

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 15, 2016**

**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-16-226	Construct exterior alterations (Driveway extension 4.26m X 6.28m) to an existing Single Detached House - existing without permit 1819 - 151 Avenue NW Project No.: 179517128-004
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II	10:30 A.M.	SDAB-D-16-227	Erect a Fence at 1.83m in Height in the Front Yard facing 111 Street NW along 12.85m of the west lot line 11020C - 108 Avenue NW Project No.: 225465805-001
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III	1:00 P.M.	SDAB-D-16-228	Construct a 2-Storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor, 7.01m x 10.67m) and to demolish the existing detached Garage 10204 - 52 Street NW Project No.: 188057550-001
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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-16-226

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 179517128-004

APPLICATION TO: Construct exterior alterations (Driveway extension 4.26m X 6.28m) to an existing Single Detached House - existing without permit

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 15, 2016

DATE OF APPEAL: August 23, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1819 – 151 Avenue NW

LEGAL DESCRIPTION: Plan 7922954 Blk 89 Lot 77

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Fraser Neighbourhood Area Structure Plan

<i>Grounds for Appeal</i>

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

NO permit that we knew of in 2009 (we researched) was required to go ahead with concrete work. All of our neighbors have no problem with our parking arrangements - we included signed letters to the planning department. The allowable width of the driveway cannot exceed 6.2m. Our concrete is 8.12m which means we are over by 1.92m. The overage of 1.92m can be used as a sidewalk on our property, not to be parked on. Because there is parking on both sides of the street, our vehicles parked on the driveway allow for vehicles to pass by easier and for those parking on the other side better access to parking and their driveways - all houses on our street have side drives and only access to their garages from the front street. Having our vehicles on the driveway reduces our carbon footprint, we only have to start one to drive, not move the others to access a vehicle. This also helps for security, none of the vehicles parked on the driveway

have been broken into. Parking on the driveway extension is good for getting children in and out of the vehicle, when parked on the street it becomes very busy and makes it more difficult to move the children off the street before a vehicle comes by. As well garbage pickup - when vehicles were parked on the street the garbage truck couldn't access our garbage unless he pulls up in front of the neighbors house. We have had occasions with vehicles parked on the street and no garbage pickup because they cannot see the garbage due to a vehicle blocking sight. In short, having our vehicles parked on our property frees up other vehicles to pass by safely and allows for extra parking for the neighbors or our guests. [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

...

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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.

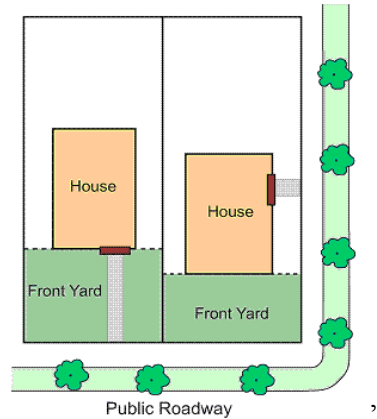
General Provisions from the *Edmonton Zoning Bylaw*:

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

Under section 6.1(2), **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

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.”

Under section 6.1(41), **Front Yard** means “the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1(70), **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

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, Semi-detached Housing and Duplex Housing under certain conditions.

Off-street Parking and Loading Regulations

Section 54.1(4) states the following:

The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a. a minimum width of 3.1 m; and
- b. a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;
- c. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 3.1 m.

Section 54.1(5) states “The Driveway shall lead directly from the roadway to the required Garage or Parking Area.”

Objects Prohibited or Restricted in Residential Zones

Section 45.7 states the following:

In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

- a. vehicles shall not be located on the landscaped portion of the Yard; and
- b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

Required Off-street Vehicular Accessory Parking

Section 54.2(2) states the following with regard to Location of Vehicular Parking Facilities:

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

Development Officer's Determination:

1. The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a minimum width of 3.1 m; and
- a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;
- for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 3.1 m. (Section 54.1.4)

1. The Driveway shall lead directly from the roadway to the required Garage or Parking Area.(Section 54.1.5)


3. In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

- vehicles shall not be located on the landscaped portion of the Yard; and
- vehicles shall only be allowed on a Driveway or within an attached or detached Garage.(Section 45.7.a.b)

4. 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; (Section 54.2.e.i) [unedited].

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*.

