

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File: 6021.21

November 18, 2025

APPELLANT:	Jeff Kearn
MUNICIPAL ADDRESS:	21 Franklin Place, St. Albert
LEGAL DESCRIPTION:	Lot 64A, Block 22, Plan 7922017
PROPOSED DEVELOPMENT:	Leave Deck as Built, with Variance to Setback
LAND USE CLASSIFICATION:	LDR
DATE OF HEARING:	November 26, 2025
DATE OF DEVELOPMENT PERMIT DECISION:	November 3, 2025
DATE APPEAL FILED:	November 12, 2025

The appellant is appealing the decision of the Development Officer in refusing a development permit application to leave the front deck as built with a variance to the front and side yard setbacks.

Development Officer Review:

Section 3.51(4) of Land Use Bylaw 18/2024 states that deck greater than 1.5m above finished grade must be located at least 5.0m from all property lines.

The deck is 1.55m in height.

Required front yard setback: 5.0m

Actual front yard setback: 2.9m

Variance required: 2.1m (42%)

Required side yard setback: 5.0m

Actual side yard setback: 3.16m

Variance required: 1.84m (36.8%)

The variances required to the front and side yard setbacks exceed the capacity of the Development Officer to approve as per Section 2.15(1).

Should the Board grant the Appeal, administration requests that the conditions below be applied to the decision:

1. The Subdivision and Development Appeal Board approves a development permit to 'leave the deck as built with variances to front and side yard setbacks'.
2. A variance is granted to allow the front yard setback for the deck to be 2.9m.
3. A variance is granted to allow the side yard setback for the deck to be 3.16m.
4. The deck shall remain, as located in accordance with the Real Property Report dated May 12, 2022.
5. The deck as approved shall remain uncovered and unenclosed.
6. 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.

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.



