



SEVENTY TWO DEVELOPMENTS

5737 - 43 Avenue
St. Paul, Alberta T0A 3A1
Business No.: 866213853RT0001

Robert Langevin
780 614-9666
rlangevin72@yahoo.ca

Pierre Langevin
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plangevin72@yahoo.ca

More information for appeal to SDAB March 18, 2020 for development permit #004-20. 5749-43 Avenue, St. Paul, AB. (Lot 13, Block 1, Plan 0424238) We would like to keep the variance at 38'.

1) Please note the original complaint was from Troy Tilley and he is now one of the majority of home owners who support the 38' variance. Page 79-80 of 211

2) On February 5 instructions sent by the MPC to solicit support from all owners on the "back 9 subdivision". This was done and 92% of owners' support and/or are not affected in any way. As noted in page 49 of 211

3) In the email received by the Town of St. Paul on February 10th from Emily Labrie. It states that "We do have concerns, but not because the house affects us." Our stance is that they support/are not affected with the house, and mostly they are upset with the process of the Town of St. Paul. As noted in page 54 of 211

Also as noted on page 67 & 68 of 211, -- Met with Kevin Labrie to fill out the survey that the Town of St. Paul requested to be brought to all homeowners in sub-division. Note survey that "does not affect me". Have never been in contact with Emily Labrie.

4) As noted in page 51 of 211. In the email received by the Town of St. Paul on February 12th from Glen & Gisele Hall. They mention the curb appeal will be affected. Our position is that removing 3' of the top peak is only 1.5 % of the roof, this will not visually change the curb appeal in any way.

Please note in the following pictures in this package, curb appeal does not change.

Also please note the pictures from page 24-27 of 211 showing that the roof in question is not visible from Glen's front yard, side yard and back yard.

Please note from page 119 of 211 the encroachment of Glen Hall's concrete curbs onto Joleen's property of 9" over the property line. Also note picture in this package showing no landscaping done at this point. You can see the concrete curb, we need minimum 1 foot of fill just to be level with their height. Plus we should add a slop towards Joleen's home to follow building code. Therefore total height of house is only 36 - 36.5 feet not 38 feet as stated by the town of St. Paul.

5) Picture submitted On March 5 by Town of St. Paul, supports our position that the roof in question does not affect the overall look of subdivision, as it's not even visible. Lowering roof line will have no effect. As noted in page 8 of 211.

Also pictures submitted by Town of St. Paul on February 3 clearly show how lowering the roof will not affect the overall look of the house/subdivision. As noted on page 101 of 211 the before and after renderings of pictures.

6) 3 letters were sent from Town of St. Paul advising us that continuing to build is at our own financial risk.

First letter sent Jan. 29 (not working)

Second letter sent Feb. 13 (not working)

Third letter sent March 5, all construction at the home was stopped, including staff and sub-trades from January 27 until February 21 and did not resume until after the decision was made on February 18 to increase variance to 35'. At that time it was clearly determined that only the roof was in question.

Work started again, it was noted that in no way should anybody be allowed to work in the affected area.

7) As noted in the SDAB 2015 manual revised edition: any previous and future variance allowed does not set precedent.

8) As noted in page 3 of 71 of the Town of St. Paul Development Authority Report. A large error on measurement is submitted. The Town notes that we are 37' 11 and 5/8" too high.

This is incorrect as in the report from Pals Geomatics Corp.'s Memorandum dated January 29, 2020, (page 116 of 211) identifies the height of the house from the garage slab to the top of the roof as 11.572 metres (37 feet and 11 5/8 inches). The final grade elevation around the house could not be determined at the time of the Memorandum.

Also note that on page 14 of 71 show how the Town of St. Paul should measure the established grade of the building. Measurements should be taken from front and back of house. (the main building --- not attached garage.) This was not followed and a large error was presented to 25 neighboring property owners, on Facebook, front door of Town Office, 2 St. Paul Journal advertisements. It is our position that the correct number is substantially lower, and may have cause the neighbors to overreact. We had submitted a landscaping plan that showed a significant lower number. The Town's claim that we are 15% (5 feet) too high is exaggeration of up to 40% too much. Should be only 3 to 3.5 feet to high.

