

SUBDIVISION AND DEVELOPMENT APPEAL BOARD A G E N D A

DATE: July 6, 2023
TIME: 6:30 p.m.
LOCATION: Council Chambers
3rd Floor, 315 Jespersen Avenue

1. Call to Order
2. Appeal Hearing - PLDPNR202300210

Appellant: Peace Lutheran Church represented by Edwin Huber

An appeal has been filed against the refusal of Development Permit PLDPNR202300210 for an accessory building (sea can) on the site of 303 Church Road (Plan 6442KS, Block 13, Lot 2). The Development Permit was refused on June 5, 2023.

3. Adjournment

City of Spruce Grove Subdivision and Development Appeal Board

Appeal Number: PLDPNR202300210

Appellant: Peace Lutheran Church represented by Edwin Huber

Civic Address	Legal Description
303 Church Road	Plan 6442KS, Block 13, Lot 2

Exhibit List

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EXHIBIT 1

DEVELOPMENT PERMIT No. PLDPNR202300210

TIMELINES

Development Permit Application Received	April 13, 2023
Development Permit Application Decision Issued	June 5, 2023
Development Permit Appeal Period Expiry Date	June 22, 2023
Notice of Appeal Received	June 15, 2023
Notice of Hearing Sent to Appellant	June 21, 2023
Notice of Hearing Sent to Adjacent Property Owners	June 21, 2023
Notice of Hearing Advertised in Newspaper	June 23, 2023
Subdivision and Development Appeal Board Hearing	July 6, 2023

EXHIBIT 2

Planning Application

project number	master project	type	status	date entered
PLDPNR202300210	MP2023001551	Development Permit - Non-Residential	Under Appeal	04/13/2023

primary contact	primary location
HUBER, EDWIN CLARENCE	303 CHURCH RD, SPRUCE GROVE, AB T7X 0G2

proposed use	number of lots
Institutional	

appeal deadline date	advised date	decision deadline	type of decision (dp only)
06/22/2023	MM/dd/yyyy	05/30/2023	Permitted

date submitted	expiration date	date closed	entered by
MM/dd/yyyy	MM/dd/yyyy	MM/dd/yyyy	Kimberley Bliss

comments
To locate an accessory building (sea can) onto the existing property

public notice summary

inspector notes	total estimated valuation
	\$0.00

I acknowledge that I have read and understood the Terms and Conditions as set out in the document provided in the link below. I am aware that by clicking the "Do you agree" button below, I am freely and voluntarily agreeing to those terms and conditions.

do you agree?

Type	Status	Status Date	Approval Track
Accessory Building / Structure	Under Appeal	06/20/2023	Administrative

Generate Fees and Submittals

Description	Type	Status	Property Alert	Primary	Display
303 CHURCH RD, SPRUCE GROVE, AB T7X 0G2	Address	Active	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6442KS;13;2	Property	Active	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Overlay District of City Center applies Architectural guidelines?

