

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
April 1, 2015**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-15-066	Convert an existing Semi-Detached House into a 4 Dwelling Apartment House (existing without permits) 10020 - 153 Street NW Project No.: 84287777-004
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LUNCH BREAK: 12:45 P.M. TO 1:15 P.M.

II	1:15 P.M.	SDAB-D-15-067	Construct an addition to an existing Accessory Building (originally approved as 8.53 metres by 5.64 metres / built as 8.86 metres by 6.28 metres rear detached Garage) existing without permits 10615 - 76 Avenue NW Project No.: 158270265-002
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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: 9:00 A.M.

FILE: SDAB-D-15-066

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 84287777-004

ADDRESS OF APPELLANT: 727 Butterworth Drive NW, Edmonton,
AB, T6R 2M7

APPLICATION TO: Convert an existing Semi-Detached House
into a 4 Dwelling Apartment House
(existing without permits)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 9, 2015

DATE OF APPEAL: February 19, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10020 - 153 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0823629)

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. Based on the floor plans, it is the opinion of the Development Officer that the proposed development consists of Dwellings within, and accessory to the approved structure, which is a Semi-Detached House. This would make the proposed basement dwellings Secondary Suites, and by definition, a Secondary Suite cannot be developed within a Semi-Detached House; therefore, the Development Officer does not have the authority to approve the proposed Secondary Suites.

2. The building was designed and constructed as a Semi-Detached House in 2007 under Development Permit no. 71345842-005. A condition of that permit was "The proposed basement developments shall not be used as additional dwelling units".

3. Even if reasons 1 & 2 above did not apply and the Development Officer were able to consider this an Apartment House, it would still be refused on the basis that it does not comply with the following provisions of the Zoning Bylaw (based on information available):

Section 210 - (RA7) Low Rise Apartment Zone

210.4 (2). The minimum Site Area shall be 800 m².

- Site Area = 686.9 m²

210.4 (3). The minimum Site Width shall be 20.0 m.

- Site width = 15.2 m

Section 223 - Medium-Scale Residential Infill Overlay

223.3 (1)(c). 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 m. The principal building shall be located at or within 1.0 m of the average Setback along the block face.

- Front Yard setback = 5.0 m (from job no. 71345842-005). Not consistent with adjacent site to north (set back approx. 8.2 m) and does not appear to be w/in 1.0 m of block face (block face avg estimated to be 6.4 m)*

*Note: Survey Plan not provided. Measurements for abutting sites and block face average taken from City of Edmonton SLIM mapping system and are approximate.

223.3 (1)(d). The minimum Side Setback shall be 3.0 m. except as provided in subsection 823.3(1)(e).

- Side Setback = 1.5 m on each side (from job no. 71345842-005).

223.3 (2)(a). All ground Storey Apartment Dwellings adjacent to a public roadway other than a Lane shall have a private exterior entrance that fronts onto the roadway. Sliding patio doors shall not serve as this entrance.

- Basement dwellings would be considered to be the ground storey as per 223.3 (1)(g). These entrances open into side yard; they do not front onto roadway.

223.3 (3)(a). A minimum Private Outdoor Amenity Area of 7.5 m² shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 m² of Private Outdoor Amenity Area shall be provided.

- A total of 45 m² of Private Outdoor Amenity Area is required (15 m² for each ground floor unit + 7.5 m² for other 2 units). The zoning definition of Private Outdoor Amenity Area is "required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve." The Amenity Area shown on the plan currently exists as driveway and parking area. It has not been "designed for the active or passive recreation and enjoyment of the residents", nor is it "immediately adjacent to and directly accessible from the Dwelling it is to serve". Therefore it is the Development Officer's opinion that Private Outdoor Amenity Area has not been provided.

223.3 (3)(b). Notwithstanding Section 47 of this Bylaw, the Private Outdoor Amenity Area for Apartment Housing Dwellings shall have a minimum width and length of 2.0 m and may be located within a Front Setback provided that a minimum Setback of 1.0 m is maintained between the property line and the Private Outdoor Amenity Area.

- Front yard area has not been "designed for the active or passive recreation and enjoyment of the residents" and is not clearly delineated as private space (see also 223.3 (4)(a)(iii)). Therefore the Development Officer does not consider the front yard space as Private Outdoor Amenity Area.

