

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Friday, 9:00 A.M.  
January 8, 2016**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I     9:00 A.M.     SDAB-D-16-012     Develop a Secondary Suite in the Basement of  
an existing Single Detached House  
  
10817 - 123 Street NW  
Project No.: 174800949-008

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II    10:30 A.M.     SDAB-D-16-013     Construct exterior alterations to an existing  
Single Detached House (Driveway extension,  
1.2m x 15.48m), existing without permits  
  
2031 - 33B Street NW  
Project No.: 176306309-002

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III   1:00 P.M.     SDAB-S-16-001     Create two detached single family dwelling lots  
from one single family dwelling lot to allow for  
the construction of two detached single family  
dwellings

**WITHDRAWN**

12819 Woodbend Place NW  
Project No.: 177008943-001

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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-16-012

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 174800949-008

ADDRESS OF APPELLANT: 10817 - 123 Street NW

APPLICATION: To develop a Secondary Suite in the Basement of an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 4, 2015

DATE OF APPEAL: December 9, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10817 - 123 Street NW

LEGAL DESCRIPTION: Plan 1522312 Blk 5 Lot 20

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

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***Grounds for Appeal***

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

I am an Edmonton builder looking to build a green sustainable home in the Westmount area, and believe the city's initiative to add a greater stock of affordable housing to mature neighbourhoods is an important one. One of the easiest ways to make houses more affordable is the addition of a secondary suite. Given how close I am to being compliant with this one rule, and the fact that in this instance, I believe I am only deficient in the letter of the law but not it's spirit, I am seeking to appeal development's decision. I have the support of many neighbours in my community. [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

...

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

Section 814.1 states that the **General 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 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, and including Secondary Suites under certain conditions.

Under Section 140.2(7), **Secondary Suites** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(7), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

#### ***Minimum Site Area***

Section 86.1 states that “the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m<sup>2</sup>, except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone”.

#### **Development Officer’s Determination**

Section 86.1: the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m<sup>2</sup>.

Proposed: 343.13 sqm



Deficient: 11.87 sqm or 3.3% [unedited]

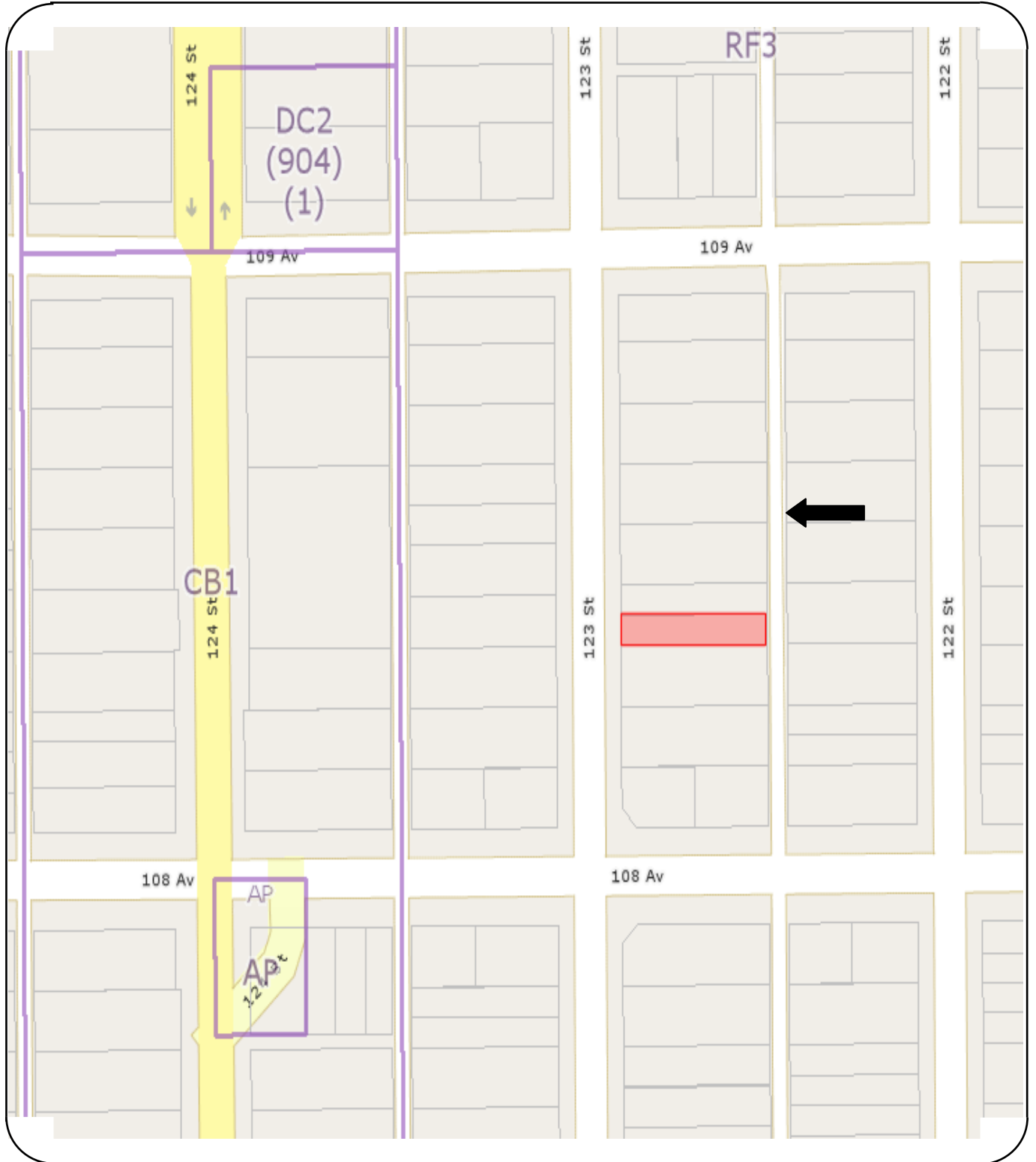
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#### **Notice to Applicant/Appellant**