	Project Number: 179517128-004 Application Date: MAY 05, 2016 Printed: August 15, 2016 at 11:44 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Minor Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 1819 - 151 AVENUE NW Plan 7922954 Blk 89 Lot 77
	Specific Address(es) Entryway: 1819 - 151 AVENUE NW
Scope of Application To construct exterior alterations (Driveway extension 4.26m X 6.28m) to an existing Single Detached House - existing without permit.	
Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
Reason for Refusal	
1. The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have: - a minimum width of 3.1 m; and - a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; - for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 3.1 m. (Section 54.1.4)	
2. The Driveway shall lead directly from the roadway to the required Garage or Parking Area.(Section 54.1.5)	
3. In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone: - vehicles shall not be located on the landscaped portion of the Yard; and - vehicles shall only be allowed on a Driveway or within an attached or detached Garage.(Section 45.7.a.b)	
4. 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; (Section 54.2.e.i)	
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.	
THIS IS NOT A PERMIT	



Project Number: 179517128-004
Application Date: MAY 05, 2016
Printed: August 15, 2016 at 11:44 AM
Page: 2 of 2

Application for Minor Development Permit

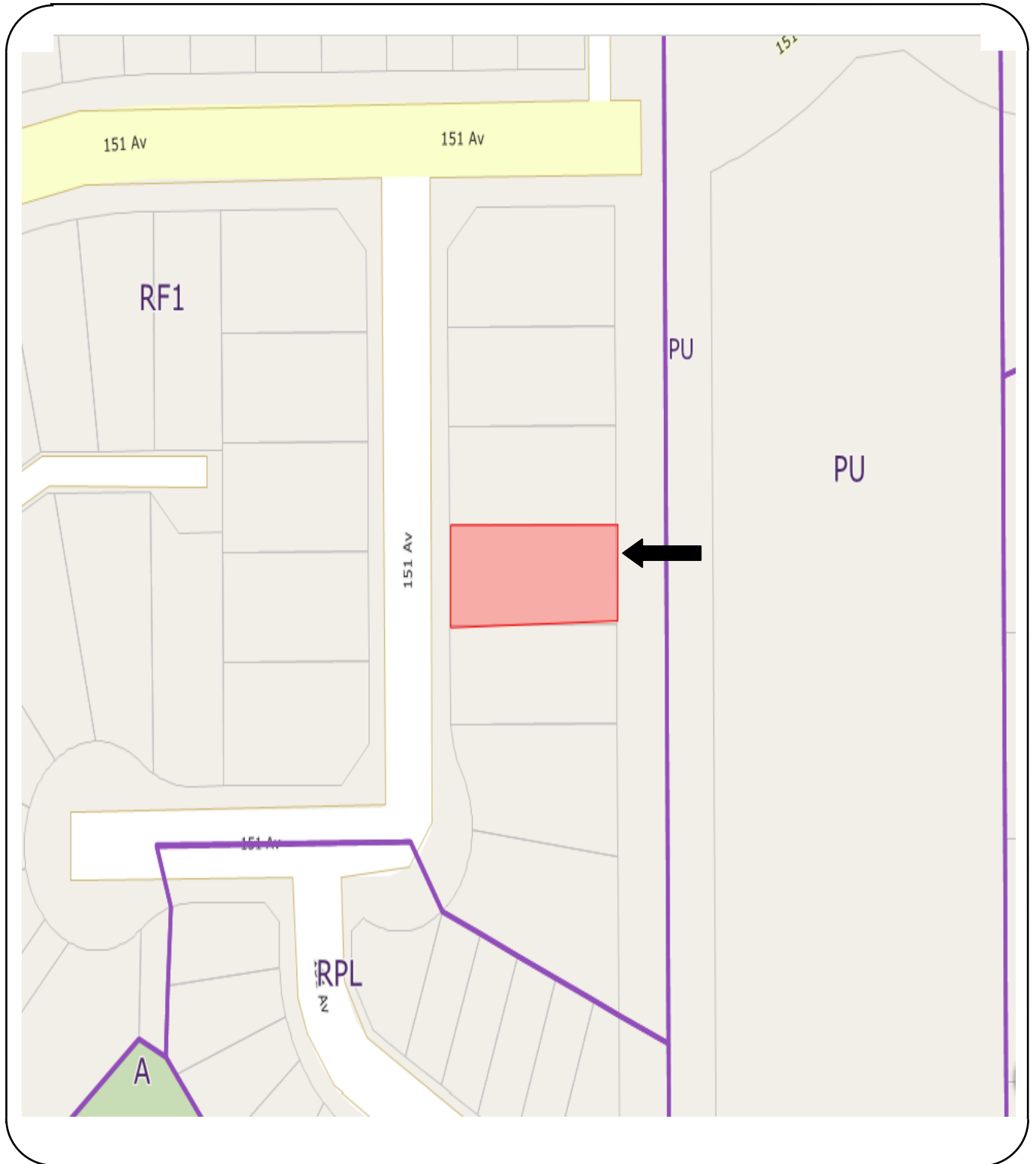
Issue Date: Aug 15, 2016 Development Authority: WATTS, STACY