223.3 (4)(a). In addition to the requirements of Section 55 of this Bylaw, the required Landscape Plan shall demonstrate:

(i). the use of vertical landscaping features (e.g. hedges, decorative fences, low walls, shrubs or other plant material) between surface parking areas and ground Storey Apartment Dwellings or ground Storey Stacked Row Housing Dwellings that look onto these areas,

(ii). entry transitions including features such as steps, decorative fences, gates, hedges, low walls, and planting beds between the public roadway and Dwellings that front or flank onto the public roadway, and

(iii). clear delineation of all Private Outdoor Amenity Areas and common Amenity Areas at grade with vertical landscaping features (e.g. hedges, decorative fences, gates, low walls).

- Landscape Plan has not been provided. Surface parking has not been screened from ground floor dwellings; Private Outdoor Amenity Areas have not been provided nor clearly delineated.

Section 47 - Private Outdoor Amenity Area

47 (1). Where required in any Zone, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the Zone.

- No Private Outdoor Amenity Area provided (see explanations above)

47 (2). Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.

- No Private Outdoor Amenity Area provided; proposed amenity area does not have direct access from units and is not landscaped/surfaced for convenient use for outdoor activities.

47(3). Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.

- No Private Outdoor Amenity Area provided; proposed amenity area not screened.

Section 48 - Separation Space

48.3 (1). In front of a required Habitable Room Window other than the Principal Living Room Window, a Separation Space, with a minimum depth of 5.0 m or half the height of any wall opposite the said Window, whichever is greater, to a maximum of 7.5 m shall be provided.

- 5.0 m of separation space required but not provided in each side yard due to bedroom windows on each side. This provision is applicable because side yard setbacks do not meet the minimum requirement as per 223.3 (1)(d).

48.3 (3). The following facilities or activity areas may be located within a required Separation Space adjacent to a Habitable Room Window where a Privacy Zone of at least 4.5 m is provided between the window and facility/activity area:

- a. local public roadway including a Lane;
- b. walkway;
- c. on-site roadway;
- d. on-site parking area;
- e. on-site Amenity Area; and
- f. Accessory buildings

This Privacy Zone shall be measured from the window to the nearest edge of the specified activity area. For local public roadways, the Privacy Zone shall be measured from the Window to the edge of the sidewalk or to the space reserved for a future sidewalk.

- 4.5 m privacy zone not provided between side walkway and Habitable Room Windows. This provision is applicable because side yard setbacks do not meet the minimum requirement as per 223.3 (1)(d).

Section 54 - Parking

- Proposed parking plan is problematic. Site Plan may be re-configured to accommodate parking but it would require tandem spaces and Development Officer would need to review any revision to ensure compliance with Zoning Bylaw and proper site functionality.

Section 55 - Landscaping

- Landscape Plan not provided but existing landscaping would be deficient. 8 trees and 17 shrubs required; 1 existing tree in front yard.

APPELLANT'S SUBMISSION

1. The development officer has made an error in his decision to consider the development as an apartment. To develop the basement into a dwelling in each semi-detached unit will, qualify as duplex development.
2. Sec 41.2 States:

The Development Officer shall not refuse an application for a Development Permit for Single Detached Housing on a Site with a depth of at least 30.0 m and a width of at least 10.0 m, or Semi-detached Housing or Duplex Housing on a Site with a Site area of at least 470 m² and a width of at least 13.5 m only for the reason that the Site does not meet the minimum area and dimensions set out in this Bylaw, if:

- a. the Site in question is a lot, which was created prior to October 2,1961;
 - b. the Site in question is a lot approved by the Subdivision Authority.
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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to convert an existing Semi-detached House into a 4 Dwelling Apartment House (existing without permits).

The site is located west of 153 Street, north of 100 Avenue and is zoned RA7 Low Rise Apartment Zone, Section 210 of the Edmonton Zoning Bylaw 12800. The site is within the Medium Scale Residential Infill Overlay, Section 823 of the Edmonton Zoning Bylaw 12800.

The Subdivision and Development Appeal Board at a hearing on February 25, 2015 made and passed the following motion:

“that the appeal hearing be scheduled for April 1 or April 2, 2015 at the written request of the Appellant.”

Section 687(3) states “in determining an appeal, the subdivision and development appeal board

....

- (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.”

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

A **Secondary Suite** is a Discretionary Use in the RA7 Low Rise Apartment Zone, Section 210.3(13).

Semi-detached Housing is a Discretionary Use in the RA7 Low Rise Apartment Zone, Section 210.3(14).

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.

Under Section 7.2(7), **Secondary Suite** means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Duplex Housing, Semi-detached Housing, or Apartment Housing, and does not include Garage Suites, Garden Suites, or Lodging Houses.

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 Development Officer determined the proposed development consists of Dwellings within, and Accessory to the approved structure, which meets the definition of Secondary Suites. The Development Officer determined Secondary Suites cannot be developed within Semi-detached Housing.

