



AGENDA

INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (ISDAB)

COUNCIL CHAMBER, LEDUC COUNTY CENTRE, NISKU

Friday, June 3, 2022

1. **Order and Roll Call** – 9:00 a.m.
2. **Agenda Adoption**
3. **Adoption of Previous Minutes**
 - * January 21, 2022 Intermunicipal Subdivision and Development Appeal Board Meeting
4. **Subdivision and Development Appeal Hearing SDAB 02-2022**
 - * a) **9:00 a.m.**

Apellant/Applicant name	Ryan Champney
Landowner's name	Ryan and Ashley Champney
Leduc County Municipal Roll #	7100150
Legal description of subject property	Lot 16, Block 1, Plan 987 MC, Pt. NW 2-48-27-W4
Municipal address	310 48057 Range Road 272, Enchantment Valley, Leduc County
Nature of Development Permit Application	Addition to single family dwelling of attached garage (70.3m; 756.7 ft ²) and carport (33.396m ²); 359 ft ²); variance to side yard setback and maximum lot coverage
Development permit application #	D22-037

5. **Next meeting date** - at the call of the Chair
6. **Adjournment**

Legend

* Items Attached To Agenda

MINUTES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON FRIDAY, JUNE 3, 2022 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 9:11 a.m., Friday, June 3, 2022 by Chair Mary-Ann McDonald with Board Members Larry Wanchuk and Dalpreet Virdi present.

Present as well were the following:

- Joyce Gavan, Clerk
- Miranda Anderson, Recording Secretary
- Karen Mercer, Planner - Development Services
- Ryan Champney, Appellant
- Ashley Champney, Appellant

Agenda Adoption

01-22 Board Member Wanchuk -- that the agenda for the June 3, 2022 Intermunicipal Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

Adoption of Previous Minutes - January 21, 2022

02-22 Board Member Virdi -- that the January 21, 2022 Intermunicipal Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

Appeal by Ryan Champney - refusal of Development Permit Application D22-037 to construct an addition to single family dwelling of attached garage and carport; with variance to side yard setback and maximum lot coverage located at Lot 16, Block 1, Plan 987MC, Pt. NW 2-48-27-W4 (310 48057 Rge Rd 272, Enchantment Valley)

Chair McDonald called the hearing to order at 9:12 a.m. and provided introductory remarks.

Chair McDonald then called upon the Clerk to introduce the subject of this appeal.

Joyce Gavan, Clerk, advised of the appeal by Ryan Champney relating to the refusal by the development authority of Development Permit Application D22-037 for the addition of an attached garage to single family dwelling which exceeds site coverage and building area in accordance with Section 9.8.7 of the Leduc County Land Use Bylaw No. 7-08 located at Lot 16, Block 1, Plan 987MC, Pt. NW 2-48-27-W4, Enchantment Valley.

The reasons for appeal are:

- 1) Seek to receive a variance for total lot coverage. Currently the principal residence is covering 181.3 m², the two accessory buildings that are detached from the primary residence; a garage and a shed cover 50.74 m² and 6.94 m² respectively. (Note the plot plan has a transcription error reading 6.94 ft², which should be m²). The total combined lot coverage is 239.0 m² or 33.1% of the 720.8 m² lot.



- 2) The main concern with the property is adequate secured storage as the existing garage does not allow for storage of certain assets we have at the lake. As a recreational property, there are several items that are needed to be stored on site, many of which are of significant value and need secured space. This, in addition to developing a useful space confined within the existing lot and limitations of the existing principal residence brings us to where we are today. One main consideration is that we do not want to store items outside, which becomes a security issue and effectively an eyesore for the neighboring community. We have secured a design firm to ensure the improvements we are proposing are visually compatible with the development in the neighbourhood and will provide a net benefit to the community.
- 3) In planning this project, we have been mindful of our neighbors, sightlines, further impacts to the shoreline, and watershed. We have approached all adjacent neighbors through the design process and discussed our plans ensuring there were no concerns. We have been considerate of their comments and to our knowledge, there are no issues with our proposed plan as presented to the development office. As part of our review of this project we looked at a complete rebuild of the residence but realized this would not only create a significant disturbance to our neighbors but could increase the short-term impact to the watershed and environment. It was felt that keeping the existing footprint would be the least impact on both fronts and would ensure that existing vegetation would not be affected. Finally, we determined that improving the secured storage would be the best option for this property. As part of the development, it should be noted that in addition to removing the existing garage and lower shed we will be removing a considerable section of side yard decking which will ultimately add green space to the lot. The area of this decking is 51.4 m² or about the same area that we would be adding to the total accessory buildings.
- 4) Summary of the total lot coverage:

	Existing Lot Coverage	Existing % Coverage	Proposed Lot Coverage	Proposed % Coverage
Lot size	720.8 m ²		720.8 m ²	
Principal Residence 25% allowable	181.3 m ²	25.1%	181.3 m ²	25.1%
Accessory Buildings 10% allowable	57.7 m ²	8.0%	103.7 m ²	14.4%
Total Coverage	239.0 m²	33.1%	285.0 m²	39.5%
Side Deck	51.4 m ²		0.0 m ²	
Total Coverage w/ side deck	290.4 m ²	40.2%	285.0 m ²	39.5%

- 5) We are requesting a variance to combine the lot coverage for principal residence and accessory building, 25% and 10% to 35% combined and increase the total lot coverage by 4.4% allowing for 39.5%. This will allow us to build a proper sized garage and carport with adequate secure storage for recreational items such as boats and water equipment while continuing to use the existing dwelling.

6) For consideration:

- Allowing for an attached garage and carport effectively reduces the site coverage while maximizing usable storage space on the lot. Currently, having 2 overhangs creates a dead space between the house and the garage with no inherent benefit to reducing lot coverage, nor does it increase green space on the lot.
- The garage will not have an entrance to the house and will be constructed with a proper fire wall between the principal residence and the new garage space.
- With this variance we will remove the shed near the waterline and the side decks effectively increasing the green space on the property.
- Our proposal will provide secure storage and will visually improve the curb appeal of our property, eliminating the need to store assets outside.
- Based on visiting many of the neighbors in the community and reviewing an overhead view of google maps there are a number of homes with attached garages throughout the neighborhood. Although I cannot confirm they have exceeded the 25% and 10% coverage it appears they would be in a similar situation as we are.
- Based on conversations with our neighbors there seems to be no concerns regarding our plans.
- The proposed improvements will significantly improve this property and the overall community.

Clerk Joyce Gavan advised the following information is attached for the Board:

- 1) Appeal received May 9, 2022 from Ryan Champney.
- 2) Notice of Intermunicipal Subdivision and Development Appeal Board Hearing dated May 11, 2022.
- 3) Notice of Decision (refusal) by Development Authority issued May 6, 2022.
- 4) Development Authority's report including site plan, development permit application D22-037, revised site drainage plan and adjacent landowner referral area.

The Board confirmed they have jurisdiction to hear this appeal and that the appeal was submitted properly and acceptable.

Chair McDonald asked if any board members felt a need to step down from this hearing within the boundaries of conflict of interest, and there was no one.

Chair McDonald asked anyone in the audience if they had any objection to any of the members of the Intermunicipal Subdivision and Development Appeal Board hearing this appeal, and there was no objection.

Chair McDonald explained the purpose of the hearing, the order of presentation and the procedures to be followed.

Chair McDonald called upon the Development Authority to provide background information.

Karen Mercer, Planner - Development Services, provided a presentation relating to the refusal of Development Permit D22-037 issued by the Development Authority on May 6, 2022, highlighting the following:



1. This is an appeal against the decision of the Leduc County Development Authority, whereby the Development Permit D22-037, to construct an addition to an existing single-family detached dwelling, intended to be used as an attached garage and carport, with a request for variance of the minimum required setback of 1.5 m be reduced to 1.2 m, and that a variance to the maximum site coverage of the principal building from 25% to 39.5% also be considered.
2. The subject property is approximately 720.77 m² in area and is located in the Enchantment Valley subdivision, east of RR272 on Enchantment Drive and directly adjacent to Wizard Lake.
3. According to Leduc County records, this property has been developed as a summer cottage detached dwelling, built in 1962 and a detached garage built in 1984.
4. Although Part 3.6.1 of the Land Use Bylaw provides the Development Authority with some latitude to consider and grant variance under certain circumstances, such as the variance of a setback, Part 3.6.2 states that notwithstanding Part 3.6.1, the Development Authority shall not grant a variance to site coverage, building area, floor area, building height, and dwellings per hectare. As the Development Authority has no power to grant a variance with respect to the maximum site coverage of the lot, this application could not be supported in its entirety and was therefore refused.
5. The application was referred to the adjacent landowners in the area as indicated in the Adjacent Landowner Referral Area, which is attached in the agenda package. No comments or concerns have been received with respect to the proposed development.
6. The application, including the drainage plan that was provided by the applicant on March 22, 2022, has been reviewed by the Leduc County Engineering Services and has been deemed acceptable as proposed.
7. The Appellant's grounds of appeal and rationale as to why the decision of the Development Authority should be overturned indicates that they would like to undertake this development to ensure adequate, secure storage for their assets, and to avoid outdoor storage of personal items that pose security issues and eyesore to the area. The proposed addition to the existing residence would create less disturbance to neighbours, and less short term impact to the watershed and environment than a complete rebuild of the residence.
8. The Development Authority is not in disagreement with the above rationale and can confirm that, based on the review and referral process, and lack of comments received throughout the process, it appears the development proposal does not create any conflict with adjacent landowners or any adverse impact, or create any drainage concerns from an engineering perspective.

