

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
April 30, 2015**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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I	9:00 A.M.	SDAB-S-15-003	Create one (1) additional Single Detached Residential Lot 11439 - 44 Street NW Project No.: 166748650-001; LDA15-0027
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***NOTE:*** ***Unless otherwise stated, all references to “Section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.***

ITEM I: 9:00 A.M.

FILE: SDAB-S-15-003

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPLICATION NO.: 166748650-001; LDA15-0027

APPLICATION TO: Create one (1) additional Single Detached Residential Lot

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: March 27, 2015

DATE OF APPEAL: April 7, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11439 - 44 Street NW

LEGAL DESCRIPTION: Plan 2668HW Blk 21 Lot 13

ZONE: RF1 Single Detached Residential Zone

OVERLAY(S): Mature Neighbourhood Overlay  
Edmonton-Strathcona County Joint  
Planning Study Area Secondary, Garage  
and Garden Suites Overlay

STATUTORY PLAN: N/A

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SUMMARY

1. When an application for subdivision is submitted for consideration, the Subdivision Authority is charged with the responsibility to ensure that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land (Section 654 of the Municipal Government Act).

The proposal will result in site widths and areas that are uncharacteristically small when compared to properties on the block face. For example, the site widths on the block face range from approximately 15.24 meters to 15.85 meters. The proposed lot widths are 10.06 and 12.80 metres which are significantly smaller than lots characteristic to the block face.

Therefore, it is the position of the Subdivision Authority that the proposed subdivision would not comply with Section 654 of the Municipal Government Act.

2. The proposed subdivision is located within the Mature Neighbourhood Overlay as prescribed by City of Edmonton Zoning Bylaw 12800. The purpose of this 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.

It is the position of the Subdivision Authority that the proposed subdivision would not comply with the intent and spirit of the Mature Neighbourhood Overlay. Any proposed development would not be sensitive in scale to the existing developments and would subsequently impact the existing streetscape.

Although it may be possible to construct a home on the proposed lots, the Subdivision Authority contends that the lots do not fit the immediate neighborhood. The fundamental issue is the increase in density, and the resulting negative impact on adjacent properties.

3. Notice of the proposed subdivision was sent to surrounding property owners on February 5, 2015. Sustainable Development received one phone call in opposition to the application.

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APPELLANT'S SUBMISSION

At the outset a more detailed presentation will be provided prior to the hearing for all Board members to review. The following reasons will be expanded upon at the hearing. As a bit of an initial background on the property itself, it is a 75' corner lot zoned RF1 and is located on the southeast corner of the intersection of 115th Avenue and 44th Street. The intent of the subdivision is to keep the RF1 zoning to fit in to the neighbourhood. We do not dispute that it changes one property into two but so does a semi-detached

development which we would be fully entitled to do. We wish to maintain the single family nature of the streetscape.

Firstly the Subdivision Authority has claimed, pursuant to Section 654 of the Municipal Government Act, that changing a 75' wide lot, which itself is not characteristic to the block face of 6 lots to a 33' lot and a 42' wide corner lot and that it would somehow unduly interfere with the amenities of the neighbourhood and would materially affect the use, enjoyment or value of the neighbouring parcels of land. There are a wide variety of lot widths within the neighbourhood which we will provide at the hearing.

They have provided no evidence of how it would unduly interfere or materially affect other property owners but only suggest that the smaller widths of lots would have an effect. If one were to use their logic then the existing 75' lot is unduly affected by the smaller lots on the block face. We hope that the Subdivision Authority provides a further explanation.

The proposed subdivision was circulated to all City departments including transportation and drainage and there were no objections to the subdivision.

Secondly the Subdivision Authority claims that this subdivision does not comply with the intent and spirit of the Mature Neighbourhood Overlay. It presumes that the designs would not be sensitive to scale or maintain the character and pedestrian-friendly design that currently exists.

How can the Subdivision Authority make that claim when they have not seen the designs proposed for the lots. We wish to point out again that a large semi-detached home could be developed and fully comply with all zoning regulations and that we would suggest does change the look and character of the neighbourhood.

Given the movement at Council for increasing density in mature neighbourhoods it makes no economical or planning sense to rebuild on a 75' lot one large single family home. The current 900 square foot bungalow built in 1951 has its' best years behind it. Our proposal meets Council's intent of redeveloping mature neighbourhoods.

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#### SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The *Municipal Government Act*, Section 654(2) states that a Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
  - (i) unduly interfere with the amenities of the neighbourhood, or
  - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,and
- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

Section 110.4(1) provides the following with regard to Site regulations for Single Detached Housing:

- a. the minimum Site area shall be 250.8 metres
- b. the minimum Site Width shall be 7.6 metres; and
- c. the minimum Site depth shall be 30.0 metres.

Section 41.1(3) states the Subdivision Authority may not approve the subdivision of a Lot zoned RF1, as it existed on March 16, 2015 into more than two lots, notwithstanding the Site Width in the RF1 Zone. Subdivision into more than two Lots may only be approved where the proposed subdivision:

- a. is supported by one or more City Council approved Statutory Plans, Policies, or Administrative Directives; or
- b. has a Site Width deemed by the Subdivision Authority to be in character with Lots on the same block.

