

MINUTES of the **Subdivision & Development Appeal Board** held on **Thursday, October 27, 2011 at 4:00 p.m.** in Council Chambers with the following in attendance:

MEMBERS:	L. Cutforth	Chairman
	A. Haesler	Member at Large
	T. Nicholson	Member at Large
	R. Stein	Member at Large
	R. Parker	Alderman
ABSENT:	V. Chester	Member at Large
	J. Mauro	Alderman
OTHERS:	P. Colling	Development Officer
	A. Neufeld	Secretary to the Board

A. Haesler

THAT the minutes of the Subdivision and Development Appeal Board held on July 21, 2011 be approved as presented.

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SDAB HEARING 2011-06

Appellants: Kost Menzak and Tim Menzak

To construct a new detached garage with second storey storage area and covered second floor deck with a request for a parcel coverage waiver and height waiver at 802 – 17 Street South

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, stated that an application was received on July 27, 2011 for the construction of a two-storey accessory building with a second storey covered deck. The development required a 2.65% parcel coverage and 3.37m building height waiver at 802 – 17 Street South.

Ms. Colling inquired of the applicant on the use of space and they stated that the second storey would be used for storage of upholstery and personal items. He confirmed that the space would not be used to operate his upholstery business or used as a secondary suite.

Due to the significance of the waiver, the Development Officer would be presenting the application to the Municipal Planning Commission for their consideration. In order for the development to be a better fit within the neighbourhood, Ms. Colling encouraged the applicant to

reduce the building height. The applicant did reduce the building height waiver required to 2.76m versus the 3.37m. Ms. Colling outlined the parcel coverage, height and setbacks requirements in the Land Use Bylaw in comparison to the proposed requirements for this development.

Ms. Colling advised that 25 neighbourhood letters were sent out on July 28, 2011 and subsequently, prior to the Municipal Planning Commission meeting on September 13, 2011. No letters of objection were received from the neighbourhood in either case.

She showed drawings of the site plan, construction drawings and floor plans. Ms. Colling spoke to other similar accessory buildings the applicant referred to in the letter of appeal. Three of the four accessory buildings are not located in this neighbourhood. Two are over height garages; however, four to five feet lesser in height than the proposed development.

The proposed development would be 7.26m in height which is 2.76m higher than the maximum allowable building height for an accessory building. The parcel coverage would be 16.65% which is 2.65% larger than the maximum 14% parcel coverage. This is a two-storey detached garage which has the appearance of a second dwelling on a parcel versus an accessory building. The intended use of the accessory building appears to have changed from the original application in comparison to the letter of appeal.

The application was refused by the Municipal Planning Commission on September 13, 2011. The Commission stated that the building height was excessive and that it does not fit the design, character and appearance of neighbouring properties.

Appellants' Presentation:

Tim Menzak and Patty Baun, 63 Ermineglen Road North, stated the following:

- Proposing a storey and half with a developed area on the second floor for storage and a recreation room
- Corner lot is 16.24m x 41.46 with quite a few mature trees
- Combined family with children ranging in age from 11 to 27
- Plan is to provide an alternate family room to accommodate the changing needs of their family
- Aesthetics of garage will match the existing house
- Integrated Community Sustainability Plan/Municipal Development Plan were considered in this development

Van Matz, 805 – 17 Street South, owns property near to the proposed development. Mr. Matz advised that there were no objections in the neighbourhood and the property is significant in size.

There were no further presentations.

Discussion:

The Board addressed the following issues during question period:

- Footprint of the lower level same as second storey
- Type of proposed uses for the shop area in the accessory building
- Comparisons to other over height accessory buildings in the neighbourhood

- Use of accessory building for business purposes
- Ownership of property
- Consideration of reducing the footprint and changing the design of building
- Basis for refusing the application
- Possibility of applying for an accessory building with a secondary suite and the likelihood of approval

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: Kost Menzak and Tim Menzak

To construct a new detached garage with second storey storage area and covered second floor deck with a request for a parcel coverage waiver and height waiver at 802 – 17 Street South

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:

L. CUTFORTH/A. HAESLERT/T.NICHOLSON/R. STEIN/R. PARKER

DECISION: The Appeal is **DENIED** and the decision of the Municipal Planning Commission regarding Development Permit DEV03525 on September 13, 2011 to construct a detached garage with second storey storage area and covered second floor deck with a request for a parcel coverage waiver and height waiver at 802 – 17 Street South is hereby confirmed.

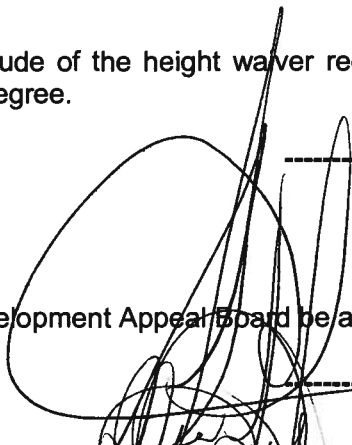
REASONS FOR DECISION:

It is the opinion of the Board that the magnitude of the height waiver requested exceeds the requirements of Bylaw 5700 to an excessive degree.

T. Nicholson

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

-----CARRIED



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CHAIRMAN

SECRETARY TO THE BOARD