Final grade needs to be built up to achieve an even transition from one property to the next. While also draining water away from the house as per building code and towards the street.

9) Consider the environmental damage of removing the entire roof only to build a new roof to correct 1.5% in dispute. With no noticeable change in curb appeal or size of house.

10) Please note on page 12 of 211 that the development plan was to have the option to be a two story house. Of course it will look larger than the neighbor, this was the intent of the subdivision plan. Once again we would like to note that the size of the house will not change. The overall look and curb appeal will not change. This is a very large two story house with the size being within the property line setbacks. The offended neighbors has a misconception that we will reduce the size and look of the house. The other

24 neighbors realize that we are only talking about the 3' peak area. Please refer to the last page of this package for visual. Also remember 92% of owners agree, there is no factual proof of "bad curb appeal".

11) Our position is that this house carries an usual circumstance in that when you look at the roof line, it's built in such a way that the peak of the roof is so far back and your sightline from the sidewalk/road is at such an angle as to nobody being able to notice a variance on the house. Please see last page of this package again. See again page 101 of 211 the before and after pictures.

12) Documents presented by Town of St. Paul "development authority report"

Case 1....Harvie V. Calgary Regional Planning Commission

-- Harvie granted a land development on ¼ section August 1977

--Neighbor came to development permit meeting and wasn't allowed to speak

--Final decision was development not approved because neighbor wasn't allowed to speak

Case 2....Parkland County no 31 V. Alberta Planning Board

-- Parkland county adopted land use by-laws

-- On December 18, 1980 a land development in the Parkland County for 50 residential lots was approved by Provincial Planning Board

-- Parkland County appealed the decision because they have direct control of land use

-- Appeal was allowed December 15, 1982

1) Both of these examples are of land development, not construction of a home.

2) Both of these examples are not about an application for a height variance.

3) All neighbors have chance to be heard, we have 92% approval

4) SDAB 2015 Manual -- variance does not set a precedent



TOWN OF ST. PAUL

JAN 17 2020

RECEIVED

Town of St. Paul

Box 1480 (2nd floor, 5101-50 Street)

St. Paul, AB T0A 3A0 Phone:

780-645-4481 Fax: 780-645-5076

www.town.stpaul.ab.ca

COMPLAINT FORM

NATURE OF COMPLAINT (check all areas that may be applicable)

☒ Development Permit
 ☐ Building Permit
 ☐ Electrical Permit
 ☐ Plumbing Permit
 ☐ Gas Permit
 ☐ PSDS (Sewage) Permit

Is this an urgent complaint regarding private property (that is an immediate health and safety concern)?

☒ Yes

 ☐ No

YOUR CONTACT INFORMATION

Please note that your personal information will remain confidential unless required for court purposes.

Name: [REDACTED]

Phone: [REDACTED] Address: [REDACTED]

City/Prov. [REDACTED] Postal Code: [REDACTED]

Email address: [REDACTED] Signature: [REDACTED]

COMMENTS/ADDITIONAL DETAILS

This space is for your comments, further description of the violation and any other additional information which may be of assistance to our investigation/inspection. I am concerned that the garage of the adjacent house is closer than the minimum distance allotted. This poses a potential fire hazard to my dwelling. I am also concerned about the run off water from his house to my property. Another concern is the placement of his garage interferes with the entering and exiting of my garage. I am concerned that this house exceeds the height maximum allotted. Lastly I am concerned about the proposed shop/garage in his backyard.

ADDRESS/LOCATION OF COMPLAINT

To assist us in the processing of your complaint efficiently, the minimum information we require to be completed in this section is the address of the property for inspection/ investigation. Any additional information you can provide such as a first and/or last name of property owner is helpful but not essential.

Legal Description: Lot 13 Block 1 Plan 042 4238Subdivision Name (if applicable) or Area of Development Back Nine of Golf CourseStreet Address 5749-43 Ave Name of Owner Clint Sabatier

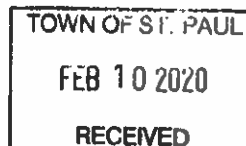
INTERNAL USE ONLY

Our File Number: _____ Roll Number: 2462

COMPLETED FORMS CAN BE RETURNED TO THE TOWN OF ST. PAUL'S PLANNING & DEVELOPMENT DEPARTMENT.

