

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, June 18, 2020**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 1:30 P.M. SDAB-D-20-076

**WITHDRAWN**

To construct a rear uncovered deck to a Single Detached House (4.27 metres by 8.53 metres at 3.05 metres in Height)

2532 Wonnacott Loop SW  
Project No.: 360349566-004

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II 1:30 P.M. SDAB-D-20-077

To construct exterior alterations to a five Storey Multi-unit Housing Development (199 Dwelling Apartment)

9660 – 229 Street NW  
Project No.: 360129641-002

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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: 1:30 P.M.

FILE: SDAB-D-20-076

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 360349566-004

Construct a rear uncovered deck to a Single Detached House (4.27 metres by 8.53 metres at 3.05 metres in Height).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 12, 2020

DATE OF APPEAL: May 22, 2020

RESPONDENT: h

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2532 Wonnacott Loop SW

LEGAL DESCRIPTION: Plan 1723100 Blk 17 Lot 131

ZONE: (RSL) Residential Small Lot Zone

OVERLAY:

STATUTORY PLAN:

**WITHDRAWN**



ITEM II: 1:30 P.M.

FILE: SDAB-D-20-077

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 360129641-002

APPLICATION TO: Construct exterior alterations to a five Storey Multi-unit Housing development (199 Dwelling Apartment

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 21, 2020

DATE OF APPEAL: May 25, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9660 – 229 Street NW

LEGAL DESCRIPTION: Plan 1922458 Blk 18 Lot 161

ZONE: (RA7) Low Rise Apartment Zone  
(CB1) Low Intensity Business Zone  
(RMD) Residential Mixed Dwelling Zone

OVERLAY: N/A

STATUTORY PLAN: Lewis Farms Area Structure Plan  
Secord Neighbourhood Structure Plan

***Grounds for Appeal***

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

The approved DP permit drawings show a five story project with all the apartments having an 8'-0" to underside of ceiling and a very narrow floor assembly of 14 inches. In the standard Edmonton rental apartment marketplace to-day, the majority of units all have 9'-0" to underside of the floor assembly. Also more often than not the floor assembly is an open web truss that goes from the corridor to the exterior wall (usually 18 to 20 feet deep). We are going in the shorter direction and have 11 7/8 TJI floor assembly. It is much more efficient to have the mechanical

ducting run in the floor truss and have no bulkheads. Another big benefit is the STC or sound coefficient of the floors is much more superior.

The perception from the street with this extra height is minimal. It's unlikely anyone on the ground would notice the difference. The reason for this appeal request is that we want these apartment units to have an equal marketing footing with the other rental apartments in the area. We are asking 1.88 m additional height from average grade. We have a flat roof with a building height of 14.5 meters but if we built this project with a pitched roof the height allowed would be 16.12 + 1.5m to the peak of the roof which equals 17.63 meters. We simply request the same height to the top of the roof peak.

<b><i>General Matters</i></b>
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**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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, [...]

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (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(9), **Multi-unit Housing** is a **Permitted Use** in the **(RA7) Low Rise Apartment Zone**.

Under section 7.2(4), **Multi-unit Housing** means:

development that consists of three or more principal Dwellings arranged in any configuration and in any number of buildings. This Use does not include Blatchford Townhousing or Blatchford Stacked Row Housing.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide a Zone for low rise Multi-unit Housing.”

<i>Height</i>
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Section 210.4(2) states the maximum Height shall not exceed 14.5 m for flat, mansard and gambrel roofs, or 16.0 m for a roof type with a pitch of 4/12 (18.4 degrees) or greater, in accordance with Section 52.

**Development Officers Determination**

The maximum Height of the proposed development shall not exceed 14.5 m for flat roofs in accordance with Section 52. (Reference Section 210.4.2)