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$159.00	\$159.00	03258190	May 05, 2016
DP Notification Fee	\$0.00	\$41.00	03258190	May 05, 2016
Existing Without Permit Penalty Fee	\$159.00	\$159.00	03258190	May 05, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$318.00	\$359.00		
(overpaid by \$41.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-226



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-227

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 225465805-001

APPLICATION TO: Erect a Fence at 1.83m in Height in the Front Yard facing 111 Street NW along 12.85m of the west lot line

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 19, 2016

DATE OF APPEAL: August 23, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11026 – 108 Avenue NW

LEGAL DESCRIPTION: Condo Common Area (Plan 1520868)

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Central McDougall / Queen Mary Park Area Redevelopment

Grounds for Appeal

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

The requested fence to be built at 1.83 m in height facing 111 st NW is not the building's front yard. There should be no issue with it being built at that height since it is on the side and back of the building. [unedited].

<i>General Matters</i>

Appeal Information:

On August 22, 2016, City Council signed and passed **Bylaw 17727** to amend **Section 49 Fences, Walls, Gates, and Privacy Screening in Residential Zones** of the *Edmonton Zoning Bylaw, Bylaw 12800*. The Development Permit Refusal was issued August 19, 2016.

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

...

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

Under section 210.2(6), **Row Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Under section 6.1(2), **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1(34), **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

...to accommodate the development of medium-scale infill housing in Edmonton’s mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Fences, Walls, Gates, and Privacy Screening in Residential Zones

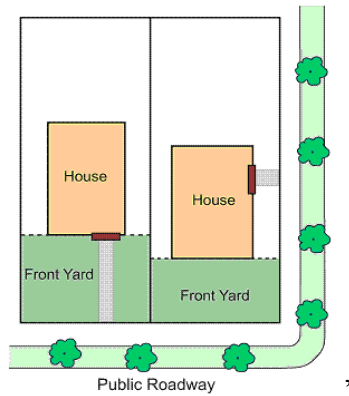
Section 49 states:

1. Fences, walls and gates
 - a. The regulations contained within Section 49.1 of this Bylaw apply to:

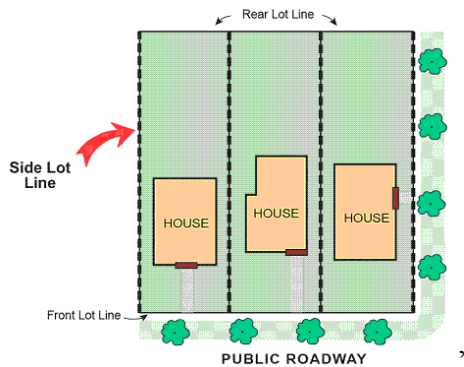
- i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.
- b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. ...
- e. On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,
 - ii. 1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and
 - iii. 1.85 m in all other Yards.
- f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- g. In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow a Fence, wall, or gate of up to 1.85 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.

...

Under section 6.1(41), **Front Yard** means “the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1(92), **Side Lot Line** means “the property line of a lot other than a Front Lot Line or Rear Lot Line;