The personal information provided is being collected under the authority of the Municipal Government Act and will be used for the purposes under that Act. Information that you provide may be made public, subject to the provisions of the Freedom of Information and Protection of Privacy Act. Any questions regarding the collection, use or disposal of this information should be directed to Town of St. Paul.

February 5, 2020



Dear Neighbour:

Reference: Proposed Building Height Variance at 5749-43 Avenue (Lot 13, Block 1, Plan 0424238) Back Nine Subdivision, St. Paul.

As a landowner in the Back Nine Subdivision we are providing you with information about our proposed building height variance.

Our property, like yours, is zoned R1A Residential (Estate) District. This District allows a building height of 33 ft. We propose a building height of 38 ft. The additional height accommodates a raised foundation to mitigate storm water management issues, and a peaked roof. Site grading, before construction and after project completion is shown on Figure 1. Building elevations and the peaked roof are shown on Figure 2.

The Town of St. Paul requires that we notify adjacent area property owners of our proposed building height variance and that we document and provide your comments to them. We have provided a response sheet to help us gather your comments. The information you provide will be shared with the Town as part of the variance approval process. Please review Figure 1 and Figure 2, and then complete and return the response sheet provided.

Please indicate your response by checking (✓) the appropriate boxes and completing the information about yourself. In addition, please describe any concerns you may have.

My response to the proposed building height variance is:

☒ Support

☐ Non Support

☐ Doesn't Affect Me

My interest is best described as:

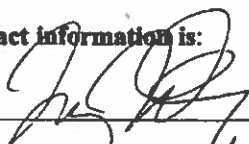
☐ Residential Property Owner

☐ Other _____

My contact information is:

Name:

Address:

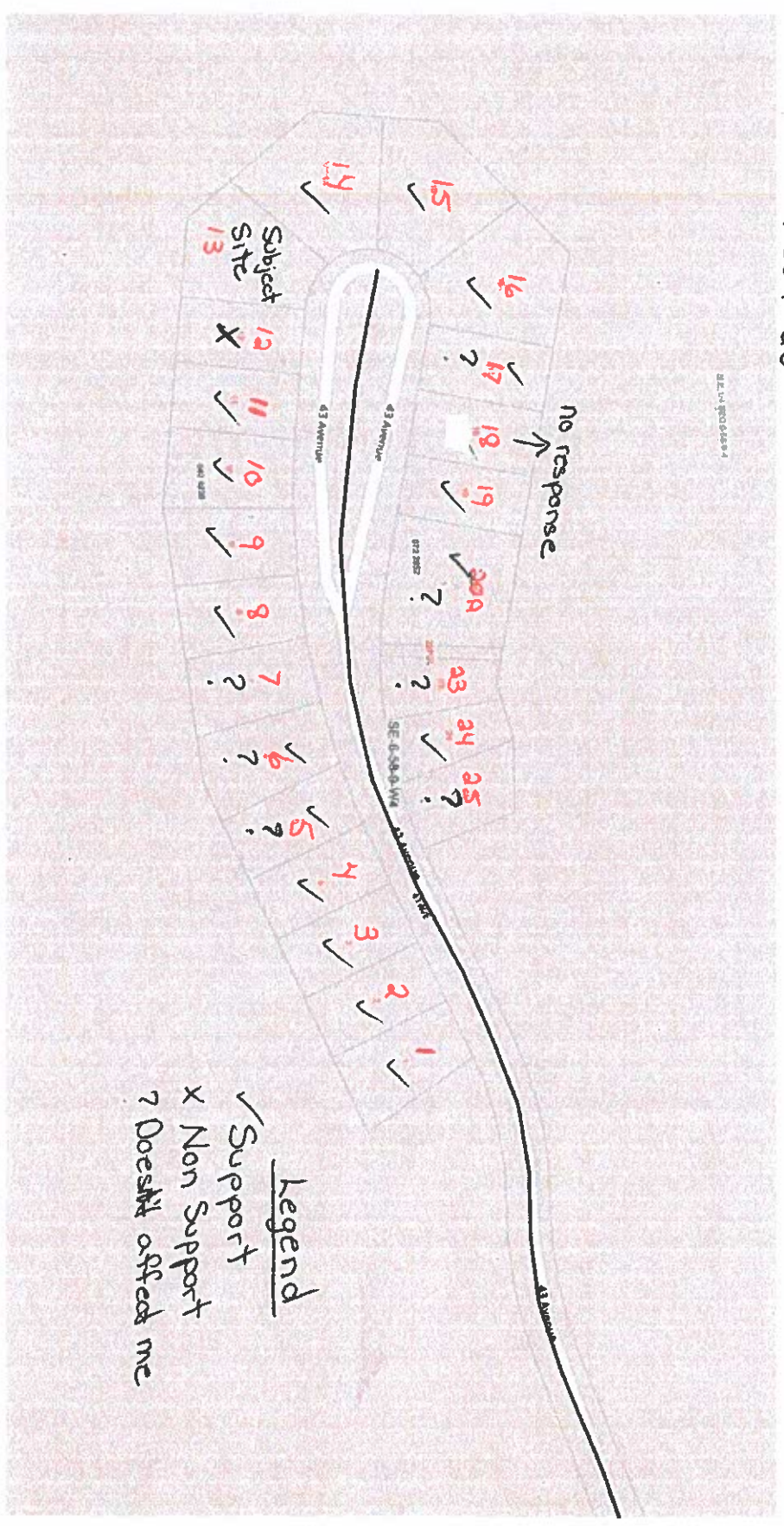


Troy Tilley

5753 43 Ave St. Paul Alberta



DP 004-20



From: [REDACTED]
To: Aline Brousseau "Town Hall"
Subject: A visitor has sent you a message
Date: Monday, February 10, 2020 8:15:11 PM

Hi Town of St. Paul,

A visitor has sent you a message.

[REDACTED] wrote: "To whom it may concern,

I am writing as a concerned resident of the "Back nine golf course" subdivision. There is a new house being constructed that is raising concerns within our neighborhood. I was put into an awkward position yesterday having been approached by the builder of the house, who also happens to be one of our neighbors. Having to answer an agreement questionnaire on whether or not the house is affecting us, whether we agree with the height, so on so forth really bothers me. [REDACTED]

[REDACTED] is our neighbor, we were put into a bad position. We do have concerns, but not because the house affects us but rather because someone did not do their job in the first place. There are building restrictions within this neighborhood, we obeyed by the rules when we built our house in 2004, why would this resident be able to bend the rules 15 years later. The fact that this house is 5 feet too high shows me that plans were not followed. Was this house not inspected at the framing stage? The inspectors did not do their job and they should be held accountable. This monstrous house looks ridiculous and really has changed the look of our neighborhood. Our taxes better not be going up because of the size of this house. This has proven to be unfair to the residents and unfortunately creates tension between neighbors, we were put into a circumstance where we felt like we needed to pick a side. The onus shouldn't be put on us. A sit down meeting would prove to be beneficial to truly be open and honest about how we feel, unfortunately some of the neighbors are not happy and I don't blame them."

Reply to this email to send a comment to [REDACTED]

This service has been provided by www.TownLife.com | COMMUNITY POWERED WEBSITES!

Hi Jim,

We fail to understand why it now becomes our responsibility to contact the contractor in regards to this matter since the violation is against the Town Building Codes. A 5 foot increase in the height of the dwelling is not a minor error, this should have been noticed in the building plans by the Town office when a building permit was requested and contractors must be aware of the building codes. It is unfortunate for the owners that this was not brought to their attention prior to the commencement of their new home being built however we should not have to just accept what is. This now affects the neighborhood as a whole. We believe it is the Town's responsibility to ensure this matter is dealt with appropriately for all parties involved.

On Wed, Feb 12, 2020 at 1:51 PM Jim Laidley <jlaidley@town.stpaul.ab.ca> wrote:

We are aware of the five (5') foot height variance.

You will want to contact the contractor as soon as possible to discuss this.

Thank you,

Jim Laidley

From: [REDACTED]
Sent: February-12-20 12:35 PM
To: Jim Laidley <jlaidley@town.stpaul.ab.ca>
Subject: Re: FOIP Form

Hi Jim,

Thanks for sending the survey. The new house construction exceeds Maximum height by almost 5 ft. if I am correct. We are certainly concerned about how this height changes the curb appeal for the neighborhood. Please keep us informed how the town intends to proceed with code enforcement ?