Section 7.1(3) states the following guidelines shall be applied in interpreting the Use Class definitions:

- a. the typical Uses, which may be listed in the definitions, are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class;
- b. where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may, in his discretion, deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose. In such a case, the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable Zone; and
- c. the Use Class headings such as Residential or Commercial do not mean that the Use Classes listed under these headings are permitted only in Residential or Commercial Zones of this Bylaw. Reference must be made to the lists of Permitted and Discretionary Use Classes within each Zone.

The plan shows a total of 4 Dwellings. 2 Dwellings are on the main floor and each contains a living room, a kitchen, 3 bedrooms, 2 bathrooms and a laundry area. There are 2 Dwellings in the Basement and each contains a living room, a kitchen, den, 2 bedrooms and a mechanical room. Access to the main floor Dwellings is from the front elevation. Access to the Basement Dwellings is from the north and south side elevation through a common landing on the main floor.

Further, the Development Officer determined if the proposed development is considered an Apartment House; the following reasons for refusal would apply:

Section 210.4(2) states, for Permitted and Discretionary Uses, the minimum Site Area shall be 800 square metres.

The Development Officer determined the minimum Site Area is 800 square metres. The existing Site provides a Site area is 686.9 square metres, which is deficient by 113.1 square metres.

Section 210.4(3) states, for Permitted and Discretionary Uses, the minimum Site Width shall be 20.0 metres.

The Development Officer determined the minimum Site Width is 20.0 metres. The existing Site provides a Site Width of 15.2 metres, which is deficient by 4.8 metres.

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.

The Development Officer determined the block face average is estimated to be 6.4 metres and the property to the north is estimated to have a Front Setback of 8.2 metres. The proposed development provides an (east) Front Setback of 5.0 metres, which is deficient by 0.4 metres.

Section 823.3(1)(d) states the minimum Side Setback shall be 3.0 metres. Separation Space and Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard.

The Development Officer determined the minimum Side Setback is 3.0 metres. The proposed development provides a Side Setback of 1.5 metres on both the north and south side, which are both deficient by 1.5 metres.

Section 823.3(1)(g) states any Basement development which contains a Habitable Room shall be deemed a Storey of development. Where the Basement does not contain a Habitable Room the floor of the ground Storey shall not be constructed more than 1.2 metres above Grade.

Section 823.3(2)(a) states all ground Storey Apartment Dwellings adjacent to a public roadway other than a Lane shall have a private exterior entrance that fronts onto the roadway.

The Development Officer determined a private exterior entrance that fronts onto the public roadway is required for the ground Storey Apartment Dwellings. The proposed development provides private exterior entrances into the Side Yard, which is contrary to Section 823.3(2)(a).

Section 823.3(3)(a) states a minimum Private Outdoor Amenity Area of 7.5 metres square shall be provided for each Apartment Housing except that for ground Storey Dwellings a minimum of 15.0 metres square of Private Outdoor Amenity Area shall be provided.

Section 47 states the requirements for Private Outdoor Amenity Area:

1. Where required in any Zone, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the Zone.
2. Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.
3. Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.
4.
5.
6.

The Development Officer determined Private Outdoor Amenity Area is required pursuant to Section 823.3(3)(a) and Section 47.1, 47.2, and 47.3. The proposed development does not provide a Private Outdoor Amenity Area.

Section 823.3(3)(b) states notwithstanding Section 47 of this Bylaw, the Private Outdoor Amenity Area for Apartment Housing Dwellings shall have a minimum width and length of 2.0 metres and may be located within a Front Setback provided that a minimum of 1.0 metres is maintained between the property line and the Private Outdoor Amenity Area.

The Development Officer determined that the Front Yard has not been delineated as Private Outdoor Amenity Area and has not been delineated on a Landscape Plan as per Section 823.3(4)(a)(i).

Section 823.3(4)(a) states a required Landscape Plan shall demonstrate:

- i. the use of vertical landscaping features (e.g. hedges, decorative fences, low walls, shrubs or other plant material) between surface parking areas and ground Storey Apartment Dwellings or ground Storey Stacked Row Housing Dwellings that look onto these areas,
- ii. entry transitions including features such as steps, decorative fences, gates, hedges, low walls, and planting beds between the public roadway and Dwellings that front or flank onto the public roadway, and
- iii. clear delineation of all Private Outdoor Amenity Areas and common Amenity Areas at grade with vertical landscaping features (e.g. hedges, decorative fences, gates, low walls).

Section 55.2(1)(c) states Landscaping shall be a condition of the issuance of a Development Permit for any development in the RA7 Zone.

