

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**August 13, 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-15-182 Construct exterior alterations to an existing Single Detached House (driveway extension), existing without permits  
9304 - 158 Avenue NW  
Project No.: 171638906-001

---

II 10:15 A.M. SDAB-D-15-183  
**WITHDRAWN** Operate a Major Home Based Business (Hair Salon)  
10660 - 21 Avenue NW  
Project No.: 167367309-001

---

**NOTE:** *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Revised City of Edmonton, by-law No 12800, Edmonton Zoning Bylaw ("Edmonton Zoning Bylaw")*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-182

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 171638906-001

APPLICATION TO: Construct exterior alterations to an existing Single Detached House (driveway extension), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 2, 2015

DATE OF APPEAL: July 21, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9304 - 158 AVENUE NW

LEGAL DESCRIPTION: Plan 0224579 Blk 92 Lot 13

ZONE: RF1-Single Detached Residential Zone

OVERLAY: N/A

PLANS IN EFFECT: Edmonton North Area Structure Plan  
Eaux Claires Neighbourhood Structure Plan

---

DEVELOPMENT OFFICER'S DECISION

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

1. Section 6.1(26): Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area

The existing concrete extension to the left of the existing driveway does not lead to an overhead garage door or parking area.

2.) Section 55.4(1): All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

The existing driveway extension is in the front and side of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 6.1(55))

3.) Section 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: parking spaces shall not be located within a Front Yard.

The Front yard of this property between the left side property line and the north-west wall of the front attached garage, are being used for parking. These areas should be landscaped and parking is also not allowed within these yards.

4.) Section 54.1(4)(b): for a Site 10.4 m wide or greater, have 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.

Allowed Width: 6.2 m  
Existing Width: 13.20 m  
Exceeds by: 7.00 m

5.) Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The extensive concrete which will cover the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal. This proposed driveway extension is not in keeping with the character of the neighbourhood.

NOTES:

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

---

APPELLANT'S SUBMISSION

The landscaping requirements were fully met prior to the driveway extension so we disagree with any landscaping-based refusal. Additionally the driveway extension was used for access to a rear "parking area" for earth moving equipment (bobcat) which would have reflected negatively on the neighbourhood if parked on the street or driveway in front.

---

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS

Sustainable Development has submitted a copy of the Development Permit which indicated the date of the decision as July 2, 2015.

The Subdivision Development Appeal Board received a notice of appeal on July 21, 2015.

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

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

Section 50 states the following with respect to **Accessory Uses and Buildings**:

**50.1 Accessory Uses and Buildings: General**

...

- 2. 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.

...

Under section 6.1(26) states, “**Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

The Development Officer’s decision in the application noted above reads, “**The existing concrete extension to the left of the existing driveway does not lead to an overhead garage door or parking area.**”

Section 55 states the following with respect to **Landscaping**:

...

**55.4 General Requirements:**

- 1. All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given

the visibility of these areas from adjacent properties and public roadways.

...

The Development Officer's decision in the application noted above reads:

**The existing driveway extension is in the front and side of the property. Based on landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 6.1(55))**

Section 54.2 states the following with respect to the **Required Off-street Vehicular Accessory Parking**:

...

2. Location of Vehicular Parking Facilities:

...

- 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. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

...

The Development Officer's decision in the application noted above reads:

**The Front yard of this property between the left side property line and the north-west wall of the front attached garage are being used for parking. These areas should be landscaped and parking is also not allowed within these yards.**

Section 54.1 states the following with respect to **Off-street Parking and Loading Regulations**:

...

- 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 Driveway, not including the area used as a walkway, shall:

- a. a minimum width of 3.1 m;
- b. for a Site 10.4 m wide or greater, have 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’s decision in the application noted above reads:

<b>Allowed Width:</b>	<b>6.2 m</b>
<b>Existing Width:</b>	<b>13.20 m</b>
<b>Exceeds by:</b>	<b>7.00 m</b>

Section 11 states the following with respect to the **Authority and Responsibility of the Development Officer:**

...

**11.3 Variance to Regulations**

The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

- 1. the proposed development would not, in his opinion,
  - a. unduly interfere with the amenities of the neighbourhood; or
  - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

...

The Development Officer’s decision in the application noted above reads:

**Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.**

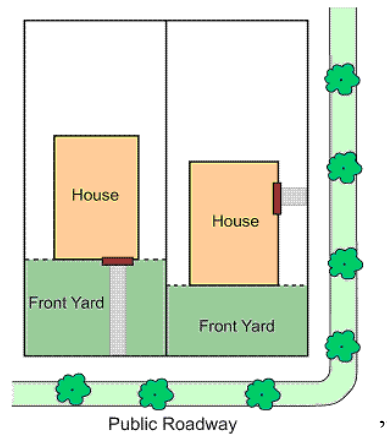
**The extensive concrete which will cover the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal. This proposed driveway extension is not in keeping with the character of the neighbourhood.**

Under section 6.1(69), “**Parking Area** means 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.”