Thanks [REDACTED]

On Tue, Feb 11, 2020 at 4:22 PM Jim Laidley <jlaidley@town.stpaul.ab.ca> wrote:

(No Subject)

From: 7806149666@msg.telus.com

To: rlangevin77@yahoo.ca

Date: Wednesday, February 19, 2020 12:35 PM MST

Top Truss - Too High



Affected Area
can not see it



Can not see



can not see

can not see



You've received a Message from a TELUS phone.

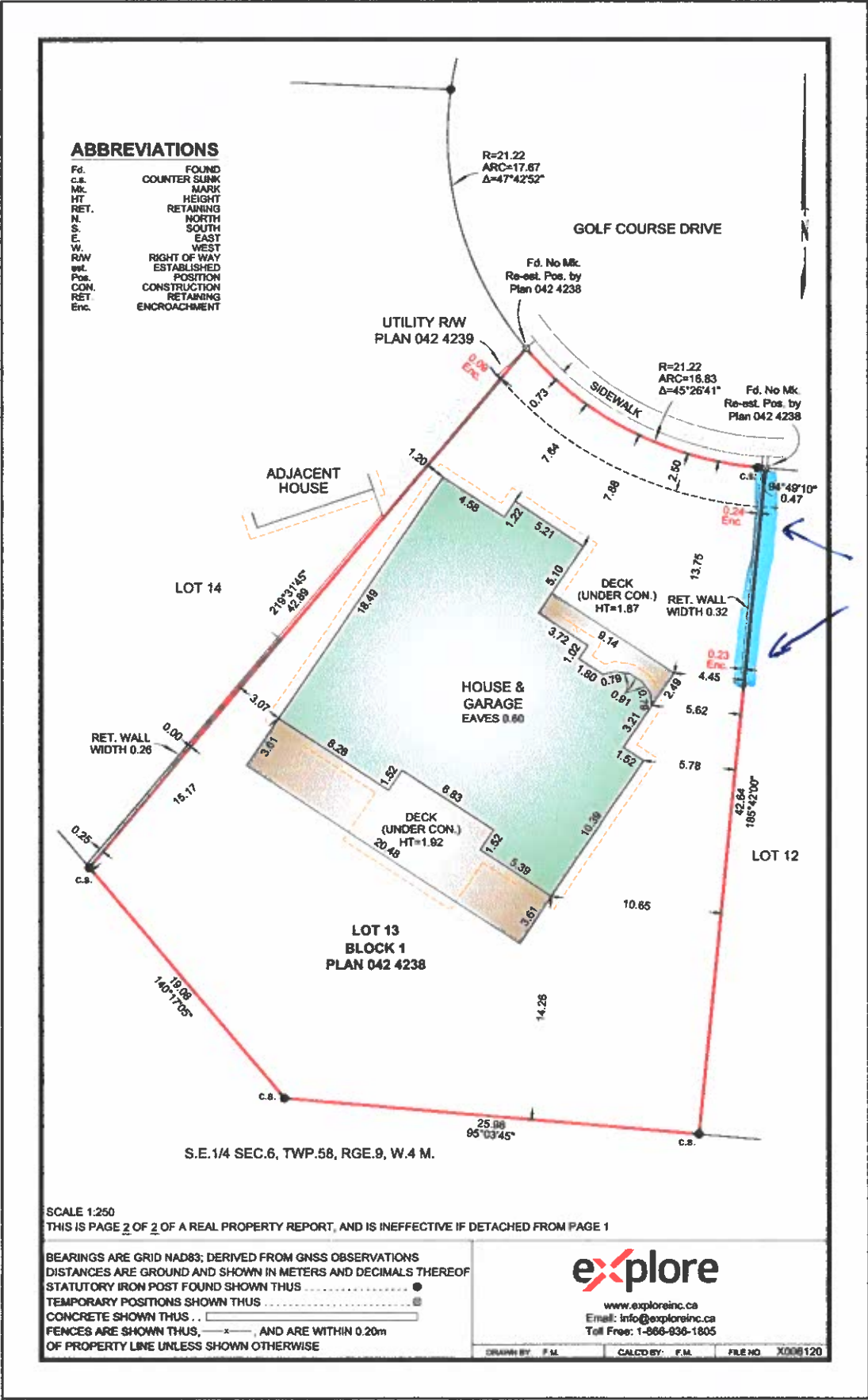
If you don't hear or see the file, [download the Quick Time player.](#)



Vous avez reçu un Message d'un téléphone TELUS.