Section 55.3(1) requires every application for a development listed in subsection 55.2 to include a Landscape Plan.

The Development Officer determined a Landscape Plan in accordance with Section 823.3(4)(a) and Section 55 is required. The proposed development did not provide a Landscape Plan.

Section 48.3(1) states in front of a required Habitable Room Window other than the Principal Living Room Window, a Separation Space, with a minimum depth of 5.0 metres or half the height of any wall opposite the said Window, whichever is greater, to a maximum of 7.5 metres shall be provided.

The Development Officer determined a Separation Space of 3.0 metres is required and the requirement has not been met due to a deficiency of 1.5 metres in the required Side Setback.

Section 48.3(3) states the following facilities or activity areas may be located within a required Separation Space adjacent to a Habitable Room Window where a Privacy Zone of at least 4.5 metres is provided between the window and facility/activity area:

- a. local public roadway including a Lane;
- b. walkway;
- c. on-site roadway;

- d. on-site parking area;
- e. on-site Amenity Area; and
- f. Accessory buildings.

The Development Officer determined a Privacy Zone of 4.5 metres is required between the Habitable Room Windows and the walkway and the requirement has not been met due to a deficiency of 1.5 metres in the required Side Setback.

Section 54, Schedule 1(A)(1) states for Apartment Housing the minimum number of parking spaces is as follows:

	Minimum
Bed Sitting Room	1
Bachelor Suite	1
1 Bedroom Dwelling	1
2 Bedroom Dwelling	1.5
3 or more Bedroom Dwelling	1.7
Visitor Parking	1 per 7 Dwellings

The Development Officer determined there are two 2 bedroom Dwellings and two 3 bedroom Dwellings. The proposed development provides 6 Parking Spaces, which is deficient by 1 Parking Space.

Section 823.3(6) 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 metres 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(108), **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

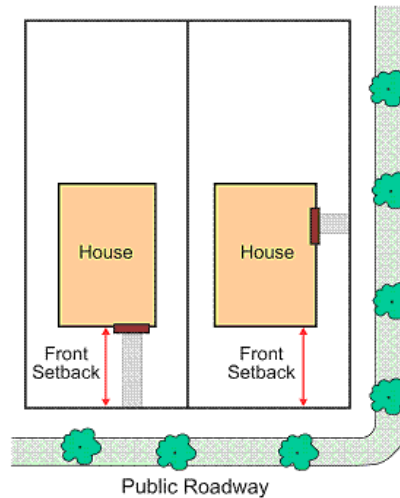
Under Section 6.1(2), **Accessory** means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under Section 6.1(27), **Dwelling** means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

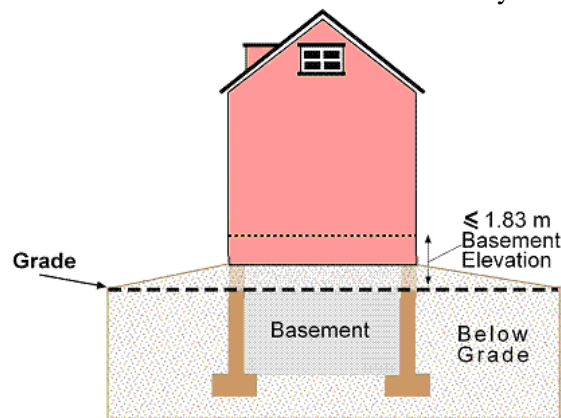
Under Section 6.1(92), **Site** means an area of land consisting of one or more abutting Lots.

Under Section 6.1(94), **Site Width** means the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.

Under Section 6.1(38), **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.



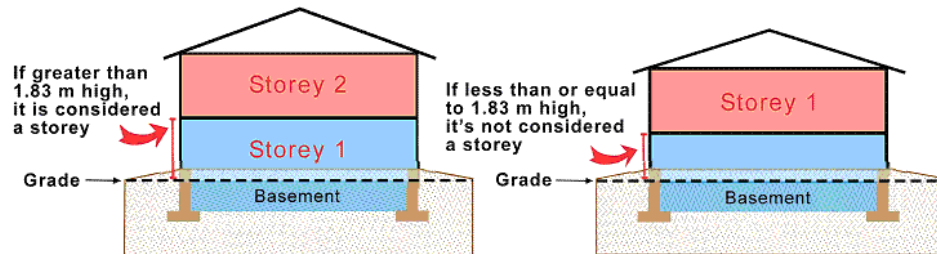
Under Section 6.1(10), **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.83 metres of its clear Height which lies below the finished level of the floor directly above.



