

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

File: 15015.14

September 17, 2025

APPELLANT: Dave and Mary Nemes (Neighbour/Affected Party)

MUNICIPAL ADDRESS: 14 Outlook Place, St. Albert

LEGAL DESCRIPTION: Lot 49, Block 02, Plan 9321943

PROPOSED DEVELOPMENT: Variance to Fence Height

LAND USE CLASSIFICATION: LDR

DATE OF HEARING: October 1, 2025

DATE OF DEVELOPMENT PERMIT DECISION: August 15, 2025

DATE APPEAL FILED: September 3, 2025

The appellant is appealing the Development Officer's approval of a development permit that allows a variance to the maximum permitted fence height.

Development Officer Review:

The fence is located in the interior side yard between 14 Outlook Place and 13 Outlook Place.

- Under *Land Use Bylaw 18/2024*, Section 2.2(13)(a), a development permit is not required for a fence less than 2.0 m in height.
- The proposed fence is 2.4 m in height, which is 0.4 m (20%) above the maximum permitted height.
- As per Section 2.2(1), when a variance is required, a Development Permit must be obtained.

The property owner at 14 Outlook Place submitted a Development Permit application requesting a variance to allow the increased height.

- **Maximum permitted fence height:** 2.0 m
- **Proposed fence height:** 2.4 m
- **Variance requested:** 0.4 m (20%)

In accordance with Section 2.15(1), the Development Authority may approve a variance of up to 25%. The requested 20% variance falls within this authority, and the Development Officer approved the variance.

Discretionary Use Review:

A variance is considered a discretionary use. In reviewing an application for a discretionary use, the Development Officer must consider the merits of the proposal, including:

- The appropriateness of the development within the land use district.
- The potential impacts on the site and neighbouring properties.
- Any other relevant planning considerations.

In exercising discretion under Sections 2.15(1)(a) and (b), the Development Officer determined that:

- The variance aligns with the general purpose and intent of the land use district.
- The increased height does not unduly interfere with neighbourhood amenities.
- The variance does not materially affect the use, enjoyment, or value of neighbouring properties.

For these reasons, the Development Officer approved the Development Permit with conditions. These conditions are intended to mitigate any potential off-site impacts.

It may interest the Board to note the following:

- Fences (residential) are regulated by Section 3.62 of the Land Use Bylaw.
- Fences (residential) are a permitted use in the LDR Land Use District.
- Fences are limited to a maximum height of 2.0m.
- The maximum proposed fence height is 2.4m.
- A variance of 0.4m or 20% is required.
- The variance is within the Development Officer's authority to approve.

Melanie Smith
Development Officer I

Encl.

- DP Application
- DP Approval Decision, Dated August 15, 2025
- Stamped plans & photos



5 St. Anne Street
 St. Albert, AB T8N 3Z9
 Phone: 780-459-1642
 Fax: 780-458-1974
 Email: development@stalbert.ca

CITY USE ONLY	
Application Fee	
Building Permit Deposit	
Safety Code Fee	
Total Fees	<input type="radio"/> Paid
Receipt No.	

APPLICATION FOR DEVELOPMENT PERMIT

PLEASE PRINT

I/We hereby make application under the provisions of the Land Use Bylaw to develop in accordance with the plans and information submitted, and which form a part of this application.

Municipal Address:	14 Outlook Place		
Legal Description:	Lot (Parcel) 9321943	Block 2	Plan 49
	Other legal description Roll Number 117267		
Development Proposed:	Increase height of existing fence in side yard as the panels step down the hill to backyard		
	To remain level, each panel must be 2.4 metres above grade at the highest points (2 metres at lowest)		
Applicant:	Name Marvin Polis	Daytime Phone 780-499-4154	
	Mailing Address 14 Outlook Place	Email marvin.polis@stimulant.ca	
	City St. Albert Postal Code T8N6J2	Date (MM/DD/YYYY) 8/11/2025	
Landowner:	Name Marvin Polis, Eva Polis	Daytime Phone 780-499-4154	
	Mailing Address 14 Outlook Place	Email marvin.polis@stimulant.ca	
	City St. Albert Postal Code T8N6J2	Date (MM/DD/YYYY) 8/11/2025	

By signing this form, the applicant declares that the development identified in this Application will be conducted in accordance with the plans submitted and, upon approval, will adhere to the conditions and provisions of the Land Use Bylaw. The applicant further declares that they WILL NOTIFY the Development Authority of any proposed changes to the plans submitted with this Application.

