

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
March 4, 2015**

**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-15-042	Construct an Accessory Building (Garage Suite (above Grade) 7.32 metres by 11.13 metres) and to demolish an existing Accessory Building (rear detached Garage 3.75 metres by 6.17 metres).
			11503 - 77 Avenue NW Project No.: 154455304-001

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**LUNCH BREAK – 11:45 A.M. TO 12:15 P.M.**

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II	12:15 P.M.	SDAB-D-15-043	Construct a Semi-detached House with front verandas and to demolish an existing Single Detached House and Accessory Structure (Detached Garage).
			11335 - 93 Street NW Project No.: 166990960-001

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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-15-042

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

APPELLANT:

APPLICATION NO.: 154455304-001

APPLICATION TO: Construct an Accessory Building (Garage Suite  
(above Grade) 7.32 metres by 11.13 metres) and  
to demolish an existing Accessory Building (rear  
detached Garage 3.75 metres by 6.17 metres)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 21, 2015

DATE OF APPEAL: February 9, 2015

NOTIFICATION PERIOD: January 27, 2015 to February 9, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 11503 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 1367HW Blk 17 Lot 1

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan-Belgravia Station Area  
Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

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

This Development Permit authorizes the development of an Accessory Building (Garage Suite (above Grade) 7.32m x 11.13m)) and to demolish an existing Accessory building (rear detached Garage 3.75m x 6.17m). The development shall be constructed in accordance with the approved drawings and is subject to the following conditions:

The Height of the principal building shall not exceed 6.5 m or 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, as per the Height definition. (Reference Section 87(2)(i)).

Except for the hardsurfacing 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.

A Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.

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.

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three.

Only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.

The Private Outdoor Amenity Area provided above grade shall not be enclosed.

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)

Note: 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.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

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

**Variances:**

Class B Discretionary Development: Garage Suite is a Discretionary Use in the RF1 zone. (Section 110.3(3))

Section 87.3 - Relaxed - the maximum Floor Area shall be:

- a) 60 m<sup>2</sup> for a Garage Suite (above Grade).
- b) 50 m<sup>2</sup> 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 m<sup>2</sup>, only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.

Permitted Floor Area of a Platform Structure: 7.5 m<sup>2</sup>  
Proposed Floor Area of a Platform Structure: 15.25 m<sup>2</sup>  
Exceeds by: 7.75 m<sup>2</sup>

Section 87.3 - Relaxed - 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.

- Platform Structure faces the Rear Yard

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APPELLANT'S SUBMISSION

Do not agree with relaxation of Section 87.3 of the maximum Floor Area.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an Accessory Building (Garage Suite (above Grade) 7.32 metres by 11.13 metres) and to demolish an existing Accessory Building (rear detached Garage 3.75 metres by 6.1 metres).

The site is located on the southwest corner of 77 Avenue and 115 Street and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800 and within the McKernan-Belgravia Station Area Redevelopment Plan, Bylaw 16408, approved by Council July 2, 2013.

A **Garage Suite** is a Discretionary Use in the RF1 Single Detached Residential Zone, Section 110.3(3).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

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.

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 87.3 states the maximum Floor Area shall be 60 square metres for a Garage Suite (above Grade), which 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.

**The Development Officer determined the maximum additional Floor Area comprised of Platform Structures allowable is 7.5 square metres. The proposed development provides an additional 15.25 square metres of Floor Area comprised of Platform Structures, which is in excess of the maximum allowable by 7.75 square metres.**

**It should be noted** that the maximum allowable Floor Area with the additional 7.5 square metres for Platform Structures is 67.5 square metres. The proposed Floor Area (60 square metres) with the proposed Platform Structures (15.25 square metres) total 75.25 square metres, **which exceeds the maximum allowable Floor Area by 7.75 square metres.**

Section 87.10 states 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.

**The Development Officer determined any Platform Structure must face the lane or a flanking roadway. The proposed development provides a Platform Structure facing into the Rear Yard, which is not permitted.**

The decision of approval by the Development Officer has been appealed by an adjacent property owner located immediately west at 11507 – 77 Avenue.

