

SUMMER VILLAGE OF NORGLLENWOLD
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AND DECISION
DECEMBER 18, 2018

CALL TO ORDER

The Chair called the hearing to order at 10:00 a.m.

The following people were in attendance:

Chair	Jeff Ludwig
Member at large	Allan MacPherson
Member at large	Kent Lyle
Development Officer	Koralyn Lemmon
	Tanner Evans
CAO	Phyllis Forsyth
SDAB Secretary	Kara Kashuba
Applicant	Brad Ferris

PURPOSE OF THE HEARING

The purpose of this hearing is to hear an appeal received from Brad Ferris against the Municipal Planning Commission's decision to deny amendment Development Permit #181420 on November 16, 2018 for the property located at 4 Ravenscrag Crescent, Lot 2, Block 10, Plan 8322981 in the Summer Village of Norglenwold.

IN THE MATTER OF AN APPEAL by the appellant, Brad Ferris appealing the Development Authority's decision on property located at 4 Ravenscrag Crescent, Lot 2, Block 10, Plan 8322981 in the Summer Village of Norglenwold.

BEFORE the Summer Village of Norglenwold Subdivision and Development Appeal Board:

Chairman Jeff Ludwig
Member Allan MacPherson
Member Kent Lyle

THIS IS AN APPEAL ON the Development Authority's decision of November 16, 2018.

UPON NOTICE BEING GIVEN by letter to the appellant and owners of property located within 200' radius of the proposed development on December 4, 2018. The hearing is being convened within 18 days of receipt of the notice of appeal.

BACKGROUND

The Subdivision and Development Appeal Board Secretary advised that Brad Ferris is appealing the Municipal Planning Commission's decision to deny amendment Development Permit #181420 on November 16, 2018 for the property located at 4 Ravenscrag Crescent, Lot 2, Block 10, Plan 8322981 in the Summer Village of Norglenwold.

OBJECTIONS TO ANY MEMBERS HEARING THE APPEAL

The Secretary asked if any members of the Subdivision and Development Appeal Board felt that they should disqualify themselves from hearing the appeal before them. No one felt the need to disqualify themselves.

The Secretary then asked Mr. Ferris if he had any objection to any of the Subdivision and Development Appeal Board members. He had none.

The Board members were asked if other than the agenda package provided here today, had any member of the SDAB sought, been given or reviewed evidence prior to the hearing.

All answered they had not.

JURISDICTION AND DUTIES

Phyllis Forsyth, CAO, provided the Board information on the duties of the Subdivision and Development Appeal Board members and how to determine if they had jurisdiction to hear the appeal.

Chair Ludwig, called for a brief recess to determine jurisdiction.

Determining they had jurisdiction to hear the appeal, the hearing was reconvened.

READING OF APPEAL LETTER FROM MR. FERRIS

The CAO read the appeal written from Mr. Ferris which was received at the office on November 30, 2018 appealing the decision of the Municipal Planning Commission on his development permit for a wider driveway at 4 Ravenscrag Crescent.

DEVELOPMENT OFFICER REPORT

Koralyn Lemmon provided the Board with the background information regarding the application.

On May 9, 2018, development permit #181420 was issued to the registered owners for a driveway. Condition #10 on the permit states: driveway to be a maximum of 10m (32.8ft.) wide. The proposed plan provided by the owners and approved with the development permit shows the driveway width of 10m. On September 25, 2018, a site inspection was done in order to close the file. The overall driveway width was measured at 48ft. (14.6m) and the width at the property line was measured at 40ft. (12.2m), both over the maximum of 32.8ft. On October 22, 2018, the owners applied to the Municipal Planning Commission asking for a variance of 15.2ft. On November 16, 2018, the Municipal Planning Commission hearing was held, and the variance request was denied. On November 20, 2018, the Notice of Decision was given to the owners stating the request was denied for the following reason: 1. A 33% variance is excessive, and the property allows options to have the driveway adhere to the Land Use Bylaw. The Land Use Bylaw provides the following regulations: 1. "driveway(s)" means a vehicle access route between the carriageway of a public road and a use on parcel. 2. The maximum width of a driveway shall be 10 m (32.8 ft.). Driveway width shall be measured within the carriageway. The Municipal Development Plan provides the following regulation: 1. Boulevards along main roads to provide a landscaped, treed,

country-like feel. The Residential Crossing Specifications from Tagish Engineering provides guidelines for driveways with drainage ditches.

