

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
August 6, 2015**

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

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

I	9:00 A.M.	SDAB-D-15-174	Construct a Semi-detached House with attached garages, front verandas, and fireplaces and to demolish an existing Single Detached House 4718 - 37A Avenue NW Project No.: 171024632-001
II	11:00 A.M.	SDAB-D-15-175	Construct an addition (front attached Garage and second Storey, 6.68m x 14.88m) to an existing Single Detached House. 10736 - 65 Street NW Project No.: 171227092-001
III	1:30 P.M.	SDAB-D-15-176	Construct a two Storey Accessory Building (Garage Suite on second storey, Garage on main floor, 9.75m x 7.62m) 11520 - 74 Avenue NW Project No.: 171988084-00

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-15-174

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 171024632-001

APPLICATION TO: Construct a Semi-detached House with attached garages, front verandas, and fireplaces and to demolish an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: June 24, 2015

DATE OF APPEAL: July 13, 2015

NOTIFICATION PERIOD: June 30, 2015 through July 13, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 4718 - 37A Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4718 - 37A Avenue NW

LEGAL DESCRIPTION: Plan 7922359 Blk 17 Lot 59

ZONE: RF1-Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of a Semi-Detached House with attached garages, front verandas, and fireplaces and to demolish an existing Single Detached House. The development shall be constructed in accordance with the stamped and approved drawings.

The height of the principal building shall not exceed 10.00 m nor 2 1/2 Storeys as per the height definition of Section 6.1(46) of the Edmonton Zoning Bylaw 12800.

All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.

Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.

Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw. (Reference Section 110.4(11))

Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

The driveway access must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities.

Corner Sites shall have flanking side treatments similar to the front elevation.

The applicant is advised to research the Land Title for this property and to be aware of any restrictions in the Restrictive Covenant. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

Conditions from Transportation Department:

The proposed 6.6 m driveway access to 37A Avenue, located 9.4 m from the west property line is at an acceptable location, as shown on the Enclosure.

There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation

Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. The owner or Prime Contractor can apply for an OSCAM online at:

http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx

ADVISEMENTS:

Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals

Any future deck enclosure or cover requires a separate development and building permit approval.

Any future Basement development may require development and building permit approvals. The development of a Secondary Suite(s) in a Semi Detached House is prohibited by the Edmonton Zoning Bylaw 12800. There may be an inspection in the future to ensure that no illegal suite has been developed.

This neighbourhood was constructed with roll faced curb, therefore a Curb Crossing Permit is not required for this access. However, should the applicant/owner wish to cut the curb in the future, a curb crossing permit will be required, available from Sustainable Development, 5th Floor, 10250 101 Street.

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site. (Reference Section 5.2)

Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

VARIANCES:

Section 110.3(10): A Semi-detached House is a Discretionary Use within the RF1 Zone.

Section 110.4(3)(c): Relaxed - Site Width requirements from 14.8m on a Corner Site to 14.10m.

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

APPELLANT'S SUBMISSION

We adamantly object to having the current house torn down and a Semi-detached structure with garages constructed in its place.

We purchased our home primarily because it was in a single family dwelling neighbourhood.

We have had the experience of living in multi-family dwellings. The extra traffic, congestion, noise and headaches it creates are not what we envision for our area. Not to mention, landlords and renters are notorious for not maintaining land and building appearances. The property mentioned resides in our cul-de-sac which constantly presents parking issues. We feel this will drop our property value and set a precedent for more multi-family dwellings.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Semi-detached Housing is a Discretionary Use in the Rf1 Single Detached Residential Zone, Section 110.3(10).

Under Section 7.2(8), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variances:

Section 110.4(3)(c) states Site regulations for Semi-detached Housing on a Corner Site, the minimum Site Width shall be 14.8 metres.

The Development Officer determined the minimum Site Width shall be 14.8 metres. The proposed development provides a Site Width of 14.10 metres and a relaxation of 0.70 metres was granted.

