

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
August 12, 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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**TO BE RAISED**

I	9:00 A.M.	SDAB-D-15-168	Construct an Accessory Building (rear detached Garage, 8.53m x 7.93m) 5423 - 203 Street NW Project No.: 173111314-001
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**BREAK: 10:15 A.M. TO 10:30 A.M.**

II	10:30 A.M.	SDAB-D-15-179	Construct exterior alterations (extension of front Driveway) to a Single Detached House 4640 - 26 Avenue NW Project No.: 170501713-001
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**LUNCH BREAK: 12:00 P.M. TO 1:00 P.M.**

III	1:00 P.M.	SDAB-D-15-180	Construct a Semi-detached House with veranda and Basement development (Not to be used as additional Dwellings) and to demolish a Single Detached House and Accessory Building (rear detached Garage) 11609 - 88 Street NW Project No.: 170148049-001
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**NOTE:** *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

**TO BE RAISED**

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-168

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173111314-001

ADDRESS OF APPELLANT: 5423 - 203 Street NW

APPLICATION TO: Construct an Accessory Building (rear detached Garage, 8.53m x 7.93m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 10, 2015

DATE OF APPEAL: July 14, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5423 - 203 Street NW

LEGAL DESCRIPTION: Plan 0226719 Blk 1 Lot 91

ZONE: RPL Planned Lot Residential Zone

OVERLAY: N/A

PLANS IN EFFECT: Grange Area Structure Plan  
Hamptons Neighbourhood Structure Plan

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DEVELOPMENT OFFICER'S DECISION

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

1) Section 50.3(2) An Accessory building or structure shall not exceed 4.3 m nor one Storey in Height.

Proposed height to mid point: 4.77 m  
Exceeds by 0.47 m

Section: 6.1(49) The ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height.

Proposed height to Ridge: 6.47 m  
Exceeds by 0.67 m

2) Section 50.3(4)(e)(i) On any Site governed by the RPL, the minimum distance from the Rear Lot Line to a detached Garage where the vehicle doors face the Lane shall be 2.75 m.

Proposed: 1.50 m  
Deficient by 1.25 m

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#### APPELLANT'S SUBMISSION

I would like to appeal my detach garage development permit refusal. The officer has stated the building height exceeds the allowable by 0.67m, I would like the additional height variance as I have some storage shelving units for my attic area that are 7ft and need some extra room in the attic above the shelving unit. To get the 8ft clear dimension I needed to raise the ridge height of the building. I also have a 10ft ceiling on the main floor to allow for a future car lift for working on my truck, this will provide adequate lift height to work under the truck and perform other maintenance. The additional foot on each level is causing issue.

The design of the building is consistent with the others in the area and the total height is similar to other garages in the alley. My lot design in relation to the alley has one garage corner set 1.5m from the alley and the other is 3 to 4 m back perpendicular, so it is set back in to the property. I also have added additional roof lines and windows to provide character and break up the size to help blend it into the area.

I will provide some photos of adjacent structures for review and have spoken to my neighbours and they do not have any issue with the design and are supportive of this appeal.

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

The Subdivision and Development Appeal Board, at a hearing on July 22, 2015, made and passed the following motion:

“that the appeal hearing be postponed to August 12 or 13, 2015 at the written request of the Appellant.”

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

Section 50.1(2) states that “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.”

On July 9, 2015, City Council signed and passed amendments to the *Edmonton Zoning Bylaw*, resulting in the following changes:

- 1) The removal of “Storeys” from the calculation of Height under Section 50.3(2);
- 2) The definition of Height in Section 6.1(49) is replaced with a new definition; and
- 3) Section 52 with respect to Height and Grade was deleted in its entirety and replaced with new regulations.

With respect to **Accessory building or structure**, the recently amended Section 50.3(2) states:

In a Residential Zone:

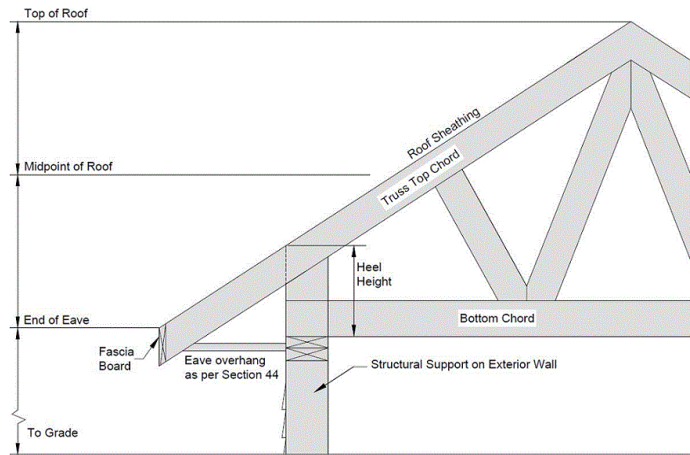
1. ...
2. an **Accessory building or structure** shall not exceed 4.3 m in Height, except:
  - a. as provided in the RPLt, RF4t, RF5t, TSDR, TSLR, BRH, BLMR, and BMR Zones, where the maximum Garage Height shall not exceed 5.0 m;
  - b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the Height shall be in accordance with Section 87.
  - c. in the case of a Garage containing a Blatchford Lane Suite, where the Height shall be in accordance with Section 997; and
  - d. as provided in subsections 50.4, 50.5.

The recently amended Section 6.1(49) defines **Height** to mean “a vertical distance between two points.”

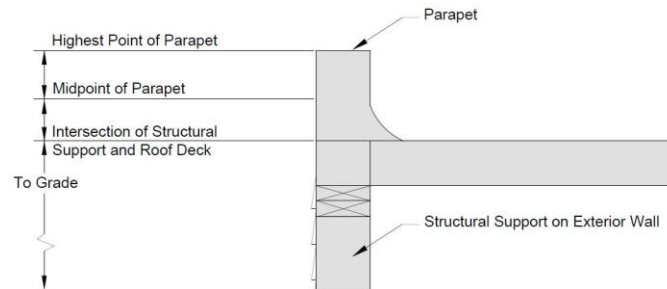
The recently amended Section 52 states the following with respect to **Height and Grade**:

**52. *Height and Grade***

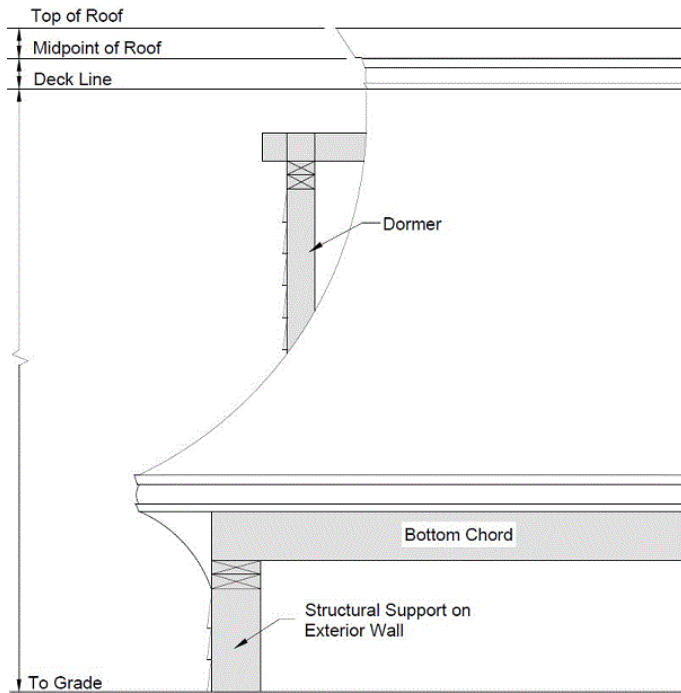
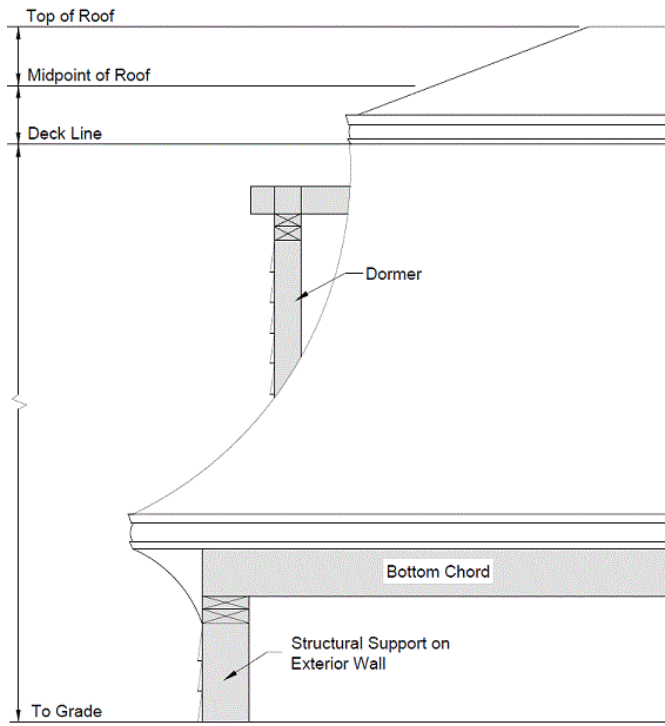
1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
  - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or