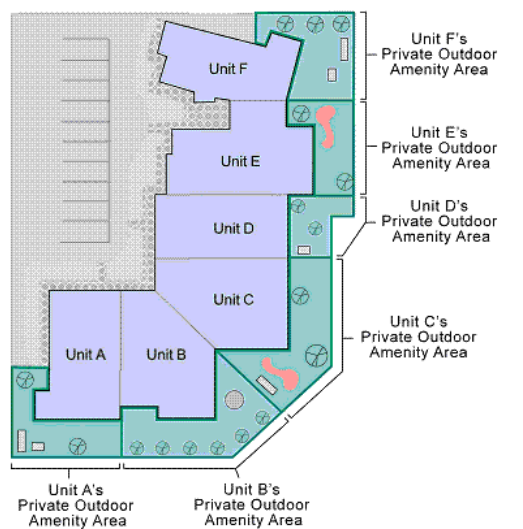
Under Section 6.1(46), **Habitable Room** means any room in a Dwelling other than a Non-habitable Room.

Under Section 6.1(64), **Non-habitable Room** means a space in a Dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entry ways, corridors, or storage areas.

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.



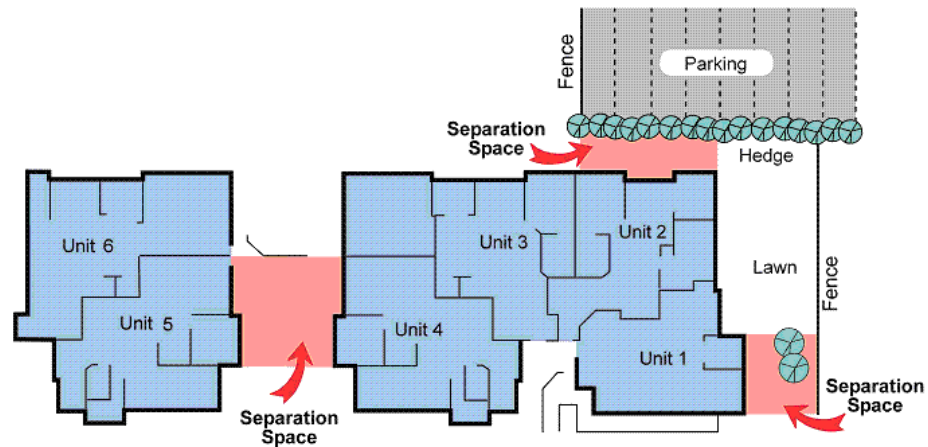
Under Section 6.1(78), **Private Outdoor Amenity Area** means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve.



Under Section 6.1(55), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture

Under Section 6.1(87), **Separation Space** means open space around Dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation Space is not a Yard.



Under Section 6.1(77), **Privacy Zone** means an area within the minimum Separation Space which shall be free of buildings, public roadways, walkways, on-site roadways, communal parking areas and communal Amenity Areas.

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

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.

Included in the Sustainable Development Department’s POSSE system, under “SDAB”, is a revised Memorandum dated August 6, 2014 from Karen Harmony, Senior Transportation Technician, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the development application and has provided an enclosure. **A copy of the revised Memorandum from Transportation Services is on file.**

