

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
January 4, 2018**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I     9:00 A.M.     SDAB-D-18-003

Construct Exterior Alterations to a Single Detached House (driveway extension (3.08 m wide x 13.8 m long)

6412 - 14 Avenue NW  
Project No.: 264527490-001

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II    10:30 A.M.     SDAB-D-17-238

**TO BE RAISED**

Convert a Semi-detached House to a 4 Dwelling Apartment House and to construct interior alterations - existing without permits

11718C - 122 Street NW  
Project No.: 245675108-003

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**NOTE:**            *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-18-003

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 264527490-001

APPLICATION TO: Construct Exterior Alterations to a Single Detached House (driveway extension (3.08 m wide x 13.8 m long)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 16, 2017

DATE OF APPEAL: December 5, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6412 - 14 Avenue NW

LEGAL DESCRIPTION: Plan 7721184 Blk 19 Lot 28

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

***Grounds for Appeal***

The Appellant provided the following reasons for appealing the decision of the Development Authority:

I wish to appeal this decision for a couple different reasons. First of all, we had a pre-existing sidewalk that was there when we bought the home and it was deteriorating from the front step all the way to the curb. When deciding to redo the sidewalk portion, I added some additional width to the project to have more room on the sidewalk since the pre-existing one was fairly narrow.

Secondly, before undertaking my project I toured around the neighbourhood to look for ideas as to what I could do when reconstructing my sidewalk. I had noticed a lot of other homes with the same feature that I currently have, one that you have taken issue with, that the addition leads to the front of house and not a garage. I have taken

pictures of these homes just to show what I am talking about and will be able to give them to you.

All I ask is that you reconsider your position.

Thank you for your time

Dennis Ferland

Also on a side note, the document I was given states that the extension is 3.08 meters wide. It is actually only 2.13 meter wide.

<b><i>General Matters</i></b>
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**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the decision is made under section 642...

**Determining an Appeal**

**Hearing and decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

... to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Under Section 7.2(8), **Single Detached Housing** is defined as “development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.”

Section 6.1(30) defines **Driveway** as “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Section 6.1(122) defines **Walkway** as “a path for pedestrian circulation that cannot be used for vehicular parking”.

<p><b><i>Development Officer's Determination</i></b></p>
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Section 54.1(4)(a) states that “The Driveway shall... lead directly from the roadway to the Garage or Parking Area”

Section 54.2(2)(e)(i) states: “parking spaces shall not be located within a Front Yard”.

**Development Officer's Determination**

Driveway extension leads to the front of the house not to a Garage or Parking Area.  
(Reference Section 54.1(4))



Parking spaces shall not be located within a Front Yard. (Reference Section 54.2(2)(e)(i))