 Signature of Applicant

8/11/2025

 Date of Application

IMPORTANT NOTICE: This Application does not permit you to commence any development until such time as the Development Authority has issued a Development Permit. It is understood that if this application is approved or refused by the Development Officer, it may be appealed to the Subdivision & Development Appeal Board if such appeal is made within 21 days from the notice of decision date. It is further understood that the Subdivision & Development Appeal Board may confirm, revoke or vary the development permit or any condition as a result of such an appeal being duly filed, and that any work undertaken prior to the expiry of the appeal period or the determination of the appeal by the Subdivision & Development Appeal Board, whichever case applies, is entirely at the applicant's risk.

Collection and Use of Personal Information

Personal information is collected under the authority of s. (33) of the Freedom of Information and Protection of Privacy Act. This information will be used for the purpose of processing permit applications. If you have any questions about the collection, use, or disclosure of this information, contact the Director of Planning and Development, St. Albert at 780-459-1642.



Development Permit Decision

Application Number: DP073426
Land Use District: LDR
Property File Number: 15015.14

Municipal Address

14 OUTLOOK PL

Legal Description

PLAN 9321943;BLOCK 2;LOT 49

Type: DP RES ALTERATION/ACCESSORY - ALTERATION

Proposed Use: FENCE VARIANCE

Applicant:

POLIS, MARVIN D
ST ALBERT AB T8N 6J2
14 OUTLOOK PL

Owner of Land:

POLIS, MARVIN D
14 OUTLOOK PL
ST ALBERT AB T8N 6J2

Decision:

APPROVED - DISCRETIONARY USE WITH VARIANCE

Decision Made By:

MELANIE SMITH

Conditions

1. Development Permit approval is to authorize a variance to fence height on the east side yard. Each panel will be 2.4m above grade at the highest point.
Maximum fence height permitted: 2.0m
Fence height proposed: 2.4m
Variance = 20%
2. 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.
3. As a variance to fence height is discretionary in the LDR land use district, this Development Permit is not valid until the mandatory 21-day appeal period has expired and no appeals have been filed (see reverse).
4. The fence shall be constructed in accordance with the stamped, approved plan(s).

NOTES:

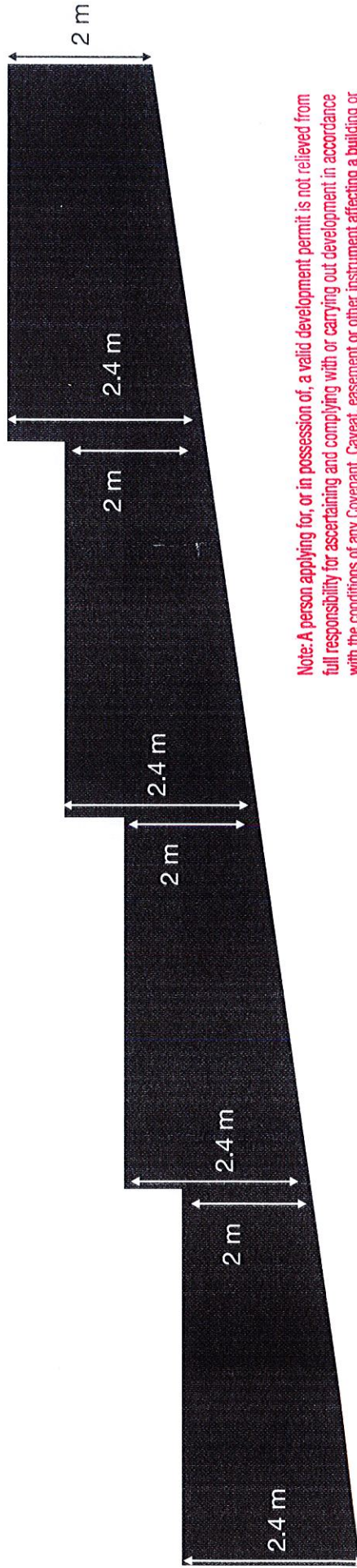
- a) Interior alterations shall be constructed in accordance with approved plans and all relevant requirements of the Alberta Building Code.
- b) The applicant shall be responsible for compliance with all applicable Federal, Provincial and Municipal laws, regulations and standards, as well as ensuring 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.