Chair McDonald asked if there were any questions by the Board members of the development authority staff.

In response to questions from Board members, Planner Karen Mercer advised of the following:

- There was a notification sent to adjacent landowners and no conflict was filed.
- The principal residence covers 25.1% of the total lot coverage of 39.5%. An aerial photo confirms the current development on the site, including the existing dwelling, deck and detached garage.
- The appellant currently has a detached garage and wants to build an attached garage with carport.



Chair McDonald called upon the appellant to speak to the appeal of Development Permit Application D22-037.

Ryan Champney, Appellant/Applicant, advised of the following:

1. Spoke with 3 of the 4 adjacent landowners and there were no concerns; were unable to reach the fourth landowner.
2. Have been conscious of the neighbours in this process; noting that there was some work done on a neighbouring property down the road that included a rebuild that encroached close to the lake and took views of adjacent landowners.
3. Have considered the option of tearing down and rebuilding as well as the option of a two-storey style and how this would affect adjacent landowners among other considerations. Have strived to be mindful of not creating other issues (i.e. cutting off views for neighbours) even if they were in the allotted footprint.
4. There is a need for additional storage space and determined that a proper garage with storage would be the best option for us, as landowners, while thinking of the adjacent neighbours. As we went down that path we recognized that we would be exceeding total land coverage and are mindful of it.
5. The Land Use Bylaw states that the principal residence can cover 25% with an additional 10% allotted for a garage or additional outbuilding. We gave consideration of whether to pursue an attached or detached structure and determined that attached is the best option for the following reasons:
 - Attached works best with the property's drainage considerations (the home is on a hill bank).
 - The overhang of the existing detached garage roof covers in the area and creates a dead space as well as a drainage issue in its own right. Attaching the garage will make the space more accessible while not changing the impact to the watershed.
 - It will provide the needed storage.
6. Another consideration is a shed at water's edge; with the addition of the new storage structure, the existing shed would be removed.
7. The current coverage with the principal residence and the existing detached garage is at 33.1% of the range, with 25% for the principal residence and an additional 8% for the current garage. This proposal does have a larger garage that would equate to 39%; but when taking the 25% and the 10% allowed for the detached buildings, it brings the total closer to what's already there.
8. The current garage is closer to the side yard; we propose moving the new garage over from the property edge.

Chair McDonald asked if there were any questions by the Board members of the appellant, Ryan Champney.

In response to questions from Board members, Ryan Champney advised of the following:

- The plan is to remove the existing garage entirely and build a new foundation for the new structure.



- The 10 x 10 skidded shed located at the waterfront will be removed.
- A good percentage of the side decks will also be removed; it's worth mention that this doesn't contribute to lot coverage.
- There is proper sloping and drainage between the two neighbours property; on the east side there is a bit of tiering between the neighbouring and subject property. Both properties have good back slope that goes to a central area.
- To some degree, the drainage would be improved because it would be moving away and allowing for better sloping and drainage.

Chair McDonald noted there was no one in attendance to speak in support or against the appeal.

Chair McDonald asked if there was any additional correspondence received and Clerk Joyce Gavan advised there was none.

Chair McDonald called upon development authority staff to provide final comments.

Planner Karen Mercer provided the following final comments:

- The proposed lot drainage plan indicates the drainage with the decks and the sheds removed.
- Engineering considered this when reviewing the plan for drainage and deemed the plan acceptable; there would be no impact to their property or adjacent lands.

Chair McDonald asked Board Members if they had any final questions of the development authority.

In response to a question from a Board Member, Karen Mercer advised that with respect to the drainage plan, engineering services reviewed the request based on what was submitted; oftentimes, the department will ask for as-built plans after the construction has been completed. This could be an option as well if there was any concern with respect to drainage.

Chair McDonald asked Board members if they have any further questions, and there were none.

Chair McDonald called upon the appellant to provide final comments:

Ryan Champney, Appellant, noted that he had nothing further to add.

Chair McDonald asked if Board members had any questions for Mr. Champney, and there were none.

Chair McDonald asked the appellant, Ryan Champney, if he felt he received a fair hearing, and he responded affirmative.