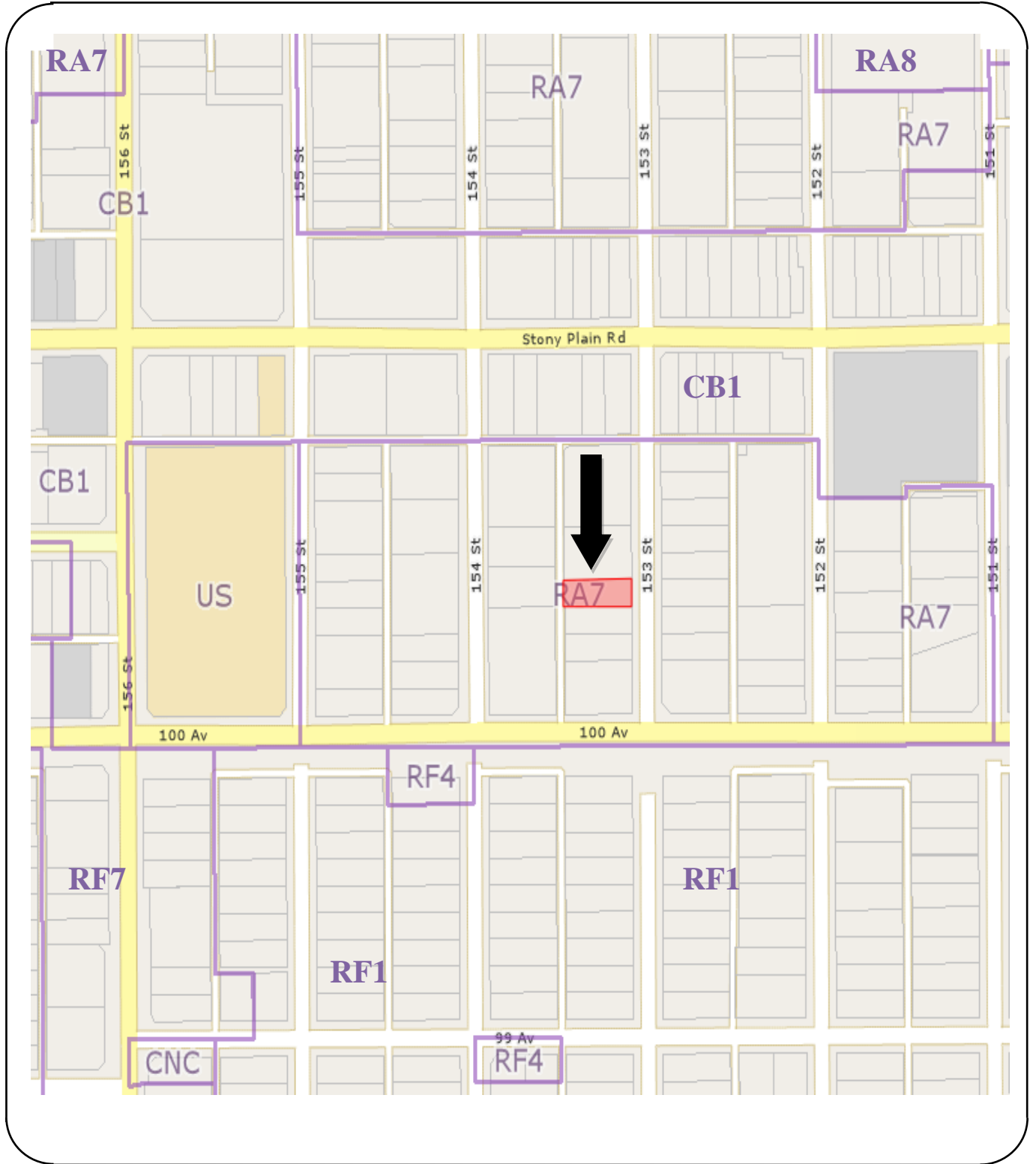
The following jobs are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
84287777-003	Violation Notice	<p>April 17, 2014; An inspection of the above noted property by this Department revealed that a four suite Apartment House has been constructed for which, according to our records, no development permit has been issued.</p> <p>No Person:</p> <p>shall commence, or cause or allow to be commenced, a Development without a</p>

		<p>development Permit therefor issued under the provisions of Section 12 of this Bylaw; or</p> <p>shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw (Reference Section 5.1 of the Edmonton Zoning Bylaw).</p> <p>Actions that must be taken:</p> <p>To legally have a four suite Apartment House at this property a Development Permit must be obtained. You must obtain a Development Permit for the four suite Apartment House or decommission the additional dwelling units by removing the separation between upstairs and downstairs, remove the stove as well as all the electrical components associated with the stove and apply for a Basement Development Permit.</p> <p>An Apartment House permit must be applied for in by Monday, June 02, 2014 or a decommissioning of the additional suites and a Basement Development Permit application submitted prior to Monday, June 02, 2014, with inspections scheduled to confirm that the additional dwelling units have been decommissioned.</p> <p>If action is not taken the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A.2000. [...].</p>
71345842-005	To construct a Semi-Detached House with front uncovered decks (each 1.06m x 1.20m) and rear attached garages (each 3.66m x 6.71m).	Issued November 15, 2007.

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-15-066



ITEM II: 1:15 P.M.

FILE: SDAB-D-15-067

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 158270265-002

ADDRESS OF APPELLANT: 6715 – 16 Avenue SW, Edmonton, AB,
T6X 0G8

APPLICATION TO: Construct an addition to an existing
Accessory Building (originally approved
as 8.53 metres by 5.64 metres / built as
8.86 metres by 6.28 metres rear detached
Garage) existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 5, 2015

DATE OF APPEAL: March 5, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10615 - 76 Avenue NW

LEGAL DESCRIPTION: Plan 5765Q Blk 1 Lot 20

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

The site coverage of Accessory Buildings or Structures shall not exceed 12%.
(Reference Section 50.3(3))

Proposed: 13.6%
Exceeds by: 1.6%

APPELLANT'S SUBMISSION

I built the little bigger garage from the original building permit but the building officer refused my permit.

original garage 12%
but I built 13.6%

The site coverage of Accessory Buildings or Structures shall not exceed 12%. (Reference Section 50.3(3))

Proposed: 13.6%
Exceeds by: 1.6%

So I want to make an appeal.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an addition to an existing Accessory Building (originally approved as 8.53 metres by 5.64 metres/built as 8.86 metres by 6.28 metres rear detached Garage) existing without permits.