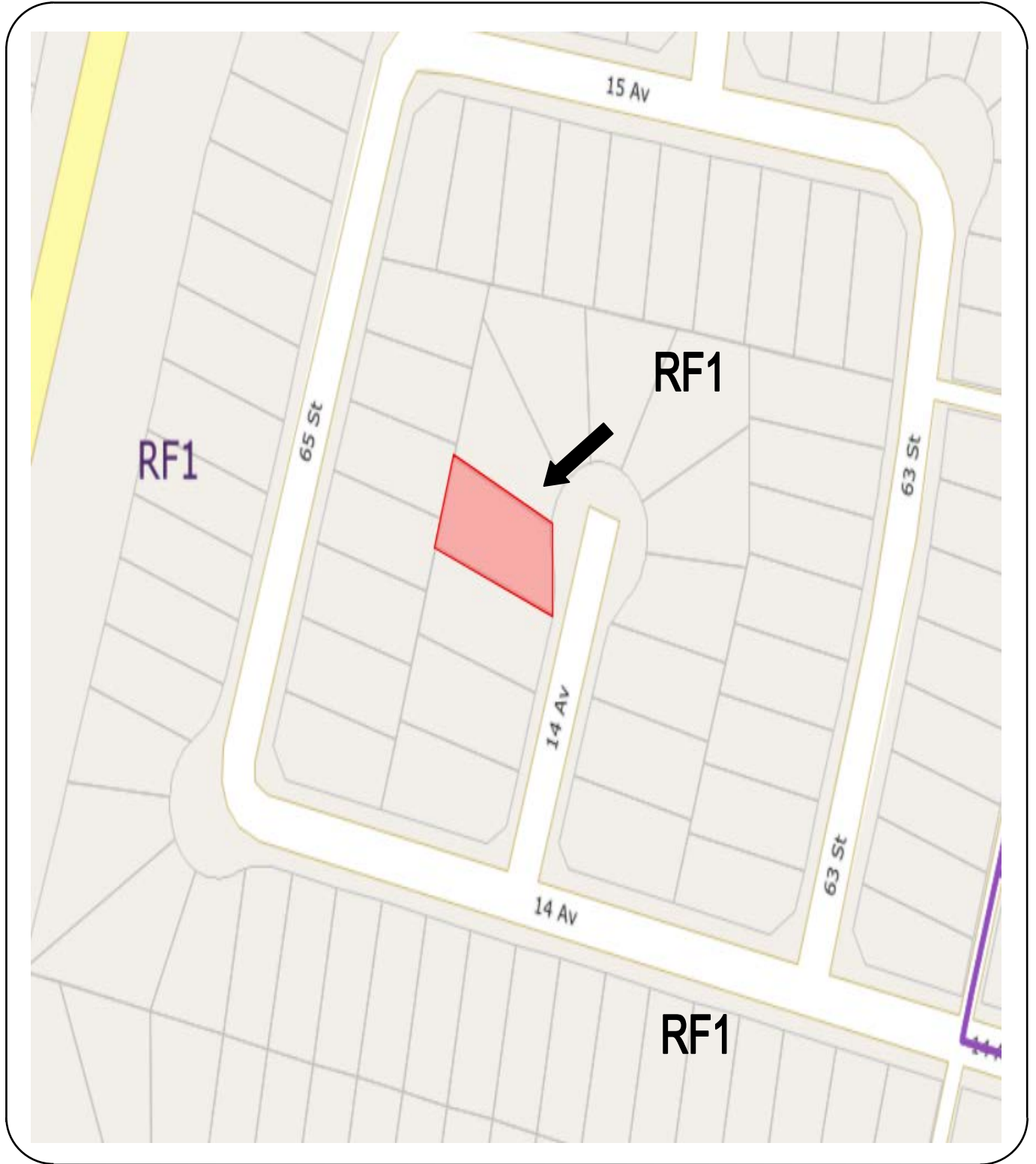
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**Notice to Applicant/Appellant**

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>264527490-001</b> Application Date: OCT 12, 2017 Printed: November 16, 2017 at 2:59 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 6412 - 14 AVENUE NW Plan 7721184 Blk 19 Lot 28  <b>Specific Address(es)</b> Entryway: 6412 - 14 AVENUE NW Building: 6412 - 14 AVENUE NW																				
<b>Scope of Application</b> To construct Exterior Alterations to a Single Detached House (driveway extension (3.08 m wide x 13.8 m long)).																					
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     # of Dwelling Units Add/Remove: 0                      Client File Reference Number:                      Minor Dev. Application Fee: Exterior Alterations (Res.)                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit: Class B                      Lot Grading Needed?: N                      New Sewer Service Required: N                      Stat. Plan Overlay/Annex Area:                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area:																		
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I/We certify that the above noted details are correct.  Applicant signature: _____																					
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> Driveway extension leads to the front of the house not to a Garage or Parking Area. (Reference Section 54.1(4))  Parking spaces shall not be located within a Front Yard. (Reference Section 54.2(2)(e)(i))  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.																					
<b>Issue Date:</b> Nov 16, 2017 <b>Development Authority:</b> FOLKMAN, JEREMY <b>Signature:</b> _____																					
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$166.00</td> <td style="text-align: right;">\$166.00</td> <td>04522161</td> <td>Oct 12, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$166.00</td> <td style="text-align: right;">\$166.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$166.00	\$166.00	04522161	Oct 12, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$166.00	\$166.00		
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<b>THIS IS NOT A PERMIT</b>																					



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-003



N



**TO BE RAISED**  
ITEM II: 10:30 A.M.

FILE: SDAB-D-17-238

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 245675108-003

APPLICATION TO: Convert a Semi-detached House to a 4 Dwelling Apartment House and to construct interior alterations - existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 12, 2017

DATE OF APPEAL: October 23, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11718C - 122 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 1620089)

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: MNO Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

***Grounds for Appeal***

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Ask to variance of Site Area and Side Width, Section 140.4(5)(a) and (b)  
[unedited]

***General Matters***

**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**  
**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
  - ...

