

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 16, 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-15-079	Operate a Major Home Based Business (importing and exporting automobiles) 11229 - 117 Street NW Project No.: 168014376-001
---	-----------	---------------	---

II	11:00 A.M.	SDAB-D-15-078	Construct a Semi-detached House with a fireplace, rear balcony and rear uncovered deck (1.83m x 12.19m) and to demolish an existing Single Detached House and rear Detached Garage 10508 - 85 Avenue NW Project No.: 168199400-001
----	------------	---------------	--

LUNCH BREAK

III	1:45 P.M.	SDAB-D-15-077	Construct a Single Detached House with rear attached Garage, front veranda (3.35m x 1.47m), front balcony above (irregular shape 4.57m x 3.15m) side covered deck (5.03m x 3.66m), and Basement development (not to be used as an additional Dwelling) 69 - St George's Crescent NW Project No.: 164242106-004
-----	-----------	---------------	---

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-15-079

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 168014376-001

APPLICATION TO: Operate a Major Home Based Business
(importing and exporting automobiles)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 4, 2015

DATE OF APPEAL: March 18, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11229 - 117 Street NW

LEGAL DESCRIPTION: Plan 0926130 Unit 2

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

1. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings (Reference Section 75(5)).

Proposed: Vehicles for sale to be stored outdoors and on site.

2. The Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area (Reference Section 75(9)).

Proposed: In the opinion of the Development Officer, the outdoor storage of cars that are for sale is inappropriate for a Residential Zone. The proposed business would be more appropriately located in a Commercial or Industrial Zone.

3. The General Purpose of the RA7 (Low Rise Apartment) Zone is to provide a Zone for Low Rise Apartments (Reference Section 210.1)).

Proposed: In the opinion of the Development Officer, this proposed business does not meet the intent of the General Purpose of the Zone.

APPELLANT'S SUBMISSION

The reason my application has been turned down is for incorrect reasons as it is not a MAJOR import/export business. This was NEVER my intention. I would NOT have more than one or two vehicles at a time and NOT have more than eight or ten in a calendar year. This is a hobby Not a major automotive business.

My main goal is to obtain a Dealer Plate so I can gain access to dealer auctions in Edmonton and Palm Springs as I reside in Palm Springs over the winter.

Please reconsider my application. I would like to meet with the appeal board to discuss and state my case.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Major Home Based Business** is a Discretionary Use in the RA7 Low Rise Apartment Zone, Section 210.3(9).

Under Section 7.3(7), **Major Home Based Business** means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 75 states that a Major Home Based Business shall comply with the following regulations:

5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;

[...]

9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

The Development Officer determined no outdoor storage of material or equipment associated with the business is allowed. The proposed development provides outdoor storage of vehicles on site, which is contrary to Section 75(5).

The Development Officer determined the proposed development would be more appropriately located in a Commercial or Industrial Zone, which is contrary to Section 75(9).

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

The Development Officer determined the proposed development does not meet the intent of the General Purpose of the RA7 Low Rise Apartment Zone.

Section 75 states a Major Home Based Business shall comply with the following regulations:

