



SUBDIVISION AND DEVELOPMENT APPEAL BOARD TOWN OF STONY PLAIN

Legislative Services, Town of Stony Plain
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HEARING DATE: November 3, 2022
DEVELOPMENT PERMIT: 2022-D0117

INTRODUCTION

The Development Officer of the Town of Stony Plain conditionally approved a development permit application made by Nostos Restorations Ltd. (the “Applicant”) for a relaxation to the required visitor parking in a multi-unit dwelling reducing it from one stall to zero on-site visitor parking stalls.

The subject property is located at 4806 52 Avenue, Plan 4180R, Block 9, Lot 4 in the Town of Stony Plain.

1. Shannon Hawkey (the “Appellant”) appealed the issuance of the conditionally approved development permit 2022-D0117 on October 6, 2022.
2. The Subdivision and Development Appeal Board (the “SDAB”) heard the appeal on November 3, 2022.

PRELIMINARY MATTERS

A. Board Members

At the start of the hearing, the Chair of the SDAB asked if anyone in attendance had any objections or concerns related to the agenda or hearing process. The Chair also asked whether anyone would like to request a postponement of the hearing. No one came forward.

The Chair of the SDAB asked if anyone had an objection to the panel hearing the appeal. The Appellant and the Applicant both affirmed they had no objections.

B. Exhibits

The SDAB marked the exhibits as set out at the end of this decision letter.

C. Miscellaneous

The appeal was filed in time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c. M-26.

At the end of the hearing the Chair of the SDAB asked the Appellant and the Applicant if they felt they had an adequate opportunity to present their information. The Appellant and the Applicant affirmed that they had.

The Chair of the SDAB adjourned the Public Hearing for Development Permit 2022-D0117 at 6:56 p.m. and advised that the Board has 15 days to make a decision. The Decision will be prepared in the form of a letter on behalf of the SDAB by the SDAB Clerk.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The SDAB denies the appeal and upholds Development Permit 2022-D0117 with the following variance:

- I. Relaxation to the required visitor parking in a multi-unit dwelling, reducing it from one stall to zero on-site visitor parking stalls.

SUMMARY OF HEARING

The following is a summary of the oral and written evidence submitted to the SDAB. At the beginning of the hearing, the SDAB Members affirmed that they had reviewed all the written submissions filed in advance of the hearing, not visited the site, not been in contact with anyone affected by this appeal and were not aware of any reason that they should be excused.

Development Authority Presentation

Summary:

The Development Authority provided the SDAB with a written submission which is contained in the agenda.

Nostos Restorations Ltd. submitted an application to construct a multi-unit dwelling development containing five dwelling units to be located at 4806 52 Avenue.

Multi-unit dwelling is a permitted use within the Land Use Bylaw 2654/LUO/22. Section 2.12.0. C3 – Central Mixed Use District. The proposed development meets all regulations of the Land Use Bylaw, except for the provision of one visitor parking stall.

Development Permit 2022-D0117 was conditionally approved with a variance to the visitor parking regulations by the Development Authority on September 15, 2022.

The decision of the Development Authority to vary the required visitor parking has been appealed.

Relevant Planning Documents:

Uniquely Stony Plain Municipal Development Plan 2020
Old Town Community Plan
Land Use Bylaw 2654/LUO/22

Relevant Land Use Bylaw 2654/LUO/22 Sections:

Section 1.2.0.0 Powers and Duties of the Development Authority
Section 2.12.0. C3 – Central Mixed Use District
Section 4.1.1. General Parking Regulations
Table 4.1.1.a. Off-Street Parking Requirements for Residential Uses
Section 6.1.0. Definition - Multi-unit Dwelling

Relevant Background Information:

The Town of Stony Plain received a Development Permit Application on May 27, 2022, for the development of a multi-unit residential building including:

- Five dwelling units, three above grade and two below grade;
- Parking area, including five parking stalls with rear lane access;
- Decks for those dwellings above grade;
- Waste facilities;
- Lighting within the parking area; and,
- Landscaped areas.

The subject property is a serviced lot in the area typically known as Old Town. The existing structures will be demolished to accommodate the new development.

