

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
October 25, 2018**

**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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**TO BE RAISED**

I     9:00 A.M.     SDAB-D-18-159     Construct an Accessory building (detached  
Garage, 7.62m x 6.25m)  
11422 - 77 Avenue NW  
Project No.: 286679106-001

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II    10:30 A.M.    SDAB-D-18-176    Construct an Accessory Structure (Shed 36.42  
m2) to a Religious Assembly  
495 – Rhatigan Road East NW  
Project No.: 291156606-001

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**NOTE:**            *Unless otherwise stated, all references to “section numbers” refer to  
the authority under the Edmonton Zoning Bylaw 12800.*

**TO BE RAISED**

**ITEM I: 9:00 A.M.**

**FILE: SDAB-D-18-159**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER**

APPELLANT:

APPLICATION NO.: 286679106-001

APPLICATION TO: Construct an Accessory building  
(detached Garage, 7.62m x 6.25m)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 16, 2018

DATE OF APPEAL: September 6, 2018

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 11422 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 2064S Blk 2 Lot 7

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area  
Redevelopment Plan

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***Grounds for Appeal***

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

Architectural integrity between house and garage. We want extra height for storage space, as there is no storage space on the main level of the garage.

***General Matters***

**Appeal Information:**

The Subdivision and Development Appeal Board made and passed the following motion on October 3, 2018:

**"That SDAB-D-18-159 be TABLED October 25, 2018 to at the written request of the Appellant."**

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 110.2(5), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under section 6.1, **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, **Garage** means:

an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is to:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Height***

Section 50.3(3)(a) states “an Accessory building or structure shall not exceed 4.3 m in Height, [...]”

Section 52.2(c) states:

In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

...

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Under section 6.1, **Height** means “a vertical distance between two points.”

**Development Officer’s Determination**

- 1. **Height - the Garage is 4.47m to the midpoint of the roof, instead of 4.3m. The peak of the roof is 6.25m instead of 5.8m (Section 50.3.3 and Section 52.2).**  
[unedited]


***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-18-012	To construct an Accessory building (detached Garage, 7.62m x 7.01m).	February 9, 2018; The appeal is <b>DENIED</b> and the decision of the Development Authority is <b>CONFIRMED</b> . The development is <b>REFUSED</b> .