Si vous ne voyez ni n'entendez le fichier, [veuillez télécharger QuickTime.](#)







Cannot see peak



Site Inspection Photos – Development Permit 004-20



View of Lot 13 (left) and Lot 14



View of Lot 13 (right) and Lot 12



View of new home build



Panaromic View of Lot 11-17 in the cul-dec-sac (not to scale)

Site Inspection Photos – Development Permit 004-20



View of Lot 13 (left) and Lot 14



View of Lot 13 (right) and Lot 12



View of new home build



Panaromic View of Lot 11-17 in the cul-dec-sac (not to scale)

Relevant Legislation / References

- **SCHEDULE A** – Excerpts from *Municipal Government Act* (MGA) RSA 2000 c. M-26, ss. 617, 642 and 687
- **SCHEDULE B** – Excerpts from Town of St. Paul Land Use Bylaw No. 1242
- **SCHEDULE C** – Excerpts from *Planning Law and Practice in Alberta*
- **SCHEDULE D** – Zoning Map
- **SCHEDULE E** – Chronology of Events
- **SCHEDULE F** – Original Design Guidelines for the Back 9 Subdivision
- **SCHEDULE G** – *Harvie v. Calgary (Regional Planning Commission)*, 1978 ALTASCAD 361
- **SCHEDULE H** – *Parkland (County No. 31) v. Alberta (Planning Board)*, 1982 ABCA 352

Letter of Appeal

The Secretary of the Subdivision and Development Appeal Board (SDAB) received one letter of appeal in regards to the approval of Development Permit Application 004-20 from Seventy Two Developments. In this regard, the Town has the following comments (not necessarily limited to the appeal letter):

Concerns:	Comments from Staff:
Building Height (Variance Request)	<p><u>Requested Variance</u></p> <p>The Appellant/Appellant is requesting a variance from the requirements of the Land Use Bylaw, which establishes a maximum building height of 33' for buildings in the Residential (Estate) District – R1A.</p> <p>Pals Geomatics Corp.'s Memorandum dated January 29, 2020, identifies the height of the house from the garage slab to the top of the roof as 11.572 metres (37 feet and 11 5/8 inches). The final grade elevation around the house could not be determined at the time of the Memorandum.</p> <p>The requested maximum building height of 38' is a 15% variance from the requirements of the Land Use Bylaw.</p> <p><u>Development Permit Application 044-18 and Building Permit</u></p> <p>Development Permit Application 044-19 identified a maximum building height of 30'. The Development Permit issued on August 28, 2019 by the Development Officer stated the maximum building height in Condition No. 8. "The maximum building height of the dwelling shall be 33'." When the Development Permit was issued, a copy was sent via email to both the Owner and the builder (Appellant/Applicant) notifying them that the permit had been issued. The first two sentences in this email states: "Please see attached for your letter and issued development permit. Please ensure to read each condition and note carefully to ensure compliance with the permit."</p>



MEMORANDUM
DELIVERED VIA EMAIL
 (abrousseau@town.stpaul.ab.ca)

TO: Aline Brousseau
 Town of St. Paul
 5101 – 50 Street
 St. Paul, AB T0A 3A0

FROM: Brad Machon, ALS, P. Eng.

DATE: January 29, 2020

SUBJECT: Height Verification of House – Lot 13, Block 1, Plan 042 4238

On January 28th, 2020 a survey was performed on the above-mentioned parcel to determine the height of the house. All measurements were taken using a Trimble S3 Robotic Total Station (#0507) with redundant observations taken on all measured elevations. The table below shows the elevations that were measured:

Feature	Elevation (m)
Back of Walk	98.997
Garage Slab	99.349
Main Floor	101.102
Top of Roof	110.921

*The garage slab elevation was measured at a point provided by the builders on-site. The main floor elevation was taken on the plywood within the front entrance. The top of roof was measured using IR (reflectorless) observations as well as vertical angle measurements.