The submitted Site Plan shows that the subject site has a Site Width of 15.85 metres and a Site depth of 39.70 metres. The proposed Accessory Building with Garage Suite is located 3.05 metres from the (south) Rear Lot Line, 3.16 metres from the (east) flanking Side Lot Line, 1.57 metres from the (west) Side Lot Line and 9.52 metres from the Principal Building to the north.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS  
(CONTINUED)

Vehicular access to the proposed Accessory Building is from the (south) rear Lane.

The plans show that the proposed Suite is on the second floor of the Garage and consists of two-bedrooms, a kitchen, a living area, a bathroom and a balcony on the (north) elevation of the building. Access to the Suite is from an exterior staircase on the (north) elevation.

The Development Officer has provided the following information:

Site Area:	628.99 square metres
12 percent Allowable Site Coverage:	75.48 square metres
28 percent Allowable Site Coverage:	176.12 square metres
40 percent Allowable Site Coverage:	251.60 square metres
Existing Principal Building:	98.78 square metres
Proposed Accessory Building:	75.25 square metres
Proposed Total Site Coverage:	174.03 square metres

Section 50.3(3)(a) states the Site Coverage of Accessory buildings, with or without a Garage Suite, or structure shall not exceed 12 percent, unless a different standard is prescribed within the regulations contained within the relevant Zone.

Section 110.4(6)(a) states maximum Site Coverage shall be as follows:

	Principal Dwelling building /	Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached and Duplex Housing	28 percent	12 percent	40 percent	40 percent

Under Section 6.1(34), **Floor Area** means the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Under Section 6.1(74), **Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.

Section 110.1 states the 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, Semi-detached Housing and Duplex Housing under certain conditions.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

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.

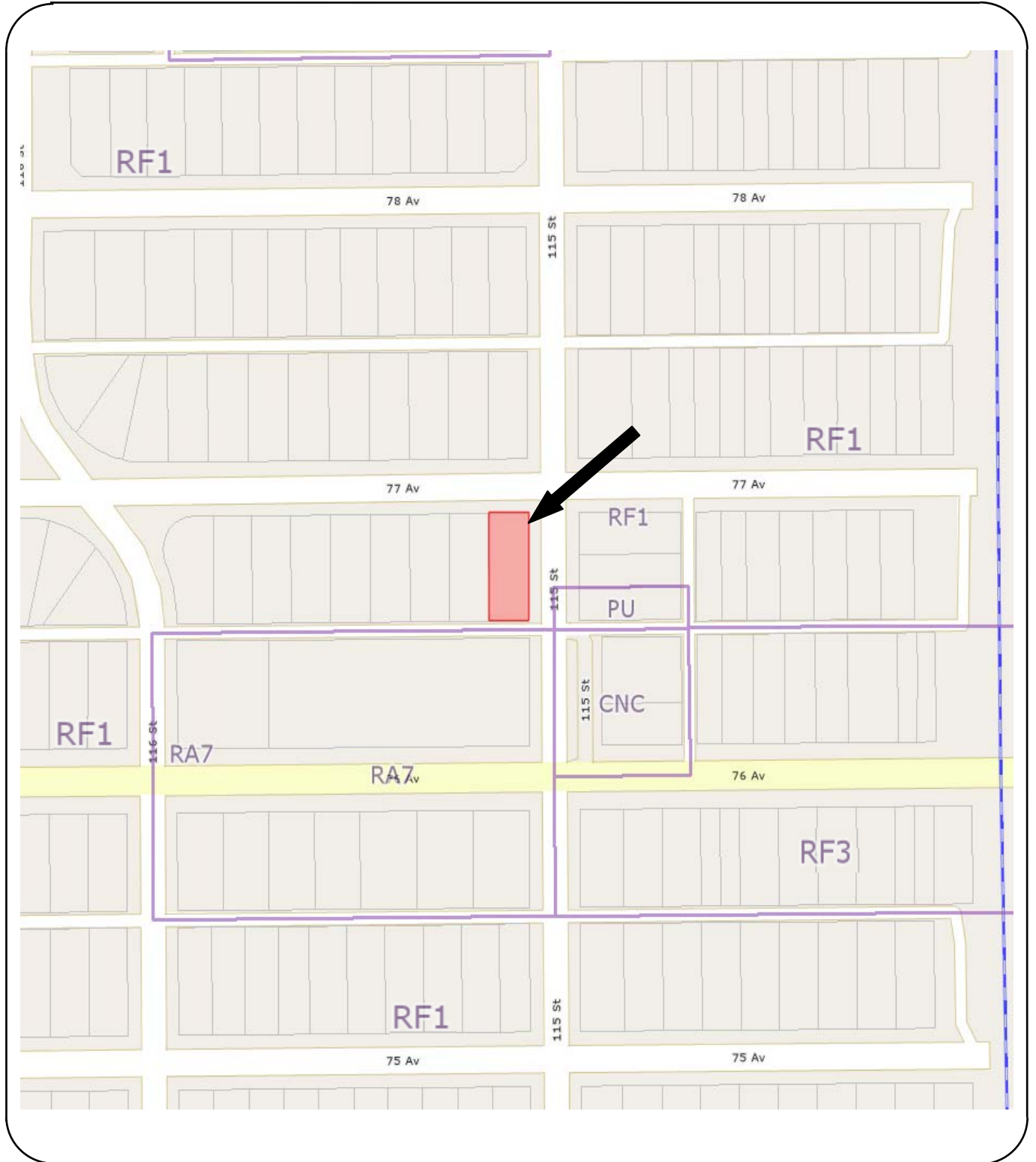
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NOTICE TO APPLICANT/APPELLANT

