

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
April 30, 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-15-086

Construct 4 Dwellings of Row Housing with attached Garages, fireplaces and Basement development (not to be used as additional Dwellings) and to demolish an existing Single Detached House and detached Garage

11148 - 132 Street NW  
Project No.: 165465217-001

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**LUNCH BREAK – 12:00 P.M. TO 1:00 P.M.**

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II    1:00 P.M.     SDAB-D-15-087

Construct a 44 Dwelling Unit Apartment House Development (4 Storeys with underground parkade)

10829, 10833, 10837, 10841 and 10845 – 83 Avenue NW

Project No.: 164626249-001

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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-15-086

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	165465217-001
APPLICATION TO:	Construct 4 Dwellings of Row Housing with attached Garages, fireplaces and Basement development (not to be used as additional Dwellings) and to demolish an existing Single Detached House and detached Garage
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	March 23, 2015
DATE OF APPEAL:	April 2, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	11148 - 132 Street NW
LEGAL DESCRIPTION:	Plan 0022306 Blk 28 Lot 10A
ZONE:	RF3 Small Scale Infill Development Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	West Ingle Area Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

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

1. Section 814.3.5 - The minimum Rear Setback shall be 40% of Site depth.

- Site Depth: 42.74m

- Required Rear Setback: 17.1m (40% of Site Depth)

- Proposed Rear Setback: 5.21m

- Deficient by: 11.89m

2. Section 814.1 - The proposed development does not meet the General Purpose statement of the Mature Neighbourhood Overlay.

3. Section 814.3.10 (c) - 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 fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

- Fewer than 50% of principal Dwellings on the blockface have vehicular access from the flanking roadway.

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

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APPELLANT'S SUBMISSION

“The build was designed in a way to compliment the neighbourhood and blend in with pre-existing style of builds. Currently there are 12 other homes in Inglewood along the same street (112 Avenue) that have been built with side attached garages flanking onto the side street, and most of these also do not have the 40% rear setback rule applied. It is our intent with this design to blend into the existing infrastructure and neighbourhood aesthetics. We feel this development should be granted for the above stated reasons.”

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**Row Housing** is a Permitted Use in the RF3 Small Scale Infill Development Zone, Section 140.2(5).

Under Section 7.2(6), **Row Housing** means development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade. This Use Class does not include Stacked Row Housing.

The plan shows four Dwellings with two single attached Garages. Each Dwelling contains a great room, dining room, bathroom and a bathroom on the main floor; three bedrooms, two bathrooms and a laundry closet on the second floor; staircase to a roof deck from the second floor; and a bedroom, a bathroom and a recreation room in the Basement.

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 Development Officer determined the proposed development does not meet the General Purpose statement of the Mature Neighbourhood Overlay.**

Section 814.3(5) states the minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.

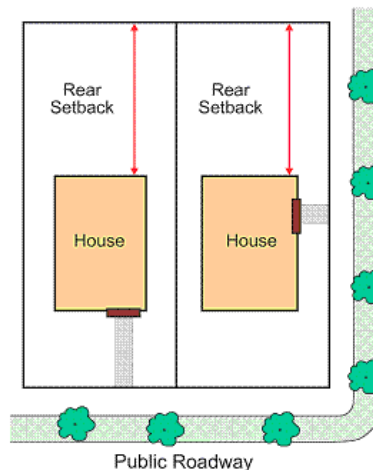
**The Development Officer determined the required Rear Setback is 17.1 metres. The proposed development provides a Rear Setback of 5.21 metres, which is deficient by 11.89 metres.**

Section 814.3(10) states 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 metres; or
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

**The Development Officer determined fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway. The proposed development provides vehicular access from the front or flanking public roadway, which is in contravention of 814.3(10).**

Under Section 6.1(82), **Rear Setback** means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Under Section 6.1(92), **Site** means an area of land consisting of one or more abutting Lots.

Section 140.1 states the purpose of the 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.

