

**TOWN OF OLDS  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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**NOTICE OF DECISION – May 1, 2017**

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**SUBJECT SITE:** 6314 Duncan Place, Olds Alberta

**APPEAL:** Appeal of a Refusal of Development Permit 17-008 dated February 16, 2017

**APPLICANT:** Town of Olds

**APPELLANT:** Patrick and Shilyn Seeley

**DATE OF HEARING:** April 18, 2017

**MEMBERS PRESENT:** Leonard Brandson, Debbie Bennett, Edie Connolley, Doreen Curniski and Janice Widmer-Anderson

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The Subdivision and Development Appeal Board has approved the appeal from Patrick and Shilyn Seeley, for a driveway relaxation at 6314 Duncan Place.

A. Introduction

Patrick and Shilyn Seeley applied for a development permit to develop a driveway on the property at 6314 Duncan Place, Olds, Alberta. The application was for a relaxation of a current driveway width (Schedule B: Section 3(6)(b) in the Land Use Bylaw) in a low density residential (R1) district. The application was denied by the Municipal Planning Commission. An appeal to the Subdivision and Development Appeal Board was received from the applicants on March 2, 2017.

B. Summary of Hearing

The hearing was held on Tuesday, April 18, 2017. The Board first heard from the Development Authority. An application for a Development Permit was received by the Development Authority on February 16, 2017. The application requested a relaxation of Schedule B: Section 3(6)(b) in the Land Use Bylaw that restricts the width of the driveway width to 10 metres. The driveway has already been constructed. The amount of the relaxation was beyond the scope of the Development Officer's authority to approve so the application was referred to the Municipal Planning Commission for decision.

The Development Authority advised the SDAB that as per the Land Use Bylaw 01-23, this property is permitted a maximum 10 metre (32.8 feet) wide driveway. Without development permit approval or consultation with the Town, the applicant added onto an existing driveway to increase the width to 13.2 metre (43 feet) wide. The driveway requires a relaxation of 3.2 metres (10.5 feet) or 32%. This application was circulated to 13 area landowners. None of the landowners expressed any opposition to the width of the driveway.



The application was presented to the Municipal Planning Commission on February 16, 2017 with a staff recommendation for approval of the driveway width relaxation. Planning and Development staff were of the opinion that this driveway width relaxation to allow 13.2 metres would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of the neighboring parcels of land because the driveway is on a corner lot and the driveway dimensions have not substantially diminished the front landscaping or affected street parking due to the close vicinity to the corner of the intersection. The recommendation was that the Municipal Planning Commission approve Development Permit Application DP 17-008 subject to the conditions listed in the draft Development Permit.

The Municipal Planning Commission refused the application for the following reasons:

1. Application is inconsistent with the Land Use Bylaw.
2. 32% relaxation far exceeds the allowable 15% relaxation of the Land Use Bylaw.
3. Excessive hard surfacing negatively impacts drainage.

The Appellant, Shilyn Seeley, was in attendance at the SDAB Hearing and gave a presentation.

Mrs. Seeley spoke to the area (referred to as the small curved triangle piece) in question where the driveway meets the sidewalk. The driveway width is in compliance with the exception of this small triangle piece at the very front of the driveway where the width is a total of 13.2 metres (3.2 metres over permitted width).

The appellant drew attention to the photos submitted in the agenda package and pointed to the cement line on the driveway to show that at the narrow part, the driveway falls within the 15% allowable extension being 11.6 metres wide. The appellant indicated that in her opinion this 5.5 ft. extension up into the driveway would not significantly affect drainage because it is not a significant hard surface and it is still possible to shovel snow to that side of the driveway. The appellant also noted that with the curved piece, it was more aesthetically pleasing and seemed to flow better with the existing tree.

The Development Officer answered questions from the SDAB members and confirmed that if the driveway had been developed straight, instead of curved, it would have met the requirements for the relaxation, depending on what would be measured.

The public notice for the hearing was placed in the April 5<sup>th</sup> and 12<sup>th</sup> editions of the Olds Albertan newspaper and the notice was circulated to thirteen adjacent landowners. During the hearing, one member of the public spoke in support of the application and no one spoke in opposition to the application.

Mr. Bill Windsor, who resides at Lot 13, 6313 Duncan Place, spoke in support of the appeal. Mr. Windsor lives across the street and relayed that he sees the driveway as an asset as it allows for three parked vehicles. He noted that all paved driveways are an asset and there are inconsistencies in the town regarding paved/gravel driveways. Mr. Windsor asked if there were any objections in the area in response to the letters that were circulated. The Development Authority confirmed that there were no objections received from those to whom letters had been sent. Mr. Windsor stated that information may be of significance to the committee and should be considered.

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### C. Decision

The Subdivision and Development Appeal Board approves the appeal from Patrick and Shilyn Seeley for the 3.2 metre (10.5') driveway relaxation at 6314 Duncan Place for the following reasons:

The SDAB notes that:

- The addition to the existing driveway at said property was completed prior to obtaining a development permit to do so;
- The Appellant worked with the Development Authority to comply by applying for the development permit;
- The Development Authority recommended that the relaxation to the driveway width be approved;
- The SDAB is satisfied that with the property being set on a corner, the relaxation to the width of the driveway allows for vehicle parking on private property and, also provides for a safer corner;
- The SDAB heard of only one set of comments from adjacent land owners and those comments were in support of the relaxation; and
- Finally, the SDAB is satisfied that the requested relaxation will not impact other town residents or Town operations.

For all of these reasons the SDAB has concluded that the driveway width relaxation will not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.

This decision is approved subject to the following conditions as set out by the Development Authority:

1. The development must be constructed in accordance with the approved plans and conditions. Any revisions to the approved plans must be submitted for approval to the Development Authority.
2. A relaxation of the permitted maximum driveway width of 10.0 metres to allow a driveway width of 13.2 metres is granted.
3. Use and development of the subject site shall conform to all other applicable requirements of the Town of Olds Land Use Bylaw 01-23 except where a relaxation has been expressly granted.

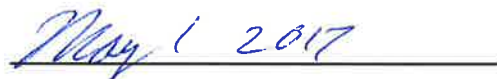
#### **NOTE:**

A decision of the Subdivision & Development Appeal Board is final and binding on all parties and persons subject only to an appeal on a question of law or jurisdiction pursuant to Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended. An application for leave to appeal must be made to a Justice of the Court of Appeal within 30 days after the issuance of the decision sought to be appealed, and notice of the application must be given to:

- (a) The Municipal Government Board or the subdivision and development appeal board, and
- (b) Any other person the judge directs.



Leonard Brandson, Chair  
Subdivision and Development Appeal Board



Date