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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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-042



ITEM II: 12:15 P.M.

FILE: SDAB-D-15-043

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

APPELLANT:

APPLICATION NO.: 166990960-001

APPLICATION TO: Construct a Semi-detached House with front  
verandas and to demolish an existing Single  
Detached House and Accessory Structure  
(Detached Garage).

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with Conditions.

DECISION DATE: February 2, 2015

DATE OF APPEAL: February 9, 2015

NOTIFICATION PERIOD: February 5, 2015 to February, 18, 2015

RESPONDENT:  
MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 11335 - 93 Street NW

LEGAL DESCRIPTION: Plan RN43A Blk 43 Lot 11

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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DEVELOPMENT OFFICER'S DECISION

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

This Development Permit authorizes the development of a Semi-Detached House with verandas and to Demolish an existing Single Detached House and Accessory Building (rear detached garage). The development shall be constructed in accordance with the stamped and approved drawings.

The height of the principal building shall not exceed 8.6 m nor 2 1/2 Storeys as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

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.

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.

The maximum number of Dwellings per lot and applicable density regulations shall be as follows: Where Semi-detached Housing and Duplex Housing are allowed in this Zone, a maximum of two Dwellings per lot or and where Single Detached Housing is developed in this Zone, a maximum of one Dwelling per Site, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite shall be allowed. Reference Section 140.4 (17)(b)

Semi-detached Housing requires 2 on-site parking spaces per Dwelling and may be in tandem to the attached garage. (Reference Section: 54.2(3))

Except for the hardsurfacing 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.

Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area. (Reference Section 140.4(16))

The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 140.4(15))

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the facade, porches or entrance features, building materials, or other treatments. (Reference Section 140.4(18))

Note: 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.

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.

Note: 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.

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

**Variances:**

Section 140.4(3)(a) The minimum Site area for a Semi-Detached House shall be 442.2 m<sup>2</sup>.

Proposed area: 368.58 m<sup>2</sup>

Deficient by: 73.62 m<sup>2</sup>

Section 47(5) Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m

Proposed width: 7.66 m

Proposed length: 3.10 m

Length deficient by: 0.90 m

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.

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**APPELLANT'S SUBMISSION**

The proposed property is deficient in the minimum site area and length of Private Outdoor Amenity Area for a Semi-detached House.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct a Semi-detached House with front verandas and to demolish an existing Single Detached House and Accessory Structure (Detached Garage).

The site is located east of 93 Street and north of 113 Avenue and is zoned RF3 Small Scale Infill Development Zone, Section 140 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800.