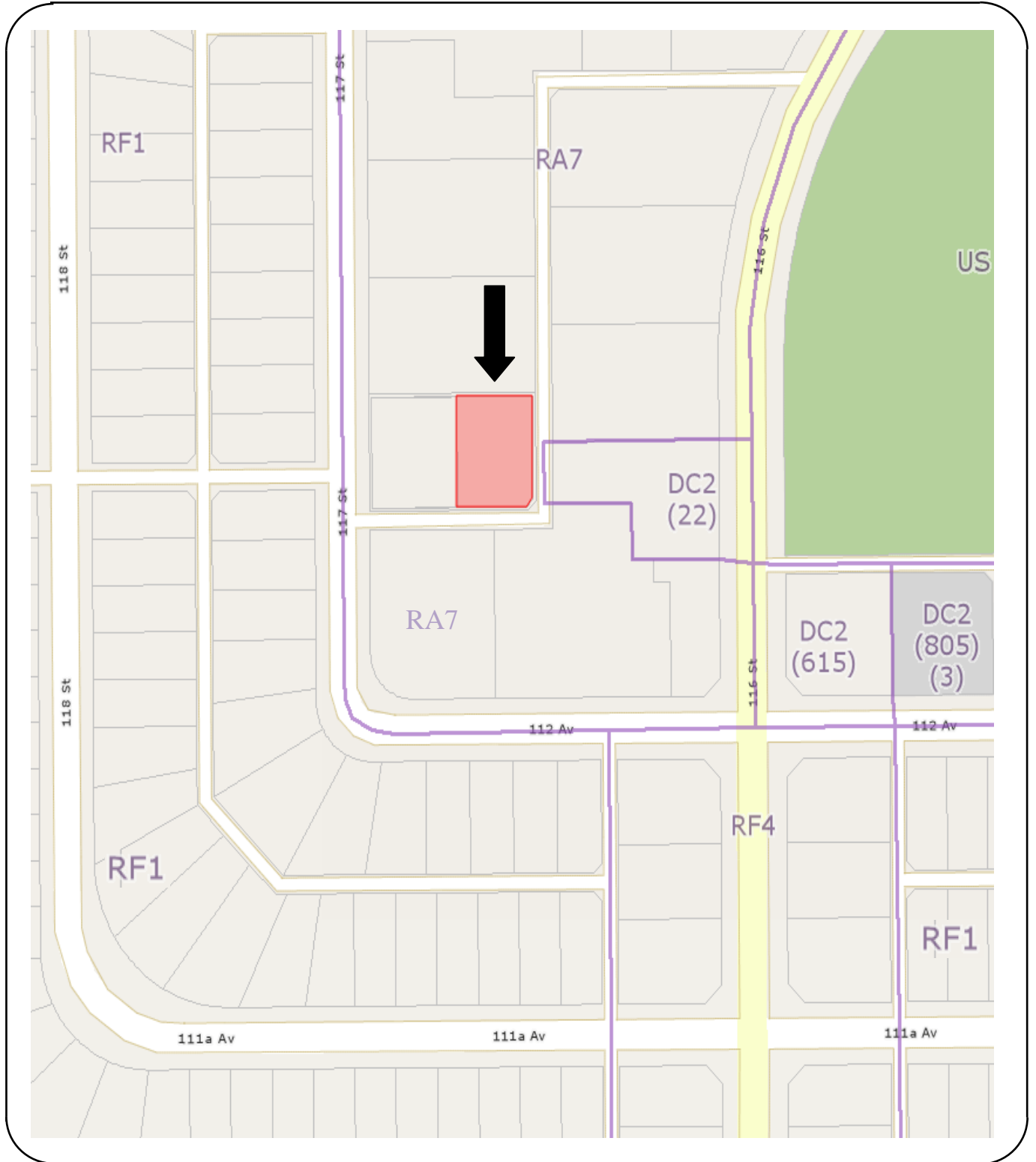
1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 centimeters by 30.5 centimeters in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. ...
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. ...
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Class Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and

9. ...
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garage Suite or a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garage Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

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.

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-15-079



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-078

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 168199400-001

APPLICATION TO: Construct a Semi-detached House with a fireplace, rear balcony and rear uncovered deck (1.83m x 12.19m) and to demolish an existing Single Detached House and rear Detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 11, 2015

DATE OF APPEAL: March 16, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10508 - 85 Avenue NW

LEGAL DESCRIPTION: Plan RN3 Blk 99 Lots 2-3

ZONE: RF4 Semi-detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

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

Section 814.3(13)

The maximum Height shall not exceed 8.6 m nor 2 1/2 Storeys.

