

Choose an item – AGENDA REPORT

Meeting Date: 30 July 2024

Subject: PL2401034 - Dwelling, Single Detached - Variance to Rear Yard Setback

Boards Routed Through: N/A

Date: N/A

Issue:

The Subdivision and Development Appeal Board (SDAB) is being asked to make a decision on a appeal against the conditional approval of Development Permit PL2401034: an application to develop a Dwelling, Single Detached - Variance to Rear Yard Setback (Home Addition) located at 243 Coopers Cove SW.

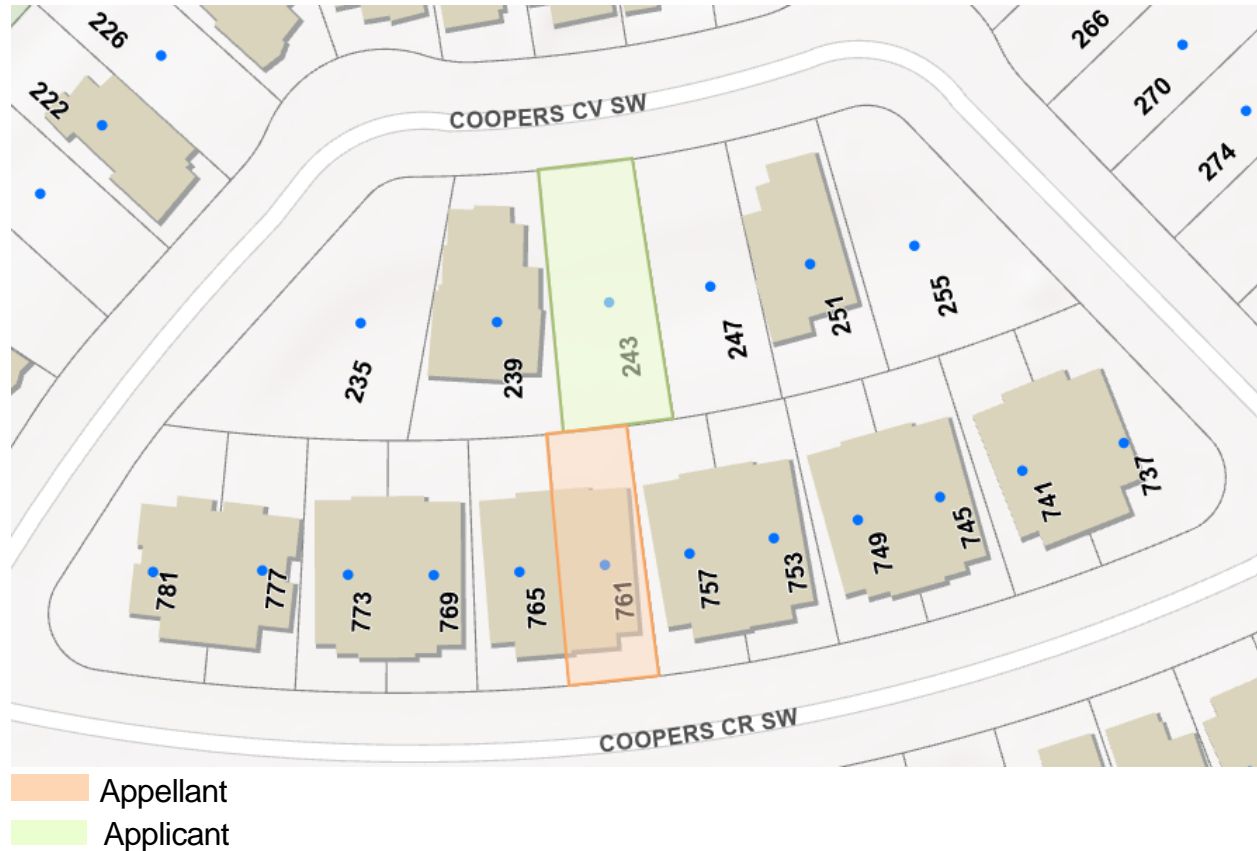
Background:

On May 16, 2024, Current Planning received a development permit application for a proposed home addition - *Dwelling, Single Detached with a Variance to Rear Yard Setback* located at 243 Coopers Cove SW. The development intends to extend the existing home at the rear to include one bedroom, one bathroom, and a prep kitchen, in the primary dwelling. As presented on the submitted site and floor plans, exterior and interior changes are proposed with this development permit application. The full application package including the site and floor plans are attached to this report for viewing as Attachment 1.