The decision of approval by the Development Officer has been appealed by an adjacent property owner at 4714-37a Avenue.

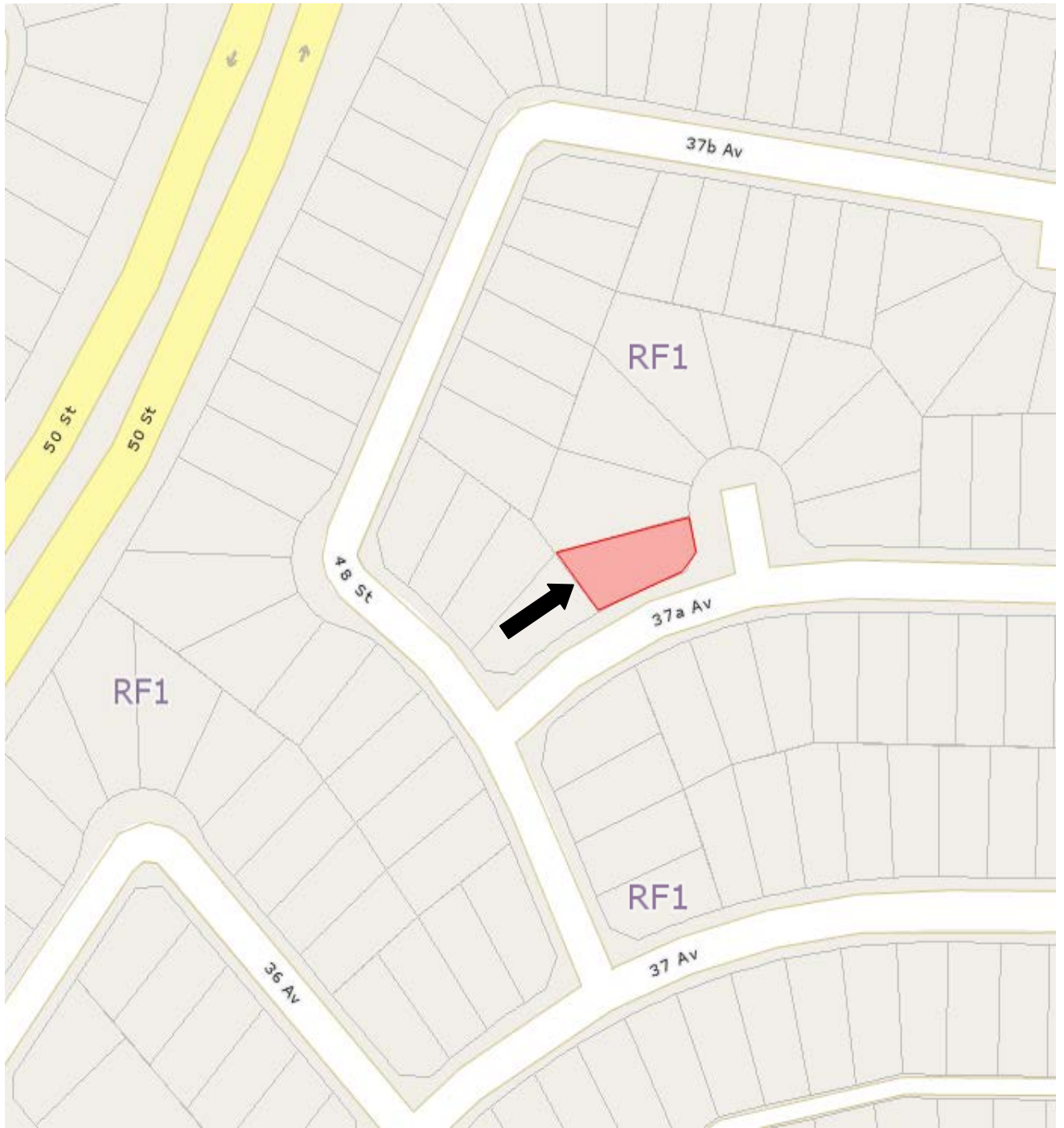
Under Section 6.1(94), **Site Width** means the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.