Development Officer’s Determination

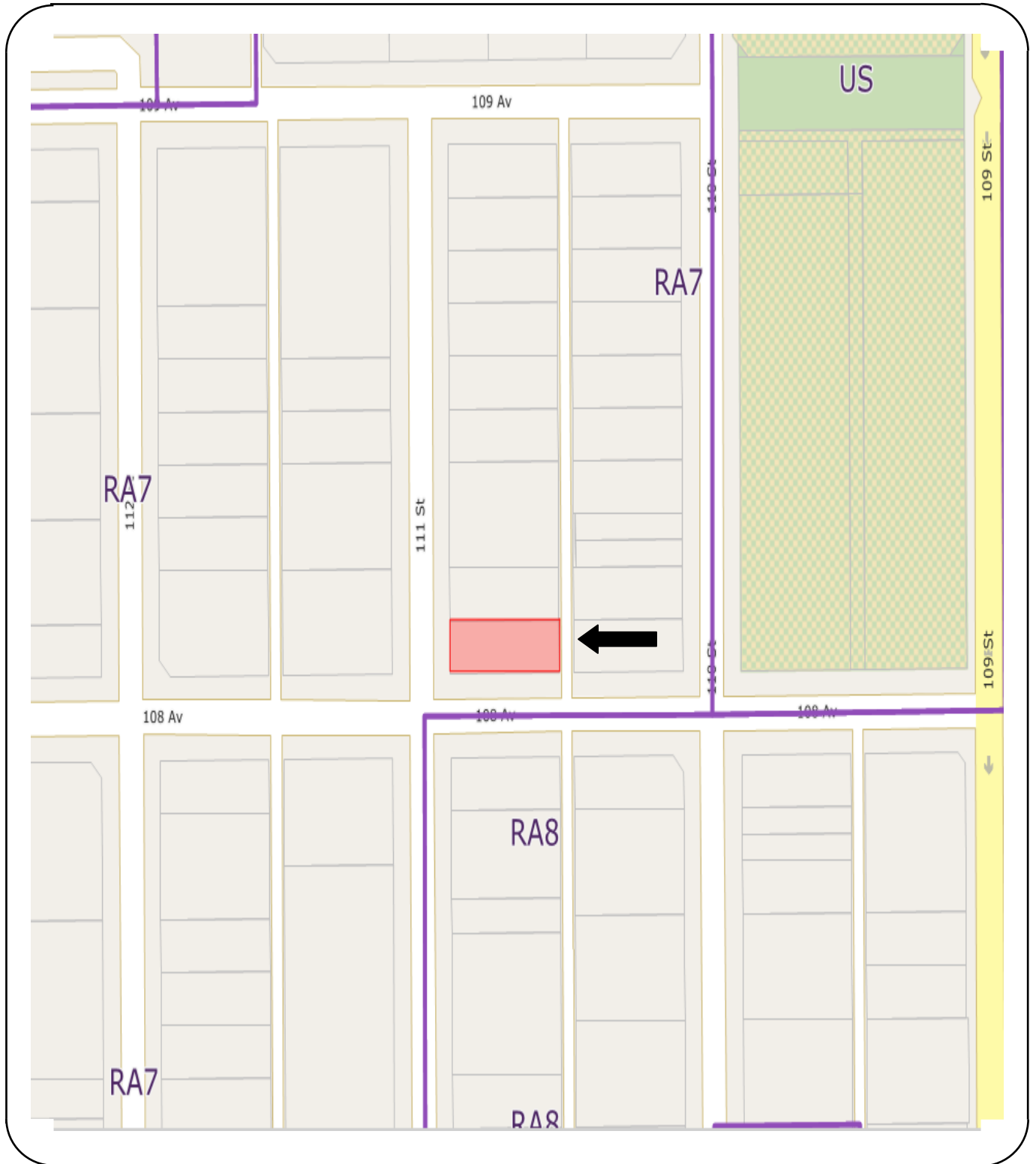
1. A fence on a site in a residential district shall not be higher than 1.2 m in Height for the portion of fence that extends beyond the foremost portion of the principal building on the site into the front yard. (Reference Section 49.4.a).

Proposed: 1.8 m
Exceeds by: + 0.6 m [unedited].

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*.

	Project Number: 225465805-001 Application Date: JUL 06, 2016 Printed: August 19, 2016 at 1:51 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.				
Applicant	Property Address(es) and Legal Description(s) 11020C - 108 AVENUE NW Condo Common Area (Plan 1520868)			
	Specific Address(es) Suite: 11026 - 108 AVENUE NW Entryway: 11026 - 108 AVENUE NW			
Scope of Application To erect a Fence at 1.83 m in Height in the Front Yard facing 111 Street NW along 12.85 m of the west lot line				
Permit Details				
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused				
Reason for Refusal 1. A fence on a site in a residential district shall not be higher than 1.2 m in Height for the portion of fence that extends beyond the foremost portion of the principal building on the site into the front yard. (Reference Section 49.4.a). Proposed: 1.8 m Exceeds by: + 0.6 m				
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: Aug 19, 2016 Development Authority: LIANG, BENNY Signature: _____				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$165.00	\$165.00	03420084	Jul 06, 2016
DP Notification Fee	\$41.00	\$41.00	03420084	Jul 06, 2016
Notification Refund	(\$41.00)			
Total GST Amount:	\$0.00			
Totals for Permit:	\$165.00	\$206.00		
(overpaid by \$41.00)				
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-227