On October 26, 2017, section 1(65) of *An Act to Strengthen Municipal Government*, SA 2017 c13, was proclaimed in force. Section 1(65) provides, in part:

**Section 686(1) [of the *Municipal Government Act*] is repealed and the following is substituted:**

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the decision is made under section 642...

**Determining an Appeal**

**Hearing and decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;

- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
  - and
  - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings under certain conditions, and including Secondary Suites and Garden Suites.

Under section 140.2(1), **Apartment Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(1), **Apartment Housing** is defined as “development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.”

Under Section 6.1(31), **Dwelling** is defined as “a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen

for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.”

***Site Area***

Section 140.4(5)(a) states that for Apartment Housing, “the minimum Site area shall be 75m<sup>2</sup>”.

**Development Officer’s Determination**

Site Area - The proposed Site Area is 654.26m<sup>2</sup> instead of 750m<sup>2</sup> (Section 140.4(5)(a)).

***Site Width***

Section 140.4(5)(b) states that for Apartment Housing, “the minimum Site Width shall be 17.0 m”.

**Development Officer’s Determination**

Side Width - The proposed Site Width is 15.24m instead of 17.0m (Section 140.4(5)(b)).

***Locational Criteria***

Section 140.4(7) states:

Apartment Housing or Stacked Row Housing shall be located:

- a. on Corner Sites,
- b. on Sites Abutting an arterial or service road,
- c. where both Side Lot Lines Abut existing Apartment Housing or Stacked Row Housing, or
- d. where a minimum of one Side Lot Line:
  - i. Abuts a Site where a Commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use, or
  - ii. is not separated by a public roadway, including a Lane, more than 10.0 m wide from a Site where a Commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

**Development Officer's Determination**

Location - The proposed Development does not meet any of the location criteria for Apartment Housing (Section 140.4(6)).

***Private Outdoor Amenity Area***

Section 140.4(15) states: "Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw."

**Development Officer's Determination**



Private Outdoor Amenity Area - No private outdoor amenity area is proposed for any of the units according to the submitted plans nor is it in accordance with Section 47 (Section 140.4(15)).

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**Notice to Applicant/Appellant**

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

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	Project Number: <b>245675108-003</b> Application Date: SEP 15, 2017 Printed: October 12, 2017 at 8:21 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Major Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 11718C - 122 STREET NW Condo Common Area (Plan 1620089)
	<b>Specific Address(es)</b> Suite: BSMT, 11718 - 122 STREET NW Suite: BSMT, 11720 - 122 STREET NW Entryway: 11718 - 122 STREET NW Entryway: 11720 - 122 STREET NW Building: 11718 - 122 STREET NW
<b>Scope of Application</b> To convert a Semi-detached House to a 4 Dwelling Apartment House and to construct interior alterations - existing without permits.	
<b>Permit Details</b>	
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 2 Stat. Plan Overlay/Annex Area: (none)
I/We certify that the above noted details are correct.  Applicant signature: _____	
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> Site Area - The proposed Site Area is 654.26m <sup>2</sup> instead of 750m <sup>2</sup> (Section 140.4(5)(a)).  Side Width - The proposed Site Width is 15.24m instead of 17.0m (Section 140.4(5)(b)).  Location - The proposed Development does not meet any of the location criteria for Apartment Housing (Section 140.4(6)).  Private Outdoor Amenity Area - No private outdoor amenity area is proposed for any of the units according to the submitted plans nor is it in accordance with Section 47 (Section 140.4(15)).  ADVISEMENTS:  Unless otherwise noted, all references to 'Section' are under the authority of the Edmonton Zoning Bylaw 12800.  <b>Rights of Appeal</b> The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
<b>Issue Date:</b> Oct 12, 2017 <b>Development Authority:</b> LEE, CHRISTIAN <b>Signature:</b> _____	
<b>THIS IS NOT A PERMIT</b>	



