



CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

SDAB HEARING: 2021-001D

CITY OF GRANDE PRAIRIE
SUBDIVISION & DEVELOPMENT APPEAL BOARD
HEARING FILE NO.: 2021-001D
DEVELOPMENT PERMIT NO. PL210090

May 4, 2021

Minutes of the Subdivision and Development Appeal Board (the “**Board**”) hearing of the City of Grande Prairie held remotely via zoom in the City of Grande Prairie, Alberta on Tuesday, May 4, 2021.

PRESENT:

L. Coulter	Board Member
A. Nkeuwa	Board Member
L. Murphy	Board Member
D. Tennant	Planning & Development
(Development Officer I)	City of Grande Prairie
J. Johnson	Planning & Development Manager
C. Scott	City Clerks
(SDAB Recording Secretary)	City of Grande Prairie
V. Norris-Kirk	City Clerks
(Present for Training)	City of Grande Prairie
Y. Ramirez	City Clerks
(Present for Observation Only)	City of Grand Prairie
J. Nagra-Studio Homes	Appellant
In-favour of the Appeal	



CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

R. & J. Aubin

Opposition to Appeal
(sent in email in opposition, participated via zoom)

S. & K. Richmond

Opposition to Appeal
(sent in email in opposition)

CALL TO ORDER: 1:05pm

The SDAB Secretary, C. Scott, called the meeting to order @ 1:05pm and introduced herself to the Board and members of the public present.

ELECTION OF CHAIRMAN:

The SDAB Secretary called for nominations for the Chairman. L. Coulter was unanimously elected Chairman of this appeal hearing. **Motion moved by Board Member L. Murphy Motion Carried**

Chairman L. Coulter explained the process of the Subdivision and Development Appeal Board and introductions were made.

Chairman L. Coulter asked if there were any objections to the Board members hearing the above noted appeal. No objections noted.

APPEAL HEARING:

J. Nagra-Studio Homes

Grande Prairie, AB

(Hereinafter referred to as the “Appellant”)

Vs.

City of Grande Prairie

SDAB 2021-001D

Development Permit Application No.: PL210090

Legal Description: Lot 34; Block 17; Plan 5274RS

(9638-112 Avenue)

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

Chairman L. Coulter introduced the process for conducting the meeting and how the decision will be rendered and notification coming forthwith on the decision from the Subdivision and Development Appeal Board.

Description of Application:

- 1 The appeal before the Subdivision and Development Appeal Board (the **“Board”**) was brought by J. Nagra of Studio Homes applicants for the Semi-Detached dwelling with variances.
- 2 On March 26, 2021, the Development Authority refused the development permit application for a Semi-Detached dwelling located at Lot 34; Block 17; Plan 5274RS (9638-112 Avenue – the **“Lands”**) in the Mountview neighbourhood. The subject property has a land use designation of General Residential (RG) District and is a permitted use.

Procedural History:

- 3 The hearing commenced on May 4, 2021 with consideration of procedural issues. The Board determined there were no concerns with procedural issues and had the authority to proceed with the hearing, via zoom. The hearing concluded on that date.

Proper Application for Appeal:

- 4 Pursuant to Section 686(1)(a)(i)(A) of the Municipal Government Act, the appeal was filed within 21 days of the date of Notice of Refusal issued by the Development Authority.
- 5 Pursuant to Section 686(2) of the Municipal Government Act, the appeal hearing convened within 30 days of the receipt of Notice of Appeal.

Required Notification:

- 6 Pursuant to Section 686(3) of the Municipal Government Act, the Subdivision and Development Appeal Board has given at least five (5) days notice to:
 - The Appellant(s);
 - The Development Authority whose order, decision or development permit is the subject of the appeal;

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

- Adjacent / affected landowners required to be notified under the Land Use Bylaw and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified (5 circulated); and
- Members of the Subdivision and Development Appeal Board.

Decision Timeframe:

- 7 Pursuant to Section 687(2) of the Municipal Government Act, the Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days after concluding the hearing.

Decision:

- 8 The appeal is denied and the Notice of Refusal of the Development Authority is confirmed. The original *Notice of Refusal PL210090* issued by the Development Authority, acting as the Development Authority for permitted uses under Section 83.2 of Land Use Bylaw C-1260, shall remain in effect (see **Schedule “A”** attached hereto – original Notice of Refusal PL210090).

