



CITY OF ST. ALBERT  
**ADMINISTRATIVE BACKGROUNDER**

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**TITLE: LAND USE BYLAW AMENDMENTS RE: SHEDS IN SIDE YARDS**

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On November 7, 2016 Councillor Hughes provided notice in accordance with Section 23 of Procedure Bylaw 35/2009 that she intended to bring forward the proposed motion below.

*In order for Council to debate the motion, the motion must be formally moved.*

**PROPOSED MOTION(S):**

That when the LUB is updated, that it includes an amendment that the setback for sheds located in side or back yards is reduced to 0 cm from the principal building.

**BACKGROUND:**

The Land Use Bylaw 9/2005 (LUB) was amended by Bylaw BL31/2013 to allow accessory buildings e.g. sheds, in residential side yards. Prior to this amendment, accessory buildings (sheds) were only permitted in a rear yard. In addition to giving homeowners a (legal) option to locate a shed in a side yard, the thinking behind this amendment was that it would reduce the number of appeals to the Subdivision and Development Appeal Board (SDAB) on this issue.

Section 3.2(1) of the LUB states “the following developments do not require a development permit:” *(m) in a residential district, construction of a garden shed or playhouse less than 10 sq. m in floor area if the development complies with this Bylaw.*

Section 8.2(c) states that an accessory building (shed) may be located in a screened side yard, provided it is a minimum of 1.2m from the side property line and a 1.5m separation distance is required from the principal building. These setbacks were chosen so that a shed in a side yard could still meet the applicable regulations of the Alberta Building Code.

Information was requested from Fire Services and from the Building Inspections Branch regarding the proposed motion to reduce the setback from accessory buildings (sheds) located in side or back yards to 0.00cm from the principal building.

The Inspections Branch had the following comment:

Where a shed is constructed in a side yard, and is positioned directly against or in proximity to the house, the exterior finish of the shed must be completed as though it is part of the house. The outside face of the exterior wall is called the “exposing building face”. The measurement between the exterior walls of a house or shed and property line is called the “limiting distance”. Limiting distance is described in the Alberta Building Code as “the distance from an exposing building face to a property line, the center line of a street, lane, public thoroughfare, or to an imaginary line between two buildings or fire compartments on the same property, measured at right angles to the exposing building face”.

When the limiting distance is less than 1.2m, Articles 9.10.15.5(2) and 9.10.15.5(3) of the Alberta Building Code, 2014, require the exposing building face to have a minimum 45-minute fire resistance rating, be finished with metal or non-combustible cladding, fastened to Type ‘X’ gypsum sheathing and have a “flame spread rating” not greater than 25. (Other equivalent wall assemblies can be considered by a Building Safety Codes Officer upon review of an application to install a shed or similar structure as described above).

The same conditions could be required on the entire face of the home since the construction of the exposing building face of the home may be determined by the limiting distance created by the proximity of an attached shed from property line, rather than the main exterior wall of the home.

“Flame spread rating” means an index or classification indicating the extent of spread-of-flame on the surface of a material or an assembly of materials as determined in a standard fire test as prescribed in the Alberta Building Code.

Allowing a shed or similar structure to be located within a side yard may create hardship (complying with additional construction and Safety Code requirements). This is when an applicant is made aware of having to comply with the above-mentioned requirements and obtains estimates prior to commencement of the work.

Where these conditions must be enforced, due to the requirement to obtain a development permit for an existing structure, property owners will have no choice but to complete the improvements to the affected structure(s) at an unexpected cost. This often occurs when compliance letters are requested as part of a real estate transaction. The location of existing fencing, vegetation, and orientation of the shed or structure can also affect the final cost.

Fire Services commented that the Alberta Building Code regulations, when stringently applied, meet most of their concerns. Fire statistics do not point to sheds as a significant path of fire spread anymore so than adjacent structures like attached garages, but having said that, good practice comes into play and they would recommend a minimum distance from the eave of an accessory building to the property line. Fuel and propane are not permitted to be stored in attached garages

and therefore are usually stored in sheds. For this reason, they also recommend a separation distance between the house and the storage shed.

Summary:

Accessory buildings (sheds) in side yards continue to appear regularly at the SDAB, as most of the sheds located in side yards of properties cannot meet the setback requirements of the Bylaw. The intent of the change to the Bylaw in 2013 was to allow those lots that are considered pie lots or large rectangular lots that could provide for the setback requirements, to have accessory buildings in their side yards. In 2016, 12 compliance related applications for sheds located in side yards and two applications for sheds located in rear yards, were refused by the Development Officers and were subsequently dealt with by the SDAB. The SDAB allowed all 14 appeals. In 2017, two compliance related applications for sheds located in side yards were refused by administration, and were subsequently allowed by the SDAB on appeal.

Bylaw BL31/2013 was intended to allow accessory buildings to be located in the side yards of lots that could meet the regulations.

Administration does not recommend further relaxing the separation distance requirement from the principal building as that would create more Alberta Building Code infractions.

Report Date: January 15, 2018

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