**Semi-detached Housing** is a Permitted Use in the RF3 Small Scale Infill Development Zone, Section 140.2(8).

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 140.4(3)(a) states the minimum Site area for Semi-detached Housing shall be 442.2 square metres.

**The Development Officer determined the minimum Site area is 442.2 square metres. The existing site provides a Site area of 368.58 square metres, which is deficient by 73.62 square metres.**

Section 140.4(15) states Private Outdoor Amenity Area shall be provide on Site in accordance with Section 47 of the Edmonton Zoning Bylaw 12800.

Section 47(5) states neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 metres, except that if it provided above the first Storey the minimum dimensions shall be 3.0 metres.

**The Development Officer determined the Private Outdoor Amenity Area must have a width and length of no less than 4.0 metres. The proposed development provides a Private Outdoor Amenity Area with a width of 10.06 metres and a length of 3.10 metres, which is deficient in length by 0.90 metres.**

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 11332 - 93 Street.

The submitted Plot Plan created by Hagen Surveys (1982) Ltd., dated December 17, 2014 shows that the subject site has a Site Width of 10.06 metres and a Site depth of 36.64 metres.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS  
(CONTINUED)

The proposed Semi-detached House is 5.07 metres from the (west) Front Lot Line, 1.22 metres from the (south) Side Lot Line, 1.22 metres from the (north) Side Lot Lin and 14.69 metres from the (east) Rear Lot Line.

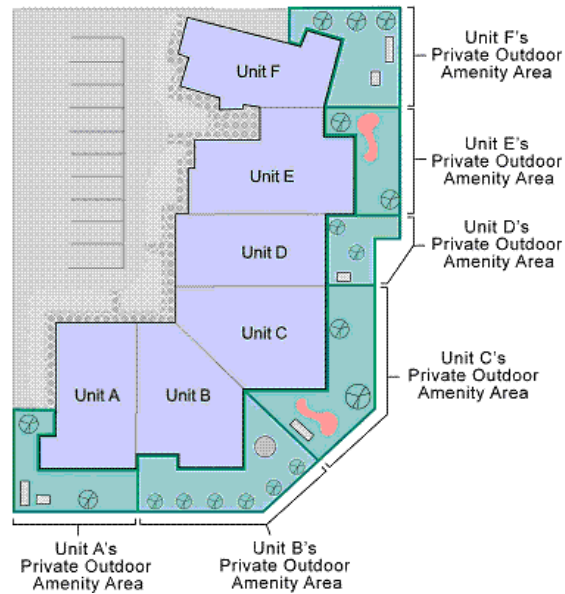
The Development Officer has provided the following information:

Site Area:	368.58 square metres
28 percent Allowable Site Coverage:	103.20 square metres
Proposed Principal Building:	102.81 square metres

Section 140.4(10)(d) states maximum Site Coverage shall be as follows:

	Principal Dwelling building /	Accessory building	Principal building with attached Garage	Total Site Coverage
Semi-detached Housing – Site area less than 600 square metres	28 percent	14 percent	42 percent	42 percent

Under Section 6.1(78), **Private Outdoor Amenity Area** means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve.



SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

Section 140.1 states the 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.

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.

The following permit application is listed in the Sustainable Development POSSE system:

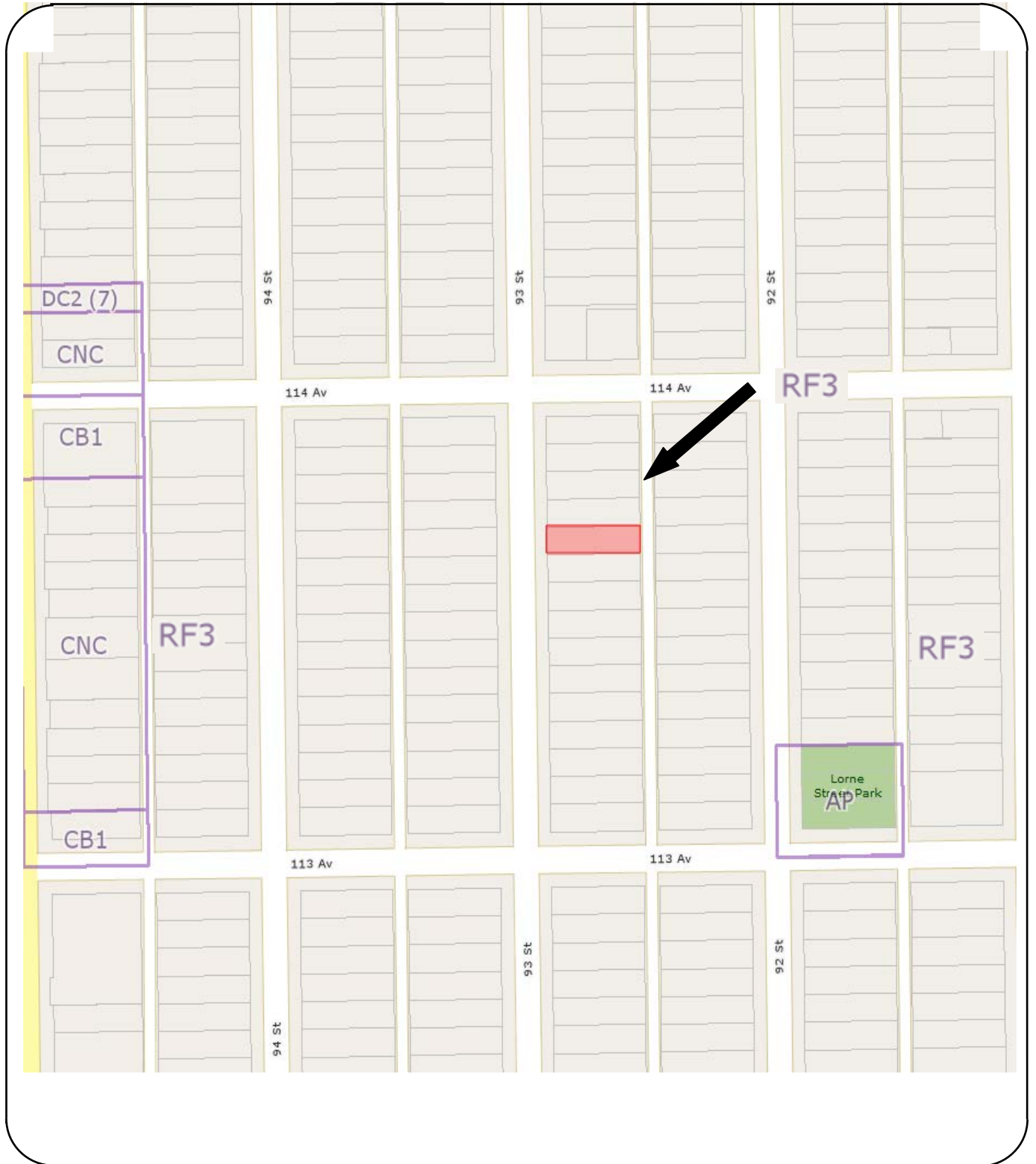
<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
1669990960-003	To construct an Accessory Structure (Detached Garage 7.32 metres by 6.10 metres)	In development review.

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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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**SURROUNDING LAND USE DISTRICTS**

■ Site Location

File: SDAB-D-15-043

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**BUSINESS LAID OVER**

<b>SDAB-D-15-019</b>	An appeal to construct an Accessory Building (detached Garage, 4.88 metres by 6.10 metres). <i>March 5, 2015</i>
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**APPEAL HEARINGS TO BE SCHEDULED**

<b>161242059-003</b>	An appeal to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. <i>March 12, 2015</i>
<b>165332560-001</b>	An appeal to construct exterior alterations (driveway extension 6.0m x 3.0 m) to an existing Single Detached House, existing without permits. <i>March 11 or 12, 2015</i>
<b>161821680-001</b>	An appeal to construct four Dwellings of Stacked Row Housing with front verandas (four at 2.13 metres by 6.10 metres) and uncovered rear decks (two irregulars at 3.66 metres by 6.10 metres) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage) <i>March 25 or 26, 2015</i>