The site is located south of 76 Avenue and west of 106 Street and is zoned RF3 Small Scale Infill Development Zone, Section 140 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800.

Single Detached Housing is a Permitted Use in the RF3 Small Scale Infill Development Zone, Section 140.2(9).

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

The submitted Real Property Report created by Hagen Surveys dated July 25, 2014 shows the subject has a Site Width of 10.06 metres and a Site Depth of 40.16 metres.

The built Garage is located 0.94 metres from the (west) Side Lot Line and the (south) Rear Lot Line; and 2.88 metres from the (east) Side Lot Line. The proposed Garage is 6.28 metres in width and 8.86 metres in depth.

The Development Officer has provided the following information:

Site Area:	406.63 square metres
12 percent allowable Site Coverage:	48.80 square metres
28 percent allowable Site Coverage:	113.86 square metres
40 percent allowable Site Coverage:	162.65 square metres
Detached Garage (original approval):	48.12 square metres
Detached Garage with proposed addition	55.43 square metres
Principal Building:	101.22 square metres
Total Site Coverage:	156.65 square metres

Section 50.3(3)(a) states the Site Coverage of Accessory Buildings, with or without a Garage Suite, or Structures shall not exceed 12 percent, unless a different standard is prescribed within the regulations contained within the relevant Zone.

Section 140.4(10)(a) states the maximum Site Coverage for Single Detached Housing with a Site area of 300 square metres or greater shall be as follows:

	Principal Dwelling building / Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached Housing	28 percent	40 percent	40 percent

The Development Officer determined the Site Coverage of the Accessory Building is 55.43 metres square and exceeds the maximum allowable by 6.63 square metres.

It should be noted the City of Edmonton Slim Map indicates the subject site is 403.58 square metres. 12 percent of the Site area is 48.43 square metres; therefore the existing Garage with proposed addition **exceeds the maximum allowable by 7.00 square metres.**

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:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above grade; or

- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above grade.

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.

Section 140.1 states the purpose of the RF3 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.

