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MINUTES of the Subdivision & Development Appeal Board held on Thursday, February 10, 2011 at 4:00 p.m. in Council Chambers with the following in attendance:

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| MEMBERS: | L. Cutforth
V. Chester
A. Haesler
T. Nicholson
R. Stein
J. Mauro
R. Parker | Chairman
Member at Large
Member at Large
Member at Large
Member at Large
Alderman
Alderman (left at 4.45 p.m.) |
| OTHERS: | P. Colling
A. Neufeld | Development Officer
Secretary to the Board |

R. K Parker

THAT Lee Cutforth be appointed the Chairman of the Subdivision and Development Appeal Board for the ensuing year.

-----**CARRIED**

R. K Parker

THAT Victoria Chester be appointed Acting Chairman of the Subdivision and Development Appeal Board for the ensuing year.

-----**CARRIED**

R. K Parker

THAT the Minutes of the Subdivision and Development Appeal Board held on December 16, 2010 be approved as presented.

-----**CARRIED**

SDAB HEARING 2011-01**Appellants: Louis and Valerie McQuaid, Jason Day, George Day****Applicant: Canastone Contracting Ltd.** – to construct a new single detached dwelling with a new secondary suite and a request for a detached dwelling with a secondary suite and request a rear setback waiver at 11 Edinburgh Way WestDevelopment Permit No. DEV02920
Land Use District: R-L (Low Density Residential)

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, advised the Province of Alberta accepted a MLA Review Committee's recommendation for secondary suites regarding changes to the Alberta Building Code and the Alberta Fire Code to recognize secondary suites as a distinct type of accommodation from apartments and duplexes and to establish specific safety standards for secondary suites. Subsequently, City Council passed two amendments to the Land Use Bylaw 4100 regarding secondary suites. Bylaw 5557 is for pre-existing suites and Bylaw 5558 is for new secondary suites. Ms. Colling defined a new secondary suite and outlined the sections in the Land Use Bylaw that addresses new secondary suites and setback waivers.

Development Services received an application on December 17, 2010 for a single detached dwelling with a secondary suite and rear setback waivers. DEV02920 was approved on December 30, 2010. The property at is zoned Low Density Residential. Single detached dwellings are a permitted use and secondary suites are a discretionary use in the R-L district.

Letters were sent to landowners within a 60m radius of the subject property as well as a newspaper advertisement in the Lethbridge Herald on January 8, 2011. Five letters of concern were received regarding neighbourhood crowding, buffer space between properties, lot size and parking.

In terms of considerations, Ms. Colling stated the following:

- The required two off street parking stalls will be supplied (one for the single detached and one for the secondary suite). There is an attached garage and double driveway equaling four off street parking stalls
- Other waivers in the neighbourhood include six other parcels
- Alberta Safety Code requirements
- Fire hydrant location, width of roadway, sewer and water servicing
- Bus stops, shopping, parks
- Other approved secondary suites in the neighbourhood

Ms. Colling displayed the site plan showing the location of the dwelling on the parcel. This is a pie-shaped interior parcel and is wider than a normal interior parcel and therefore has more amenity space along the sides of the parcel. She also showed drawings of the floor plans, and the dwelling in proximity to five adjacent dwellings.

In terms of legislations and policy, the Land Use Bylaw 4100 (Section 71), Integrated Community Sustainability Plan/Municipal Development Plan (Sections 6.2.1, 6.2.2, 6.4.1, 6.4.5) were areas considered in this development decision. The proposed development complies with these goals and policies within the Integrated Community Sustainability Plan/Municipal Development Plan.

She stated that there appears to be no material or undue impact on the use, enjoyment or value on neighbouring properties or neighbourhood amenities.

Appellants' Presentation:

Valerie McQuaid, 7 Edinburgh Way West, stated that they have lived in the neighbourhood for many years. Ms. McQuaid advised there is insufficient off-street parking and is concerned with individuals parking in front of the fire hydrant potentially putting their neighbourhood at risk.

Applicant's Presentation:

Canastone Contracting Ltd., attended the hearing; however made no presentation.

Other Presentations:

Marilyn Brown, 15 Edinburgh Way West, is concerned with the impact the development will have on parking in the neighbourhood. She is also concerned with the parking in front of the fire hydrant.

Kent McCulloch, 22 Edinburgh Gate West, is concerned with the narrowness of the front yard, noise and stated that realistically there are only two off street parking stalls.

John Wolsey, 11 Edinburgh Way West, stated that he is the owner of the property and they plan to live at this address. Mr. Wolsey stated that there is adequate parking on site with three parking spaces on the front driveway. He addressed issues regarding the fire hydrant, front setback requirements, secondary kitchen facilities and the rear setback waivers.

Mr. Wolsey is concerned with the raised issues and stated that many of them are not relevant planning concerns.

Discussion:

The Board addressed the following issues during question period:

- Size and style of lot and its potential limited parking
- Secondary suites as a discretionary use in the Low Density Residential District and the history of why they are encouraged
- Setback requirements versus ratio of the dwelling area to the land area
- Rear yard setbacks from house to property line and deck to property line
- Proposed parking layout for onsite vehicles

- Width of driveway and possibly redesigning the site plan
- Architectural controls
- Other properties in the neighbourhood with rear yard setback waivers
- Number of secondary suites in the neighbourhood
- Minimum number of parking stalls required for the proposed development
- Infrastructure (snow removal) and Fire Department (emergency vehicles) and whether Development Services requires their comments on proposed residential developments
- Distance from sidewalk to property line
- Requirement of the waiver regardless of the secondary suite
- Flexibility of the floor plans and the consideration of reducing the number of bedrooms in the secondary suite and reducing the size of the deck

R. Parker left at 4.45 p.m.

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: Louis and Valerie McQuaid, Jason Day, George Day

DEV02851 - To establish a single detached dwelling with a secondary suite and request a rear setback waiver at 11 Edinburgh Way West

AND UPON HEARING from the Applicant, Canastone Contracting Ltd.

AND UPON HEARING from the Development Officer, 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:

V.CHESTER/L. CUTFORTH/J. MAURO / A. HAESLER/R. STEIN/T.NICHOLSON

DECISION: The Appeal is **DENIED** and the decision of the Development Officer regarding Development Permit DEV0220 on December 30, 2010 to develop a new single family dwelling with a secondary suite and requesting rear setback waivers at 11 Edinburgh Way West is hereby **ALLOWED**.

REASONS FOR DECISION:

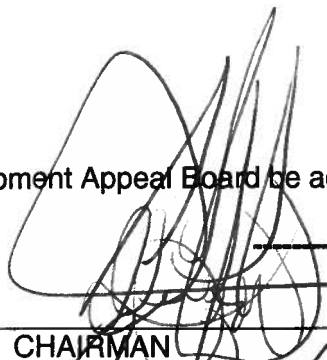
It is the opinion of the Board that:

- The proposed development conforms to the discretionary uses within the neighbourhood
- Granting the waivers does not materially interfere with the use, enjoyment or value of neighbouring parcels
- The parking requirements are met

-----**CARRIED**

J. Mauro

THAT this meeting of the Subdivision and Development Appeal Board be adjourned.



-----**CARRIED**

CHAIRMAN



SECRETARY TO THE BOARD