Included in the Sustainable Development Department’s POSSE system, under “Shared with SDAB”, is a Memorandum dated January 8, 2015 from Karen Haromy, Senior Transportation Technician, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the noted development application and has attached conditions and advisements if approved. **A copy of the Memorandum from Transportation Services is on file.**

The following jobs are listed in the SDAB file:

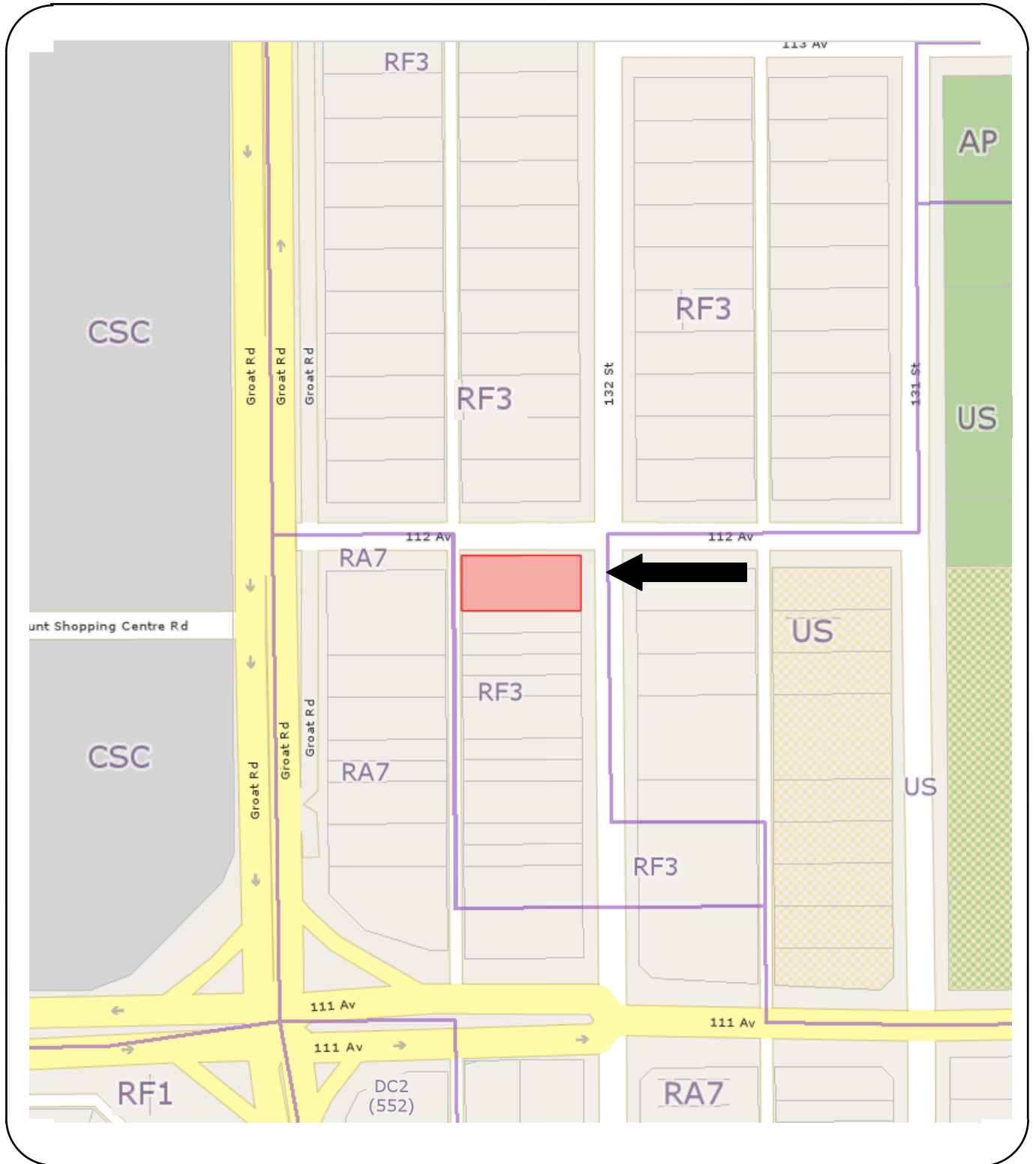
<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
33181896-001 <b>SDAB-S-03-010</b>	To create an additional Single Detached Residential Lot.	Refused; July 24, 2003 <b>Refused; September 19, 2003</b>
1106752-001	To create an additional Single Detached Residential Lot.	Refused; April 9, 2003
949767-001 <b>949767-002</b> <b>SDAB-D-01-025</b>	Construct a Row Housing development (4 units of linked housing)	Approved; January 3, 2001 <b>Refused; February 16, 2001</b>
939938-001	To construct two Semi-detached Houses	Refused; September 20, 2000