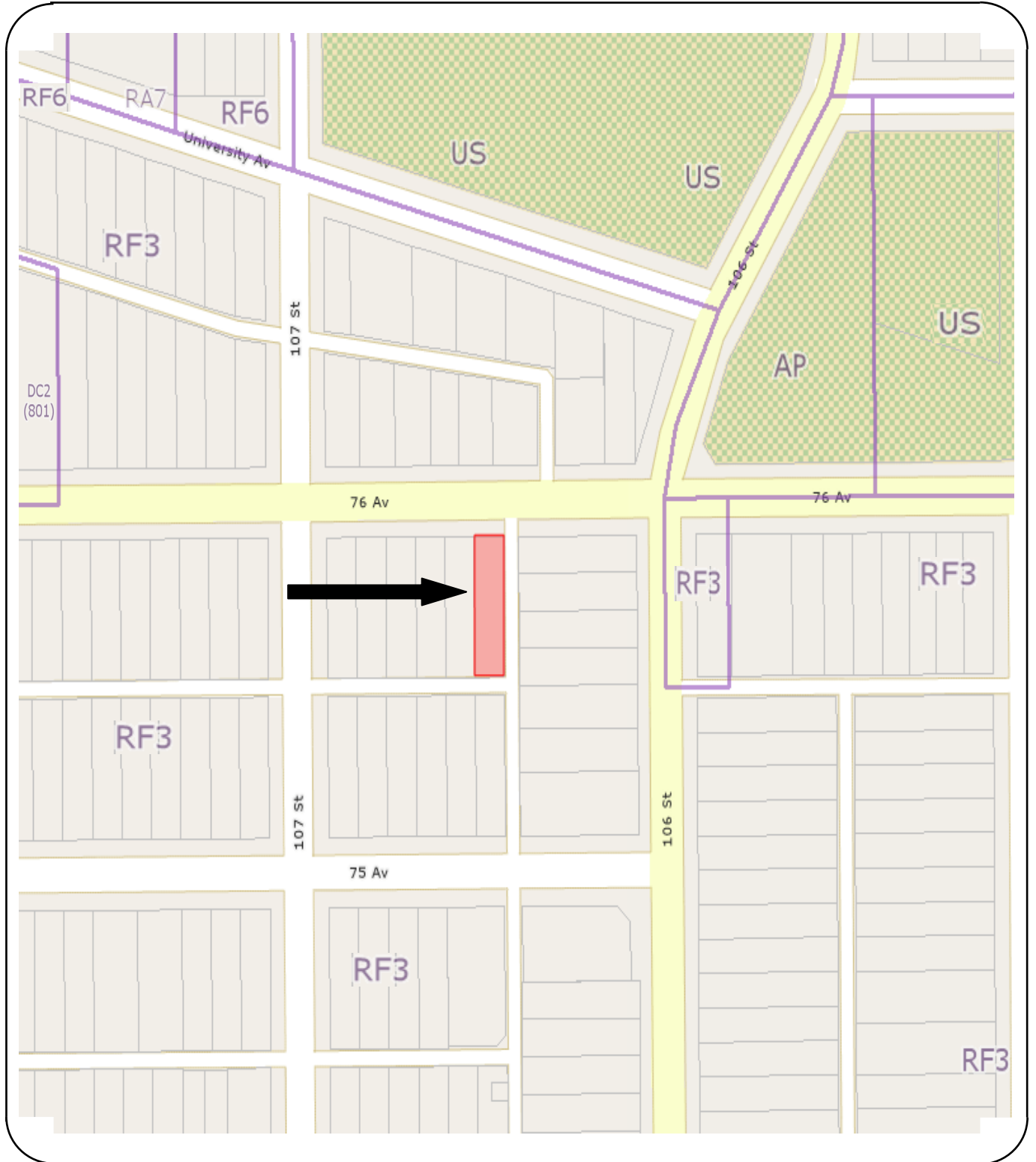
The following jobs are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
158270265-002	To construct an extension to an existing uncovered deck (3.75 metres by 2.56 metres @ 1.3 metres high).	Created March 5, 2015; under review.
158270265-002	Compliance Certificate	<p>August 11, 2014; Your Real Property Report, dated July 25, 2014 shows a Single Detached House with front Veranda, and rear Uncovered Deck that complies with the RF3 (Small Scale Infill Development) Zone, and The Mature Neighbourhood Overlay development regulations.</p> <p>The Real Property Report shows that the detached Garage does not comply with the regulations for Accessory Buildings in Residential Zones. The building should have:</p> <ul style="list-style-type: none"> - The maximum Site Coverage for an Accessory Building shall be 12%. (Reference Section 140.4(10)(a)) <p>However, the Real Property Report shows that the detached Garage covers 14% of the Site.</p> <p>You are advised that a search of our files revealed no record of development approval for the enlargement of the rear</p>

		<p>Detached Garage.</p> <ul style="list-style-type: none"> - The Development Permit (No. 133181055-002) approved an 8.53 m x 5.64 m rear Detached Garage. - The Real Property Report shows an 8.86 m x 6.28 m rear Detached Garage. <p>You are also advised that a search of our files revealed no record of development approval for the enlargement of the rear Uncovered Deck.</p> <ul style="list-style-type: none"> - The Development Permit (No. 133181055-001) approved an 1.22 m x 3.35 m rear Uncovered Deck. - The Real Property Report shows a 2.56 m x 3.75 m rear Uncovered Deck. <p>[...].</p>
133181055-002	To construct an Accessory Building (Detached Garage)	February 6, 2013; Approved with conditions.
133181055-001	To construct a single detached house with an uncovered deck, fireplace and basement development with secondary suite.	February 6, 2013; Approved with 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-15-067



BUSINESS LAID OVER

SDAB-D-15-063	Alberta Avenue Community League; Robert Fowler; Gerard Forget; Brendan & Nadine McAleese VS Manasc Isaac Architects Ltd. to demolish an existing Religious Assembly building and to construct a new Religious Assembly building - 86 seats (Salvation Army) <i>April 9, 2015</i>
SDAB-D-15-073	An appeal by Liske Development Ltd. to construct a Single Detached House with a front attached Garage, front balcony, front veranda, fireplace, Secondary Suite development in the Basement, rear partially covered balcony and rear uncovered deck (3.05 metres by 7.62 metres) <i>April 9, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

168199400-001	An appeal by Franken Homes Ltd. 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 <i>April 15 or 16, 2015</i>
164242106-004	An appeal by Homes By Anthony Developments / Branko Culo 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) <i>April 16, 2015</i>