

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File: 32.30.9

July 9, 2026

APPELLANT: DOERKSEN, THOMAS & DOERKSEN, DARLENE

MUNICIPAL ADDRESS(S): 9, 30 GIROUX ROAD

LEGAL DESCRIPTION: CONDOMINIUM PLAN 9722273, UNIT 9

LAND USE CLASSIFICATION: MEDIUM-DENSITY RESIDENTIAL (MDR)

DATE OF HEARING: JULY 22, 2026

PROPOSED DEVELOPMENT: DECK AND ENCLOSED SUNROOM CONSTRUCTED ON DECK, WITH VARIANCE TO REAR YARD SETBACK

The appellant is appealing a refusal decision by the Development Authority for an Accessory Development consisting of a new deck with an enclosed sunroom constructed on the deck, requiring a variance to the minimum required rear yard setback.

Development within the City is regulated by Land Use Bylaw 18/2024. The subject property is zoned Medium Density Residential (MDR). Pursuant to Section 5.6 and Section 3.56(3)(iv)(A) of the Land Use Bylaw, a minimum rear yard setback of 6.0 m is required where a lot contains an attached garage.

The applicant proposed to construct a new deck with an enclosed sunroom on the deck. The proposed development has a rear yard setback of 3.8 m, requiring a variance of 2.2 m (36.7%).

- Required rear yard setback: **6.0 m**
- Proposed rear yard setback: **3.8 m**
- Required variance: **2.2 m (36.7%)**

As part of the review of the application, the Development Authority determined that the requested variance exceeded the maximum variance that may be approved administratively.

Pursuant to Section 2.15(1) of Land Use Bylaw 18/2024, the Development Authority may approve a variance of up to a maximum of 25% of a required setback.

As the requested variance of 36.7% exceeds the maximum variance permitted by Section 2.15(1), the Development Authority did not have the authority to approve the application. The Development Permit was therefore refused.

The refusal was based on the Development Authority's inability to approve a variance exceeding the maximum permitted under the Land Use Bylaw.

It may interest the Board to note the following:

- The proposed development consists of a new deck with an enclosed sunroom constructed on the deck.
- The required rear yard setback is 6.0 m.
- The proposed rear yard setback is 3.8 m.
- The proposal requires a rear yard setback variance of 2.2 m (36.7%).
- Section 2.15(1) of Land Use Bylaw 18/2024 limits the Development Authority to approving setback variances of up to 25%.
- As the requested variance exceeds 25%, the Development Authority did not have the authority to approve the application.
- The Development Permit was refused because the requested variance exceeded the Development Authority's authority under the Land Use Bylaw.

A handwritten signature in black ink, appearing to read "M. Smith". The signature is written in a cursive, flowing style.

Melanie Smith
Development Officer I

Attachments:

- DP Decision
- Site Plan



Development Permit Decision

Application Number: DP074727
Land Use District: MDR
Property File Number: 32.3

Municipal Address

9 30 GIROUX RD

Legal Description

CONDOMINIUM PLAN 9722273;UNIT 9

Type: DP RES ALTERATION/ACCESSORY - ACCESSORY
Proposed Use: ACCESSORY DEVELOPMENT - DECK & ENCLOSED SUN ROOM - WITH
VARIANCE TO REAR YARD SETBACK

Applicant:

THOMAS DOERKSEN
ST ALBERT, AB T8N 6R2
#9 - 30 GIROUX RD

Owner of Land:

DOERKSEN, THOMAS
9, 30 GIROUX RD
ST ALBERT AB T8N 6R2

Decision:

REFUSED

Decision Made By:

MELANIE SMITH

Conditions

1. Date of Refusal: June 17, 2026

Development Permit Application for Accessory Development (Deck and Enclosed Sunroom with Variance to Rear Yard Setback) is REFUSED.

Required Rear Yard Setback: 6.0 m

Proposed Rear Yard Setback: 3.8 m

Required Variance: 2.2 m (36.7%)

Reasons for Refusal:

Pursuant to Section 2.15(1) of Land Use Bylaw 18/2024, the Development Authority may approve a variance of up to a maximum of 25% of a required setback.

The proposed rear yard setback of 3.8 m requires a variance of 2.2 m (36.7%) from the minimum required rear yard setback of 6.0 m.

As the requested variance exceeds the maximum variance that may be approved by the Development Authority, the application cannot be approved and is therefore refused.

NOTE:

You may appeal this decision to the Subdivision and Development Appeal Board within 21 days of the date this decision was issued. Please refer to the reverse side of this notice for appeal information and contact details for Legislative Services.

NOTES:

- a) Interior alterations shall be constructed in accordance with approved plans and all relevant requirements of the Alberta Building Code.
- b) The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring compliance with, and be responsible for obtaining, all applicable permits, licenses and approvals, at its own expense.
- c) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement or other instrument affecting the building or land.
- d) The City of St. Albert does not conduct independent environmental checks of land within the city. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of St. Albert, in issuing this development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on or within the property.
- e) Construction sites are to be kept clean and free from debris while the site is under construction.

Jun 17, 2026
Decision Date


Development Officer