Proposed height: 11.10 m and 3 Storeys

Section 150.4(5)(d) Maximum Site Coverage for Semi-detached and Duplex Housing on a Site with an area less than 600 m² shall be as follows:

Principal Dwelling/ building: 32%

Accessory building: 17%

Total Site Coverage: 45%

Proposed Site Coverage:

House Coverage: 196.99m ² (36.92%) (w/deck)	Max. 32% allowed
--	------------------

Garage Coverage: 68.84m ² (12.90%)	Max. 17% allowed
---	------------------

Total Coverage: 265.83m ² (49.82%) (w/deck)	Max. 45% allowed
--	------------------

APPELLANT'S SUBMISSION

Properties consistent with proposed drawings exist in the area under the same/similar zoning. Neighbouring property, and properties on both the north and south side of the same street are in excess of the height restriction being opposed for this property and are high density multiple dwelling (apartment buildings). The proposed property will add value to the street/neighbourhood and support the revitalization of a mature area. The proposed drawing will not negatively impact existing sight lines.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Semi-detached Housing is a Permitted Use in the RF4 Semi-detached Residential Zone, Section 150.2(5).

Under Section 7.2(8), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

The submitted plot plan shows the subject Site is 15.11 metres by 35.33 metres in size. The proposed building is 5.57 metres from the (south) Front Lot Line, 1.45 metres from both the (east) and (west) Side Lot Lines, and 15.39 metres from the (north) Rear Lot Line.

The plans show two Dwellings on each side with a living room, dining room, kitchen, and a bathroom on the main floor; three bedrooms, two bathrooms, and a laundry closet on the second floor; a bonus room on the third floor; and an undeveloped Basement on the lowest floor.

Section 814.3(13) states the maximum Height shall not exceed 8.6 metres nor 2 1/2 Storey.

The Development Officer determined the maximum Height shall not exceed 8.6 metres nor 2 1/2 Storeys. The proposed development provides a Height of 11.1 metres and 3 Storeys, which is in excess of the maximum by 2.5 metres and 1/2 Storey.

Section 150.4(5)(d) states maximum Site Coverage for Semi-detached and Duplex Housing, with a Site area less than 600 square metres is as follows:

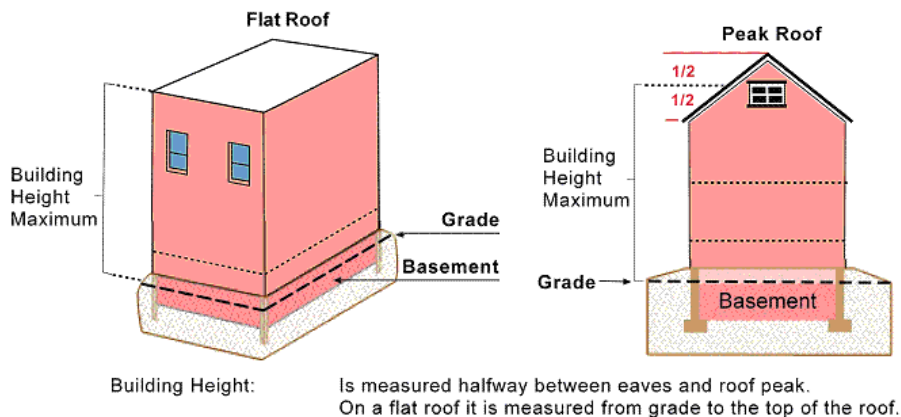
Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
32%	17%	45%	45%

The Development Officer determined the maximum Site Coverage for the Principal Dwelling is 170.74 square metres. The proposed development provides a Principal Dwelling with a Site Coverage of 196.99 square metres, which is in excess of the maximum Site Coverage by 26.25 square metres.