Review of the Development Permit:

Upon review of Development Permit 2022-D0117, the Development Authority found:

- The proposed development is a medium density infill development within the C3 District.
- The proposed development meets the intent of the Municipal Development Plan and the Old Town Community Plan, which promotes densification of residential uses in the subject area.
- Multi-unit dwelling is a permitted use within the C3 District.
- The proposed development meets the regulations of the C3 District regarding building height, setbacks, and site coverage.
- The proposed development provides on-site waste facilities, landscaping, access, and drive aisle in accordance with the Land Use Bylaw.
- The proposed development meets the minimum parking requirements of one parking stall per dwelling unit within the C3 District for residential uses.
- The Land Use Bylaw requires one visitor parking stall per 10 dwelling units in a multi-unit residential development. As such, 0.5 visitor spaces are required. In this case, the Land Use Bylaw requires that we round up.
- The site plan does not provide a visitor parking stall on site.

Rationale for Decision:

The Development Authority determined that the variance to the required visitor parking stall was a reasonable deviation from the Land Use Bylaw 2654/LUO/22 Part 4 Table 4.1.1.a. – Visitor parking in a multi-unit dwelling for the following reasons:

- The proposed development meets the parking requirements for the number of dwelling units;
- There is on-street parking available;
- There are public parking lots available at the following locations:
 - 4905 52 Avenue
 - 4914 51 Avenue
 - 4905 51 Avenue
- Reduced parking within the C3 District is generally supported within the Land Use Bylaw.

Conclusion:

The Development Authority deemed that the variance to the visitor parking requirements was a reasonable deviation from the Land Use Bylaw regulations. There is plenty of on-street parking available in the area, as well as public parking lots in proximity to the site.

Exhibits:

Exhibit A: Development Permit 2022-D0117

Exhibit B: Context Map

Response to Questions from the Board:

In response to questions from the Board, Catherine Kozyra, Development Officer:

- Provided information regarding Sections 4.1.1 – General Parking Regulations and 4.1.1.a – Off-street Parking Requirements for Residential Uses from Land Use Bylaw 2654/LUO/22.
- Stated that the proposed multi-unit dwelling is proposed to have three upper units (two bedrooms each) and two lower units (one-bedroom each). Eight bedrooms in total.
- Provided the definition of the C3 Central Mixed Use District stated in Section 2.12.0 of Land Use Bylaw 2654/LUO/22.
- Stated the distances to the three public parking lots located in proximity to the subject property were not calculated.

The Appellant's Presentation:

The Appellant, Shannon Hawkey, provided:

1. There have been four parking spots taken away on the north side of 52 Avenue with the adjustment to the intersection of 52 Avenue and 48 Street.
2. There is also no parking on the south side 52 Avenue in front of the Thrift store.
3. One parking spot is not just one parking spot. There are eight bedrooms proposed in this multi-unit Dwelling and there are multiple bedrooms in some of the units. Potentially the upper units could have 2 or more people residing in them, who each could own vehicles.

4. The Town of Stony Plain should stand by the Bylaw that is already in place.
5. The Appellant measured the parking spots from the back alley and there is no way that 5 cars will fit in the proposed area.
6. Previous to this Hearing, the SDAB Clerk provided the plans for the subject property, and easements show zero lot lines.
7. The neighboring property's fence will have to be moved, which the Owner was not aware of.
8. The development proposes a fire hazard.
9. This is not wanted in the downtown core. People come to Old Stony for the character of it. The continuance of these multi-unit development change the feel of the area.
10. No one consulted the residents and stated that it feels like the bylaws keep changing to suit the agenda of the Town. The Appellant would like to speak out to this and that is why the Appellant attended tonight.

Response to Questions from the Board:

The Development Officer shared that the subject property was not a Zero Lot line development. The requirements of the C3 Central Mixed Use District have been met.

Speaking in Favour of the Appeal:

The following were present to speak in favor of the appeal:

- Jayne Cromie, resident on 53 Avenue backing onto the subject property
- Maureen Hollands, owner of the property at 4808 52 Avenue
- Allan Bordeleau, resident at 4812 52 Avenue

The Applicant's Presentation:

Byron Mosher, Owner Nostos Restorations Ltd., and the Applicant of the Development Permit shared:

1. This was meant to be a family project and the vision is to build an attractive, comfortable, and affordable project that anyone would be proud to come home to.
2. This area is one of the most walkable residential areas in Stony Plain and the downtown core offers attractive amenities, with shopping, businesses, banking, and churches. The hope was to increase access to these amenities.
3. A goal is to revitalize the area with homes that are efficient and that would be an asset to the area.
4. Rental development does tend to have a reputation and the goal is to set a different example with this development.

