

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 10, 2015**

**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-15-204	Construct a Single Detached House with a rear attached Garage, front veranda, fireplace, covered balcony (irregular shape - 8.23m x 3.96m), rear covered deck (irregular shape), Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and two Accessory Buildings (detached Garages) 9924 - 144 Street NW Project No.: 169683062-001
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II	1:00 P.M.	SDAB-D-15-205	Construct a Single Detached House with a front veranda (1.83m x 5.18m), and rear uncovered deck (3.05m x 3.66m) 9511 - 87 Avenue NW Project No.: 148867147-007
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WITHDRAWN

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-15-204

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169683062-001

APPLICATION TO: Construct a Single Detached House with a rear attached Garage, front veranda, fireplace, covered balcony (irregular shape - 8.23m x 3.96m), rear covered deck (irregular shape), Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and two Accessory Buildings (detached Garages)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 30, 2015

DATE OF APPEAL: August 13, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9924 - 144 Street NW

LEGAL DESCRIPTION: Plan 1323584 Blk 118 Lot 7A

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

1. Section 814.1 - The proposed development does not meet the general purpose of the Mature Neighbourhood Overlay.
2. Section 44.1(a) - Verandas and eaves may project 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater.

The proposed veranda with eaves projects 1.1 m into the required Front Setback.
Exceeds by: 0.5 m

3. Section 814.3(5) - The minimum Rear Setback shall be 40% of Site depth.
Required: 17.68 m
Proposed: 3.10 m
Deficient by: 14.58

4. Section 814.3(18) - Rear attached Garages shall not be allowed.

Rear attached Garage proposed.

Note:

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

APPELLANT'S SUBMISSION

The plans for the property address 9924 144st were designed to fit the character of many of the homes in the Crestwood community. Although no direct comparables fall within the 60 meter zone, many comparables fall within the Crestwood Area. There are plenty of great examples of garages that are both front and rear attached within the neighborhood. Some further examples are (See Appendix A):

- 9904 – 144st
- 9724 – 141st
- 10048 – 147st
- 10045 – 148st
- 13808 – 98ave
- 14144 – 98ave
- 14116 – 98ave
- 14108 – 98ave
- 14124 – 98ave
- 14524 – 99ave
- 14623 – Summit Drive

Specifically, 9724 – 141st, 10045 – 148st, and 13808 – 98ave all have the same garage configuration and access, with lanes on 3 sides (1 Street, 2 Alleys.) In addition, the property at 7147 Saskatchewan Drive, also designed by Boss Design, was given variance by the development office without notification. The situation and application are exactly the same as this development (See Appendix B.) Neighborhood consultation is being completed, and the owners at 9918 – 144st have given their full support for the property (letter of support attached, see Appendix C.) This property is directly next door, and is the property most affected. It is our belief in upscale mature neighborhoods that you have to offer them the amenities of the new areas to make them attractive and comparable to the new communities. With this property being worth more than \$1 million, to say there cannot be a rear attached garage is shortsighted and does not encourage infill development in upscale mature neighborhoods.

Prior to commencing design on this property, Violet Scheel was consulted about building a single dwelling with an attached garage on this double lot. Upon review, she had no reservations, and gave no warnings that any type of development would not meet the objective of the mature neighborhood overlay. Furthermore, on March 17, 2014, when the project had been submitted for permits, Mathew Zentner informed us he was willing to grant variances for the rear setbacks and attached garage as long as the adjusted plans ensured the dwelling wasn't over height (See Appendix D.) Measures were taken, and returned to the city on May 8th, 2015. After the file was reviewed several weeks later, additional information was requested, and sent in on Jun 30th, 2015. We followed up after a month and a half, and we told we were still over height. After many emails, it was determined that we were compliant with the drawings submitted on June 30th. Development Officers George Robinson and Jeff Booth have now judged on this file as well (See Appendix E.)