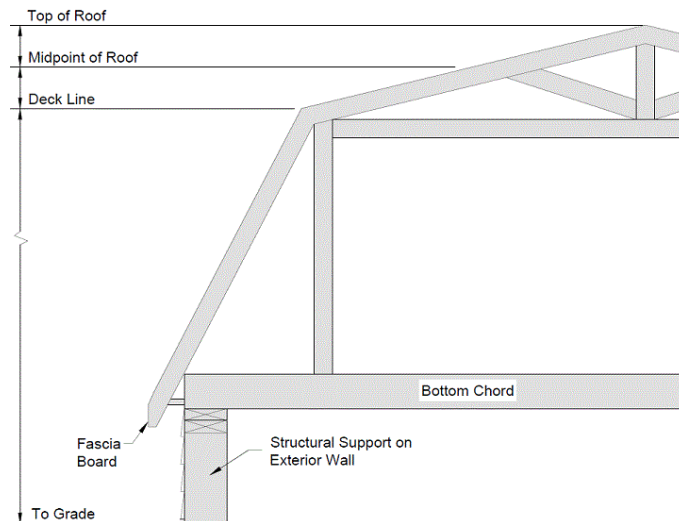


- b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



- c. For mansard and gambrel roof types, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the deck line and the top of the roof; or





- d. For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Officer shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.
2. In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:
    - a. in any Zone other than a Residential Zone, the following features shall not be considered for the purpose of Height determination: chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments, elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers or other similar erections;
    - b. in any Residential Zone, those features specified in subsection 52.2(a) shall not be considered for the purpose of Height determination, except that the maximum Height of receiving or transmitting structures, where these are Satellite Signal Receiving Antennae or Amateur Radio Antennae and Support Structures, shall be calculated in accordance with the regulations of subsections 50.5 and 50.6, respectively, of this Bylaw.



The maximum Height for all other receiving or transmitting structures, other than those which may normally be required for adequate local television reception, shall be the maximum Height in the Zone, and not the maximum Height for Accessory buildings in Residential Zones specified in subsection 50.3(2);

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.
3. An applicant shall submit, for any Development Permit to construct, rebuild or increase the Height of a structure, a grading plan that shows the elevation of the Site at each corner of the Site before and after construction;
  4. The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:
    - a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
    - b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
    - c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
    - d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments; or

- e. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development.
5. The applicant shall submit all information the Development Officer requires to determine Grade by the method the Development Officer chooses.

The Development Officer's determination of Height is based on the pre-amendment provisions.

**The Development Officer made the following determination:**

**1) Section 50.3(2) An Accessory building or structure shall not exceed 4.3 m nor one Storey in Height.**

**Proposed height to mid point: 4.77 m  
Exceeds by 0.47 m**

**Section: 6.1(49) The ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height.**

**Proposed height to Ridge: 6.47 m  
Exceeds by 0.67 m**

**Section 50.3(4)(e)(i) states the following with respect to Accessory Buildings in Residential Zones:**

4. Accessory buildings and structures shall be located on an Interior Site as follows:

...

- e. where the Accessory building is a detached Garage and where the vehicle doors of the detached Garage face a Lane abutting the Site, no portion of the Garage shall be located less than 4.88 m from the Rear Lot Line, except in the following cases:
  - i. on any Site governed by the RPL , RF5, RF6 or UCRH Zone, the minimum distance from the Rear Lot Line to a detached Garage where the vehicle doors face the Lane shall be 2.75 m;

**The Development Officer made the following determination:**

**2) Section 50.3(4)(e)(i) On any Site governed by the RPL, the minimum distance from the Rear Lot Line to a detached Garage where the vehicle doors face the Lane shall be 2.75 m.**

**Proposed: 1.50 m  
Deficient by 1.25 m**

Section 130.1 states the following with respect to the **General Purpose** of the **RPL Planned Lot Residential Zone**:

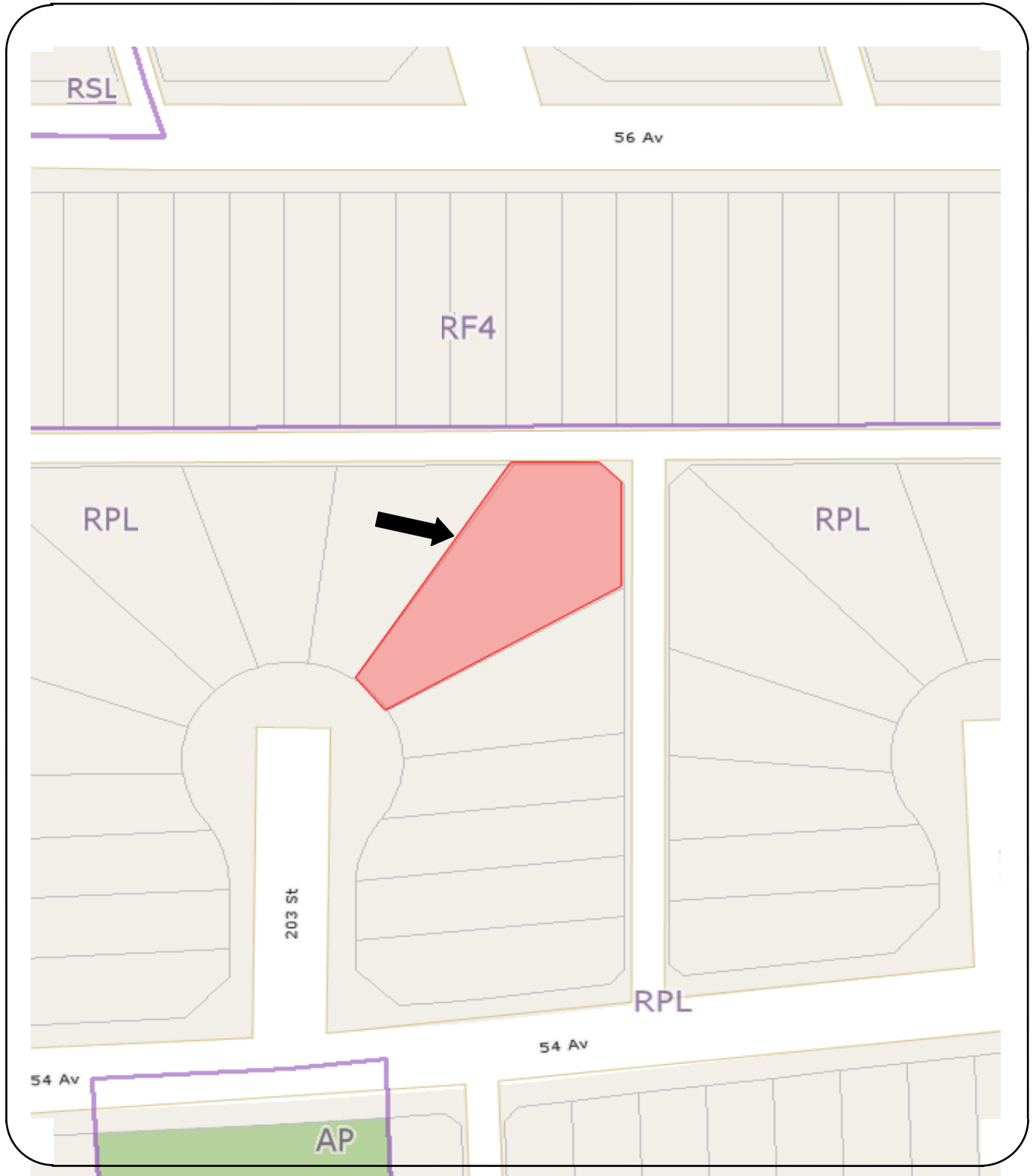
...to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

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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-D-15-168



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-179

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 170501713-001

ADDRESS OF APPELLANT: 4640 - 26 Avenue NW

APPLICATION TO: Construct exterior alterations (extension of front Driveway) to a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 14, 2015

DATE OF APPEAL: July 21, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4640 - 26 Avenue NW