Appearances:

- 9 The Board received submissions from:
- a) Ms. D. Tennant, for the Development Authority;
 - b) Mr. J. Nagra-Studio Homes (applicant to the appeal);
 - c) R. & J. Aubin, in opposition to the appeal, sent in email;
 - d) S. & K. Richmond, in opposition to the appeal, sent in email.

DEVELOPMENT OFFICER’S REPORT:

The Chairman asked the Development Authority, Ms. D. Tennant to read administrations appeal report for the record.

It is recommended that the Subdivision and Development Appeal Board (“**SDAB**”) deny the appeal and, therefore, confirm the *Notice of Refusal* as issued on Notice of Refusal Permit PL210090 for the following reasons:

- The permit application requires two variances. A 9.5% variance to minimum lot area for semi-detached dwelling with no rear lane access and a 16.3% variance to minimum lot width for a semi-detached dwelling with no rear lane access. Administration does not support these variances.

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

- The property is in the RG-General Residential Land Use District. The minimum property size standards within that district for a semi-detached dwelling on a property with no rear lane access provided are a lot area of 300m²/unit, and a lot width of 9.1m/unit. The subject property did not meet either requirement with a lot area of 543.2m² (variance of 9.5%) and a lot width of 15.2m (variance of 16.3%).
 - There are no immediate plans to develop the PUL that is located behind the property.
- 10 The subject property is located within the Mountview neighbourhood and is zoned General Residential (RG) District in Land Use Bylaw C-1260.
- 11 The lot width and area of the proposed development at 9638-112ave is smaller than is required in the Land Use Bylaw C-1260 Section 83.4(b) for a Semi-Detached dwelling in the (RG) General Residential District where there is no rear lane access.
- 12 The proposed Semi-Detached dwelling does not comply with Section 83.4(b) of the Land Use Bylaw C-1260, which states: The minimum property size standards within that district for a Semi-Detached dwelling on a property with no rear lane access provided are a lot area of 300m²/unit, and a lot width of 9.1m/unit. The subject property did not meet either requirement with a lot area of 543.2m² (variance of 9.5%) and a lot width of 15.2m (variance of 16.3%).
- 13 D. Tennant confirmed that to her knowledge there is no immediate plans to develop the existing PUL that resides behind the lot. Therefore, there will be no rear lane access provided at this time or in the foreseeable future.

In summary, it is the opinion of the Development Authority that the proposed Semi-Detached dwelling does not meet the minimum property size standard requirements under Section 83.4(b) of Land Use Bylaw C-1260.

Administration recommends that the Subdivision and Development Appeal Board confirms the decision of the Development Authority and deny the appeal.

At this time, the Chairman asked Appellant to come forward to present.

PRESENTATION IN “FAVOUR” OF THE APPEAL:

The Chairman asked Mr. J. Nagra to come forward and introduce himself to the board for the record.

- 14 Mr. J. Nagra introduced himself to the board as a developer of single and multi-family homes in the city for over 10 years.

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

15 Mr. J. Nagra highlighted the following:

- Since the start of increased land costs to develop, affordable homes are becoming very questionable in the terms of cost.
- When looking at Alberta particularly Edmonton, Calgary, and Lethbridge they are going into Infill developments and municipalities are working together with the developers so they can provide affordable homes.
- Their biggest move and main focus are to provide more shelter with affordability.
- The current lumber and land crisis are moving us into a direction where they won't be able to build affordable homes. Lots are starting at \$100,000-\$110,000 just for the lot.

16 Mr. J. Nagra indicated that:

- They currently have 60 lots ready to build on.
- They are looking to enhance the neighbourhood by bringing in a new product and new look.
- It is a simple concept that the entire Province is doing, and they are looking to replicate that.
- This project will help with parking issues seen in other areas of the city such as Mission Height and Royal Oaks. This project allows for each homeowner to have their own one and a half garage, full driveway and ample backyard for family life.
- He has considered building a single-family dwelling with a legal basement suite, but the price goes up for those compared to this project. This project is the best product.
- Lethbridge was reported as the fastest growing City in Alberta and Canada because they are providing a product with an affordable Priceline.
- He has not had contact with the individuals in opposition to his project, but they are fully prepared to do so.
- He notes their concerns but feels they are minor and thinks the oppositional neighbours may not understand the concept. They are willing to address the neighbours concerns if needed.
- They are looking forward towards building beautiful projects in the infill areas.