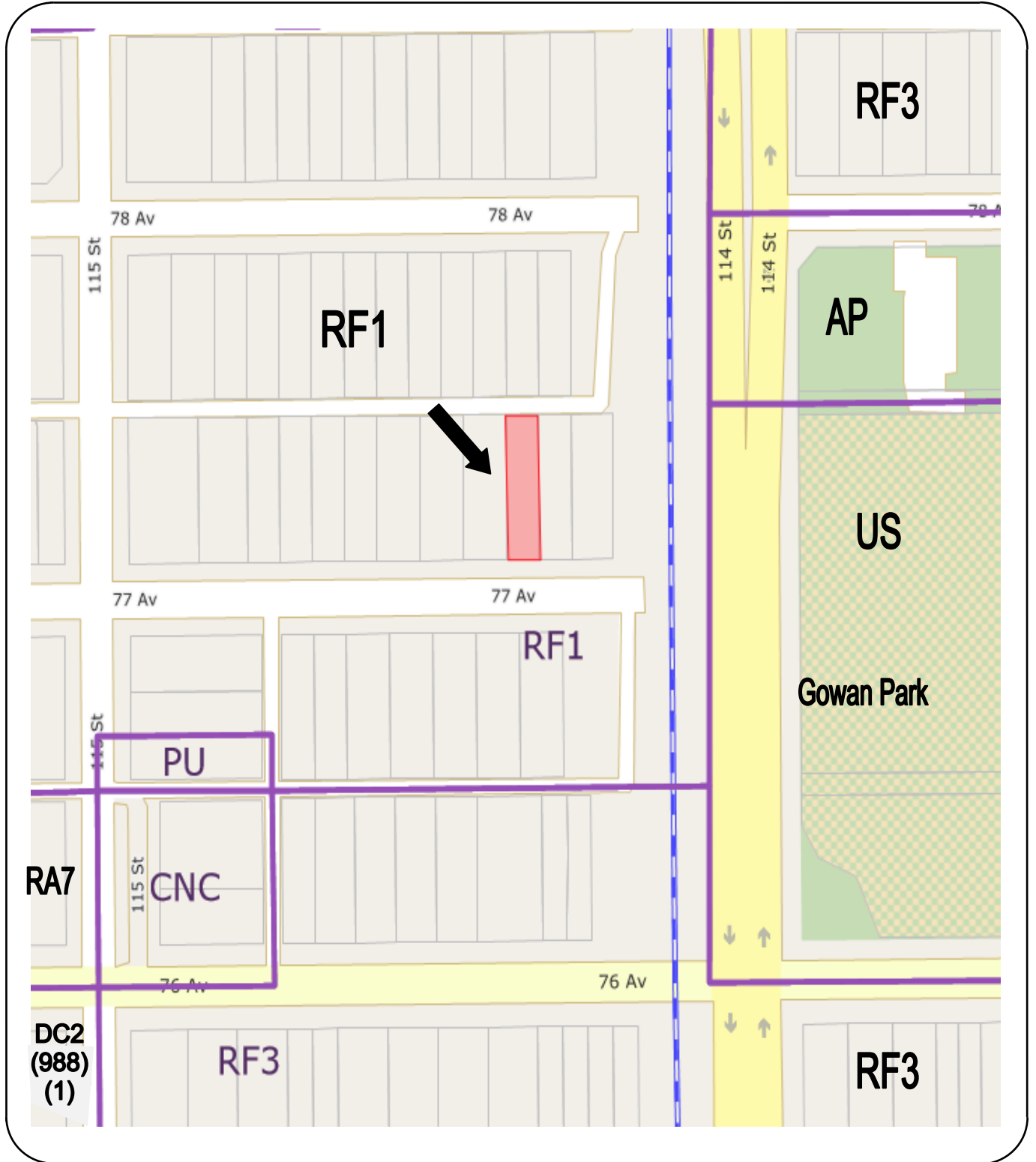
Notice to Applicant/Appellant

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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	Project Number: <b>286679106-001</b> Application Date: JUL 04, 2018 Printed: September 6, 2018 at 9:17 AM Page: 1 of 1																														
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">Accessory Building Development and Building Permit</h1>																															
<p>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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>																															
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 11422 - 77 AVENUE NW Plan 2064S Blk 2 Lot 7																														
	<b>Location(s) of Work</b> Entryway: 11422 - 77 AVENUE NW Building: 11422 - 77 AVENUE NW																														
<b>Scope of Application</b> To construct an Accessory building (detached Garage, 7.62m x 6.25m).																															
<b>Permit Details</b>																															
Building Area (sq. ft.): 513 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Type of Accessory Building: Detached Garage (010)																														
I/We certify that the above noted details are correct.  Applicant signature: _____																															
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Aug 16, 2018 <b>Development Authority:</b> ROBINSON, GEORGE  <b>Reasons for Refusal</b>  1. Height - the Garage is 4.47m to the midpoint of the roof, instead of 4.3m. The peak of the roof is 6.25m instead of 5.8m (Section 50.3.3 and Section 52.2).  <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-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: left;">Receipt #</th> <th style="width: 10%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Building Permit Fee</td> <td style="text-align: right;">\$108.00</td> <td style="text-align: right;">\$108.00</td> <td>05158484</td> <td>Jul 04, 2018</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td>05158484</td> <td>Jul 04, 2018</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$116.00</td> <td style="text-align: right;">\$116.00</td> <td>05158484</td> <td>Jul 04, 2018</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><b>Totals for Permit:</b></td> <td style="text-align: right; border-top: 1px solid black;">\$228.50</td> <td style="text-align: right; border-top: 1px solid black;">\$228.50</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Building Permit Fee	\$108.00	\$108.00	05158484	Jul 04, 2018	Safety Codes Fee	\$4.50	\$4.50	05158484	Jul 04, 2018	Dev. Application Fee	\$116.00	\$116.00	05158484	Jul 04, 2018	Total GST Amount:	\$0.00				<b>Totals for Permit:</b>	\$228.50	\$228.50		
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<b>THIS IS NOT A PERMIT</b>																															





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-159



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-176

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

APPELLANT:

APPLICATION NO.: 291156606-001

APPLICATION TO: Construct an Accessory Structure (Shed 36.42 m2) to a Religious Assembly

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: September 5, 2018

DATE OF APPEAL: October 1, 2018

NOTIFICATION PERIOD: September 11, 2018 through October 2, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 495 – Rhatigan Road East NW

LEGAL DESCRIPTION: Plan 8521333 Blk 106 Lot 1A

ZONE: (US) Urban Services Zone

OVERLAY: N/A

STATUTORY PLAN(S): Rhatigan Ridge Neighbourhood Structure Plan  
Riverbend Area Structure Plan

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***Grounds for Appeal***

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

I have some concerns about the shed (garage). 400 square feet is the size of a double garage

I am not an engineer, or an inspector. I have seen some construction in my life.