Section 110.1 states the purpose of the zone is to provide for Single Detached Housing while allowing other forms of small scale in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Sustainable Development has submitted to the SDAB a Transportation Memorandum dated June 2, 2015 from Karen Harmony, Senior Transportation Technician, Development Planning, Transportation Planning Branch that indicates the proposed development has been reviewed by Transportation Planning Branch and includes conditions and advisements. **A copy of the memorandum from Transportation Planning Branch is on file.**

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-174



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-175

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 171227092-001

APPLICATION TO: Construct an addition (front attached Garage and second Storey, 6.68m x 14.88m) to an existing Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 26, 2015

DATE OF APPEAL: July 9, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10736 - 65 Street NW

LEGAL DESCRIPTION: Plan 1843KS Blk 48 Lot 26

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

Zone: RF1 Single Detached Residential Zone - Overlay: Mature Neighbourhood Overlay

Required minimum side setbacks: Section 814.3(3)(b): Where the Site Width is 18.3 m or greater the minimum interior Side Setback shall be 2.0 m.

Section 94: Site Width means the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone. Site width measured at 6.0m from the Front Lot Line as per the Front Setback regulations in Section 110.4(8) equals 18.6m.

Existing (right Side Setback): 1.62m ****Non-conforming building****

Proposed (right Side Setback): 1.23m - this proposed setback is increasing the non-conformity of the building.

Under the Municipal Government Act - Section 643(5) it states:

A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except

- (a) to make it a conforming building
- (b) for routine maintenance of the building, of the development officer considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

In relation to Section 643(5)(c), Section 11.3(3) of the Edmonton Zoning Bylaw 12800 states: the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw. The proposed addition does not comply to the Setback regulations as illustrated under Section 814.3(3)(b) of the Mature Neighbourhood Overlay.

Front Setback : Section 814.3(1): The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m.

Average Front Setback of abutting lots: 8.35m (+/- 1.5m = min: 6.85m; maximum 9.45m)

Average Front Setback along the whole block: 8.35m (+/- 1.5m = min: 6.85m; maximum 9.45m)

Proposed front Setback: 6.69m

Deficient:0.16m.

Under Section 11.3(3) of the Edmonton Zoning Bylaw 12800 the Development Authority can only vary an enlargement, alteration or addition to a legal non-conforming building if the non conforming building complies with the uses prescribed for that land in the Edmonton Zoning Bylaw 12800. Since the addition is increasing this non-conformity, and does not comply with the Edmonton Zoning Bylaw regulations the development officer does not have the authority to vary the addition to the existing legal non-conforming building.

Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

APPELLANT'S SUBMISSION

We will comply with the front setback of 0.16m.

We are requesting a variance of approx 0.77m.closer to the property line (side setback) for 2 reasons.

1. To allow for a larger width of proposed structure to accommodate our larger vehicles.
 2. To allow the proper clearance, for the stairway going to the second floor, a large width of the structure is required.
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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

Under Section 7.2(9), **Single Detached Housing** means 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 Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 643(5) of the *Municipal Government Act*, Chapter M-26, states the following:

A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

Under Section 6.1(94), **Site Width** means the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback of the Zone.

The Development Officer determined the required Front Setback for the Zone is 6 metres as per Section 110.4(8). The Development Officer determined the horizontal distance between the side boundaries of the Site measured at 6 metres from the Front Lot Line is 18.6 metres.

Section 814.3(3)(b) states the minimum interior Side Setback shall be 2.0 metres.

The Development Officer determined the existing (north) Side Setback is 1.62 metres. The proposed (north) Side Setback is 1.23 metres. The proposed addition is increasing the non-conformity of the building.