Proposed Height: 16.38 m


Exceeds by: 1.88 m

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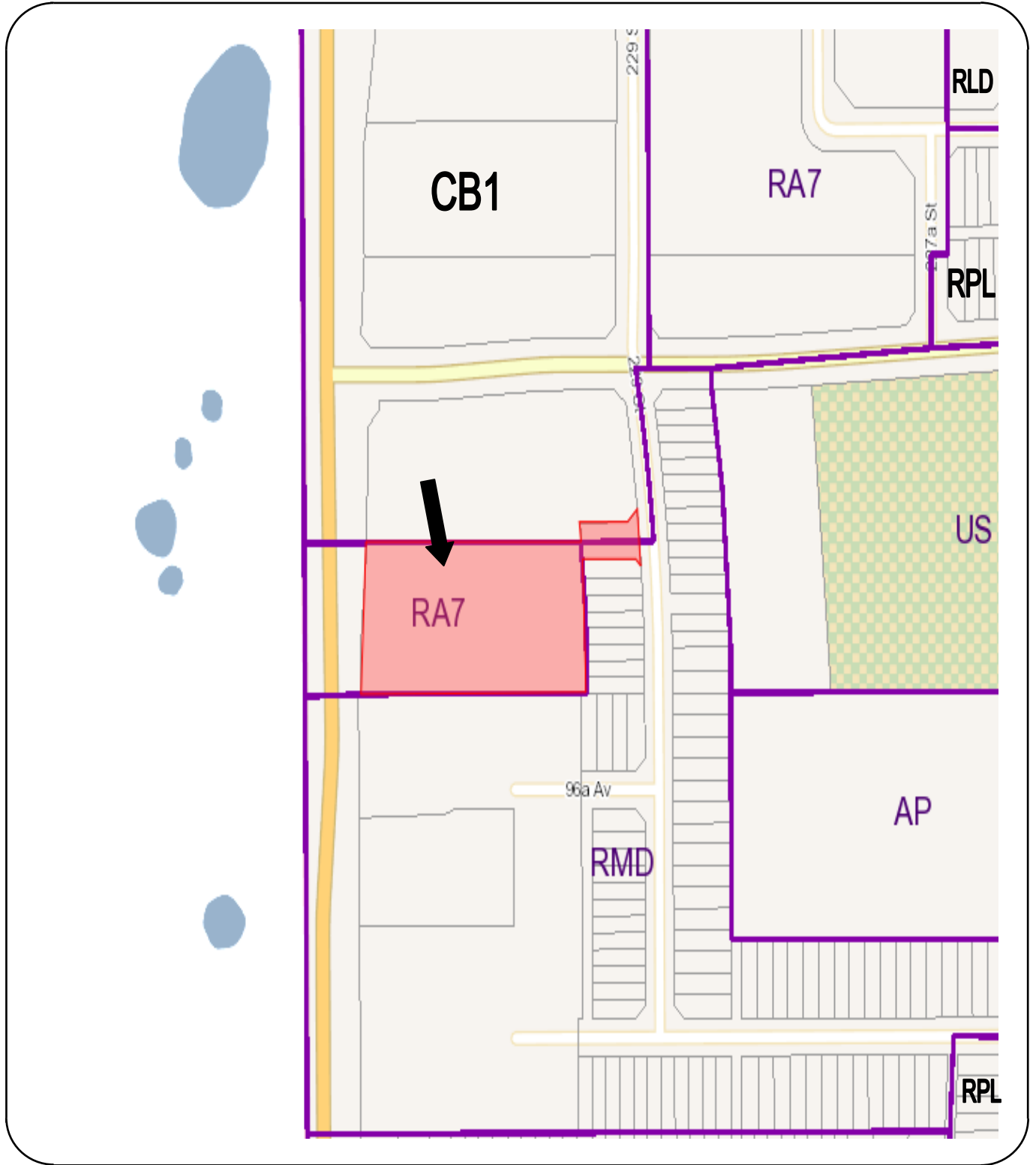
Notice to Applicant/Appellant

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.

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	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: <b>360129641-002</b> Application Date: <b>APR 17, 2020</b> Printed: <b>May 26, 2020 at 7:56 AM</b> Page: <b>1 of 1</b>																				
This document is a Development Permit Decision for the development application described below.																						
<b>Applicant</b>  EFG ARCHITECTS INC Care of: PERRY DIXON EDMONTON, ALBERTA CANADA T5K 1A6	<b>Property Address(es) and Legal Description(s)</b> 9660 - 229 STREET NW Plan 1922458 Blk 18 Lot 161  <b>Specific Address(es)</b> Entryway: 9660 - 229 STREET NW Building: 9660 - 229 STREET NW																					
<b>Scope of Application</b> To construct exterior alterations to a 5 Storey Multi-unit Housing (199 Dwelling Apartment).																						
<b>Permit Details</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit:                      Gross Floor Area (sq.m.):                      New Sewer Service Required:                      Site Area (sq. m.):                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>			Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																		
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<b>Development Application Decision</b> Refused  <b>Issue Date:</b> May 21, 2020 <b>Development Authority:</b> ANGELES, JOSELITO  <b>Reason for Refusal</b> The maximum Height of the proposed development shall not exceed 14.5 m for flat roofs in accordance with Section 52. (Reference Section 210.4.2)  Proposed Height: 16.38 m Exceeds by: 1.88 m  <b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																						
<b>Fees</b> <table style="width: 100%; border: none; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right; border-bottom: 1px solid black;">Fee Amount</th> <th style="text-align: right; border-bottom: 1px solid black;">Amount Paid</th> <th style="text-align: left; border-bottom: 1px solid black;">Receipt #</th> <th style="text-align: left; border-bottom: 1px solid black;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$375.00</td> <td style="text-align: right;">\$375.00</td> <td>08511316</td> <td>May 01, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td style="text-align: right; border-top: 1px solid black;">\$375.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$375.00	\$375.00	08511316	May 01, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$375.00	\$375.00		
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<b>THIS IS NOT A PERMIT</b>																						





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-20-077