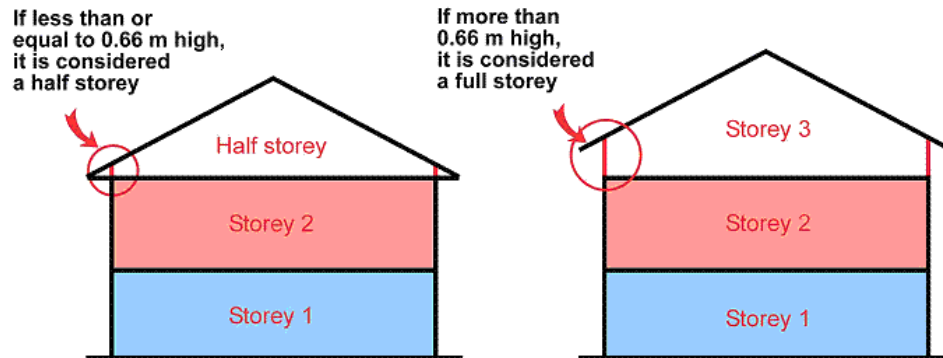
The Development Officer determined the maximum total Site Coverage is 240.11 square metres. The proposed development provides a total Site Coverage of 265.83 square metres, which is in excess of the maximum total Site Coverage by 25.72 square metres.

Under Section 6.1(49), **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

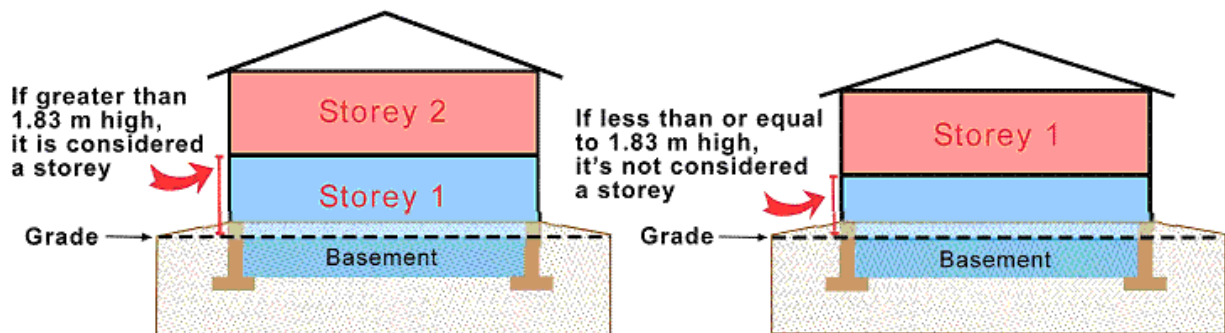
- the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.



Under Section 6.1(47), **Half Storey** means a Storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 metres above the floor of such Storey;



Under Section 6.1(98), **Storey** means that portion of a building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a Basement is more than 1.83 metres above grade, such Basement shall be considered a Storey for the purpose of this Bylaw;



Under Section 6.1(93), **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:

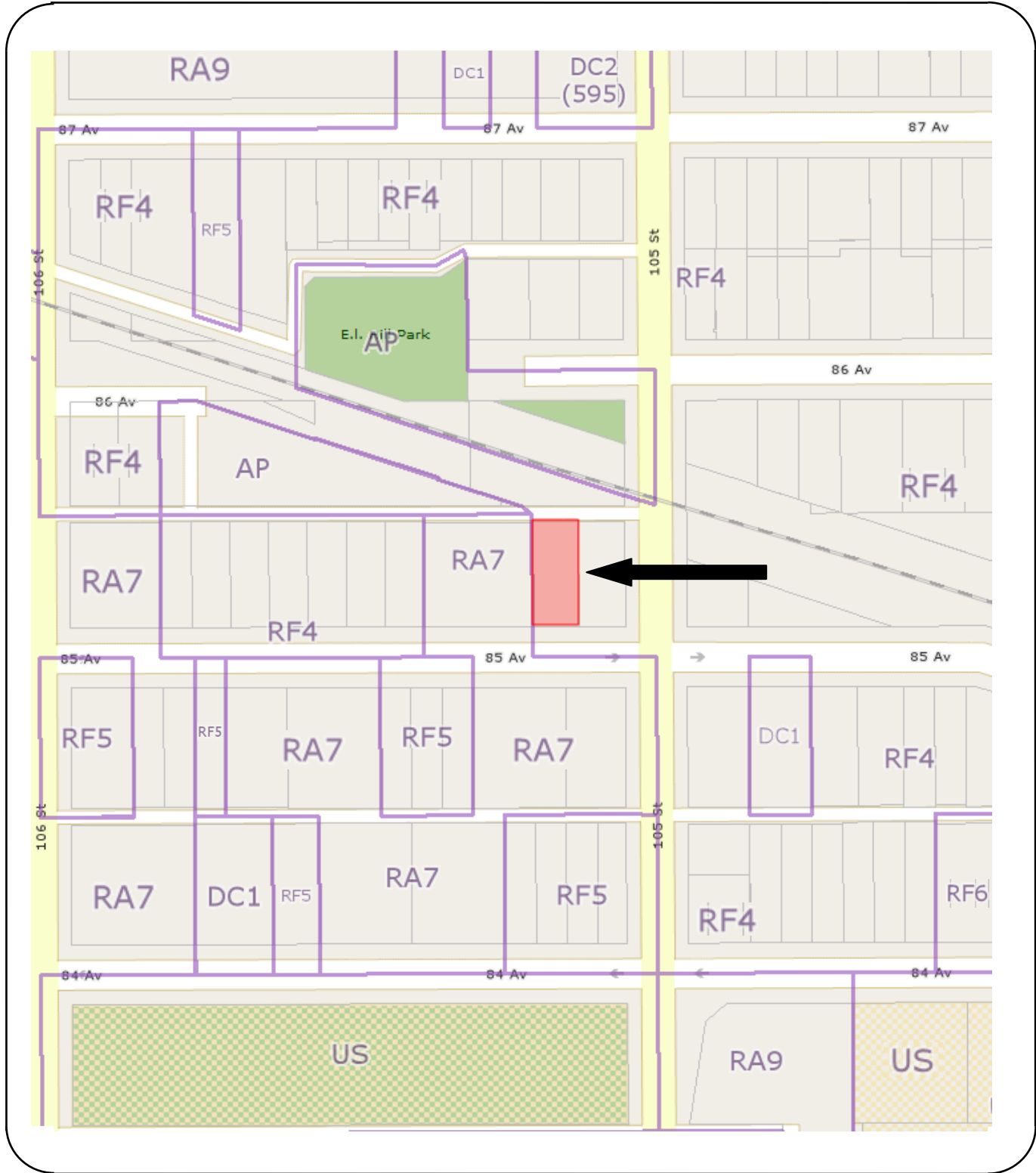
- steps, eaves, cornices, and similar projections;
- driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above grade; or
- unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above grade.

Section 150.1 states the purpose of the Semi-detached Residential Zone is to provide a zone primarily for Semi-detached Housing and Duplex Housing.

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.

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-15-078



ITEM III: 1:45 P.M.

FILE: SDAB-D-15-077

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 164242106-004

APPLICATION TO: Construct a Single Detached House with rear attached Garage, front veranda (3.35m x 1.47m), front balcony above (irregular shape 4.57m x 3.15m) side covered deck (5.03m x 3.66m), and Basement development (not to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 11, 2015

DATE OF APPEAL: March 12, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 69 – St. George's Crescent NW

LEGAL DESCRIPTION: Plan 2804AF Blk 134 Lot 4

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:

Upon review of the application, it was found that the proposed development does not meet the general purpose of the Mature Neighbourhood Overlay Section 814 and does not comply with:

Section 814.3(5): The minimum Rear Yard shall be 40% of Site depth.

Site Depth: 42.80 m. 40%

- Required Rear Setback: 17.12 m.
- Proposed Rear Setback: 6.13 m to Principal building (rear attached Garage).
- Deficient by 10.99 m.

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

- Proposed is a rear attached Garage (access from the Lane and not a Corner Site).

Section 44.1(a): Projection into Right Side setback: eaves, the maximum projection into the required 2.0 m side yard shall not exceed 0.6 m.