17 The appellant indicated that the Subdivision and Development Appeal Board should reconsider the decision of the Development Authority based on the following:

- Due to the lumber and land crisis it is a challenge to build affordable homes.
- When looking at other major centres such as Edmonton, Calgary, and Lethbridge they are moving towards Infill developments with the developers and municipalities working together to provide affordable homes.
- Their main goal is to provide more affordable shelter.
- The project would enhance the look of the neighbourhood and alleviate parking issues seen in other areas of the city as each homeowner would have their own garage and driveway.

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

In summary, the appellant believes the Semi-Detached dwelling proposed should be permitted as it will help create affordable housing in the city and provide Infill. The project would also enhance the neighbourhood and prevent parking issues from arising.

At this time, the Chair, Mr. Coulter asked if there was anyone present in favour of the appeal. There were no other participants in favour of the appeal.

PRESENTATION IN “OPPOSITION” OF THE APPEAL:

The Chairman asked those in opposition of the appeal to come forward and introduce themselves to the board.

18 Mr. R. Aubin introduced himself to the board as a resident of the Mountview neighbourhood in opposition of the appeal.

19 Mr. R. Aubin indicated that he lives near the proposed site and has heard concerns from many neighbours who are also opposed to the proposed development as it would not look right with the character and style of their neighbourhood.

20 In addition, Mr. R. Aubin highlighted additional concerns:

- The project would not fit in as there are no condo's, duplexes, or anything else like that in the neighbourhood.
- He and many of his neighbours bought their homes due to the fact that there were only single-family dwellings there and no big rentals.

21 There were also two (2) written submissions sent in from:

- Mr. R. Aubin and Ms. J. Aubin; and
- Mr. S. Richmond and Ms. K. Richmond

22 The primary concerns for the opposition to this development by the written submissions were:

- The addition of a rental would negatively impact their nice quiet single dwelling home neighbourhood.
- They do not think with a young family it is appropriate to have two different sets of renters beside them.
- To their knowledge the owners of the property live in B.C., so there would be no one to keep eyes on the renters or property.
- The lot is too small to build a duplex on and will look out of place in the neighbourhood.
- The height of the project will block the sunlight in the backyard.

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

- They will have a lot of their privacy taken away as the windows would be above the fence line.
- There is no reason to grant permission for a building that does not meet the city's own building codes with regards to lot allowances without making provisions.
- Grande Prairie has sufficient accommodations with existing buildings and does not have a shortage of choices in all home categories.

In conclusion, those in "opposition" of the appeal have asked the Subdivision and Development Appeal Board to confirm the decision of the Development Authority and deny the appeal.

At this time, the Chair, Mr. Coulter asked if there was anyone present in opposition of the appeal. There were no other participants in opposition of the appeal.

Chairman L. Coulter advised all present and participating in the appeal that they can expect an "unofficial" verbal decision within 24 hours of the hearing and an "official" written decision within 15 days.

Chairman L. Coulter declared the Subdivision and Development Appeal hearing closed at 1:24 p.m.

DECISION OF THE BOARD:

The Subdivision and Development Appeal Board determined that the appeal is denied and the decision of the Development Authority is confirmed and the Notice of Refusal shall remain in effect. Notice of Refusal PL210090 is hereby confirmed as issued by the Development Authority, acting as the Development Authority for permitted uses under Section 83.2 of Land Use Bylaw C-1260, on May 4, 2021.

REASONS FOR THE SDAB DECISION:

The Board considered the written and oral evidence submitted by all parties.

The grounds for the appeal are pursuant to section 685(1)(a), which states:

Grounds for Appeal

685(1)(a) If a Development Authority

*(a) fails or **refuses** to issue a development permit to a person*

The Subdivision and Development Appeal Board confirmed the decision of the Development Authority and refused Development Permit PL210090 for the following reasons:

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

1 Compliance with the MGA and Land Use Bylaw C-1260

The Board reviewed all evidence and arguments, written and oral, submitted by the parties and will focus on key evidence and arguments in outlining its reasons. The Board has considered the context of the proposed development, applicable legislation:

- Municipal Government Act (“MGA”);
- Municipal Development Plan Bylaw C-1237; and
- Land Use Bylaw C-1260, specifically Section 83 – General Residential District (RG)

2 The Board finds that the appellant’s arguments of how the development is the best, most affordable product have no weight on the issuance or non-issuance of a development permit, as this is a statement and no factual evidence was presented to support this argument.