LEGAL DESCRIPTION: Plan 8021673 Blk 28 Lot 57

ZONE: RF4 Semi-Detached Residential Zone

OVERLAY: N/A

PLANS IN EFFECT: Millwoods Development Concept Plan

DEVELOPMENT OFFICER'S DECISION

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

1) Parking spaces shall not be located within a Front Yard (Reference Section 54.2(2)(e)(i))

2) The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the required Garage or Parking Area. (Reference Section 54.1(4))

3) A Parking Area may project into a required Setback or Separation Space as provided when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways. (Section 44(6))

APPELLANT'S SUBMISSION

I have Garage in back alley and I own four cars in winter I don't have enough space to park my cars and most of the time even not able to go in back alley and in front seasonal ban parking signs in affect and there is not any choice to park my cars I already have Driveway which is not enough wide and not directly attached with the road due to these situation please consider my request.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Under Section 150.2(6) of the *Edmonton Zoning Bylaw*, **Single Detached Housing** is a Permitted Use in the RF4 Semi-detached Residential Zone.

The *Edmonton Zoning Bylaw* states the following with respect to the **Location of Vehicular Parking Facilities**:

54.2(2)(e) Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. ...

**The Development Officer determined the following:**

**1) Parking spaces shall not be located within a Front Yard (Reference Section 54.2(2)(e)(i))**

The *Edmonton Zoning Bylaw* states the following with respect to **Off-street Parking and Loading Regulations**:

- 54.1(4) The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall [have]:
- a. a minimum width of 3.1 m; and
  - b. a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; and
  - c. for a Site less than 10.4 m wide, have a maximum width of 3.1 m.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

**The Development Officer determined the following:**

**2) The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the required Garage or Parking Area. (Reference Section 54.1(4))**

**Section 44(6) of the *Edmonton Zoning Bylaw* 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:

...

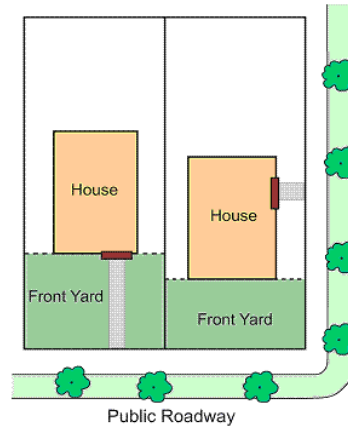
6. a Parking Area when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways; and

...

**The Development Officer determined the following:**

**3) A Parking Area may project into a required Setback or Separation Space as provided when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways. (Section 44(6))**

Under Section 6.1(40), **Front Yard** is defined as “the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.”



Section 6.1(41), **Garage** is defined as “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport”.

Section 6.1(69), **Parking Area** is defined as “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway”.

Section 150.1 states that the **General Purpose** of the **RF4 Semi-detached Residential Zone** “is to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