- Permitted: 0.60 m.
- Proposed House eave: 0.9144 m. projects - 0.970 m.
- Exceeds by 0.370 m.

Section 44.1(a): Projection into Right Side setback: eaves, the maximum projection into the required 2.0 m side yard shall not exceed 0.6 m.

- Permitted: 0.60 m.
- Proposed rear attached Garage eave: 0.9144 m. projects - 0.970 m.
- Exceeds by 0.370 m.

It was the opinion of the Development Authority that:

There is no unnecessary hardship or practical difficulty peculiar to the site that necessitates providing variances to the above regulations, and

The proposed development would unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

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

APPELLANT'S SUBMISSION

My wife, our two children and I would like to file an appeal for the variance to be given for an attached garage at 69 ST. George's Cr for the following reasons. We have carefully surveyed the neighborhood and noted the diversity in styles and sizes of homes in the area, based on our observations our home does not deviate from the homes that have been given development permits in the last 10-15 yrs. In the area east of 142st and South of 102ave there are 257 homes, 35% of which have either front attached garages or rear attached garages. Within a 60 m radius there are 25 homes, 44% of which have either front or rear attached garages. During the design process my wife and I

took care to consider our neighbors and therefore proposed a design that is almost identical to the old house both in square footage, foot print of the home and shape. It is our belief that upscale mature neighborhoods must offer the amenities of the new areas to make them attractive and comparable. With land value of the property at \$1 million and \$2 million plus when the property is constructed we feel the city must allow for attached garages which is vital on many homeowners list of must have's if the city is to encourage infill development in upscale mature neighborhoods. The vast majority of home owners in the area support the proposed development as shown by the community consultation where 78% of respondents either signed their approval or had no interest. Supporting material will be presented at the time of the hearing.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Single Detached Housing is a Permitted Use in the RF1 Single Detached Residential 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.

The plot plan shows the proposed Dwelling with rear attached Garage is 6.95 metres from the (south) Front Lot Line, 2.00 metres from the (east) Side Lot Line, 2.82 metres from the (west) Side Lot Line, and 6.13 metres from the Rear Lot Line.

Section 814.3(5) states the minimum Rear Setback shall be 40% of Site depth.

The Development Officer determined the minimum Rear Setback is 17.12 metres. The proposed development provides a Rear Setback of 6.13 metres, which is deficient by 10.99 metres.

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 determined a rear attached Garage is allowed only on Corner Sites where the Dwelling faces the flanking public roadway. The proposed development is not located on a Corner Site.

Section 44(1) states 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 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; and
- b. the Development Officer may exercise variance power to allow projections of eaves or similar architectural features on Accessory Buildings provided that such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces of 1.2 metres or greater, and 0.46 m for Setbacks or Separation Spaces of less than 1.2 metres.

Section 814.3(3) states where the Site Width is 18.3 metres or greater:

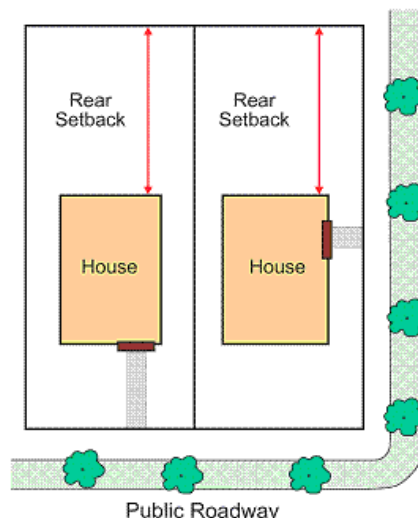
- Side Setbacks shall total 20 percent of the Site Width but shall not be required to exceed 6.0 metres in total;
- the minimum interior Side Setback shall be 2.0 metres; and
- on a Corner Site, the Side Setback requirements on the flanking public roadway, other than a Lane, shall be in accordance with the requirements of the underlying Zone.