The Development Officer determined that in relation to Section 643(5)(c) of the *Municipal Government Act* and pursuant to Section 11.3(3) of the *Edmonton Zoning Bylaw 12800*, the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw. The Development Officer determined the proposed addition does not comply with the Setback regulations as illustrated under Section 814.3(3)(b) of the *Mature Neighbourhood Overlay*.

Section 814.3(1) states the Front Setback shall be consistent within 1.5 metres of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 metres. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane.

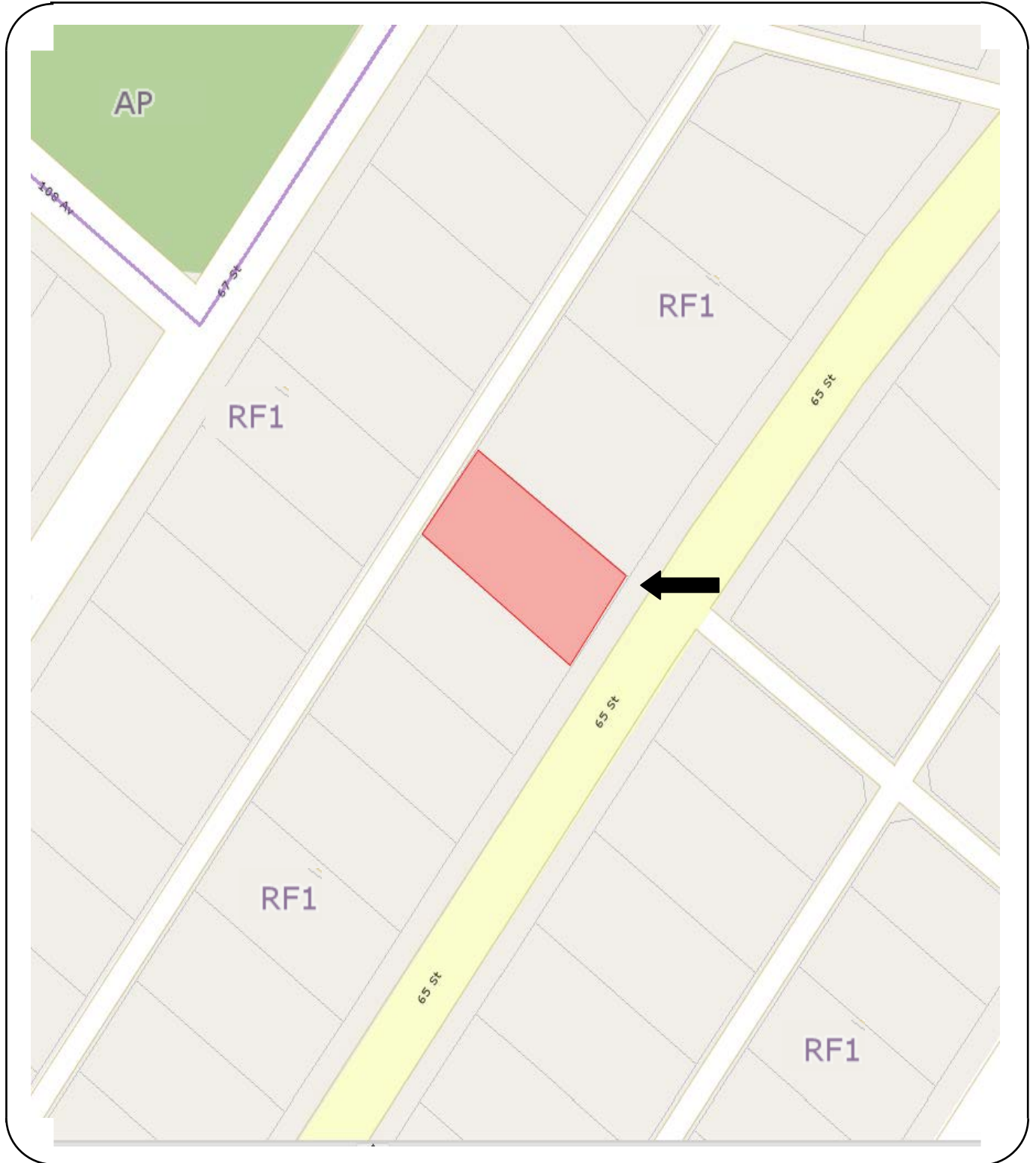
The Development Officer determined the average Front Setback on abutting lots is 8.35 metres. The Development Officer determined the average Front Setback along the whole Block is 8.35 metres. The Development Officer determined the proposed Front Setback can be located within 6.85 metres to 9.45 metres from the Front Lot Line. The proposed Front Setback is 6.69 metres which is deficient by 0.16 metres. The Development Officer determined the proposed addition will increase the non-conformity of the building and does not comply with the *Edmonton Zoning Bylaw* regulations. As such, the Development Officer does not have the authority to vary the addition to the existing legal non-conforming building.

Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 110.1 states the purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-175



ITEM III: 1:30 P.M.

FILE: SDAB-D-15-176

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 171988084-001

APPLICATION TO: Construct a two Storey Accessory Building (Garage Suite on second storey, Garage on main floor, 9.75m x 7.62m)

DECISION OF THE DEVELOPMENT AUTHORITY: Unknown

DECISION DATE: June 27, 2015

DATE OF APPEAL: July 14, 2015

NOTIFICATION PERIOD: July 7, 2015 through July 20, 2015

RESPONDENT: Habitat Studio & Workshop Ltd.

ADDRESS OF RESPONDENT: 11520 - 74 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11520 - 74 Avenue NW

LEGAL DESCRIPTION: Plan 1275HW Blk 4 Lot 5

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

NOTE: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of a two Storey Accessory Building (Garage Suite on second storey, Garage on main floor, 9.75m x 7.62m). The development shall be constructed in accordance with the stamped and approved drawings.

1. Eave projections shall not exceed 0.60m into required Setbacks or Separation Spaces of 1.2 m or greater. (Reference Section 44.1(b))
2. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling. (Reference Section 87.11)
3. A Garage Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business. (Reference Section 87.13)
4. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite shall not exceed three. (Reference Section 87.12)
5. The Garage Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. (Reference Section 87.15)

Notes:

1. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.
2. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

APPELLANT'S SUBMISSION

I am writing to oppose the planned garage development at 11520-74 Avenue. The proposed plan appears to create a second-storey garage suite that is 800 square feet large, which is a clear violation of by-laws that state garage suites are limited to 645 square feet. The 155 square foot difference is 24% above allowed sizes.

I live two doors from the proposed garage development, at 11532-74 Avenue. I use the back lane where this garage is located every day. The proposed three-car garage will be substantially larger than any garage on the block. With a second storey that will be fully as large as the first storey, this garage will loom over the lane and the yards nearby, affecting privacy and light and creating a sense of scale that is out of proportion to the rest of the block. The looming scale of the second storey is accentuated by a high roofline and straight vertical walls, which rise uninterrupted to the top. Because of the over-sized garage suite, its built form will intrude into this block.

The development officer approved this design on the basis that two spaces inside the second storey somehow do not count as part of the garage suite. As these spaces are only accessible from inside the suite this is, in my view, a mistaken ruling by the development officer. With no separate access, these spaces are functionally part of the garage suite. Labeling these spaces as "storage rooms" does not change the facts. This design attempts to skirt the intent of the by-law, which is to limit garage suites to 645 square feet. There are easy design solutions that will allow this garage suite to meet the by-law requirements without hardship. Preferably the solution will set the second floor back from its looming presence over the lane.

I am not objecting to a garage suite on this site, just to one that is substantially over the size limits of the by-law.