20' Standard Shipping Container



\$1 000 00

20' Standard Shipping Container



\$1 000 00

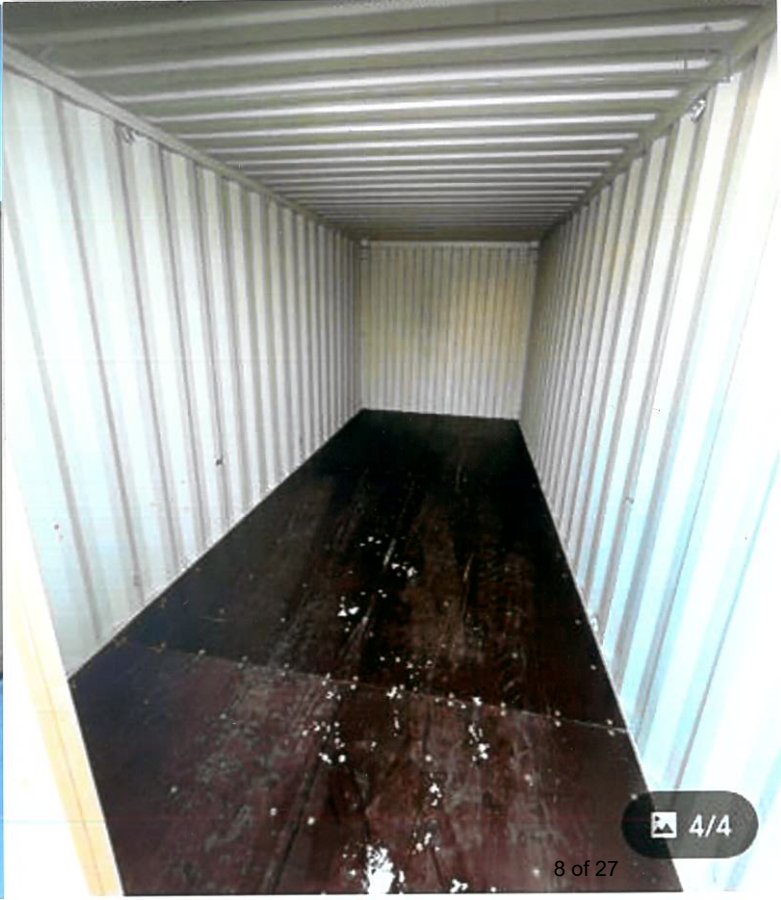


EXHIBIT 3



315 Jespersen Avenue
Spruce Grove, AB T7X 3E8

Phone: (780) 962-7582
Fax: (780) 962-1062

Business Hours
8:30 a.m. - 4:30 p.m. (Mon - Fri)

Notice of Application Refusal

Application: **PLDPNR202300210**

Date: June 05, 2023

HUBER, EDWIN CLARENCE

Project Information

Civic Address: 303 CHURCH RD, SPRUCE GROVE, AB T7X 0G2;

Legal: 6442KS;13;2

Project: To locate an accessory building (sea can) onto the existing property

The following are the findings of the Development Officer for the refusal of the development permit application for an accessory building (sea can) on the site of 303 Church Road.

1. A development officer shall approve, with or without conditions, an application for a Permitted Use where the proposed development conforms to the Land Use Bylaw C-824-12.
2. The proposed development does not conform to Land Use Bylaw C-824-12.
3. The property at 303 Church Road is located within the PS - Public Service Institutional District where Accessory Buildings are a Permitted Use.
4. The property at 303 Church Road is also located within the OCC - Overlay City Center District where Section 30 Design and Appearance of Buildings shall apply.
5. Section 30 (5) indicates that regulations on design and appearance shall apply to all new buildings on lands districted PS-Public Service Institutional District within the City Centre Overlay Area.
6. The existing Accessory Building (sea can) is of a metal cladding.
7. Section 30 (5) (b) states Building facades and exterior design shall adhere to the following:
 - (i) Architectural features shall be used to differentiate Building faces while allowing that each face remains architecturally compatible with an adjacent building by use of similar and complementary forms, materials, and scale.
 - (ii) A Building wall visible from an adjacent Alley and/or onsite parking area shall be designed to improve the rear Building aesthetic.
 - (iii) All blank walls of a Building shall be treated with cladding complementary to the overall Building, to add interest and texture of the wall and building, or with mural artwork where appropriate.
 - (iv) Brick natural wood, wood composites, stucco, or glass shall be used for a Building as its fundamental cladding with these materials being compatible and complementary to adjacent Buildings.
 - (v) Vinyl siding shall not be used as a cladding material.

The application for development permit is refused for the following reasons:

1. The existing Sea Can is comprised of a metal material which does not meet Section 30 (5) (b) (iv) of the Land Use Bylaw C-824-12. "Brick natural wood, wood

composites, stucco, or glass shall be used for a Building as its fundamental cladding with these materials being compatible and complementary to adjacent Buildings”.

2. The design and appearance of the accessory building (sea can) is not architecturally compatible with the existing building on the site and the buildings on adjacent sites in that it does not complement the site as required under Section 30 (5) (b) of the Land Use Bylaw C-824-12. The accessory building (sea can) has more of an industrial look.

3. The exterior of the accessory building (sea can) being metal has not been treated with an acceptable cladding to complement the overall interest and texture of the building.

Karen Majeau
Development Officer



Signature

APPEAL PERIOD EXPIRY DATE: June 22, 2023

Important Notices

If you wish to appeal the decision of the Development Officer, you may do so by completing a form available from the:

City of Spruce Grove
Planning and Development Department, Office Location
414 King Street Spruce Grove, Alberta

Or

On the City's website at <https://www.sprucegrove.org/services/building-and-development-permits/development-permits/>

The completed form along with the appeal fee can be submitted in the following manner

Mailing:

City of Spruce Grove
Planning and Development Department
315 Jespersen Avenue
Spruce Grove, Alberta T7X 3E8

In Person:

City of Spruce Grove
Planning and Development Department
414 King Street
Spruce Grove, Alberta

Email: planningsupport@sprucegrove.org

The request for appeal shall be submitted within the appeal expiry date.

EXHIBIT 4



315 Jespersen Ave, Spruce Grove, AB

Phone: 780-962-2611

M-F: 8:30 a.m. – 4:30 p.m.

NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development or Subdivision Application No.: PLDPNR202300210	Appeal of the <input type="radio"/> Approval <input type="radio"/> Conditional approval <input checked="" type="radio"/> Refusal	<input type="checkbox"/> Representing group <input type="checkbox"/> List of names attached
Stop Order Dated: _____		

APPELLANT – REQUIRED			
Appellant Name: PEACE LUTHERAN CHURCH	Home Phone No.:	Work Phone No.: 780 962 2180	
Mailing address: 303 CHURCH ROAD	City: S.G.	Province: AB	Postal Code: T7X 0G2
Signature: <i>[Handwritten Signature]</i>	Date: JUNE 15/23		
Email:			

APPELLANT'S REPRESENTATIVE			
Appellant Name: KARIN NURBA	Home Phone No.:	Work Phone No.:	
Mailing address:	City:	Province:	Postal Code:
Email:			

ADDRESS OF SUBJECT SITE – REQUIRED		
Suite:	Street Address: 303	Street Name: CHURCH ROAD
Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian 11-2 1 13 16442RS 1		

REASON FOR APPEAL - REQUIRED
WAS NOT GIVEN PROPER INFORMATION DO NOT AGREE WITH REQUIREMENTS

OFFICE USE ONLY		
Appeal Period Expiry Date: June 22, 2023	Date Appeal Received: June 15, 2023	Receipt No.: 2037958

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer an appeal to the Subdivision and Development Appeal Board. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.

EXHIBIT 5

June 21, 2023

«Owner_Name»
«Owner_Name2»
«Owner_Addr1»
«Owner_Addr2»
«Owner_City», «Owner_Prov» «Owner_Postal_Code»
«AddressBlock»

Dear Property Owner:

**RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Permit PLDPNR202300210, Plan 6442KS, Block 13 Lot 2**

An appeal has been filed against the refusal of Development Permit PLDPNR202300210 for an accessory building (sea can) on the site of 303 Church Road (Plan 6442KS, Block 13, Lot 2). The Development Permit was refused on June 5, 2023.

The Subdivision and Development Appeal Board (SDAB) will hold an appeal hearing as follows:

DATE: Thursday, July 06, 2023
TIME: 6:30 p.m.
**LOCATION: Council Chambers, Third Floor, City Hall
315 Jespersen Avenue, Spruce Grove**

When an appeal is filed with the SDAB, all persons who own property within 30 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, and the person(s) who filed the appeal will also receive a copy of this letter.

Persons mentioned above and affected by this development have the right to submit a verbal or written submission to the Board. When making a submission, keep in mind that in accordance with the legislation that governs the SDAB, the SDAB can only consider relevant planning matters when rendering its decision.

If you wish to submit written material to the SDAB for inclusion in the hearing agenda package, it should be received by the City Clerk by **Thursday, June 29, 2023, at 12 noon** by email at cityclerk@sprucegrove.org, or by mail at SDAB Clerk, 315 Jespersen Avenue, Spruce Grove, AB, T7X 3E8. Visuals such as PowerPoint presentations, photos, or graphics are considered to be written submissions. If you are unable to meet this submission deadline, please bring 10 copies of the materials to the hearing and it will be distributed at the start of the hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on SDAB procedures and how to make presentations to the SDAB. Please feel free to contact me should you have any questions.

Yours truly,

Jennifer Maskoske
Clerk, Subdivision and Development Appeal Board
Email: cityclerk@sprucegrove.org
Phone: 780-962-7634 Ext. 227

EXHIBIT 6

CONFIDENTIAL PAGE REMOVED

This information has been removed as per section 17 of the *Freedom of Information and Protection of Privacy Act*.

EXHIBIT 7

303 Church Rd

Site Plan



Scale: 1:1,500

EXHIBIT 8

EXHIBIT 9



File No: 6442KS-13-2	Subject: An appeal against the refusal of an existing Accessory Building (sea can) at 303 Church Road. (Plan 6442KS, Block 13, Lot 2)
Date of Report: June 23, 2023	
Date of Meeting: July 6, 2023	

The following is a summary of information relevant to the application:

Development Permit: PLDPNR202300210

Date of Decision: June 5, 2023

Date Appeal Received: June 15, 2023)

Relevant Sections of the Land Use Bylaw:

- Section 7 – Definitions
- Section 13 – Decisions on Development Permits
- Section 30 – Design and Appearance of Buildings
- Section 53 – Accessory Buildings

Land Use District: **PS** – Public Service Residential
OCC – Overlay City Center

Proposed Use: Accessory Building

Legal Address: Plan 6442KS, Block 13, Lot 2

I. BACKGROUND INFORMATION

April 13, 2023 – The applicant, Edwin Clarence Huber., submitted a development permit application for an existing accessory building (sea can).

June 5, 2023 – The Development Officer refused the application for the existing accessory building under Development Permit PLDPNR202300210.

June 15, 2023 – An appeal against the decision of Development Permit application PLDPNR202300210 was received.