The application was deemed complete by the file manager on June 7, 2024. The development permit application (PL2401034) including supporting documents were reviewed by the Planning file manager, other internal departments of the City of Airdrie, as well as external agencies. The application was conditionally approved on June 11, 2024, based on the merit of application submission details, compliance with Land Use Bylaw regulation, meeting the general intent of applicable planning policy direction, and circulation comments and recommendations being resolved to the satisfaction of the Planning Department. The Notice of Decision and Conditions of Approval are provided as Attachment 2. The approval decision was advertised in accordance with the Land Use Bylaw, and a written notice was mailed to 41 property owners within a 60.0m radius. The legislated 21-day appeal period was started on June 11, 2024, and the final day to submit an appeal by nearby landowners ended July 02, 2024 (Attachment 3).

A appeal of adjacent landowners was submitted to the SDAB Clerk regarding the decision of approval by the Development Officer on June 23, 2024, which fell within the 21-day mandatory appeal period.

The appellant is appealing the decision of the Development Officer to approve a Variance to Rear Yard Setback (Dwelling, Single Detached) at 243 Coopers Cove SW.



The appellant believes this development would hinder the use and enjoyment of adjacent properties. The appellant also states a number of impacts the variance may pose if it were to be issued. A compiled list of concerns can be seen below:

- Space – backyards are small with only a fence and swale separating the 2 properties. Fence and weed maintenance would also become difficult
- Privacy – Backyard is already overlooking house behind it. Extension would make it more difficult in terms of privacy.
- Noise – Little distance between adjacent properties.

The subject property is located at 243 Coopers Cove SW within the community of Coopers Crossing. A locational map is provided below with additional context maps attached as Attachment 6.

Site Context:

The lot itself is a rectangular shape and is zoned R1, Residential Single Detached District. The parcel is 476.61 m² (0.12 acres) in size and is currently developed with a single detached dwelling with a front attached two-car garage. The subject site is surrounded by similar R1 properties to the north and R2 south of it.



Land Use Bylaw Review:

The purpose of the Land Use Bylaw is to regulate and control the use and development of land and buildings within the City of Airdrie. The Current Planning Department evaluates development permit applications for regulatory compliance and compatibility with the surrounding neighborhood, as well as potential impacts on neighbouring properties. As per Section 2.1.2(7)(g) of the Land Use Bylaw B-01/2016, the Development Officer shall make decisions on home addition.

The Land Use Bylaw, as per section 2.1.2 (8) may allow a variance if:

“Make decisions on Variance applications where the variance applies to a development or use listed under the Development Officer’s authorities and responsibilities”

The subject property is designated Single Detached Residential District or R1 (Section 8.5.1). The purpose of the R1 District is to provide for residential development in the form of single detached dwellings. Within the R1 District, a variance would be Discretionary, for which a Development Permit is only issued at the discretion of the Development Authority if the application meets the purpose and intent of a land use district, complies with the Land Use Bylaw, and makes good planning sense with regards to compatibility.

“The proposed development is a Permitted Use, Discretionary Use or Similar Use in the district in which it is to be located” Section 2.4.4(1)

Development regulations specific to the home addition use are contained in Sections 2.4.4 of the Land Use Bylaw. Important points that the Land Use Bylaw regulates are:

2.2.4 (2) The proposed development, with variance, would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;

2.2.4 (3) “The variance is a function of an aspect or feature that is specific to the site, building or sign to which it applies, not shared by other sites, buildings or signs in the City;

Section 2.4.4 includes additional regulations such as:

The variance is a result of an error in the siting of a building or structure, and the rectifying of the error would create unnecessary hardship to the property owner; (4)

The variance is expressed to be a condition of Development Permit approval, and is specifically mentioned in public notices of the Development Permit approval; (5)

The exterior changes/alterations proposed in this application will continue to present as single detached dwelling. It is anticipated that the proposed home addition will be well integrated to

fit with the surrounding residential area. The variance would be for an addition to the primary structure, therefore demonstrating the use is compatible with the surrounding neighbourhood and would not cause any undue impact on nearby properties.