I appreciate your consideration and ask you to send this design back to the builder so it can be brought into compliance with the by-laws.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Garage Suite** is a Discretionary Use in the Single Detached Residential Zone, Section 110.3(3).

Under Section 7.2(3), **Garage Suite** means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Secondary Suites or Garden Suites.

This application was approved by the Development Officer subject to conditions.

The decision of approval by the Development Officer has been appealed by a neighbouring property owner located at 11532-74 Avenue.

Section 87 states Garage and Garden Suites shall be developed in accordance with the following regulations:

1. The minimum Site Area shall be as follows:
 - a. Garage Suite (above Grade): the minimum Site area shall be 400 square metres, except in the RR Zone, where it shall be 1.0 ha, the GLD and GLG Zones, where it shall be 370 square metres, and the TSLR Zone, where it shall be 412 square metres.
 - b. Garden Suite and Garage Suite (at Grade): the minimum Site area shall be 400 m² except in the RR Zone, where it shall be 1.0 ha.
2. the maximum Height shall be as follows:
 - a. Garage containing a Garage Suite (above Grade):

- i. 6.5 metres or up to 1.5 metres greater than the height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.
 - ii. 5.5 metres or up to 1.5 metres greater than the height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°).
 - iii. notwithstanding (i) and (ii) above, in the case of the TSDR, TSLR and the GLG zones, the maximum height shall be 7.5metres.
 - b. Garden Suite and Garage Suite (at Grade): the maximum height shall be 4.3 metres.
3. the maximum Floor Area shall be:
 - a. 60 square metres for a Garage Suite (above Grade).
 - b. 50 square metres for a Garden Suite and for a Garage Suite (at Grade).
 - c. notwithstanding (a) and (b) above, the maximum Floor Area may be increased by up to 7.5 square metres, only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.
4. the minimum Floor Area of a Garage Suite or Garden Suite shall be 30 square metres.
5. the minimum Site Width for a Garage Suite or Garden Suite shall be the same as the minimum Site Width for the Zone.
6. the minimum Side Setback shall be:
 - a. for that portion of a detached Garage that contains a Garage Suite, the same as that for the principal Dwelling in the applicable Zone.
 - b. for a Garden Suite, the same as that for the principal Dwelling in the applicable Zone.
 - c. on a corner Site where a Garage Suite or Garden Suite abuts a flanking public roadway, other than a Lane, the minimum Side Setback shall not be less than that provided for the principal structure.
7. the minimum distance between a detached Garage containing a Garage Suite, and a Garden Suite and the principal Dwelling on the same Site, shall be 4 metres.
8. windows contained within the Garage Suite portion of the detached Garage or the Garden Suite shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
 - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garage Suite or Garden Suite window on an abutting Site;
 - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any Side Yard abutting another property.
9. no decks on Garage Suite or Garden Suite roofs shall be allowed.
10. Platform Structures, including balconies, shall be allowed as part of a Garage Suite developed above a detached Garage only where the balcony faces the lane or a flanking roadway.
11. only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
12. notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three.

13. a Garage Suite or Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
14. where Garage Suites or Garden Suites are Discretionary within the applicable Zone, the Development Officer may exercise discretion in considering a Garage Suite having regard to:
 - a. compatibility of the Use with the siting, Grade elevations, height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
 - b. the effect on the privacy of adjacent properties;
 - c. the policies and guidelines for Garage Suites and Garden Suites contained in a Statutory Plan for the area.
15. a Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
16. Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw.
17. notwithstanding Garage Suites and Garden Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton- Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay in Section 822 of this Bylaw.

Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 110.1 states the purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-176



BUSINESS LAID OVER

SDAB-D-15-161	An appeal by <u>Ali Abdulhadi</u> to construct four Dwellings of Row Housing with attached Garages and to demolish the existing Single Detached House and rear detached Garage <i>September 23 or 24, 2015</i>
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