All elevations were derived by assuming an elevation of 100.000m on the top bolt of the hydrant within the cul-du-sac. Using these measured elevations, it can be determined that the height of the house from the garage slab to the top of the roof is 11.572m (37' 11- 5/8"). The final grade elevation around the house cannot be determined as the backfill of material and landscaping has not yet been completed.

All elevations shown have been reviewed and duly verified. If any additional information is required, please feel free to contact me.

Regards,

Brad Machon, ALS, P. Eng.



Edmonton, Alberta 10704-176 Street T5S 1G7 • Tel: (780) 455-3177 • Toll Free 1-800-263-0305
 Email: edmonton@palsgeomatics.com • Website: www.palsgeomatics.com

113. **"easement"** a non-possessory right to use and/or enter onto the property of another without possessing it, generally to provide pathways across two or more pieces of property, allowing individuals to access other properties or a resource;
114. **"eating establishment"** means a development where patrons may purchase and consume food and/or alcoholic beverages on site where food, rather than alcohol, is the predominant item consumed. An eating establishment does not include an entertainment establishment;
115. **"encroachment"** means any portion of a building, fence, driveway, retaining wall or other structure which extends onto Town property or onto a registered easement or right of way;
116. **"encroachment agreement"** means a formal contract with the Town that allows a structure which extends onto Town property or onto a registered easement or right of way to remain in place;
117. **"end unit"** means a dwelling unit which is connected to another dwelling unit on only one side;
118. **"entertainment establishment"** means a development or a part thereof where persons may be entertained by music, theatre, or the like. An entertainment or cultural establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and/or drinking establishment may contain within it an entertainment or cultural establishment, but only if specifically provided for in an approved Development Permit. An adult entertainment establishment is not considered an entertainment establishment for the purposes of this Bylaw;
119. **"equipment rental establishment"** means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;
120. **"established grade"** means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both case of any artificial embankment or entrenchment;