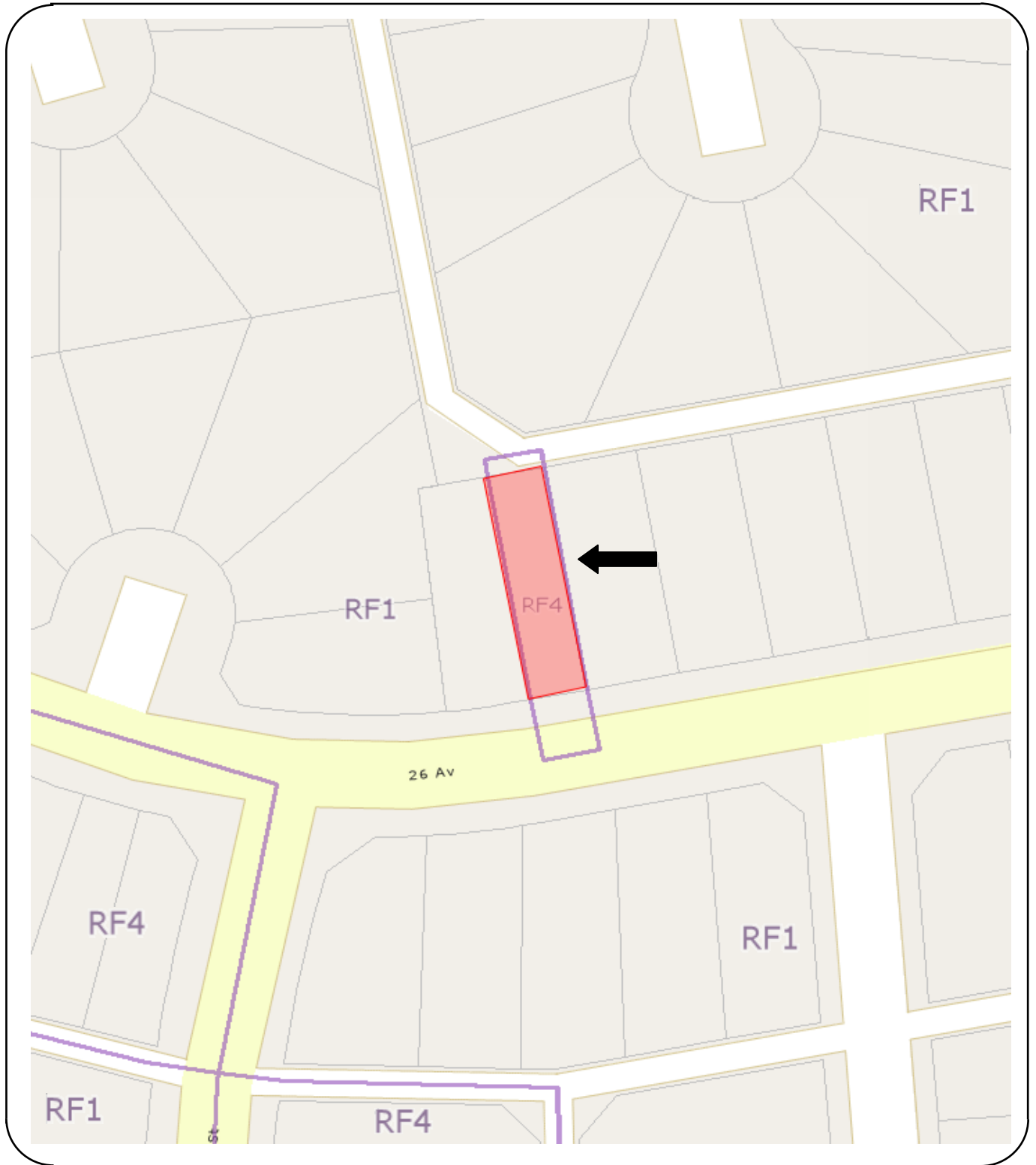
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NOTICE TO APPLICANT/APPELLANT

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-179



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-180

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 170148049-001

ADDRESS OF APPELLANT: 11609 - 88 Street NW

APPLICATION TO: Construct a Semi-detached House with veranda and Basement development (Not to be used as additional Dwellings) and to demolish a Single Detached House and Accessory building (rear Detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 2, 2015

DATE OF APPEAL: July 21, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11609 - 88 Street NW

LEGAL DESCRIPTION: Plan RN43B Blk 76 Lot 3

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

PLANS IN EFFECT: Parkdale Area Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

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

1) Section 814.3(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.

Adjacent property Average: 11.60 m  
Required front setback: 10.1 m - 13.1 m  
Proposed: 7.50 m  
Deficient by: 2.60 m

2) Section 140.4(18) Each Dwelling within Semi-detached Housing and Row Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the facade, porches or entrance features, building materials, or other treatments.

Proposed: There are no architectural features that show the two dwellings being individually defined as there is no feature suggesting that this development has 2 Dwellings.

3) Section 140.4(20) Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line.

Proposed: Rear dwelling does not have an entrance feature that is visible to the front public roadway.

4) Section 814.3(24) 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

The applicant declined to carry out a Community Consultation.

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#### APPELLANT'S SUBMISSION

This was not a discretionary refusal. The development was refused on the basis that:

1. Front setback deficient by 2.6 m AND no proposal by the City to come to an agreement

We would like to ask for a variance for the front setback for the following reasons:

- The proposed 7.3 m front setback is within 1.5 m of the average for the block
- One of the adjacent properties, at 11605 88 Street, has the greatest front setback on the block - 13.1 m, at 4.5 m from the average of the block. This is an old house, in a bad shape, that might be demolished soon, it should not dictate the future development; the new developments should be encouraged to be closer to the average of the block
- All the houses on the North side of the block have smaller front setback, only few houses on the South side are farther away from the street. The setback proposed (7.3m) would restore some balance on the block.

- The current average setback (8.66m) is among the largest one in the neighborhood of Parkdale. If setback will be 10.1 m, as proposed by the City, this will push the average for the block further, which is NOT in line with the neighborhood, and not beneficial for future development, as so much land is wasted in front of the house.