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(40), “**Front Yard** means 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.



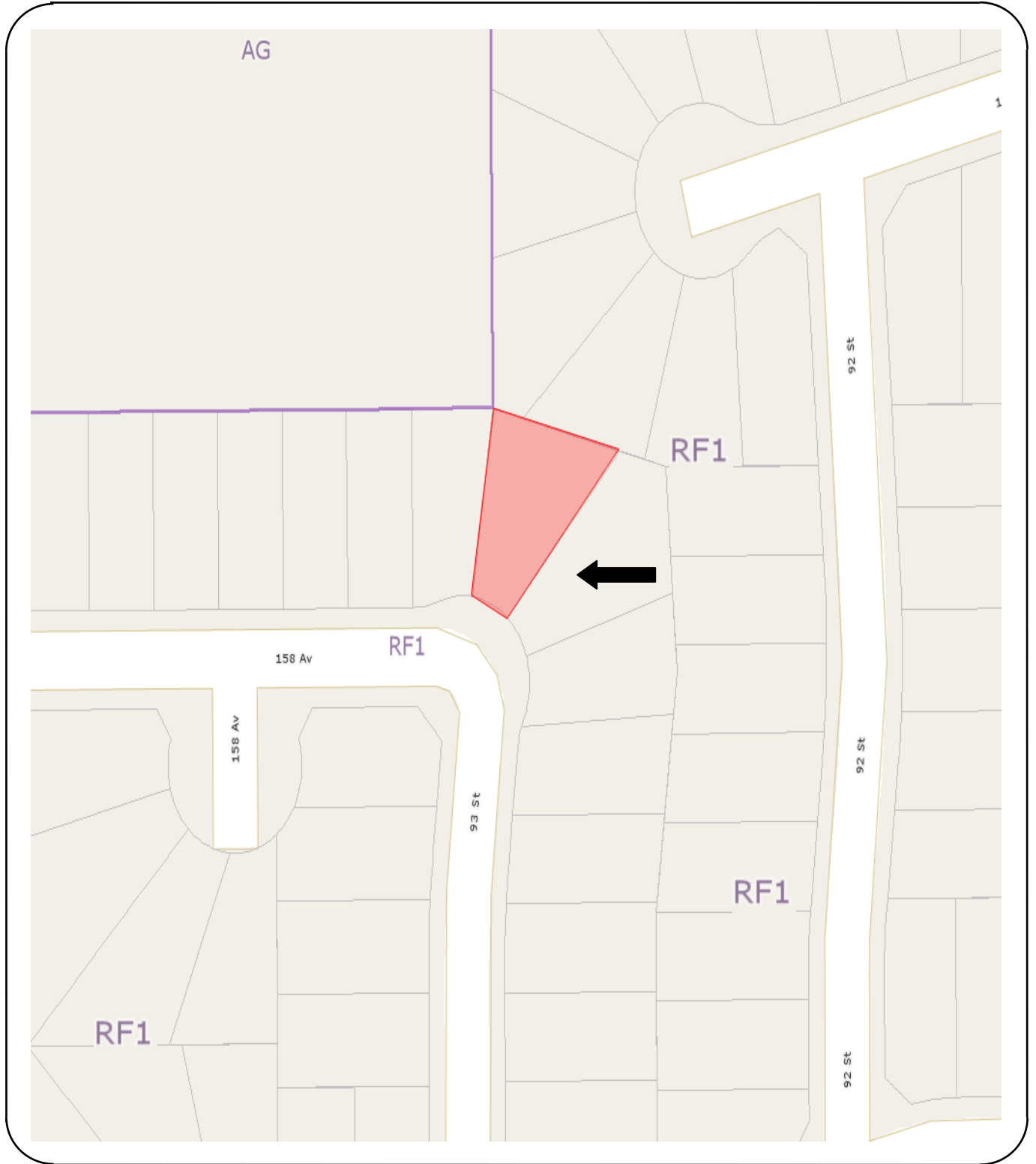
---

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*, RSA 2000, c M-26.

---





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-182



ITEM II: 10:15 A.M.

FILE: SDAB-D-15-183

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT: Jie Chen

APPLICATION NO.: 167367309-001

APPLICATION TO: operate a Major Home Based Business (Hair Salon)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 7, 2015

DATE OF APPEAL: July 20, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10660 - 21 AVENUE NW

LEGAL DESCRIPTION: Plan 7921952 Blk 2 Lot 20

ZONE: RF1-Single Detached Residential Zone

OVERLAY: N/A

PLANS IN EFFECT: Kaskitayo Outline Plan

---

**WITHDRAWN**

**BUSINESS LAID OVER**

SDAB-D-15-184 /185/186/187/ 188/189	An appeal to 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 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>