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-228

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188057550-001

APPLICATION TO: Construct a 2-Storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor, 7.01m x 10.67m) and to demolish the existing detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 17, 2016

DATE OF APPEAL: August 18, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10204 - 52 Street NW

LEGAL DESCRIPTION: Plan 1841KS Blk 9 Lot 16

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

General Matters

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

Please accept our request for appeal. It is our desire to better our home and our community by updating our old garage and replacing it with both an attractive and functional garage and suite above.

As we plan to keep this property long term, we plan to use the suite in three ways over time. 1. Suite for family members - (we have aging parents that may need extra support & children/nieces that may live there.)

2. Home Office

3. Rental suite - (As we live in the principal dwelling, we are extremely picky on who we rent to.)

We have requested variances for the following items. The bylaws state

1. Section 814.3.10: Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

Since all of the corner lots in the area have flanking access, and our neighbour that use the backlane have expressed that they prefer us to keep our driveway where it is, we would like to receive a variance for this item.

6. Section 87.3: the maximum Floor Area shall be 60 m² for a Garage Suite.

Proposed Floor Area: 805 sqft = 74.79m

Deficiency: 14.79m

As the largest factor in designing the suite was to accommodate our aging parents, we require a suite with an inside stairwell that can equip a stair lift and other assistive living requirements inside the home. As the stairs are on the inside, it has place our overall square footage over in the maximum Floor area and the Site Coverage.

4. Section 110.4.7: Maximum Site Coverage shall be 28% for the Principle Dwelling, 12% for Accessory buildings, and 40% in total.

House Coverage: 125.24m² (24.67%) Max Coverage: 28%

Accessory Building: 74.8 (14.73%) Max Coverage: 12%

Total Site coverage: 200.04m² (39.4%) Max Coverage: 40%

Maximum Garage Site Coverage 60.92m²

Deficiency: 13.88m²

Our final requested variance is the distance between our house and garage. Again, the limited space is due to the size of the garage suite, which is related to the inside stairs. The space that we are requesting, is larger than our current space, but does not meet the current standards. We also would like to maintain the proposed width to assist with greater options for stair lifts.

3. Section 814.3.22: A principal building shall be separated from a rear detached Garage by a minimum of 3.0 m.

Required separation distance under MNO: 3.0m

Required separation distance under Section 87.7: 4m

Proposed: 1.38m

Our proposed garage suite will be classy, match our house, and improve the overall curb appeal of the neighbourhood. We have lots of parking and neighbours who supported us with their signatures of approval. Please consider our request for an appeal. [unedited].

General Matters

Appeal Information:

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

...

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

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

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 Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

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.”

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, Semi-detached Housing and Duplex Housing under certain conditions.

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.

Mature Neighbourhood Overlay Development Regulations

Section 814.3(10) states the following:

Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

- a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
- b. the Site Width is less than 15.5 m; or
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Section 814.3(22) states "A principal building shall be separated from a rear detached Garage by a minimum of 3.0 m."

Section 814.3(24) states the following:

When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and

- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

RF1 Single Detached Residential Zone Development Regulations

Section 110.4(7) states the maximum total Site Coverage shall be as follows:

	Principal Dwelling building	/	Accessory building	Principal building with attached Garage or where parking is provided underground
(a) Single Detached Housing - Site greater than 300 m ²	28 percent		12 percent	40 percent

Under section 6.1(94), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

Garage Suites

Section 87.3 states the following:

the maximum Floor Area shall be:

- a. 60 m² for a Garage Suite (above Grade).
- b. ...
- c. notwithstanding (a) and (b) above, the maximum Floor Area may be increased by up to 7.5 m², only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.

Section 87.7 states “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 m.”

Under section 6.1(35), **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.”

