

MINUTES of the **Subdivision & Development Appeal Board** held on **Thursday, January 31, 2013 at 4:00 p.m.** in Council Chambers with the following in attendance:

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|-----------------|--------------|------------------------|
| MEMBERS: | V. Chester | Member at Large |
| | J. Mauro | Alderman |
| | M. Pritchard | Member at Large |
| OTHERS: | P. Colling | Development Officer |
| | D. Sarsfield | Secretary to the Board |

An Acting Chair needed to be appointed for the meeting.

V. CHESTER:

That Murray Pritchard be appointed Acting Chairman of the Subdivision and Development Appeal Board for the January 31, 2013 Hearing.

-----**CARRIED**

SDAB HEARING 2013-02

Appellant: Darlene McLean

To construct a detached dwelling with a secondary suite at 1815 – 6 Avenue North

Development Application No. DEV04832
Land Use District: R-L (W) (Low Density Residential Westminster Area)

There were no objections when the Chairman asked if anyone present had a lawful reason why any particular member(s) of the Board should not hear this appeal.

Development Officer's Presentation:

Pam Colling, Development Officer, outlined the case. An application was received for a detached garage with a secondary suite on December 6, 2012. No waivers were required as both the detached garage and secondary suite meet all the requirements of Land Use Bylaw 5700. The development met the goals of the Westminster Neighbourhood Area Redevelopment Plan by continuing to maintain the low density character. Detached garages are permitted uses in the District, with new secondary suites a discretionary use.

Letters were sent out to the Westminster Neighbourhood Association as well as twenty-nine landowners within 60 metre radius of the subject parcel. There was one letter and one telephone inquiry in response, focusing on the lane width, the possible illegal suites in the neighbourhood, and action to be taken in response to complaints regarding illegal suites. The permit was approved by the Development Officer on December 20, 2012.

Appellant's Presentation:

Darlene McLean, 1832 – 6A Avenue North outlined the grounds for the appeal. The following was stated:

- Existing single detached dwelling with a secondary suite is located to the west of the property
- Other garages do exist in the neighbourhood, but none have plumbing or secondary suites
- Garbage collection is done in the front of the property rather than in the alley because of the narrowness of the alley
- Density in the neighbourhood is already high and the residents wish to save the integrity of the single family residence neighbourhood
- Area Redevelopment Plan has been amended many times
- Fire standards require a hydrant within ninety metres
- Fire truck unable to use the alley because of the narrow width (3.3 metres versus 4.8 metres)
- Not all garages and associated parking are used in the neighbourhood, resulting in congestion on the street
- Information on frontage per dwelling on the street provided
- Trend for fewer resident owned properties in the neighbourhood

Applicant's Presentation:

Wesley Olivier, property owner and developer, outlined his reasons for the development. The following was stated:

- Access to the garage would come from the front
- No intention of providing another secondary suite on the property
- Interested in improving the neighbourhood by upgrading the property and providing a garage

Other Presentations:

Martin Dixon, 1832 – 6A Avenue North, stated that he has lived in the neighbourhood for twenty-five years. Residents have seen the evolution of the area as almost all of the new development is higher density in nature, such as duplexes. The area has a history of non-conforming suites, illegal suites, and fourplexes. Mr. Dixon advised that the proposed parking in the rear of the property will not be used as the alleyway is just too narrow and has a slope. The resulting parking conflicts have resulted in a lowering of the quality of life.

Mr. Dixon advised the upgrading of the house did enhance the neighbourhood, but the garage development will not.

There were no other presentations either in support or in opposition to the appeal.

Discussion:

The Board addressed the following issues during question period:

- Purpose of other garages in the neighbourhood
- Location of secondary suites throughout the city
- Difference between a secondary suite and a second dwelling
- Presence of a firewall between the proposed garage and secondary suite
- Feedback from the Westminster Neighbourhood Association
- Amendments to the Westminster Neighbourhood Area Redevelopment Plan
- Location of the appellant
- Distance of the fire hydrant from the garage
- Possibility of placing parking in the front
- Residents preference to park in the front rather than the lane
- Condition and width of the lane
- Occupancy of the neighbourhood
- Rationale for developing the detached garage with a secondary suite
- Location of the trees in the front of the property
- Ease of access into the garage once a vehicle is parked in the rear

Applicant's Rebuttal:

Mr. Olivier stated that he was not really a developer. He was just trying to improve the neighbourhood.

Appellant's Rebuttal:

Ms. McLean stated that front parking may be a solution if it was carefully mapped out.

Mr. Dixon stated that the City can provide for all the parking in the world, but it may not be used. The off-street parking tends to be occupied by boats, recreation vehicles and the like.

Decision:

IN THE MATTER OF the Municipal Government Act

AND IN THE MATTER OF an Appeal made to the Subdivision and Development Appeal Board with respect to:

Appellant: Darlene McLean

To construct a detached garage with a secondary suite at 1815 – 6 Avenue North.

AND UPON HEARING from the Development Officer, the Appellant, the Applicant, and other interested parties,

AND UPON CONSIDERING the relevant provisions of the Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows and for the following reasons:

J.MAURO/M.PRITCHARD

DECISION: The Appeal is **UPHELD** and the decision of the Development Officer regarding Development Permit DEV04832 on December 20, 2012 to construct a detached garage with a secondary suite at 1815 – 6 Avenue North is hereby denied.

REASONS FOR DECISION:

The Board believes that the narrow condition of the laneway will restrict access during winter months to the secondary suite. On street parking is not a viable option during this period due to neighbourhood congestion.

AGAINST: V. CHESTER

-----**CARRIED**

CHAIRMAN

SECRETARY TO THE BOARD