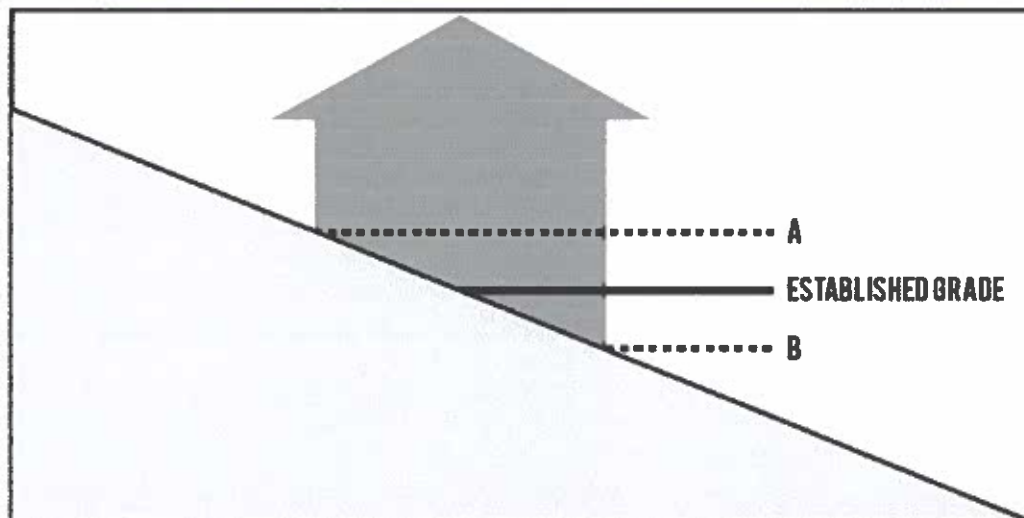
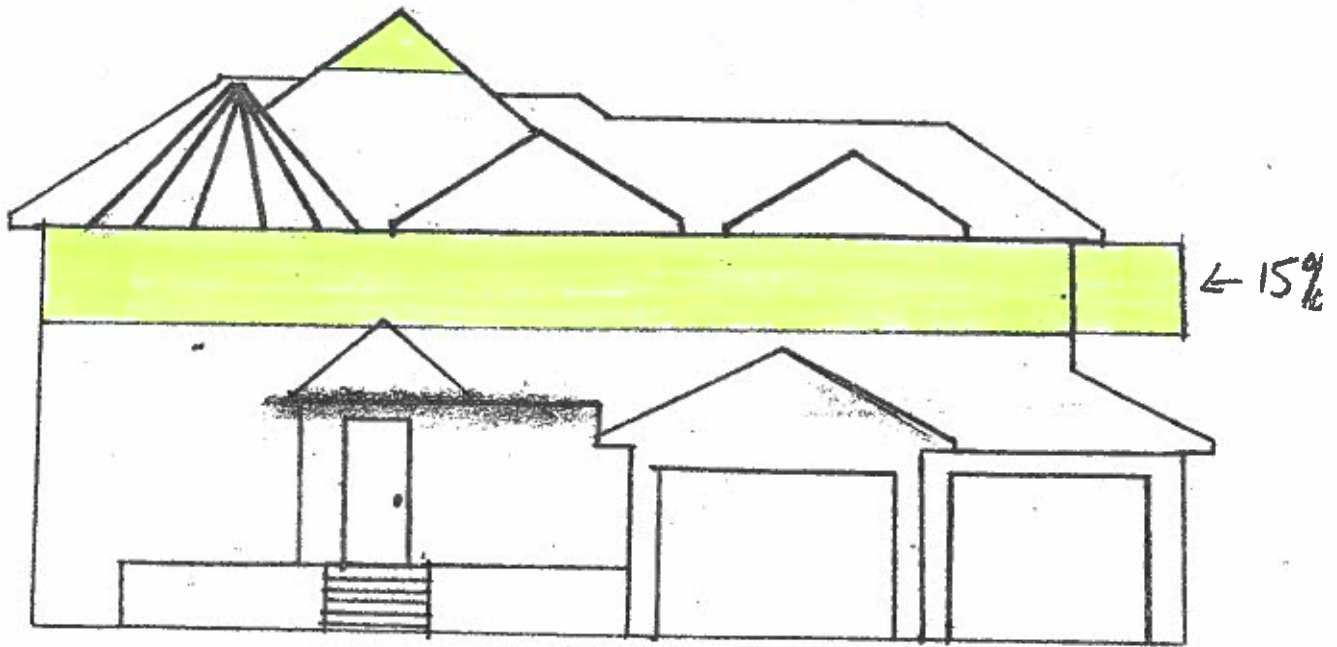


FIGURE 5: ESTABLISHED GRADE

Regulations – Subdivision “A” and “C”

- Price of lots as per subdivision plans attached. Payment 10% Down and Balance in sixty (60) days.**
- Construction to commence on residential dwelling within five (5) years from date of purchase.**
- Purchaser to provide plot plan and elevations upon application of a building permit.**
- Bi-level or bungalow style of housing required except on Lots 13-16 (Subdivision “A”) where two storey housing shall be permitted.**
- All houses are required to have a double car attached garage.**
- Subdivision “A” the minimum square footage of the house shall be a minimum of 1,350 sq. ft. and the minimum frontage (building) on all lots shall be 45 feet.**
- Subdivision “C” the minimum square footage of the house shall be a minimum of 1,200 sq. ft. and the minimum frontage (building) on all lots shall be 40 feet. Duplexes, a minimum of 1,800 sq. ft. total.**
- \$1,500.00 rebate will apply if a lot is purchased and construction is started prior to July 1st, 2005, includes builders.**
- All fences on the rear yard property line shall be a five (5) foot chain link.**



The reality is that there is only 1.5% of total roof area that is above the height restriction. Final landscaping must be included in measurements. Our position is that the 15% above variance claimed by the MPC is incorrect and gives the perception to neighbours that the main walls will come down. This is not what will happen, if roof need to be rebuilt, only the small peak will be lowered and overall look of house will not change in any noticeable difference. (see town pictures)

This is a very unusual circumstance as view from street level most if not all of the peak in question is not visible. When standing on street where peak is visible, lowering it will not be noticeable thus wasting large amount of materials.

We submit that the height variance should stay at 38' and after landscaping is complete house will be lower than this number.