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>174800949-008</b> Application Date: NOV 18, 2015 Printed: January 5, 2016 at 12:34 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>  DETLEFSEN, JOSHUA 	<b>Property Address(es) and Legal Description(s)</b> 10817 - 123 STREET NW Plan 1522312 Blk 5 Lot 20																									
<b>Scope of Application</b> To develop a Secondary Suite in the Basement of an existing Single Detached House																										
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 1                      Client File Reference Number:                      Minor Dev. Application Fee: Secondary Suite                      Secondary Suite Included?: Y                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class A                      Lot Grading Needed?: N                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area:                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: Y 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> Section 86.1: the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m2. Proposed: 343.13 sqm Deficient: 11.87 sqm or 3.3%  It is in the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood, and materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.  <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> Dec 04, 2015 <b>Development Authority:</b> HEIMDAHL, KENDALL <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: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">02902327</td> <td style="text-align: right;">Nov 18, 2015</td> </tr> <tr> <td>Sanitary Sewer Trunk Fee for Secondary Suite</td> <td style="text-align: right;">\$633.00</td> <td style="text-align: right;">\$633.00</td> <td style="text-align: right;">02902327</td> <td style="text-align: right;">Nov 18, 2015</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;">\$893.00</td> <td style="text-align: right;">\$893.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$260.00	\$260.00	02902327	Nov 18, 2015	Sanitary Sewer Trunk Fee for Secondary Suite	\$633.00	\$633.00	02902327	Nov 18, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$893.00	\$893.00		
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<p><b>THIS IS NOT A PERMIT</b></p>																										



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-012



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-013

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176306309-002

ADDRESS OF APPELLANT: 2031 - 33B Street NW

APPLICATION TO: Construct exterior alterations to an existing Single Detached House (driveway extension, 1.2m x 15.48m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 1, 2015

DATE OF APPEAL: December 9, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2031 - 33B Street NW

LEGAL DESCRIPTION: Plan 0927123 Blk 8 Lot 30

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Laurel Neighbourhood Structure Plan  
The Meadows Area Structure Plan

***Grounds for Appeal***

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

I extended my dryway last summer without valid permit because i don,t know about the permit. last month i got letter from city . apply for permit they took double fee then refuse my permit. I appeal you pls approve my permit. Thanks [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

...

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

Section 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** “is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.”

Under Section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the RSL Residential Small Lot Zone.

Section 7.2(9) states:

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.

***Driveway Definition***

Under Section 6.1(26), “**Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

**Development Officer’s Determination**

Other than the approved 5.49 m wide concrete front driveway, the existing concrete extension North (left) side of the property does not lead to an overhead garage door or parking area. [unedited]

***Landscaping Requirement***

Section 55.4(1) states:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

**Development Officer’s Determination**

The driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. [unedited]

***No Parking Within Front Yard***

Section 54.2(2)(e) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. ...