The site coverage with the Main floor (132.9m²) including garage (46.2m²) is 179.1m², so the floor area with the home addition is less than 37%. The maximum Site Coverage allowed in the R1, Single Detached Residential District is 55% of Lot Area, which is 476.61 m²

The proposed addition, for which the variance permit was submitted, does meet the maximum Building Height as it is under 11.0m, and maximum Site Coverage of 55%, but it exceeds the minimum rear yard setback requirement of 8.0m. The addition to the property at 243 Coopers Cove SW falls short on the rear yard setback requirement by 2.2m, measuring at 5.8m. Due to this, the approval by the Development Officer included a variance of 26.6%. This variance was considered with the understanding that it would not restrict the use or access of the home addition or affect neighbouring properties.

A comprehensive collection of applicable Land Use Bylaw policies for this application is provided as Attachment 7. Additionally, the fulsome Land Use Bylaw review conducted by the file manager and a summary of the circulation comments can be reviewed in Attachment 8.

Regarding the another concern of the appellant, the question of multiple occupants residing in the home. There would only be an increase of a single occupant limiting further nuisance to the surrounding properties.

Alignment with AirdrieONE and Planning Policy:

Overall, the proposal for a *Dwelling, Single Detached - Variance to Rear Yard Setback* at 243 Coopers Cove SW was found to be in compliance with the general intent of the AirdrieONE Sustainability Plan, Airdrie City Plan, Southeast Airdrie CASP, Coopers Crossing NSP, and other guiding documents of the City of Airdrie.

The Airdrie City Plan is a long range, strategic plan that builds on the AirdrieONE plan by setting direction for new development through the whole City. According to Section 6.14 (Housing Diversity & Integration) it notes that the City shall promote a broader range of housing types throughout the City by:

Planning Considerations & Reasons for Approval:

As the Development Authority, it is our responsibility to exercise fair, honest, and independent judgement to best facilitate smart growth and good design. This application involved due consideration to the merits of the application submission, high-level policy direction, and the Land Use Bylaw B-01/2016.

The Development Officer's decision to approve the development permit application PL2401034 for a Variance (Dwelling, Single Detached) was based on the following:

- The proposed addition to the home aligns with the intent of higher-level policy documents and the regulations of Land Use Bylaw B-01/2016.
- The proposed addition is compatible with the surrounding neighbourhood and would not cause any undue impacts on nearby properties.
- The variance is for a single-story addition at 5.5m, well under the maximum of 11.0m as stated in Section 8.5.1 which would further limit the impact to neighbouring properties.
- The variance to the deck is for a smaller section (0.25m), at the SW corner as the property line curves in slightly.

Alternatives/Implications:

Alternative 1: To deny the appeal and uphold the decision of the Development Officer.

Choosing this alternative would mean the appeal is refused, and the Development Permit would not be issued.

Alternative 2: To grant the appeal and refuse Development Permit PL2401034.

Choosing this alternative would mean that the appeal against the approval is granted, the Development Permit would be refused, and new plans submitted to conform to requirements.

Alternative 3: To table the appeal and request further information from Administration.

Choosing this alternative would postpone a decision on the appeal until additional information is provided.

Recommendation:

City Administration recommends that the SDAB deny the appeal and uphold the decision of the Development Officer in approving Development Permit PL2401034.

Jassa Sidhu
Planner I

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Reviewed by:	Gail Gibeau, Planning Team Lead.
Attachments:	Attachment #1 - Application Submission Package Attachment #2 - NOD & Conditions of Approval Attachment #3 - Notice of Approval / Appeal Period Attachment #4 - Application Timeline Attachment #5 - Additional Context Maps Attachment #6 - Applicable LUB Sections Attachment #7 - LUB Review & Circulation Comments