

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File: 4046.26

June 9, 2025

APPELLANT: JORDAN MARUSCHAK - OWNER  
MUNICIPAL ADDRESS(s): 26 DELAGE CRESCENT  
LEGAL DESCRIPTION: LOT 22; BLK 3; PLAN 932 1898  
LAND USE CLASSIFICATION: LDR  
DATE OF HEARING: JUNE 25, 2025  
PROPOSED DEVELOPMENT: TO LEAVE PLAYHOUSE AS BUILT & HEIGHT VARIANCE

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The appellant is appealing a refusal decision by the Development Authority, for a Development Permit application to leave a playhouse as built, including a variance to the height. As constructed, the playhouse is not in compliance with the provisions of Land Use Bylaw 18/2024.

All development within the City is regulated by the Land Use Bylaw. Accordingly, as an accessory building, the playhouse is required to meet the regulations of Section 3.44. Under Section 3.44, the maximum height for an accessory building is **3.7 m (12.14')**. As existing, the playhouse is **5.89m (19.32')**. A variance of **2.19m or 59%** is required to leave the structure as built. The requested height variance *exceeds* the powers of the Development Officer to approve under the powers of Section 2.15(1).

Accessory Structures such as playhouses, are identified as a 'permitted use' in the low density residential (LDR) land use district. With the exception of the building's height, the playhouse otherwise complies with the Land Use Bylaw for property line setback(s) and the separation distance from the principal dwelling.

In rendering the permit decision, the Development Authority considered the parcel's land use districting, the applicable Land Use Bylaw regulations, and the specific details of the application submission.

It may interest the Board to note the following:

- Accessory Buildings are regulated by Section 3.44 of the Land Use Bylaw.
- Accessory Buildings are a permitted use in the LDR Land Use District.
- Accessory Buildings are limited to a maximum height of 3.7m.
- The existing playhouse measures at 5.89m in height.

- A variance of 2.19m or 59% is required.
- The requested variance exceeds the powers of the Development Officer to consider.
- As the playhouse is greater than 10m<sup>2</sup> in area, a Development Permit and Building Permit are required to be obtained.

If the Board supports the appeal, the following conditions & notes are requested on the written decision:

#### CONDITIONS:

1. Development Permit approval is issued to authorize an existing accessory building (Playhouse) to remain as built and includes a variance to the building height. As approved, the playhouse's total height is approved at 5.89m (19.32 feet). A variance of 2.19m or 59% is applied.
2. Accessory Structures are a permitted use in the low density residential (LDR) land use district; in accordance with Section 5.2(3)(xi)(a) of Land Use Bylaw 18/2024.
3. The development shall exist in accordance with the stamped, approved plan(s).
4. Any proposed changes in design, elevation or site plan configuration shall first be submitted for review by the Development Officer and any such changes shall not be undertaken until written authorization is provided by the Development Officer.
5. The exterior finishes of the approved accessory building shall match or complement the exterior finishes of the existing dwelling.
6. The exterior finishes must be completed within two (2) years of the date of development permit approval.

#### NOTES:

- a) 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.
- 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) All construction must conform to the relevant requirements of the Alberta Building Code, the City of St. Albert municipal engineering standards and all applicable codes, laws, regulations and standards.

Chelsea Thompson.

Chelsea D. Thompson, L.A.T., C. Tech.  
Development Officer II

Encl:

- DP Refusal Decision – DP073097, dated May 27, 2025
- Submitted Application Plans & Photos
- Aerial Image of 26 Delage Crescent