

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:

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

SDAB HEARING 2013-03

**Appellants: Darlene McLean
Dacey Androkovich**

To construct a single detached dwelling and a request for one (1) additional 220V outlet for laundry facilities at 1831 – 6A Avenue North

Development Application No. DEV04860
Land Use District: R-L (W) (Low Density Residential Westminster Area)

Victoria Chester disclosed that she is Manager of Omega Flooring, and that Ashcroft Master Builder Ltd., the Applicant, is a customer. Dacey Androkovich objected to Ms. Chester serving on the Board.

Ms. Chester removed herself from the proceedings.

There were no further objections to the remaining members of the Board hearing the appeal.

Development Officer's Presentation:

Pam Colling, Development Officer, outlined the case. An application was received for a single detached dwelling with one (1) additional 220V outlet for laundry facilities on December 19, 2012. The single detached dwelling was a permitted use. A limit on the number of 220V outlets permitted in a dwelling has been placed in the Land Use Bylaw in order to make it more difficult to develop a secondary suite without the proper approvals. The dwelling will be occupied by the homeowners and their university age children.

A waiver would be required for the additional 220V outlet for laundry facilities. No other waivers would be required as a single detached dwelling is a permitted use under the Land Use Bylaw.

The home builder has not applied for basement development at this time. Ms. Colling advised the layout of the basement development did not lend itself easily to an illegal suite.

The development met the goals of the Westminster Neighbourhood Area Redevelopment Plan by continuing to maintain the low density character.

The permit was approved by the Development Officer on December 20, 2012.

Appellants' Presentations:

Darlene McLean, 1832 – 6A Avenue North, stated that she did not understand the need for a waiver for this purpose. Ms. McLean advised the residence may be sold in the future as a two unit dwelling and there is trouble with enforcement of nonconforming dwellings and illegal suites.

Dacey Androkovich, 1833 – 6A Avenue North, outlined his reasons for the appeal. He advised that the 220V additional laundry outlet is just the start of an illegal basement suite. The bedrooms and kitchen will follow. Mr. Androkovich stated that it is easy to install a secondary suite.

Other reasons for his appeal included the following:

- Already do not have the ability to park in the neighbourhood
- Have a parking pad in the back of the property, but unable to use it
- Neighbouring house has a double garage in the back which cannot be accessed
- Garbage trucks cannot use the back alley
- Parking problem started in 1977 and still in effect
- Intent of the landowner is to develop a duplex

Applicant's Presentation:

There was no one present to speak on behalf of the Applicant.

Other Presentations:

Martin Dixon, 1832 – 6A Avenue North, stated that the approval of the waiver would allow the future addition of a rental suite in this house. The City does not have an effective enforcement plan in place. The back alley is not accessible and there is a lack of usable parking spaces in the neighbourhood.

Mr. Dixon advised that neighbouring properties require parking for multiple vehicles. Although he is happy to have a new house in the neighbourhood, he does not want a duplex. Mr. Dixon recommended that there be a permanent ban on secondary suites.

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

Discussion:

The Board addressed the following issues during question period:

- Status of the development
- Location of the additional 220V outlet
- Location of off-street parking
- Steps required to develop the residence beyond the approved plan
- Number of 220V outlets permitted by the Land Use Bylaw
- Purpose of the 220V outlet

Appellants' Rebuttal:

Mr. Androkovich stated that the benefit of the development is for the builders. The property could be sold within the year and another owner develop an illegal basement suite. A separate entrance to the basement could be provided through the rear of the residence.

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:

**Appellants: Darlene McLean
Dacey Androkovich**

To construct a single detached dwelling and a request for a waiver to allow one (1) additional 220V outlet for laundry facilities at 1831 – 6A Avenue North.

AND UPON HEARING from the Development Officer, the Appellants, 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:

W. KALKAN/M.PRITCHARD

DECISION: The Appeal is **DENIED** and the decision of the Development Officer regarding Development Permit DEV04860 on December 20, 2012 to construct a single detached dwelling and a request for a waiver to allow one (1) additional 220V outlet for laundry facilities at 1831 – 6A Avenue North is hereby confirmed with the following condition.

5. That the 220V outlet for laundry facilities be only located in the future mechanical room/laundry as shown on the plans submitted December 19, 2012.

REASONS FOR DECISION:

That the conditions contained in the approval satisfy the Board that the basement will not be used as a secondary suite without further approval requirements.

AGAINST: J. MAURO

-----**CARRIED**

CHAIRMAN

SECRETARY TO THE BOARD