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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-15-086



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-087

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	164626249-001
APPLICATION TO:	Construct a 44 Dwelling Unit Apartment House Development (4 Storeys with underground parkade)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	April 1, 2015
DATE OF APPEAL:	April 2, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10829, 10833, 10837, 10841, 10845 – 83 Avenue NW
LEGAL DESCRIPTION:	Plan N4000R Blk 170 Lots 18 to 22
ZONE:	RA7 Low Rise Apartment Zone
OVERLAY:	Medium Scale Residential Infill Overlay
STATUTORY PLAN(S):	109 Street Corridor Area Redevelopment Plan Garneau Area Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

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

Exceeds maximum density by 19 Dwellings.

Exceeds maximum F.A.R. by 0.58.

Required Front Setback is 6.46m, provided is 5.80m.

Front Entrance feature projects too much.

Not all balconies are recessed.

Parkade ramps project into side setbacks.

Deciduous to Coniferous Shrub count ratio is 78:22 instead of 50:50.

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APPELLANT'S SUBMISSION

“The project has received strong support from the EDC and meets many of the goals for densification of the inner city. Besides the FAR and density which the EDC recommends approving, the other variances are relatively minor.”

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**Apartment Housing** is a Permitted Use in the RA7 Low Rise Apartment Zone, Section 210.2(1).

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

Section 210.4(1) states the maximum Density shall be 125 Dwellings per hectare.

**The Development Officer determined the maximum Density on the Site is 25 Dwellings. The proposed development provides 44 Dwellings, which is in excess of the maximum by 19 Dwellings.**

Section 210.4(5) states the maximum Floor Area Ratio shall be 1.3. The maximum Floor Area Ratio may be increased to 1.4 when underground parking is provided. In such a case, the application will be a Discretionary Development.

**The Development Officer determined that the maximum Floor Area Ratio may be increased to 1.4 when underground parking is provided. The proposed development provides a Floor Area Ratio of 1.98, which is in excess of the Floor Area Ratio by 0.58.**

Section 823.3(1)(c) states the minimum Front Setback shall be consistent with the Setback of development on adjacent Sites and with the general context of the block face but shall not be less than 3.0 metres. The principal building shall be located at or within 1.0 metres of the average Setback along the block face. Where the Front Yard abuts an arterial road, the minimum Setback shall be 6.0 metres. Where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, the minimum Setback shall be 3.0 metres. Separation Space as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Setback requirements. Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these requirements where the sill of a Principal Living Room Window or a Habitable Room Window is at least 1.5 metres above grade.

**The Development Officer determined the required Front Setback is 6.46 metres. The proposed development provides a Front Setback of 5.80 metres, which is deficient by 0.66 metres.**

Section 823.3(2)(h) states except as provided in Section 823.3(3)(a), features that span either the first Storey or the first and second Storeys, such as bay windows, porches and entrance features, shall be allowed to project into a Front Yard or Side Yard abutting a flanking roadway to a maximum of 2.0 metres, provided that a minimum Setback of 3.0 metres is maintained between the property line and the projection. Separation Space shall be reduced to accommodate these projections.

**The Development Officer determined the front entrance feature may project into the Front Yard a maximum of 2.0 metres provided a minimum Front Setback of 3.0 metres. The proposed development projects 2.76 metres into the Front Yard, which exceeds the maximum allowable by 0.76 metres.**

Section 823.3(2)(j) states the length of balconies shall not comprise more than 50 percent of any building façade. Balconies shall be designed as integral components of buildings and shall be recessed or partially recessed.