Aug 15, 2025
Decision Date


Development Officer

14 Outlook Place Fence

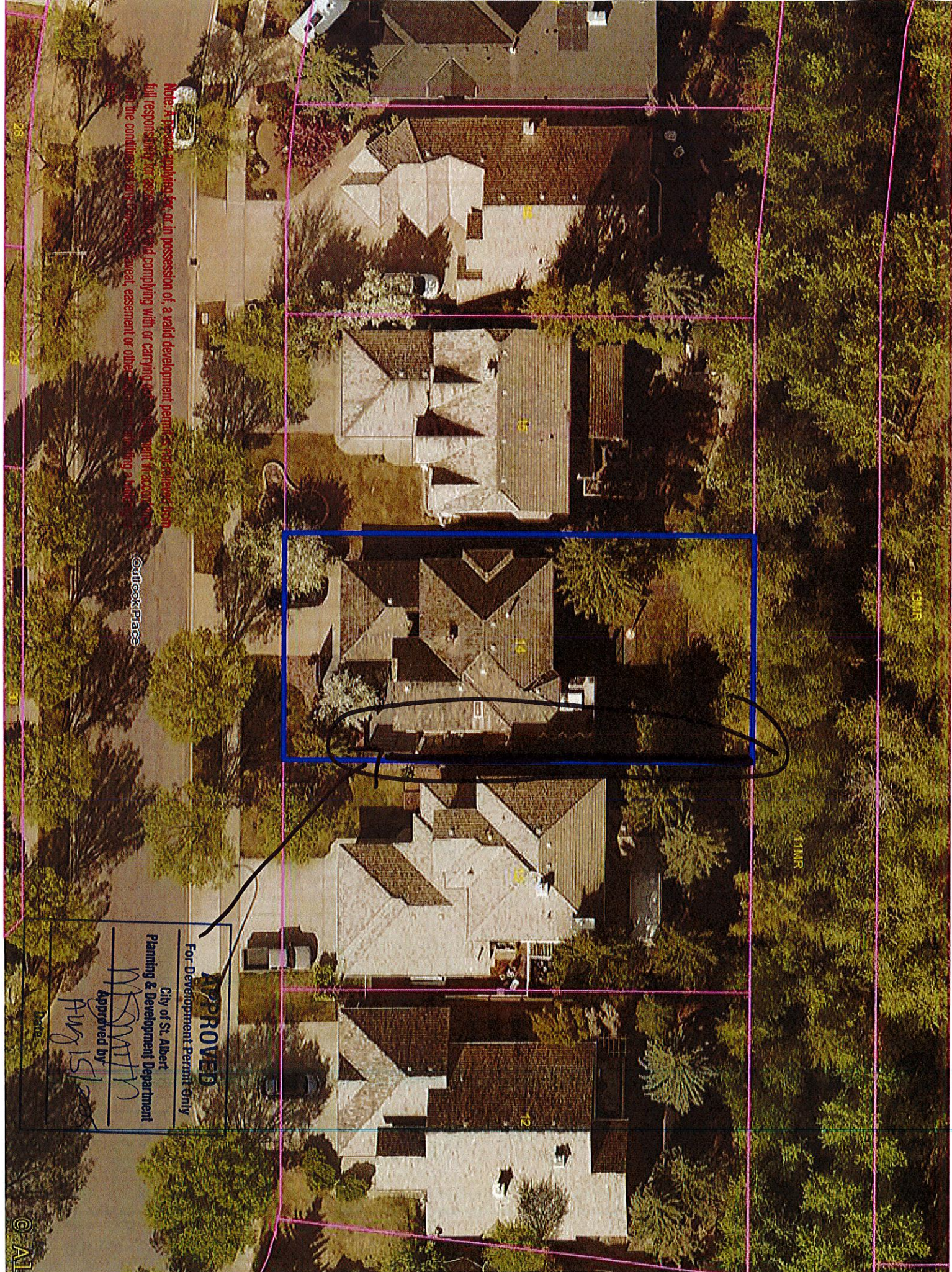
- East side yard of property between 14 and 13 Outlook
- Fence is entirely within property of 14 Outlook Place
- Increase height of existing fence in side yard as the panels step down the hill to backyard
- To remain level, each panel must be 2.4 metres above grade at the highest points (2 metres at lowest)



Note: 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 a building or land.

ALL CHANGES MUST BE SUBMITTED
IN WRITING TO PLANNING AND
ENGINEERING SERVICES FOR
REVIEW

APPROVED	
For Development Permit Only	
City of St. Albert Planning & Development Department	
Approved by <i>M. SMITH</i>	Date <i>Aug 15 / 2005</i>



Note: Applicant, for, or in possession of, a valid development permit, is not relieved from full responsibility for assessing and complying with or carrying out the permit conditions and the conditions of any covenant, caveat, easement or other charge or affecting a title.

Outlook Place

28 24 20

11MR

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12

APPROVED
For Development Permit Only

City of St. Albert
Planning & Development Department

Approved by

M. Smith
Aug 15, 2022

Date