Development Officer’s Determination:

- 1. Driveway - The driveway is located off of 52 Street NW (flanking) instead of the alley (Section 814.3.10).**
- 2. Garage separation - The distance between the house and the garage is 1.38m instead of 3.0m (Section 814.3.20).**
- 3. Site Coverage - The garage covers 14.7% of the site, instead of 12%. In total all the buildings cover 39.4% of the site, which is less than the total maximum site coverage (40%) allowed (Section 110.4.7).**
- 4. Floor Area - The Floor Area of the garage suite is 74.8m² instead of 60.0m² (Section 87.3).**
- 5. Garage separation - The distance between the house and the garage is 1.38m instead of 4.0m (Section 87.7).**
- 6. Discretionary Use - a Garage Suite is a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.3). [unedited].**

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*.



Project Number: **188057550-001**
 Application Date: MAR 02, 2016
 Printed: August 17, 2016 at 1:56 PM
 Page: 1 of 2

Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant	Property Address(es) and Legal Description(s) 10204 - 52 STREET NW Plan 1841KS Blk 9 Lot 16
	Location(s) of Work Entryway: 10204A - 52 STREET NW Building: 10204A - 52 STREET NW

Scope of Application
 To construct a 2 Storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor, 7.01m x 10.67m) and to demolish the existing detached Garage.

Permit Details	
Affected Floor Area (sq. ft.): 807 Class of Permit: (none) Front Yard (m): Rear Yard (m): .63 Side Yard, left (m): 2.29 Site Area (sq. m.): 507.68 Site Width (m): 16.77	Building Height to Midpoint (m): 5.75 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 3.81 Site Depth (m): 31.38 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal

1. Driveway - The driveway is located off of 52 Street NW (flanking) instead of the alley (Section 814.3.10).
2. Garage separation - The distance between the house and the garage is 1.38m instead of 3.0m (Section 814.3.20).
3. Site Coverage - The garage covers 14.7% of the site, instead of 12%. In total all the buildings cover 39.4% of the site, which is less than the total maximum site coverage (40%) allowed (Section 110.4.7).
4. Floor Area - The Floor Area of the garage suite is 74.8m² instead of 60.0m² (Section 87.3).
5. Garage separation - The distance between the house and the garage is 1.38m instead of 4.0m (Section 87.7).
6. Discretionary Use - a Garage Suite is a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.3).

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: Aug 17, 2016 **Development Authority:** ROBINSON, GEORGE **Signature:** _____