The property was designed to be fully contained within the allowable building pocket, not exceeding height or site coverage requirements. We are very close to the maximum allowable limit, however, many new home on Infills are pushed to the limits. A Sun Study was completed on a property, along with a study of a 2-story without an attached garage. Both were fully compliant and there was very little difference in impact. The development does not exceed the maximum height nor does the coverage and has larger side setbacks than any other development in the area. Furthermore, we have designed the home to be aesthetically pleasing at the connection of the garage and house. The garage roof has been designed with a low pitch to reduce the impact on its surroundings. We have included photos of 9904-144 street, as an example of an infill project size relative to the lot (See Appendix F.)

We feel all appropriate steps were taken to ensure compatibility with the neighborhood, and to consult with the city throughout the beginning middle and end of the design process. We had been given the green light all the way along until the final approval stage. For Boss Design specifically, and the industry as a whole in Edmonton, this is extremely concerning. We can no longer provide future homeowners with accurate advice about how the city will rule on development issues. Our clients and our colleague's clients see projects like these built all over Edmonton. Understand these client's concerns when their neighbor a few doors down, with lane access on only one side, on a smaller lot, in a situation which impacts the neighbor more than this property, is allowed to have it, but they are not. How are we supposed to defend the City's and our clients' best interests. If the city's mandate is to encourage infill development, upscale neighborhoods need to be compared to the upscale communities which share comparable property values or the urban sprawl will continue.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

Under section 7.2(9), **Single Detached Housing** means:

development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single

Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

...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 made the following determination:

The proposed development does not meet the general purpose of the Mature Neighbourhood Overlay.

Section 814.3 states the following with respect to the **Development Regulations** in the **Mature Neighbourhood Overlay**:

1. The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane.

...

Section 44.1 states the following with respect to **Projection into Setbacks and Separation Spaces**:

The following features may project into a required Setback or Separation Space as provided for below:

- 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 m in the case of Setbacks or Separation Spaces of 1.2 m 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 m above Grade.

...

The Development Officer made the following determination:

The proposed veranda with eaves projects 1.1 m into the required Front Setback.

Exceeds by: 0.5 m

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 made the following determination:

Required: 17.68 m
Proposed: 3.10 m
Deficient by: 14.58

Section 814.3(18) states “Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.”

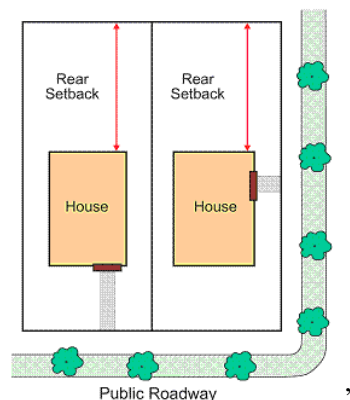
The Development Officer made the following determination:

Rear attached Garage proposed.

Section 814.3(24) states “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.”

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.



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.”

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*.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-204



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-205

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

APPELLANT:

APPLICATION NO.: 148867147-007

APPLICATION TO: Construct a Single Detached House with a front veranda (1.83m x 5.18m), and rear uncovered deck (3.05m x 3.66m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 27, 2015

DATE OF APPEAL: August 4, 2015

NOTIFICATION PERIOD: August 4, 2015 through August 17, 2015

RESPONDENT: Rococo Homes Inc.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9511 - 87 Avenue NW

LEGAL DESCRIPTION: Plan 1420074 Blk 4 Lot 20B

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

WITHDRAWN

BUSINESS LAID OVER

SDAB-D-15-161	An appeal to construct four Dwellings of Row Housing with attached Garages and to demolish the existing Single Detached House and rear detached Garage <i>September 23 or 24, 2015</i>
SDAB-D-15-195	An appeal to construct 3 Apartment Housing buildings (184 Dwellings) with underground parkdades and an Accessory Building (amenity building) <i>September 23, 2015</i>