The submitted tentative plan of subdivision shows two proposed lots with a Site Width of 12.80 and 10.06 metres respectively, and a Site depth of 36.58 metres. A copy of the plan is on file.

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.

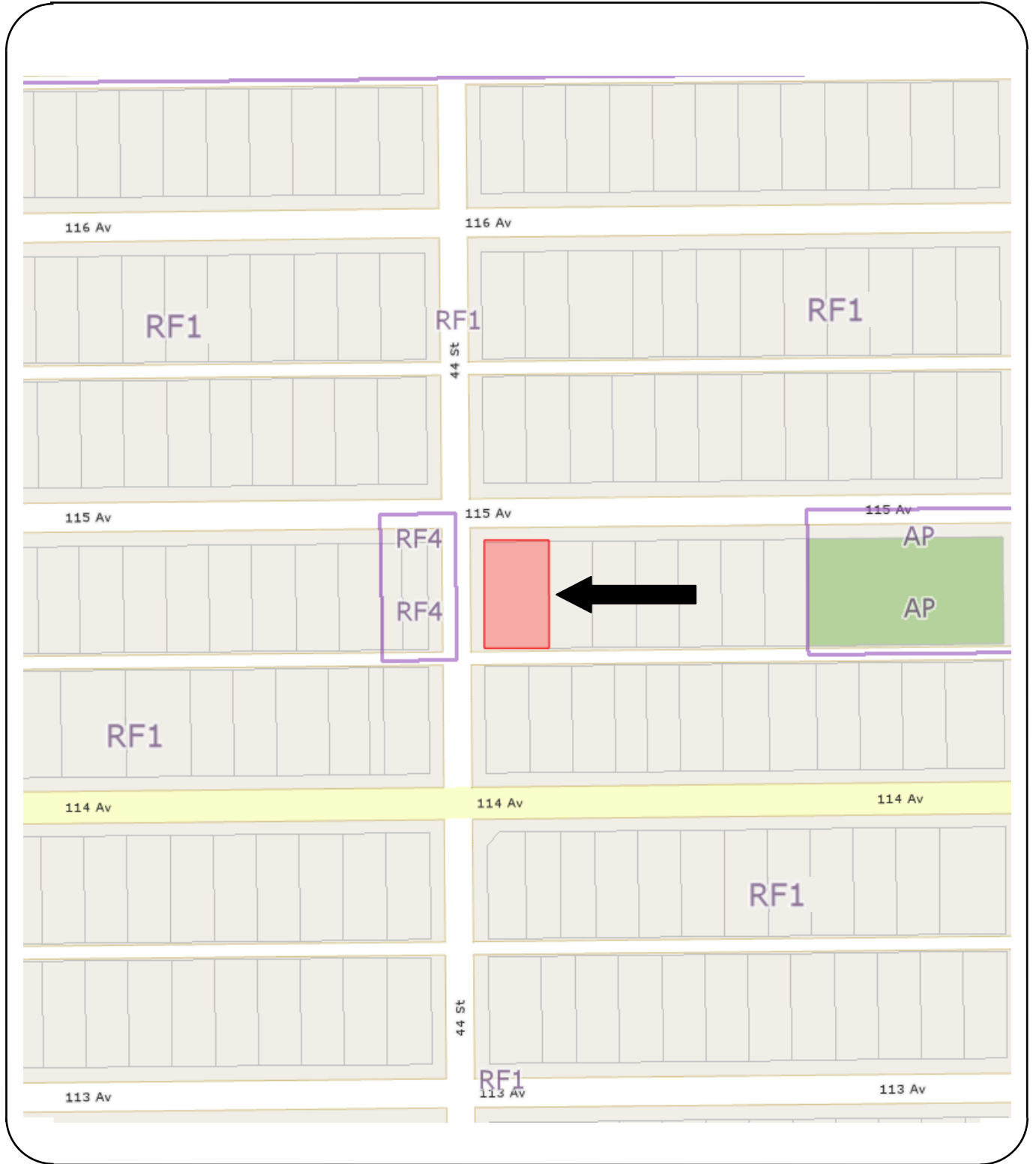
Section 822.1 states the purpose of the Edmonton-Strathcona County Joint Planning Study Area Secondary, Garage and Garden Suites Overlay is to limit the expansion of Secondary Suites and to limit the creation of any Garage and Garden Suites within a portion of the Edmonton-Strathcona County Joint Planning Study Area to the Use opportunity that existed prior to the adoption of Bylaw 14750, in order to limit residential intensification in proximity to industrial uses until such time as more definitive criteria may be established to prescribe residential development within the Study Area, at which time this Overlay may be subject to amendment.

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NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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.

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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-S-15-003





**BUSINESS LAID OVER**

<b>SDAB-D-15-075</b>	An appeal 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>
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**APPEAL HEARINGS TO BE SCHEDULED**

<b>154362913-002</b>	An to construct exterior alterations to a Single Detached House (driveway extension) – existing without permits <i>May 7, 2015</i>
<b>159253875-001; LDA14-0384</b>	An appeal to create 31 Single Detached Residential lots, 46 Semi-detached Residential Lots and 30 Row Housing Lots. <i>May 20, 2015</i>