- 1) 0.45 m (18 inch) from property line (alley)
  - a) 12-inch overhang on roof. When you add four to five inches for eavestrough will be one to two inches from property line.
  - b) The north end of the shed has a floor elevation of 3' 8". The alley may go uphill slightly but not near that steep. If they try to just slope the ground, I fear that a lot of the slope will end up in the alley
    - i) Retaining walls may be required
    - ii) More of a foundation may be required so the base under the shed does not end up in the alley as well
  - c) Vinyl siding close to the property line. Not sure how codes affect the fire ratings close to property line. The church is stucco, the shed will be vinyl siding. Not aesthetically pleasing
  - d) This will be a massive building next to the alley.
    - i) 30 ft long when you include the overhangs
    - ii) The peak of the roof would be 15 ft 7 1/2 in above the alley
- 2) Shed doors opening over stairs with no landing seems to be a safety concern
- 3) Not sure how the distance of the shed from the fire exit of the church works out
- 4) It looks as though a lot of the drainage from the north part of the property will be interrupted by the shed.
  - a) The northwest corner of the shed will have some water issues
- 5) There don't seem to be details of a foundation on the 400 sq ft shed. It is a steep hill that it is being built on. I fear that the entire shed may slip into the alley during a large rain storm.
- 6) Building such a large structure on a wood floor seems like a bad idea. There will be no foundation below. No beams, no pilings, nothing to keep the structure level straight or square. I fear I will be looking at a shack in a very short time.

**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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**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 510.2(8), **Religious Assembly** is a **Permitted Use** in the (US) Urban Services Zone.

Under section 7.8(14), **Religious Assembly** means:

development used for worship and related religious, philanthropic or social activities and includes Accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings. Typical Uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This Use does not include Private Education Services, Public Education Services, and Commercial Schools, even as Accessory Uses.

Under section 6.1, **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.

Section 510.1 states that the **General Purpose** of the (US) Urban Services Zone is:

to provide for publicly and privately owned facilities of an institutional or community service nature.

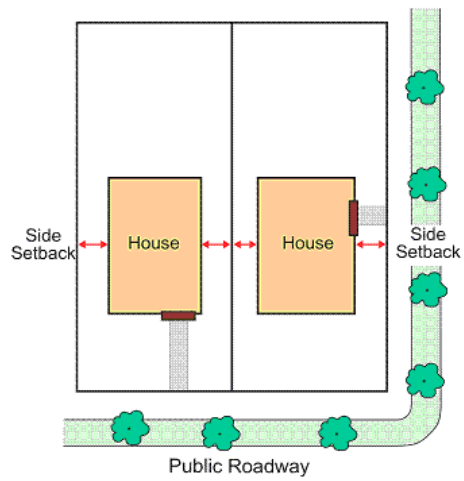
<b><i>Setback</i></b>
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Section 50.2(1) provides the following with respect to **Accessory Buildings in Non-residential Zones**:

1. In any Zone other than a Residential or a Natural Area Zone, an Accessory building or structure is subject to the Development Regulations for that Zone.


Section 510.4(3) states “the minimum Side Setback shall be 4.5 metres.”

Under section 6.1, **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.



**Development Officer's Determination**

**Accessory Building Setback - The Shed is 0.45m from the side property line instead of 4.5 m. (Section 510.4.3)**

	Project Number: <b>291156606-001</b> Application Date: AUG 28, 2018 Printed: October 1, 2018 at 11:26 AM Page: 1 of 2		
<b>Major Development Permit</b>			
This document is a record of a Development 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.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 495 - RHATIGAN ROAD EAST NW Plan 8521333 Blk 106 Lot 1A  <b>Specific Address(es)</b> Entryway: 495 - RHATIGAN ROAD EAST NW Building: 495 - RHATIGAN ROAD EAST NW		
<b>Scope of Permit</b> To Construct an Accessory Structure (Shed 36.42m2) to a Religious Assembly			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Gross Floor Area (sq.m.):                      New Sewer Service Required: N                      Site Area (sq. m.):                 </td> <td style="width: 50%; border: none;">                     Contact Person:                      Lot Grading Needed?: N                      NumberOfMainFloorDwellings:                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Permit Decision</b> Approved  <b>Issue Date:</b> Sep 05, 2018 <b>Development Authority:</b> HARRISON, MARK  <b>Subject to the Following Conditions</b> An accessory building or structure shall not exceed 4.3m nor one storey in height. (Reference Section 6.1(35) and 50.3(2).)  Eave projections shall not exceed 0.46m into required yards or Separations spaces less than 1.2m. (Reference Section 44.1(b))  Note: A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.  This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)  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.  <b>Variances</b> Accessory Building Setback - The Shed is 0.45m from the side property line instead of 4.5 m. (Section 510.4.3)  <b>Rights of Appeal</b> This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.  <b>Notice Period Begins:</b> Sep 11, 2018 <b>Ends:</b> Oct 02, 2018			



