

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File: 5057.149

May 26, 2025

APPELLANT: Danson Custom Homes

MUNICIPAL ADDRESS(s): 149 Eastgate Way.

LEGAL DESCRIPTION: LOT 6; BLK 26; PLAN 1823014

LAND USE CLASSIFICATION: Low Density Residential (LDR)

DATE OF HEARING: June 11, 2025

PROPOSED DEVELOPMENT: New Single Family Dwelling

The appellant is appealing a refusal decision made by the Development Authority regarding a Development Permit application for a new single family home. The maximum lot coverage on this lot located in the Low Density Residential (LDR) land use district is 40%. The dwelling is proposed with a lot coverage of 45.35%. In accordance with Section 2.15(5) of Land Use Bylaw 18/2024, the Development Officer cannot vary lot coverage.

Maximum lot coverage: 40%

Proposed lot coverage: 45.35%

Variance required: 5.35% or 269.63 square feet

There are two other variances required to approve this project. When a deck is covered it is considered part of the dwelling and is included in the lot coverage and must meet the setback regulations for the house. The rear covered deck is required to be located a minimum of 6.0m from the rear property line and a minimum of 1.8m from the side property line. The covered deck is proposed with a 3.136m rear yard setback and a 1.473m side yard setback.

Covered deck post – rear yard setback

Required rear yard setback: 6.0m

Proposed rear yard setback: 3.136m

Variance required: 2.864m or 47%

Covered deck post – side yard setback

Required side yard setback: 1.8m

Proposed side yard setback: 1.473m

Variance required: 0.327m or 18%

While the side yard setback variance is within the variance capacity of the Development Officer (max 25%) the permit cannot approve and refuse items on the same permit. All three variances are before the Board for decision.

If the deck were not covered, the lot coverage for the project would be 42.107% - still over lot coverage.

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

1. Development Permit approval is issued for the construction of single detached dwelling with basement development and covered deck.
2. Variances have been granted by the Subdivision and Development Appeal Board to allow:
 - the lot coverage at the proposed 45.35% (5.35% or an additional 269.63square feet)
 - the rear yard setback to the covered deck to be 3.136m (47% variance)
 - the side yard setback to the covered deck to be 1.473m (18%)
3. Any 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.
4. No portion of a fireplace chase or cantilevered section including eaves shall project more than 0.60m into a required sideyard.
5. The finished floor of the main level shall not be located more than 2.0m above the finished grade.
6. The dwelling height shall not exceed 11.0m.
7. A concrete driveway apron from curb to sidewalk is required. A hard-surfaced driveway, as approved by the Development Officer in consultation with Engineering Services, is required from sidewalk to face of the garage.
8. The concrete driveway width shall not exceed 7.5m at back of sidewalk and shall be constructed in accordance with the stamped approved plot plan.
9. The development shall be constructed in accordance with the stamped, approved plan(s).
10. The exterior finishes must be completed within two (2) years of the date of development permit approval.
11. The landscaping shall be completed within two (2) years of the date of development permit approval.
12. The deck as approved shall be covered as shown but shall remain unenclosed.
13. Future deck development shall be subject to a separate development permit application.
14. The basement development shall not be used as a separate dwelling unit. Secondary suites are subject to a separate development permit application.

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.

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) The city property on or adjacent to development including, but not limited to; the existing sidewalk, curb and boulevard features shall be protected from damage throughout the construction process. Damage caused by the owner, builder, tradesman or suppliers shall be repaired to the satisfaction of the City of St. Albert Engineering Services. An inspection of the existing site conditions must be completed by city staff prior to commencement of the work. All snow and debris shall be removed from the sidewalk areas for the inspection. If necessary, a city representative will contact the applicant and request the site be cleared for inspection, prior to demolition and commencement of construction.

f) An on-street construction permit is required for any construction taking place on City property including but not limited to driveway construction. Contact Engineering Services at 780-459-1654 to obtain the permit.



Kathleen Short
Development Officer II