Conclusion of Public Hearing

Chair McDonald declared the hearing concluded at 9:32 a.m.

Ryan and Ashley Champney and staff member Mercer

Ryan and Ashley Champney, and staff member Mercer exited the meeting at 9:32 a.m.



Recess

The hearing recessed at 9:32 a.m. and reconvened at 9:37 a.m. with Chair Mary-Ann McDonald and Board Members Larry Wanchuk and Dalpreet Viridi in attendance.

Present as well were the following:

- Joyce Gavan, Clerk
- Miranda Anderson, Recording Secretary

In-Camera

03-22 Board Member Wanchuk -- that the Intermunicipal Subdivision and Development Appeal Board meet in-camera.

Carried

The in-camera session commenced at 9:37 a.m.

Revert to Intermunicipal Subdivision and Development Appeal Board Meeting

04-22 Board Member Viridi -- that the in-camera session revert to the Intermunicipal Subdivision and Development Appeal Board meeting.

Carried

The in-camera session reverted to the Intermunicipal Subdivision and Development Appeal Board meeting at 9:47 a.m.

Appeal by Ryan Champney - Development Permit Application D22-037 to construct an addition to single family dwelling of attached garage and carport; with variance to side yard setback and maximum lot coverage located at Lot 16, Block 1, Plan 987MC, Pt. NW 2-48-27-W4 (310 48057 Rge Rd 272, Enchantment Valley)

05-22 Board Member McDonald -- that the Intermunicipal Subdivision and Development Appeal Board allow the appeal by Ryan Champney and conditionally approves Development Permit Application D22-037 to construct an addition to single family dwelling of attached garage (70.3m; 756.7 ft²) and carport (33.36m²; 359 ft²); with variance to side yard setback and maximum lot coverage.

Findings of Fact

- 1) The proposed development is considered a Discretionary Use within the Resort Residential (RR) District in accordance with the Leduc County Land Use Bylaw.
- 2) The application proposed the development of an addition to the existing detached dwelling to be used as an attached garage and carport, with a variance to side yard setback and maximum lot coverage.
- 3) The appellant indicated the existing detached garage would be demolished and be replaced with an attached garage and carport. The shed (± 10 ft. X 10 ft.) located at the water's edge would be removed as well as the side yard decking.
- 4) The appellant is requesting a variance to the minimum required side yard setback of 1.5 m be reduced to 1.2 m, and that a variance to the maximum site coverage of the principal building from 25% to 39.5%.



- 5) In accordance with Part 9.8, 9.8.7(a) the maximum lot coverage for a principal building in the Resort Residential Building is 25%. The total lot coverage of this principal building with the proposed addition would be 39.5%, which exceeds the maximum lot coverage requirement by 14.5%.
- 6) The development authority was bound to refuse Development Permit Application D22-037 in accordance with Part 3.6.2 that states, "*the development authority shall not grant a variance to site coverage, building area, floor area, building height and dwellings per acre*". Shall is an operative word that means the action is obligatory.
- 7) The development authority indicated that there were no comments or concerns received with respect to this development. The notice of appeal was also referred to adjacent landowners and internal agencies; no comments or concerns were received. Although the Development Authority has no power to grant a variance with respect to the maximum site coverage, it was the opinion that the proposed development would not have a negative impact on neighbouring properties, the environment or drainage.
- 8) The application and drainage plan was reviewed by the Leduc County Engineering Department and it has been deemed acceptable as proposed.

The Board considered the following legislation in making their decision:

Leduc County Land Use Bylaw 7-08

The subject property is considered a discretionary use within the RR - Resort Residential. The purpose of this district is to accommodate smaller resort lots in multi-lot residential subdivisions adjacent to a lakeshore having due regard to environmental impacts including the integrity of watersheds, the demands on lake access and adequate provision of utility servicing and roads.

Part 9.8.2 allows a dwelling, detached to be considered as a permitted use.

Part 9.8.4 states that the minimum building setback requirements from a property line adjacent to an internal service road is 6 meters; the minimum side yards setback on lots without a lane access is 3.0 m and 1.5 m, and rear yard 7.5 m.

Part 9.8.7(b) states that the maximum allowable site coverage for a principal building is 25% of the site.

Part 3.6.1 states the Development Authority may issue a development permit granting a variance of a requirement of the Bylaw provided:

- (a) the proposed use complies with those prescribed in the Bylaw;
- (b) compliance of the development with a site requirement of the Bylaw is prevented or impeded by unique circumstances that are not common to neighbouring lands;
- (c) the development is consistent with the general intent of the district and the overall character of the area;
- (d) the development will not unduly interfere with the amenities of the area or materially affect the use, enjoyment or value of nearby properties; or
- (e) sufficient measures have been taken to remedy any impacts on nearby properties.