**The Development Officer determined all balconies must be recessed or partially recessed. The proposed development provides balconies that are not recessed or partially recessed.**

Section 44 states the following features may project into a required Setback or Separation Space as provided for below:

1. a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces of 1.2 metres or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 metres above Grade;

**The Development Officer determined the proposed parkade ramp is located within the required Side Setback.**

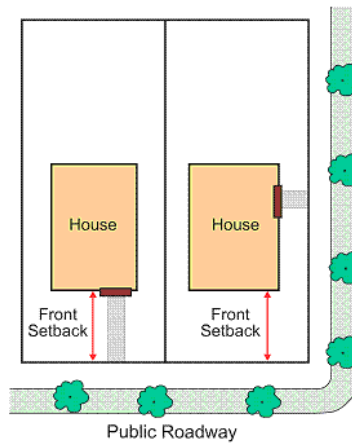
Section 55.8(3)(a) states the proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50.

**The Development Officer determined the proportion of deciduous to coniferous shrubs shall be approximately 50:50. The proposed development provides a proportion of deciduous to coniferous shrubs of 78:22.**

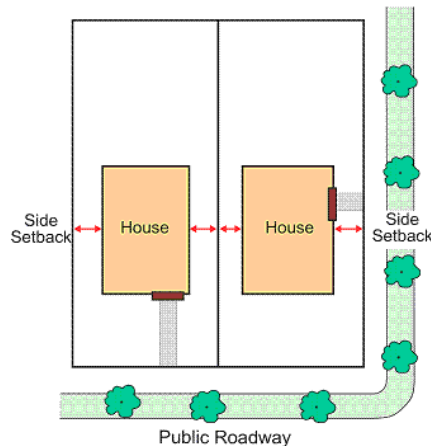
Section 823.3(6)(b) states where an application for a Development Permit does not comply with the regulations contained in this Overlay:

- i. 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, at least 21 days prior to submission of a Development Application;
- ii. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- iii. the applicant shall document any opinions or concerns expressed by the affected parties, and what modifications were made to address their concerns; and
- iv. the applicant shall submit this documentation as part of the Development Application.

Under Section 6.1(39), **Front Setback** means the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.

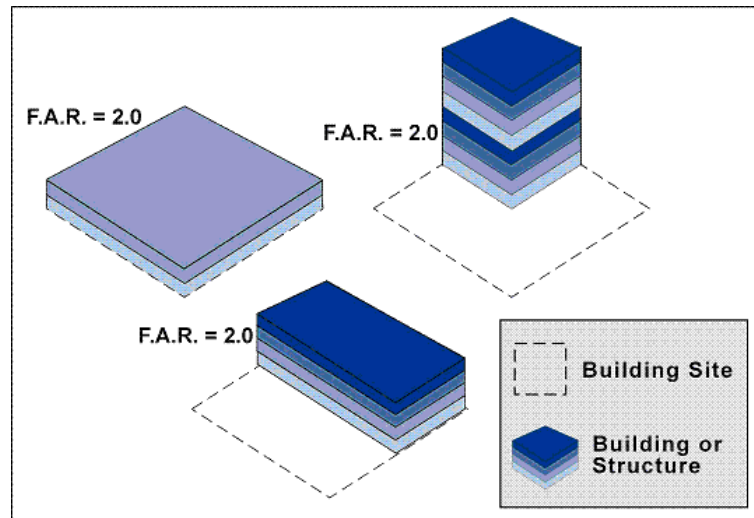


Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Under Section 6.1(23), **Density** means, when used in reference to Residential and Residential-Related development, the number of Dwellings on a Site expressed as Dwellings per hectare.

Under Section 6.1(35), **Floor Area Ratio** means the numerical value of the Floor Area of the building or structure relative to the Site upon which it is located, excluding: (a) Basement areas used exclusively for storage or service to the building; (b) parking areas below grade; (c) walkways required by the Development Officer; and (d) Floor Areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the Site;



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(92), **Site** means an area of land consisting of one or more abutting Lots.

Section 823.1 states the 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.