Response to Questions from the Board:

In response to questions from the SDAB, the Applicant shared that the parking requirements were considered and taken into account. A thought would be to offer reduced rent for those who work from home or do not have vehicles. When the application was submitted for development a consideration to different things; waste disposal area, the deck space, and could not fit in a sixth stall. A front setback variance would then have to be considered to the development.

Speaking in Favour of the Applicant:

Lyle Mosher, owner of the subject property was present to speak in favor of the Applicant's development permit.

EVIDENCE

Evidence presented to the SDAB and related to the SDAB hearing can be found in the SDAB Agenda Package dated November 3, 2022 and through the Town of Stony Plain's YouTube Channel. All evidence is retained as per the Town's retention schedule.

FINDING OF FACT

1. The proposed multi-unit dwelling requires one visitor parking spot per 10 units.
2. Land Use Bylaw 2654/LUO/22 does allow for a variance to the required visitor parking.
3. On-street parking along 52 Avenue has been reduced with the addition of no parking signs adjacent to 48 Street (Highway 779).
4. There are three designated public parking lots located near the subject property with the closest public parking lot approximately 110m from the subject property.
5. With the map provided at the Hearing, additional on-street parking is available including along 49 Street, 52 Avenue and 53 Avenue.
6. The subject property meets all the requirements located in a C3 Central Mixed Use District.
7. It was stated by the Development Authority that reduced parking is supported under Section 4.1.1 of Land Use Bylaw 2654/LUO/22.
8. The proposed development meets the intent of the Municipal Development Plan and the Old Town Community Plan, which promotes densification of residential uses in the subject area.

REASON FOR DECISION

The Board is of the opinion:

- Land Use Bylaw 2654/LUO/22 does allow for a variance to be made under Part 4 Table 4.1.1.a.
- Three public parking lots and on-street parking are available in proximity to the subject property.
- The variance approved by the Development Authority is reasonable to achieve the intent of the Uniquely Stony Plain Municipal Development Plan 2020 and the Old Town Community Plan which promote densification of residential uses in the subject area.

This decision was issued on this 3rd day of November 2022 for the Town of Stony Plain Subdivision and Development Appeal Board.



Justin Laurie, Chair
Subdivision and Development Appeal Board

APPENDIX A:
REPRESENTATIONS

PERSONS APPEARING

1. Cathy Kozyra, Development Officer
2. Shannon Hawkey, Appellant
3. Byron Mosher, Applicant
4. Jayne Cromie
5. Maureen Hollands
6. Al Bordeleau
7. Lyle Mosher

APPENDIX B:
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB

	Description	Date	Pages
1.	SDAB Agenda Package	October 31, 2022	1 - 42
2.	Written Submission by the Development Authority	October 31, 2022	10 - 13
3.	Exhibit A: Development Permit 2022 -D0117 Decision	September 15, 2022	14 - 21
4.	Exhibit B: Context Map	October 24, 2022	22 - 23
5.	Notification Letter of Conditional Approval of Development Permit 2022-D0117	September 15, 2022	24 - 27
6.	Notice of Appeal	October 6, 2022	30 - 31
7.	Website Advertisement of Conditional Approval of Development Permit 2022-D0117	September 15, 2022	32 - 33
8.	Notice of Subdivision & Development Appeal Board Hearing	October 12, 2022	34 – 35
9.	Newspaper Advertisement for Notice of Subdivision & Development Appeal Board Hearing	October 21 & 24, 2022	38 – 39
10.	Submissions Received	October 24, 2022	40 – 41
11.	Exhibit C: Jayne Cromie Written Submissions	November 3, 2022	Provided at the Hearing
12.	Exhibit D: Scott and Shelly Fuhr Written Submission	November 3, 2022	Provided at the Hearing
13.	Exhibit E: Sylvia and Dean Schlichenmayer	November 3, 2022	Provided at the Hearing