II. LAND USE BYLAW C-824-12

Part 2 – Interpretations and Definitions

Accessory Building

A Building separate from and subordinate to the Principal Building and the Use of which is incidental to the Use of the Principal Building. An Accessory Building is located on the same Site as the Principal Building, but they are not attached by a roof and floor or Foundation.

Part 4 – Administrative Clauses

Section 13 Decisions on Development Permits

(1) A complete application for a Development Permit shall be considered by the Development Officer who shall:

- (a) Approve, with or without conditions, an application for a Permitted Use where the proposed Development conforms to this Bylaw.

Part 6– General Regulations

Section 30 (5): Design and Appearance of Buildings

The following regulations on design and appearance shall apply to all new Buildings on lands districted PS Public Service Institutional District within the City Centre Overlay Area as depicted on the Land Use Map Schedule A.

(a) Sites and Buildings shall contribute to a high-quality urban form by:

- (i) Front and Side Yard Setbacks may be varied at the discretion of the Development Officer where providing space for pedestrian access or an outdoor public space such as a small courtyard or patio.

- (ii) Building's entrance shall be provided that face the Street-front and be a clearly identifiable feature, universally accessible and utilize architectural elements such as paving materials, lighting, signage, awnings, and canopies.

- (iii) Buildings shall be accentuated to address Street-fronts at the corners of prominent Street intersections by use of building massing and architectural features.

- (iv) Roof line variation shall be encouraged.

- (v) Vehicular access to parking areas shall be from an alley, and where no alley exists access may be from an adjacent Street on the side that would best limit potential pedestrian conflicts.

- (vi) Loading and waste storage areas shall be located at the rear of Buildings and shall be screened from view.

(b) Building facades and exterior design shall adhere to the following:

- (i) Architectural features shall be used to differentiate Building faces while allowing that each face remains architecturally compatible with an adjacent Building by use of similar and complementary forms, materials, and scale.

- (ii) A Building wall visible from an adjacent Alley and/or on-site parking area shall be designed to improve the rear Building aesthetic.

- (iii) All blank walls of a Building shall be treated with cladding complementary to the overall Building, to add interest and texture of the wall and building, or with mural artwork where appropriate. 26 of 27

(iv) Brick, natural wood, wood composites, stucco, or glass shall be used for a Building as its fundamental cladding with these materials being compatible and complementary to adjacent Buildings.

(v) Vinyl siding shall not be used as a cladding material.

III. STAFF COMMENTS

The following are the findings of the Development Officer for the refusal of the development permit application for an existing accessory building (sea can) on the site of 303 Church Road.

1. The property at 303 Church Road is located within the PS – Public Service Institutional District that is within the OCC - City Center Overlay District.
2. An Accessory Building is a Permitted Use in the PS District.
3. A Development Officer shall approve, with or without conditions, an application for a Permitted Use where the proposed development conforms to the Land Use Bylaw C-824-12.
4. The proposed development does not conform to Section 30 (5) of the Land Use Bylaw C-824-12.
5. Section 30 (5) of the Land Use Bylaw indicates regulations on design and appearance shall apply to all new buildings on land districted PS – Public Service Institutional District within the City Center Overlay Area.
6. Section 30 (5) states; building facades and exterior design shall adhere to the following:
 - i. Architectural features shall be used to differentiate Building faces while allowing that each face remains architecturally compatible with an adjacent building by use of similar and complementary forms, materials, and scale.
 - ii. A Building Wall visible from an adjacent Alley and/or onsite parking area shall be designed to improve the rear Building aesthetic.
 - iii. All blank walls of a Building shall be treated with cladding complementary to the overall Building, to add interest and texture of the wall and building, or with mural artwork where appropriate.
 - iv. Brick natural wood, wood composites, stucco, or glass shall be used for a Building as its fundamental cladding with these materials being compatible and complementary to adjacent Buildings.
 - v. Vinyl siding shall not be used as a cladding material.
7. The existing Accessory Building (sea can) is of metal cladding.

The application for the accessory building (sea can) was refused for the following reasons:

1. The accessory building (sea can) is comprised of a metal material which does not meet Section 30 (5) (b) (iv) of the Land Use Bylaw. “Brick natural wood, wood composites, stucco, or glass shall be used for a Building as its fundamental cladding with these materials being compatible and complementary to adjacent Buildings”
2. The design and appearance of the accessory building (sea can) is not architecturally compatible with the existing building on the site and the buildings on adjacent sites in that it does not complement the site as required under Section 30 (5) (b) of the Land Use Bylaw. The accessory building (sea can) has more of an industrial look.
3. The exterior of the accessory building (sea can) being metal has not been treated with an acceptable cladding to complement the overall interest and texture of the building.