**Development Officer's Determination**

The Front yard of this property between the left side property line and the north wall of the front attached garage, are being used for parking. These areas should be landscaped and parking is not permitted within this area. [unedited]

***Variance to Regulations***

Section 11.3(1) states:

The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

1. the proposed development would not, in their opinion:
  - a. unduly interfere with the amenities of the neighbourhood; or
  - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

**Development Officer's Determination:**

4.) Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The extensive concrete which covers the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped takes away from curb appeal. This driveway extension is not in keeping with the character of the neighbourhood. [unedited]

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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: **176306309-002**  
Application Date: NOV 10, 2015  
Printed: January 5, 2016 at 12:42 PM  
Page: 1 of 3

## Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

<b>Applicant</b>  CHAHAL, BALWINDER 	<b>Property Address(es) and Legal Description(s)</b> 2031 - 33B STREET NW Plan 0927123 Blk 8 Lot 30
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**Scope of Application**  
To construct exterior alterations to an existing Single Detached House (drieway extension, 1.2m x 15.48m), existing without permits

<b>Permit Details</b>  # 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 A 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: \_\_\_\_\_

**Development Application Decision**  
Refused

**THIS IS NOT A PERMIT**



Project Number: **176306309-002**  
 Application Date: NOV 10, 2015  
 Printed: January 5, 2016 at 12:42 PM  
 Page: 2 of 3

## Application for Minor Development Permit

**Reason for Refusal**

1.) Section 6.1(26): Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area

Other than the approved 5.49 m wide concrete front driveway, the existing concrete extension North (left) side of the property does not lead to an overhead garage door or parking area. (Section 6.1(26)).

2.) Section 55.4(1): All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

The driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 55.4(1)) (Section 6.1(55))

3.) Section 54.2(2(e)): Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

The Front yard of this property between the left side property line and the north wall of the front attached garage, are being used for parking. These areas should be landscaped and parking is not permitted within this area.

4.) Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The extensive concrete which covers the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped takes away from curb appeal. This driveway extension is not in keeping with the character of the neighbourhood.

**NOTES:**

Sufficient on site parking is provided through the provision of a 2-car front attached garage, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

This Development Permit application "To construct exterior alterations (driveway extensions, left side 1.2m x 15.48m) to an existing Single Detached House" originated as a Development Compliance Complaint.

Runoff may drain onto neighbouring properties creating a negative impact.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

**Rights of Appeal**

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.

**Issue Date:** Dec 01, 2015    **Development Authority:** BAUER, KERRY    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02884614	Nov 10, 2015