THIS IS NOT A PERMIT



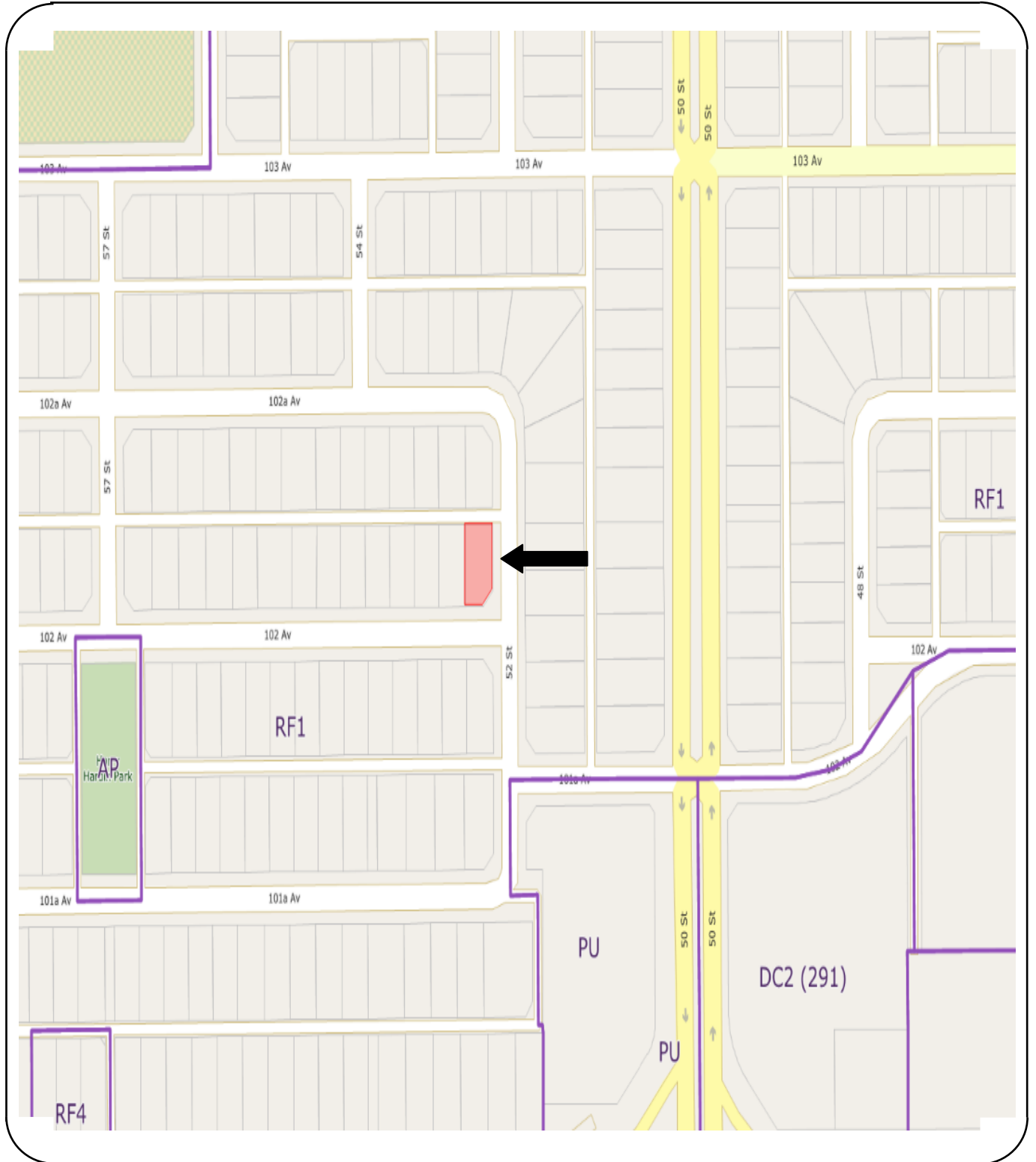
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Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Safety Codes Fee	\$13.22	\$13.22	03102027	Mar 02, 2016
Electrical Fee (Service)	\$77.00	\$77.00	03102027	Mar 02, 2016
Lot Grading Fee	\$135.00	\$135.00	03102027	Mar 02, 2016
Building Permit Fee	\$1,043.00	\$1,043.00	03102027	Mar 02, 2016
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03102027	Mar 02, 2016
Water Usage Fee	\$25.41	\$25.41	03102027	Mar 02, 2016
Safety Codes Fee	\$41.72	\$41.72	03102027	Mar 02, 2016
Temporary Gas Heat Fee	\$100.00	\$100.00	03102027	Mar 02, 2016
Electrical Fees (House)	\$218.00	\$218.00	03102027	Mar 02, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,346.35	\$2,346.35		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-228



BUSINESS LAID OVER

SDAB-D-16-204	An appeal by <u>Omer Moyen</u> to develop a Secondary Suite in the basement of a Single Detached House, existing without permits <i>September 21 or 22, 2016</i>
SDAB-D-16-192	An appeal by <u>Vishal Kapoor</u> to change the Use from General Retail to Minor Alcohol Sales (AKP Liquors) <i>September 21 or 22, 2016</i>
SDAB-D-16-213	An appeal by <u>E&F Aquitel Construction</u> to construct a Semi-detached House with front verandas and to demolish the existing Single Detached House. <i>September 28 or 29, 2016</i>
SDAB-D-16-205	An appeal by <u>Rossdale Community League & Gabe Shelley VS Edmonton Fire Rescue Services</u> to continue and intensify the use of an existing Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alterations <i>October 6, 2016</i>
SDAB-D-16-214	An appeal by <u>1665481 Alberta Ltd.</u> to comply with a Stop Order to immediately cease the use of the basement as Secondary Suites and Decommission the Secondary Suite. <i>October 6, 2016</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>October 31, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

178340926-011	An appeal by <u>Habitat Studio & Workshop Ltd.</u> to construct a two-storey Accessory Building (rear detached Garage - 8.99 metres by 9.60 metres) <i>September 21 or 22, 2016</i>
169544513-002	An appeal by <u>Michael Skare</u> to construct an Accessory Building (Shed 1.98m x 4.57 m). <i>September 28 or 29, 2016</i>
188282372-001	An appeal by <u>Kennedy Agrios</u> to change the use from general Retail to a Bar and Neighbourhood Pub (maximum of 400 occupants and 691 square metres of Public Space) <i>November 2 or 3, 2016</i>
188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <i>November 23 or 24, 2016</i>