Part 3.6.2 - notwithstanding 3.6.1, the Development Authority shall not grant a variance to site coverage, building area, floor area, building height and dwellings per hectare.



Bylaw No. 12-09 amends the Land Use Bylaw by adding Section 3.6.3 Variances - *“the Subdivision and Development Appeal Board may vary the prescribed lot size subject to the policies of any relevant statutory plan”*.

2. Section 687(3)(c) and (d) Municipal Government Act

In determining an appeal, the subdivision and development appeal board:

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order of decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw, if, in its opinion,
 - (i) the proposed development would not:
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Conclusion

In consideration of the legislation stated above, the Board concludes:

- 1) *the Board has jurisdiction under the Municipal Government Act, Section 687(3)(c) and (d) to vary a development permit or any condition; and*
- 2) *the proposed development conforms with the use prescribed for the land within the RR Rural Residential district of the Land Use Bylaw and will not unduly interfere with the amenities of the area or materially affect the use, enjoyment or value of nearby properties.*

Conditional Approval conditions

In consideration of the above the Intermunicipal Subdivision and Development Appeal Board approves Development Permit Application D22-037, subject to the following conditions:

- 1. Approval is granted based on the information provided by the applicant for the approved development only and no other development.
- 2. The approved development shall be located as shown on the approved site plan dated June 3, 2022. Removal of the existing shed (6.94 m²) and side yard decking shall be completed. Any new approaches represented on the site plan are regarded as conceptual only and shall be applied for through a separate approval process.
- 3. The approved addition shall be used as an attached garage and the carport dwelling shall be developed and maintained as a single family dwelling.
- 4. The approved addition shall be constructed and finished in a manner compatible with the existing dwelling.
- 5. The existing dwelling and this approved addition shall not be used for industrial or commercial purposes unless specifically permitted by the County or exempted from requiring a permit by the Land Use Bylaw.



6. The applicant shall not remove any living tree species other than what is required for the construction of the development and to ensure the safety of the residents.
7. If any infilling is required as a result of this development, a new Development Permit and a Road Use Agreement will be required.
8. The site shall be maintained in a neat and orderly manner including the containment of all construction materials and refuse, to the satisfaction of the Development Authority.
9. The applicant/landowner shall provide firefighting access at all times to the satisfaction of Leduc County Fire Services.
10. The existing approach must be maintained to avoid any damage to the County owned road surface due to construction activity. A post development inspection will be conducted and the applicant/landowner must rectify any damage to the approach or County roadway.
11. All new accesses, approaches or upgrades, including driveways required off of a Leduc County public roadway, as a result of the development shall first require an Access Application to be provided to the satisfaction of, and approved by Leduc County Engineering and Utilities.
12. The movement of construction material onto the property may require the applicant to enter into a Road Use Agreement with the County. The applicant must contact Public Works and Engineering prior to the movement of construction material to discuss this requirement.
13. Lot drainage shall be provided in accordance with the drainage plan submitted on March 22, 2022.
14. The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.
15. No further development, expansion or change in use is permitted unless approved by Leduc County.

The applicant is also advised of the following:

1. This development permit is issued under the Leduc County Land Use Bylaw 7-08. It does not exempt you from compliance with any other municipal bylaw or statutory plan applicable to the approved development, any relevant federal and provincial statute or regulation, or any easement, covenant, agreement or contract affecting the subject lands.
2. The County administers the Safety Codes Act and you must obtain any Safety Codes (building, electrical, gas or plumbing) permit(s) required prior to commencing construction. Increased setback distances from property lines, and/or modifications to plans for proposed buildings may be required in order to achieve compliance under the Alberta Safety Codes Act.
3. To contact Leduc Public Works & Engineering at 780-979-6185 regarding approach approvals and Road Use Agreements as required.
4. To contact Leduc County Fire Services at 780-955-7099 regarding compliance with the Alberta Fire Code.
5. Please be advised that this development may initiate inspections from the Assessment Department. If you would like to schedule an appointment or have questions, please contact the Assessment Department at 780-955-6412.

Development Permit D22-037 shall expire after one year from the date of decision unless development has commenced.

Carried

Next Meeting

The next scheduled Intermunicipal Subdivision and Development Appeal Board meeting will be held at the call of the Chair.



Adjournment

6-22 Board Member Wanchuk -- that the Intermunicipal Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Intermunicipal Subdivision and Development Appeal Board meeting concluded at 9:49 a.m.


Chair


Clerk