APPELLANT PRESENTS CASE

Brad spoke to the reasons he is appealing the Municipal Planning Commissions decision.

Mr. Ferris handed out a package of pictures that show surrounding landowners with driveways that are like his. Brad had also included signatures from some of the surrounding landowners that have no problems with Brad's driveway.

He explained that he didn't know at the time that his contractor would be adding the 4ft, radius as most driveways are just cut straight. The only way to have good access to the backyard is to have the extra width. He mentioned a few points regarding the photos that were handed out of neighboring lots that had similar or even larger driveways. Brad explained that he is not picking on other neighbors, he felt that there has been a lot of variances that goes on with other properties.

He mentioned that the final parcel coverage of his property really isn't that bad. Doesn't see trees in the ditch, people aren't planting anything in there so that just seems like a waste of ditch space anyways. The way the driveway is now, it looks the best and functions the best.

QUESTIONS FROM THE BOARD

The board members asked questions of the appellant regarding how the variance initially happened.

Brad explained an incident that happened with company that couldn't see backing out of the driveway at night and damaged their vehicle on the culvert, which resulted in contractors coming the next day to adjust the driveway to be safer to back in and out of at night. Brad explained he was not there when the driveway was being constructed. Brad knew he should have applied for the variance but did not want to wait as the timeline would have been a longer process to get the variance. Thought if there were already 48ft. driveways out there then the variance would have been easy to get.

WRITTEN SUBMISSIONS IN FAVOUR OF THE APPEAL

No written submissions were received in opposition of the development.

COMMENTS IN FAVOUR OF THE APPEAL

No one in attendance to speak.

WRITTEN SUBMISSIONS IN FAVOUR OF THE CONDITIONS

No written submissions were received in opposition of the development.

COMMENTS IN FAVOUR OF THE CONDITIONS

None.

QUESTIONS FROM THE BOARD

The board asked for further clarification on the two possibilities that Brad was proposing.

CLOSING COMMENTS FROM THE APPELLANT

Brad explained that he wanted to know what he could do to keep the driveway 40ft. so he still has access to the back, without the 8ft. radius, although it does look better with the 8ft radius and looks silly to cut it out to 40ft.

CLOSING COMMENTS FROM THE DEVELOPMENT OFFICER

The applicant applied for a 10m wide driveway, then constructed a 14.6m wide driveway. The MPC denied the variance request due to it being excessive. The owners have already agreed to tapering the culvert ends to meet that requirement, so that is not of concern. If the board approves the appeal, they would recommend with the condition of forfeiting the \$1000.00 completions deposit for failing to comply with the development permit/conditions. The permit is valid until May 9, 2019 but an extension of up to 12 months could be granted.

CLOSING COMMENTS FROM THE BOARD

Chair Ludwig asked Mr. Ferris if they felt they had an opportunity to present their case. He acknowledged he had.

Chair Ludwig thanked everyone for their attendance and presentations. A written decision of the Board will be made within 15 days.

He declared the hearing closed at 10:34 a.m. noting no further information or submissions would be entertained by the board.

DECISION OF THE BOARD

The Subdivision and Development Appeal Board hereby denies the appellants variance request of the driveway for development permit #181420 for 4 Ravenscrag Crescent because it does not conform with the Land Use Bylaw. That the Development Permit be upheld to the Municipal Planning Commissions decision, forfeit of the \$1,000.00 Completions Deposit and the Development Permit to be extended to July 31, 2019 to make the appropriate repairs to the driveway and the culvert tapering.

DATED AT THE TOWN OF SYLVAN LAKE THIS 18th DAY OF DECEMBER, 2018.

THE SUMMER VILLAGE OF
NORGLIWOLD SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

Jeff Ludwig
Board Chairman