**THIS IS NOT A PERMIT**



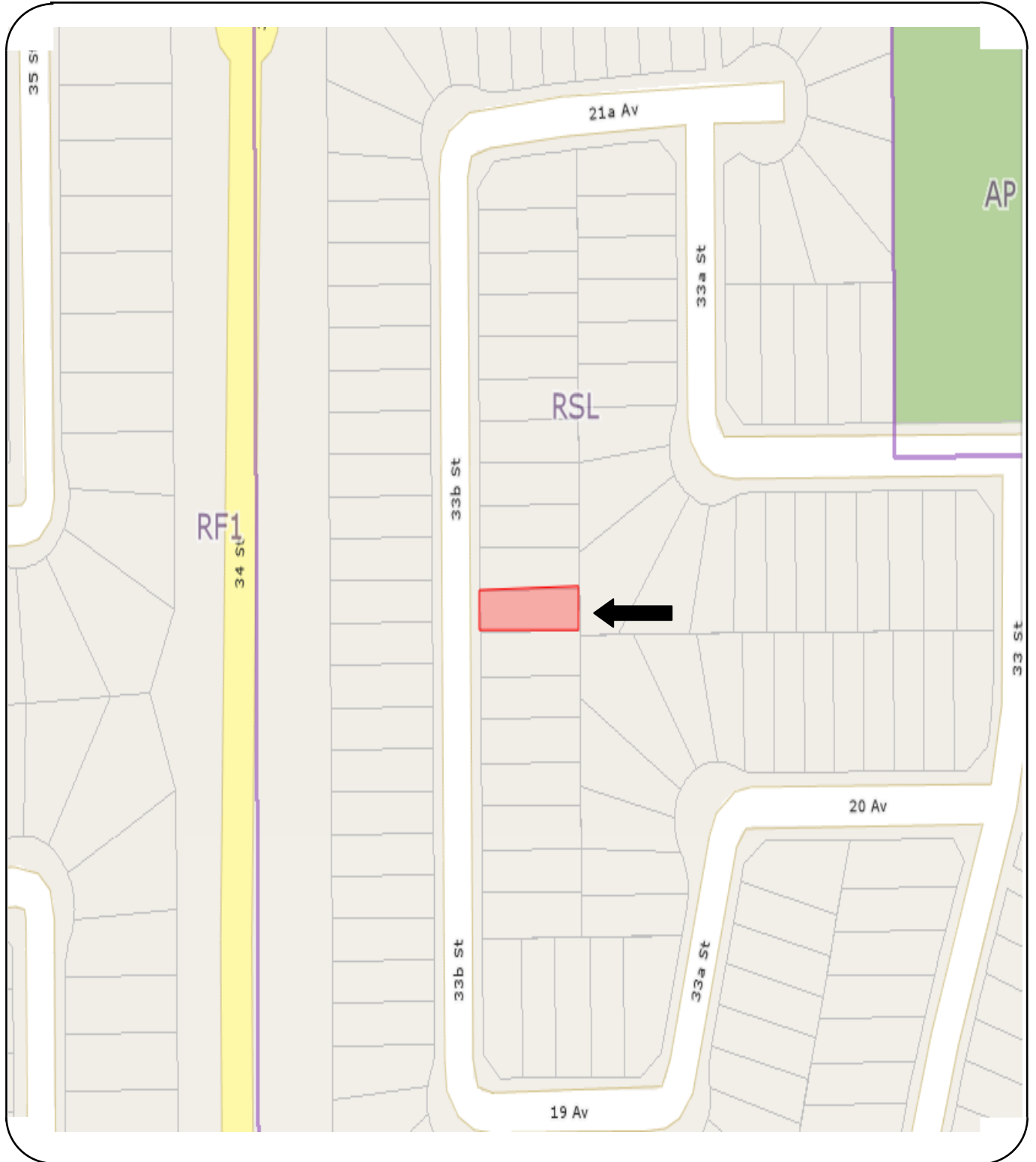
Project Number: **176306309-002**  
Application Date: NOV 10, 2015  
Printed: January 5, 2016 at 12:42 PM  
Page: 3 of 3

## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02884614	Nov 10, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$310.00	\$310.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-013



ITEM III: 1:00 P.M.

FILE: SDAB-S-16-001

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 177008943-001

ADDRESS OF APPELLANT: 12819 Woodbend Place NW

APPLICATION TO: Create two detached single family dwelling lots from one single family dwelling lot to allow for the construction of two detached single family dwellings

DECISION OF THE SUBDIVISION AUTHORITY: Approved With Conditions

DECISION DATE: November 30, 2015

DATE OF APPEAL: December 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12819 Woodbend Place NW

LEGAL DESCRIPTION: Plan 5483KS Lot 1

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

**WITHDRAWN**





**BUSINESS LAID OVER**

SDAB-D-15-298	An appeal by <u>Peter Rausch VS Davut Gokce</u> to erect an over height Fence (5.44 m in length on west property line at 2.44 m in Height) in the Rear Yard of a Single Detached House <b><i>January 13 or 14, 2016</i></b>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <b><i>March 9 or 10, 2016</i></b>
SDAB-D-15-238	An appeal by <u>Ogilvie LLP</u> to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <b><i>February 17 or 18, 2016</i></b>
SDAB-D-15-252	An appeal by <u>Southwest Muslim Community Centre</u> to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <b><i>February 10 or 11, 2016</i></b>
SDAB-D-15-268	An appeal by <u>Ken Chen / Ogilvie LLP</u> to Leave as built a Single Detached House. <b><i>January 15, 2016</i></b>
SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <b><i>March 2 or 3, 2016</i></b>

**APPEAL HEARINGS TO BE SCHEDULED**

176013858-001	An appeal by <u>Abington Homes Ltd.</u> to construct a Single Detached House with a rear attached Garage, a front veranda, fireplace, basement development (NOT to be used as an additional Dwelling) <b><i>January 13 or 14, 2016</i></b>
171838918-001	An appeal by <u>Icwerx Consulting Inc.</u> to install one Minor Digital Off-premises Sign (Icwerx). <b><i>January 13 or 14, 2016</i></b>
159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Singe Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <b><i>January 21, 2016</i></b>