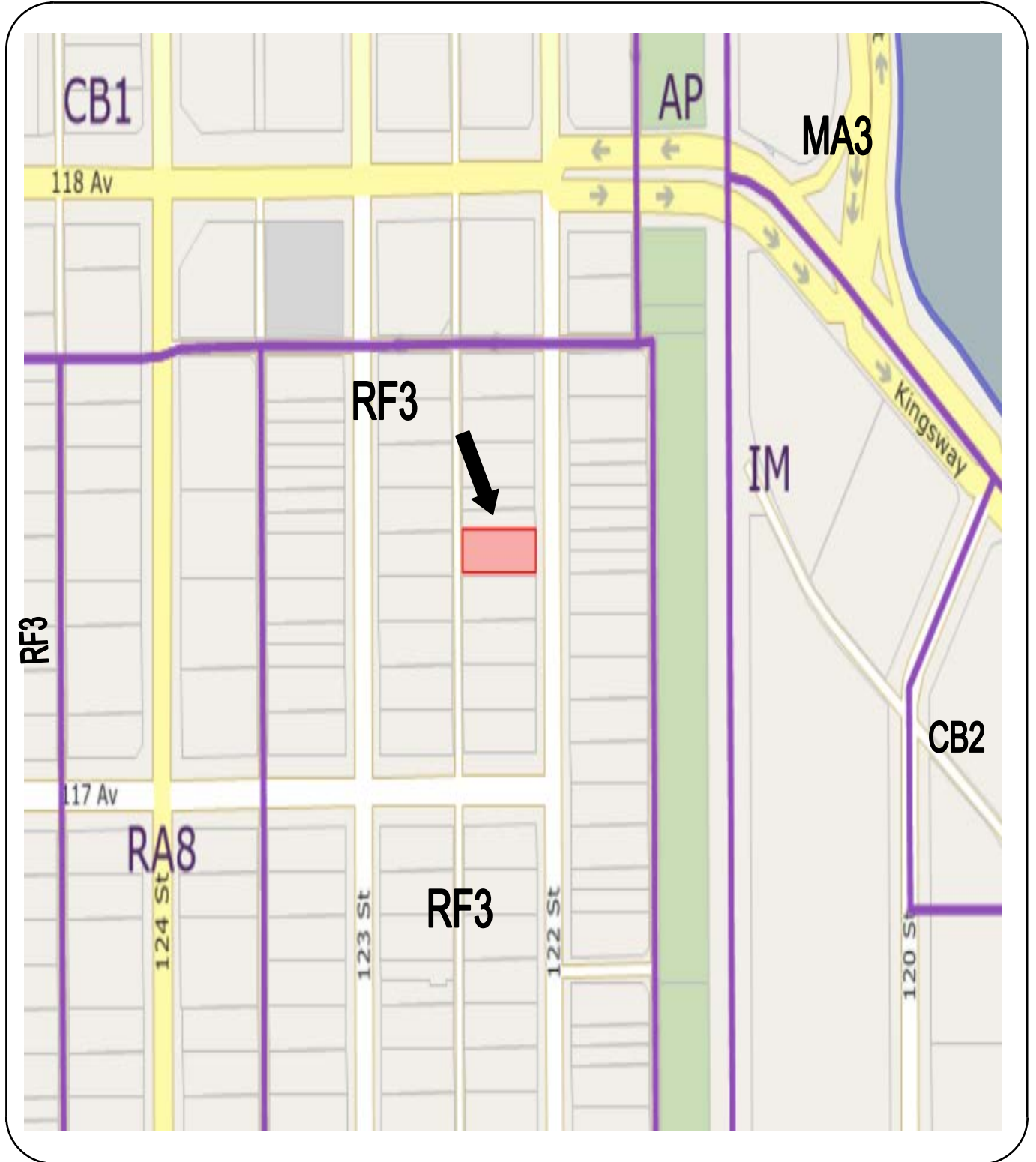
## Application for Major Development Permit

Project Number: **245675108-003**  
Application Date: SEP 15, 2017  
Printed: October 12, 2017 at 8:21 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$500.00	\$500.00	04455543	Sep 15, 2017
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$500.00	\$500.00		

THIS IS NOT A PERMIT



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-238