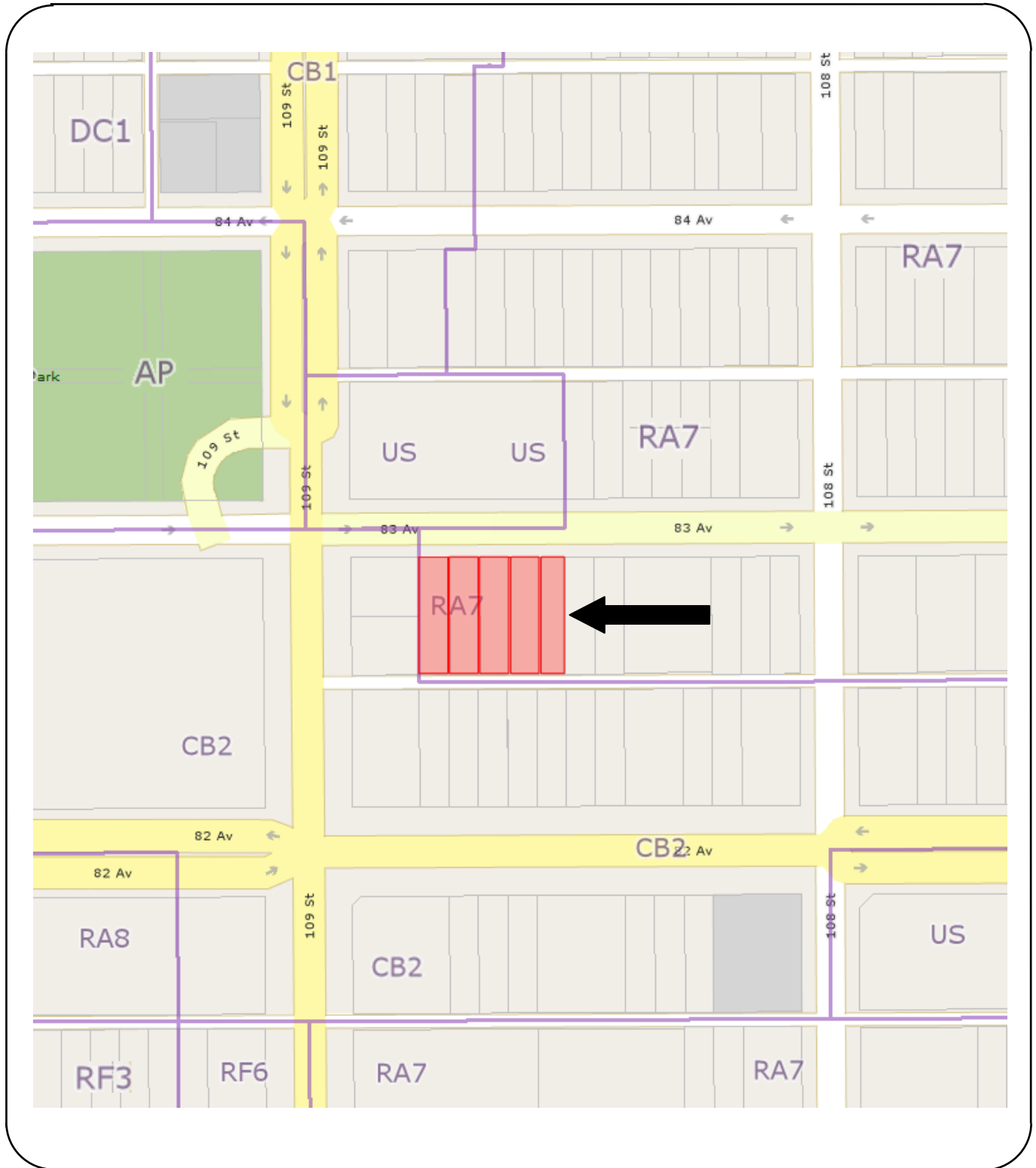
Section 210.1 states the purpose of the RA7 Low Rise Apartment Zone is to provide a zone for Low Rise Apartments.

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#### NOTICE TO APPLICANT/APPELLANT

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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-087



## ***BUSINESS LAID OVER***

<b>SDAB-D-15-075</b>	An appeal to construct exterior alterations to an existing single detached house (extension to front concrete driveway 9.50 metres x 15.5 metres) <i>May 6, 2015</i>
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## ***APPEAL HEARINGS TO BE SCHEDULED***

<b>154362913-002</b>	An appeal to construct exterior alterations to a Single Detached House (driveway extension) – existing without permits <i>May 7, 2015</i>
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