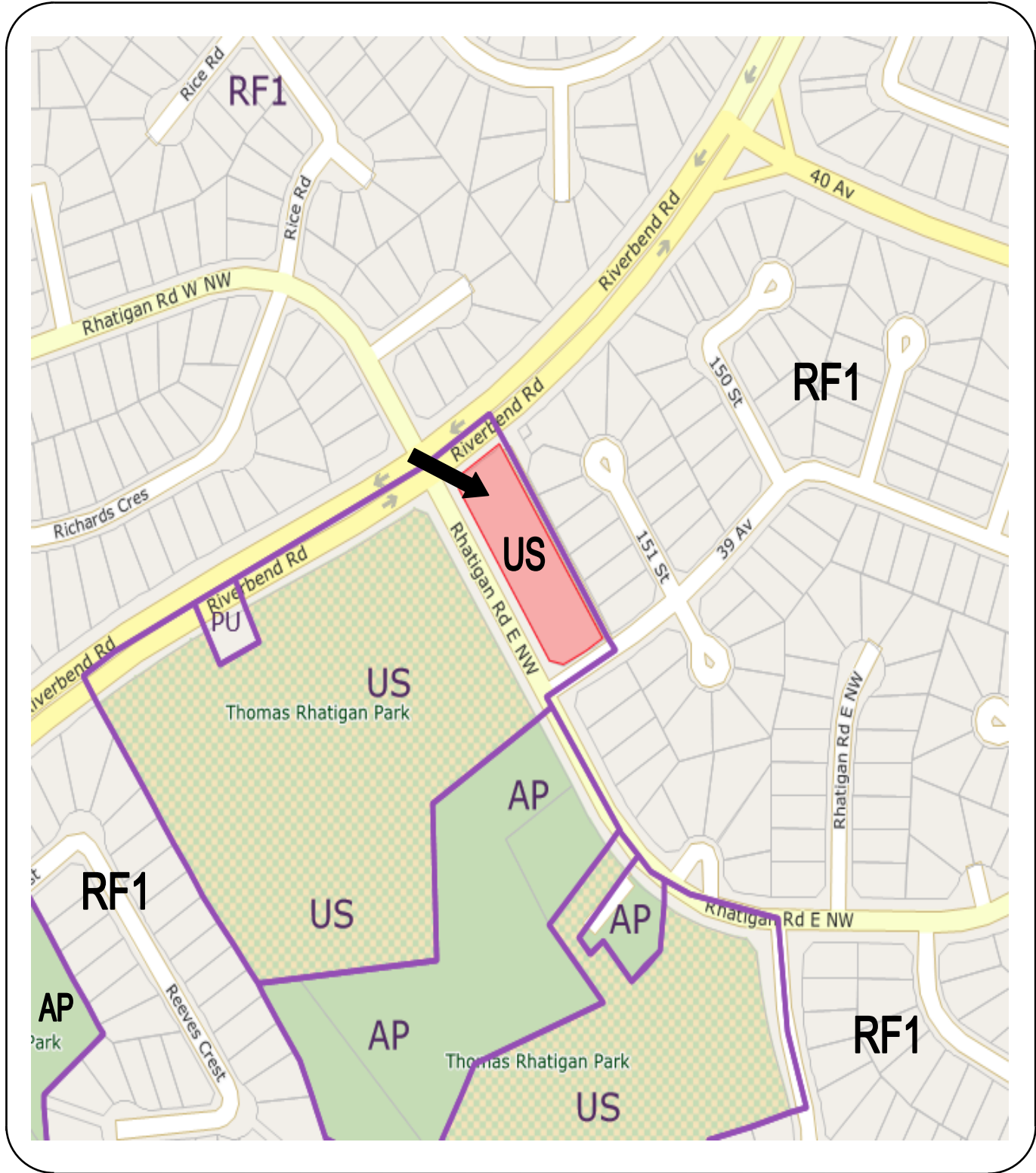


Project Number: **291156606-001**  
Application Date: AUG 28, 2018  
Printed: October 1, 2018 at 11:26 AM  
Page: 2 of 2

## Major Development Permit

### Fees

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Major Dev. Application Fee	\$362.00	\$362.00	05293228	Aug 28, 2018
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$362.00</u>	<u>\$362.00</u>		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-176