3 The Board considered the overall Municipal Development Plan Bylaw C-1237 and in Section 4.4 noted that council supports Infill residential and commercial development **where appropriate** on vacant or underutilized parcels of land in established areas, particularly along transit routes. However, they do not find this development to meet the criteria of being appropriate for this neighbourhood due to the size of the lot and the size of the variances requested.

4 The Board finds that the developer could apply for a permit to build a single-family dwelling with a legal basement suit and would not need variances granted. The appellant could accomplish his intent to provide Infill Development with a smaller structure. This would also uphold the current character of the neighbourhood.

5 The Board notes the current styles of homes residing in the neighbourhood. The size and visual aspects of the development would not fit in with the current character of the neighbourhood. They note that the entire front yard would essentially be viewed as parking should each homeowner have their own respective driveways as planned. Therefore, they did not support the arguments of the appellant that the development would enhance the neighbourhood and alleviate traffic concerns.

6 The Board notes that the Development Authority identified that there are no immediate or foreseeable plans to develop the PUL that resides behind the lot. Therefore, there will be no rear lane access in the foreseeable future.

7 The Board agrees with the Development Authority that the Land Use Bylaw C-1260 is very clear that the minimum property size standards within that district for a semi-detached dwelling on a property with no rear-lane access provided are a lot area of 300m²/unit and a lot width of 9.1m/unit.

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

- 8 To conclude, the Board believes this does not confirm Council's support of Infill Development as stated in Section 4.4 of the Municipal Development Plan, and does not meet the minimum property size standards for a semi-detached dwelling with no rear lane access as stated in the Land Use Bylaw Section 83.4(b) which state:

"Section 4.4"

Council supports infill residential and commercial development where appropriate on vacant or underutilized parcels of land in established areas, particularly along transit routes.

"Section 83.4(b)"

b. Semi-Detached Dwelling

Site Standard	Rear Lane Access Provided	No Rear Lane Access Provided
a) Lot Area:	250m ² /unit	300m ² /unit
b) Lot Width:	7.6m/unit	9.1m/unit

As a result, and in consideration of the above and having regard to planning principles, the Board is of the opinion that Development Permit PL210090 for a Semi-Detached Unit is refused under the Notice of Refusal.

Based on the evidence before the Board, the Board hereby confirms the decision of the Development Authority for the refusal of Development Permit PL210090 in accordance with Section 687(3)(a.1)(a.2)(a.3)(c)(d)(i)(ii) of the MGA.


Subdivision and Development Appeal Board

City of Grande Prairie

Signed this 14th day of May, 2021.



Chairman L. Coulter



SDAB Secretary – C. Scott

CITY OF GRANDE PRAIRIE

P.O. Bag 4000
10205 – 98th Street
Grande Prairie, AB T8V 6V3

SCHEDULE "A"



CITY OF GRANDE PRAIRIE
PLANNING AND DEVELOPMENT

File Number
PL210090

NOTICE OF REFUSAL

The development application for a:

Project: Semi-detached

Located at:

Legal: Lot: 34; Block: 17; Plan: 5274RS

Address: 9638 112 AVENUE, GRANDE PRAIRIE, AB T8V3B8

in the RG General Residential district has been refused by the Development Authority as for the following reason(s):

This permit application required two variances

- 9.5% variance to minimum lot area for a semi-detached dwelling with no rear lane access
- 16.3% variance to minimum lot width for a semi-detached dwelling with no rear lane access

Administration does not support these variances.

Date of Decision: March 26, 2021

Appeal Expiry Date: April 16, 2021

Diane Tennant
Development Officer

Notice of Appeal Procedures:

Applicant(s) may file an appeal to the Subdivision & Development Appeal Board (SDAB) by contacting the Secretary of the SDAB at 780-357-8716 or in person at Legislative Services, Third Floor City Hall, 10205 – 98 Street, Grande Prairie, AB. Appeals shall be filed on or before the "Appeal Expiry Date" noted above Monday to Friday between 8:30 a.m. and 4:30 p.m. Contact Legislative Services regarding fees for filing such an appeal.