- Proposed plan covers 26.5% of lot, out of 28% lot coverage permitted by the bylaw. If the front setback is at 10.1 m, the potential of the lot will be decreased significantly, as it would allow only 22% of the lot to be developed.

Would it be acceptable to have a variance in the Rear setback, instead, to keep lot development at 26.5%? The City Planner was not willing to discuss any other possibilities.

- The development proposed respects the proportions of the lot, which is very long: the depth is 5 times the width of the lot. There are very few streets with lots that are 165 ft deep, these lots are the most suitable for this type of semi-detached building, front-to-back

- There are many front-to-back duplexes developed recently in Parkdale, most of them are on built on smaller lots, that do not meet the minimum Site area requirement of 442.2 m<sup>2</sup> for semi-detached houses

Examples:

1. 11314-16 88 Street - lot area only 401 m<sup>2</sup>

2. 1, 2-11512 92 Street - lot area only 367.74 m<sup>2</sup>

3. 11520-22 92 Street ? lot area 367.749 m<sup>2</sup>

4. 11524-26 92 Street ? lot area 367.734 m<sup>2</sup>

5. 11445-47 83 Street ? lot area 367.686 m<sup>2</sup>

6. 1-2 11931 55 Street (Newton) - Small lot - 376.136 m<sup>2</sup> , the rear house does not have entrance towards the street, no other architectural feature to indicate that there are 2 dwellings

- Per the RF3 zoning bylaw, "The minimum Front Setback shall be 6.0 m."

2. Lack of individual definition (architectural features) AND the City has proposed showing features that this development has 2 dwellings.

Changes made as proposed by City: included architectural features that show the two dwellings being individually defined: entrance door, with porch, and roof, facing the front public roadway for both dwellings. House number sign, near doors, will be also visible for both dwellings.

3. Lack of separate direct access (entrance door) facing a roadway, other than a lane, with specific requirements for a corner lot AND the City has proposed a rear dwelling entrance feature facing the front roadway:

Changes made as proposed by the City: Both dwellings have an entrance feature that faces the front public roadway.

Lateness of Appeal

Improper (non) notice - The registered letter was not signed by any of the builder's (Tech View Homes) staff. The letter was left with staff from neighbouring company, who forgot to give it to Tech View Homes. When the office was closed the letter should have been returned to post office, only notice for attempted delivery should have been left.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The *Municipal Government Act*, RSA 2000, c M-26, states the following:

**Grounds for appeal**

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645, the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**Appeals**

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
  - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
  - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

**The Board is advised that the decision of approval by the Development Officer is dated June 2, 2015. The Notice of Appeal Period ended on June 16, 2015, and the Notice of Appeal was filed on July 21, 2015.**

**Semi-detached Housing** is a Permitted Use in the RF3 Small Scale Infill Development Zone under Section 140.2(8).

Section 7.2(8) defines **Semi-detached Housing** as follows:

...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.

Section 814.3(1) states the following with respect to **Front Setback**:

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.

**The Development Officer made the following determination:**

**1) Section 814.3(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.**

**Adjacent property Average: 11.60 m  
Required front setback: 10.1 m - 13.1 m  
Proposed: 7.50 m  
Deficient by: 2.60 m**

Section 140.4 states the following with respect to **Development Regulations for Permitted and Discretionary Uses**:

...

18. Each Dwelling within Semi-detached Housing and Row Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the façade, porches or entrance features, building materials, or other treatments.

19. ...

20. Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line.

**The Development Officer made the following determinations:**

**2) Section 140.4(18) Each Dwelling within Semi-detached Housing and Row Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the facade, porches or entrance features, building materials, or other treatments.**

**Proposed: There are no architectural features that show the two dwellings being individually defined as there is no feature suggesting that this development has 2 Dwellings.**

**3) Section 140.4(20) Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line.**

**Proposed: Rear dwelling does not have an entrance feature that is visible to the front public roadway.**

Section 814.3(24) states the following with respect to **the applicant's obligations:**

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

**The Development Officer made the following determination:**

**The applicant declined to carry out a Community Consultation.**

Section 140.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone:**

...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.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** as follows:

... 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.