The Development Officer determined the maximum projection into the Side Setback is 0.6 metres. The proposed development provides a house eave projecting into the Side Setback by 0.97 metres, which is in excess of the maximum by 0.37 metres.

The Development Officer determined the maximum projection into the Side Setback is 0.6 metres. The proposed development provides a Garage eave projecting into the Side Setback by 0.97 metres, which is in excess of the maximum by 0.37 metres.

Under Section 6.1(41), **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.

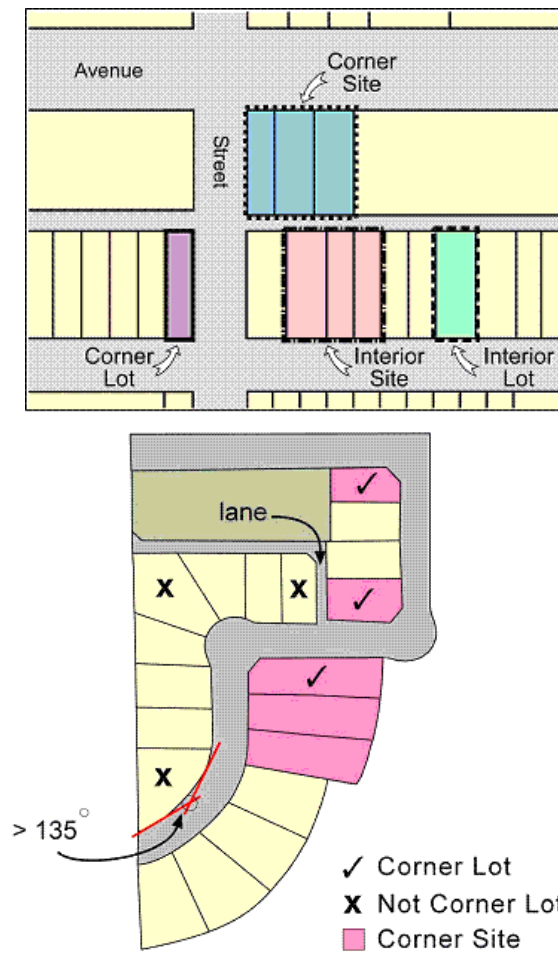
Under Section 6.1(82), **Rear Setback** means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



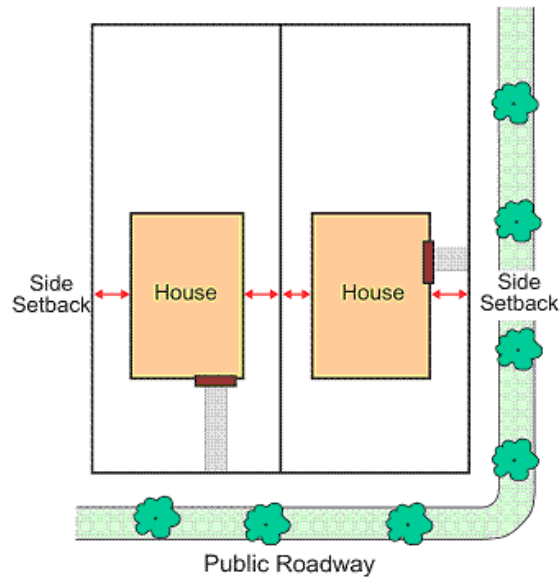
Under Section 6.1(19), **Corner Site** means an area of land consisting of one or more adjacent Lots where at least one Lot is:

- located at the intersection of two public roadways, other than Lanes; or
- abuts a public roadway, other than a Lane, which changes direction at any point where it abuts the Site;

provided that in both cases the Site shall not be considered a Corner Site where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Site shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.



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.

