added to and extended into 226 4 Street SE. Mr. Hulit explained the construction of the addition to the garage structure.

Mr. Hulit advised the garage structure on 226 4<sup>th</sup> Street SE has deteriorated, his portion on 230 4<sup>th</sup> Street SE is in relatively good condition. The adjacent landowners wish to sell the property and remove their portion of the garage structure. Mr. Hulit indicated he would work together with the adjacent landowners contractor to remove their portion and to ensure his side remains stable. A new wall will be built and the structure restored to the original footprint.

Mr. Hulit indicated he understands the problem is the structure does not conform to the setbacks set out in the Land Use Bylaw. He stated he is not building anything new. Further he does not feel it will negatively affect anyone and he would also not incur the costs to put up a new structure.

Mr. Hulit referenced the photographs included in the documentation.

**b) Presentation(s) by Development Authority and Administration**

The Development Officer provided the background to Development Permit Application 20-DP-084 and the decision / reasons to deny the application. The Development Officer commented:

- A Development Permit Application for restoration of an Accessory Building at 230 4 Street SE was submitted to the Town on August 21, 2020.
- A Development Permit Application for partial demolition of an Accessory Building at 226 4 Street SE was submitted to the Town on August 21, 2020.
- A review of the applications determined that the Accessory Building has been constructed over the property lines.
- On August 27, 2020 Park Enterprises Ltd. visited the site to advise both parties as to what would be required to demolish the portion of the garage at 226 4 Street SE, and to restore the portion of the garage on 230 4 Street SE.
- On September 4, 2020 a letter was sent to both parties requiring a written agreement between both parties regarding the demolition / restoration of the accessory building. The written agreement was received by the Town on October 2, 2020.
- The property owners at 226 4 Street SE have received a Development and Building Permit to demolish the portion of the accessory building on 226 4 Street SE.
- Development Permit Application 20-DP-084 for restoration of an Accessory Building was denied by the Development Officer on October 28, 2020 for the following reasons:
  1. The side yard setback of 0.0 m on the north side does not comply with the 1.0 m side yard setback as required by the Town's Land Use Bylaw Section 40.7.

2. The rear yard setback of 0.06 m on the west side does not comply with the 3.0 m rear yard setback as required by the Town's Land Use Bylaw Section 40.6.

The Development Officer reiterated the recommendation of the Legislation & Development Department that the Subdivision and Development Appeal Board uphold the decision of the Development Officer and confirm that Development Permit 20-DP-084 be denied for the following reasons:

1. The side yard setback of 0.0 m on the north side does not comply with the 1.0 m side yard setback as required by the Town's Land Use Bylaw Section 40.7.
2. The rear yard setback of 0.06 m on the west side does not comply with the 3.0 m rear yard setback as required by the Town's Land Use Bylaw Section 40.6.

The Development Officer further noted that should the SDAB decide to overturn the decision of the Development Officer and approve Development Permit Application 20-DP-084 for an Accessory Building with reduced setbacks, the Legislation & Development Department suggests the following conditions be placed on the Development Permit Approval:

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

**c) Presentation by other persons in favour of the appeal**  
No one was in attendance. No written submissions received.

**d) Presentations from any person(s) opposed to the appeal**  
No one was in attendance. No written submissions received.

**e) Summation and response from Appellant**  
No further comments.

**f) Summation and response from all other participants**  
No further comments.

**g) Additional questions from the Board**  
No further questions asked.

**h) Closed Session**

G. Shipley moved to meet in closed session at 7:13 p.m. - Carried.

The Appellant, Development Officer, and members of the gallery left the meeting at 7:13 p.m.

**i) Decision**

G. Shipley moved to confirm the decision of the Development Officer to refuse to issue a permit for Development Permit Application 20-DP-084 (Lots 35-37, Block 45, Plan 1117V [230 4 Street SE]) for an accessory building – detached garage. - Carried.

**Reasons for Decision**

1. The side yard setback of 0.0 m on the north side does not comply with the 1.0 m side yard setback as required by the Town's Land Use Bylaw Section 40.7.
2. The rear yard setback of 0.06 m on the west side does not comply with the 3.0 m rear yard setback as required by the Town's Land Use Bylaw Section 40.6.

Evidence / documents used in making decision:

- Original application
- Appeal form
- Appellant submission
- Development & Legislation Report
- Land Use Bylaw 1698/2011 (including any amendments)
  - Section 40.6
  - Section 40.7

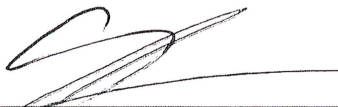
T. Read moved to return to regular session at 7:42 p.m. - Carried.

The Appellant, Development Officer, and members of the gallery returned to the meeting at 7:43 p.m.

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

**4. ADJOURNMENT**

G. Shipley moved the meeting be adjourned at 7:44 p.m.



Chairperson



S. Simon, Board Clerk