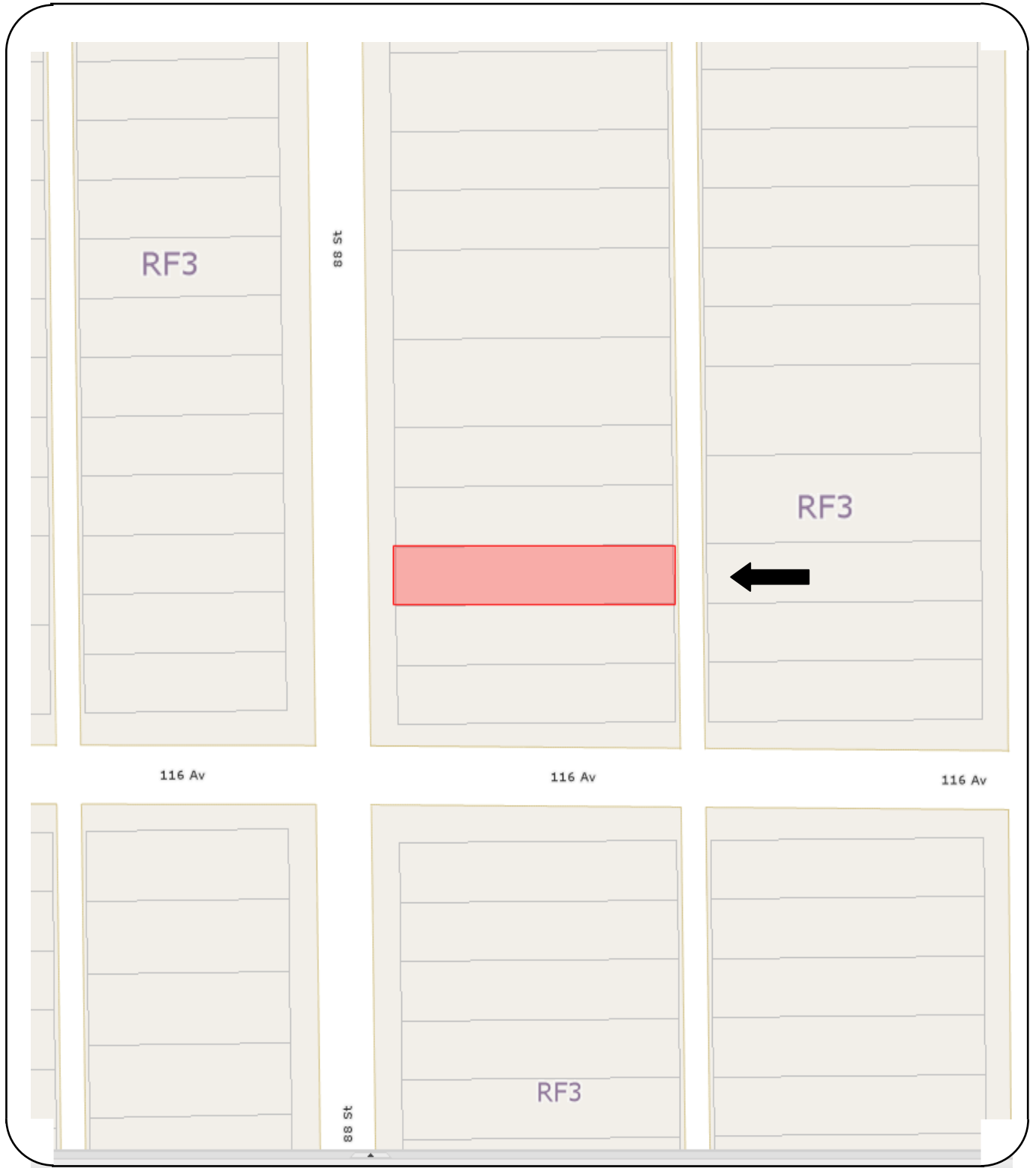
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NOTICE TO APPLICANT/APPELLANT

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-D-15-180



**BUSINESS LAID OVER**

SDAB-D-15-184 /185/186/187/ 188/189	An appeal by <u>Andromeda Investments Ltd.</u> cease the operation of the Non-Accessory Parking and completely prohibit vehicular access to the site with barricades <b><i>August 26 or 27, 2015</i></b>
SDAB-D-15-161	An appeal by <u>Ali Abdulhadi</u> to construct four Dwellings of Row Housing with attached Garages and to demolish the existing Single Detached House and rear detached Garage <b><i>September 23 or 24, 2015</i></b>

**APPEAL HEARINGS TO BE SCHEDULED**

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