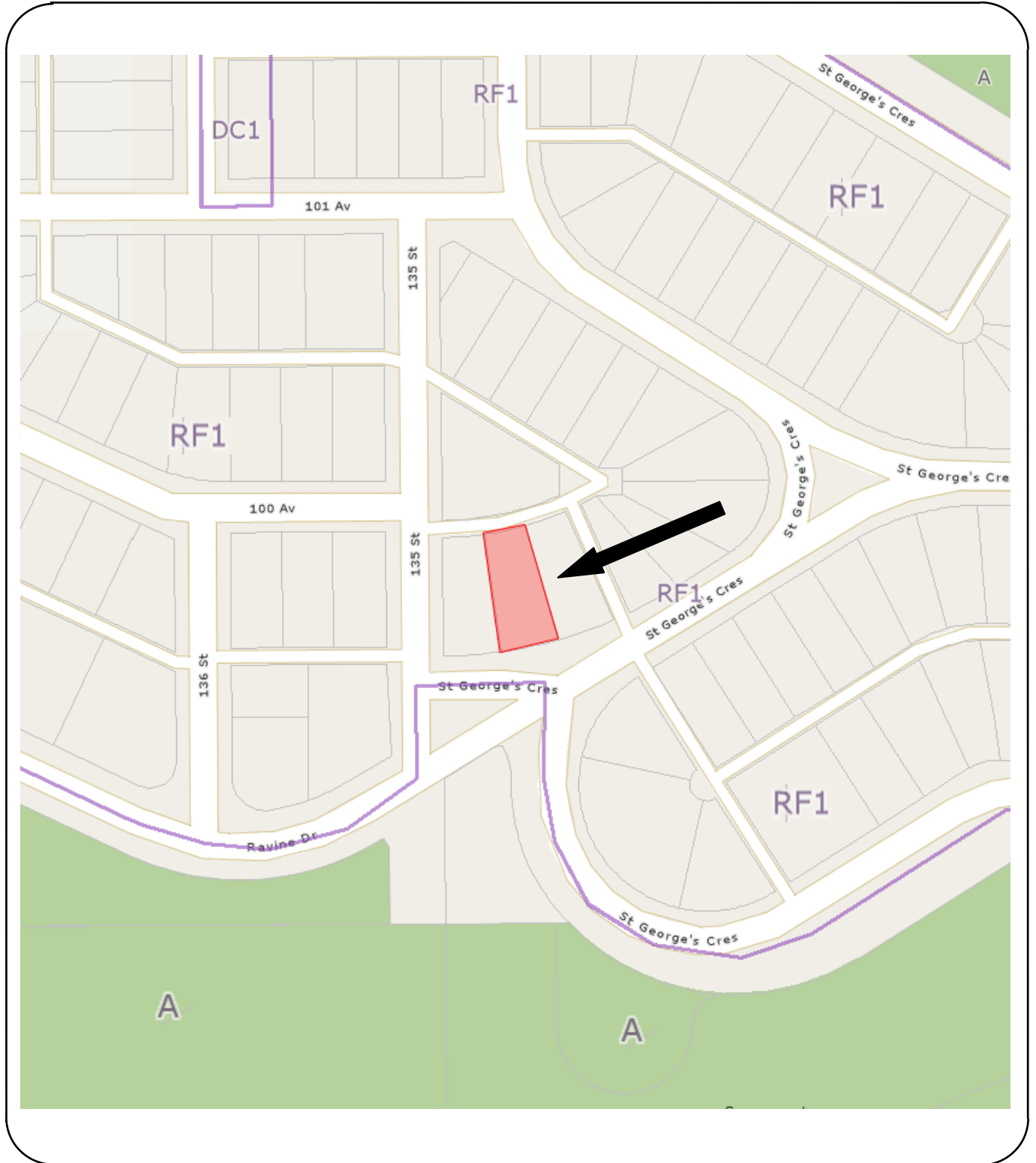


Section 110.1 states the purpose of the RF1 Single Detached Residential Zone is to provide for Single Detached housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states 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.

NOTICE TO APPLICANT/APELLANT

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-15-077



BUSINESS LAID OVER

SDAB-D-15-075	An appeal by D. Bourgeois 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>
----------------------	--

APPEAL HEARINGS TO BE SCHEDULED

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