

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
August 20, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-108

Construct an Accessory Building (detached Garage, 11.45m x 11.95m) and to demolish an Accessory building (detached Garage)

6041 - 107A Street NW
Project No.: 363059204-002

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-D-20-108

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 363059204-002

APPLICATION TO: Construct an Accessory Building (detached Garage, 11.45m x 11.95m) and to demolish an Accessory building (detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 21, 2020

DATE OF APPEAL: July 26, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6041 - 107A Street NW

LEGAL DESCRIPTION: Plan 3756HW Blk 31 Lot 43

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Dear members of the Subdivision and Development Appeals Board,

Thank you for your consideration of my appeal for a garage development at 6041 107A street, Edmonton, AB.

I purchased this property in October 2019 with the intent to replace the current garage with a home workspace where I can create artworks, and further develop my craft of glassblowing. I am an internationally renowned glass artist who truly believes that a creative glassblowing studio will not only enhance, but improve upon my neighbourhood and city. If you would like to know more about glassblowing you can watch me create on the Netflix show 'Blown Away'.

Due to the specific requirements of the glass blowing practice, we have had to make some design decisions that exceed the bylaw in the areas of site coverage, and height. This garage workshop would require an accessory building site coverage variance of 2% (from 12% to 14%), and a height variance of 1.38m at the midpoint, and 0.34m at the ridge line to ensure a safe and functional work environment. The total site coverage (including the primary residence) would still be well below the bylaw (37% of an allowable 40%), and the height would still be below what would be allowed if the building were developed as a garden suite, rather than a garage/workshop (5.8m where 6.5m would be allowed).

I have been in communication directly with my neighbours, ensuring that they are not surprised by the development, and that any concerns they may have are addressed in the design. Out of all the neighbours I have talked to, I have received nothing but support and excitement for this endeavour.

Please review the supplementary information I have included (drawings, rendering, shadow study), as well as information regarding my art practice, and communications.

<i>General Matters</i>

Appeal Information:

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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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,

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(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.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(6), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 6.1, **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, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Section 110.1 states that 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, Garden Suites, Semi-detached Housing and Duplex Housing.

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

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

<i>Site Coverage</i>

Section 110.4(6)(a) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling / building	Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached Housing - Site greater than 300 m2	28%	12%	40%	40%

Under section 6.1, **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m 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 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.

Development Officers Determination

**1. The maximum Site area for an Accessory Building is 12%.
(Section 110.4.6.a.)**

**Proposed: 14%
Exceeds by: 2%**

[unedited]

Height

Section 50.3(3) provides the following to Accessory Buildings in Residential Zones:

an Accessory building or structure shall not exceed 4.3 m in Height.

Under section 6.1, **Height** means “a vertical distance between two points.”

Development Officers Determination

**2. An Accessory building or structure shall not exceed 4.3 m in Height
(Section 50.3.3.)**

**Proposed: 5.68 m
Exceeds by: 1.38 m**

[unedited]

Height and Grade

Section 52.2(c) states:

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 Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officers Determination

3. 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 (Section 52.2.c.)**

Permitted 4.3 m + 1.5 m = 5.8 m

Proposed: 6.14 m

Exceeds by: 0.34 m

[unedited]

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.

	<h2 style="margin: 0;">Application for Home Improvement Permit</h2>			Project Number: 363059204-002 Application Date: JUN 01, 2020 Printed: July 21, 2020 at 3:02 PM Page: 1 of 2				
This document is a Development Permit Decision for the development application described below.								
Applicant	Property Address(es) and Legal Description(s) 6041 - 107A STREET NW Plan 3756HW Blk 31 Lot 43 Location(s) of Work Suite: 6041 - 107A STREET NW Entryway: 6041 - 107A STREET NW Building: 6041 - 107A STREET NW							
Scope of Application To construct an Accessory Building (detached Garage, 11.45m x 11.95m) and to demolish an Accessory building (detached Garage).								
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%;"> Site Area (sq. m.): 801.02 </td> </tr> </table>				Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 801.02			
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 801.02							
Development Application Decision Refused Issue Date: Development Authority: FOLKMAN, JEREMY Reason for Refusal 1. The minimum Site area for an Accessory Building is 12%. (Section 110.4.6.a.) Proposed: 14% Exceeds by: 2% 2. An Accessory building or structure shall not exceed 4.3 m in Height (Section 50.3.3.) Proposed: 5.68 m Exceeds by: 1.38 m 3. 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 (Section 52.2.c.) Permitted 4.3 m + 1.5 m = 5.8 m Proposed: 6.14 m Exceeds by: 0.34 m Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.								
Building Permit Decision Refused								
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Fees</td> <td style="width: 20%;">Fee Amount</td> <td style="width: 20%;">Amount Paid</td> <td style="width: 20%;">Receipt #</td> <td style="width: 10%;">Date Paid</td> </tr> </table>				Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Fees	Fee Amount	Amount Paid	Receipt #	Date Paid				
THIS IS NOT A PERMIT								



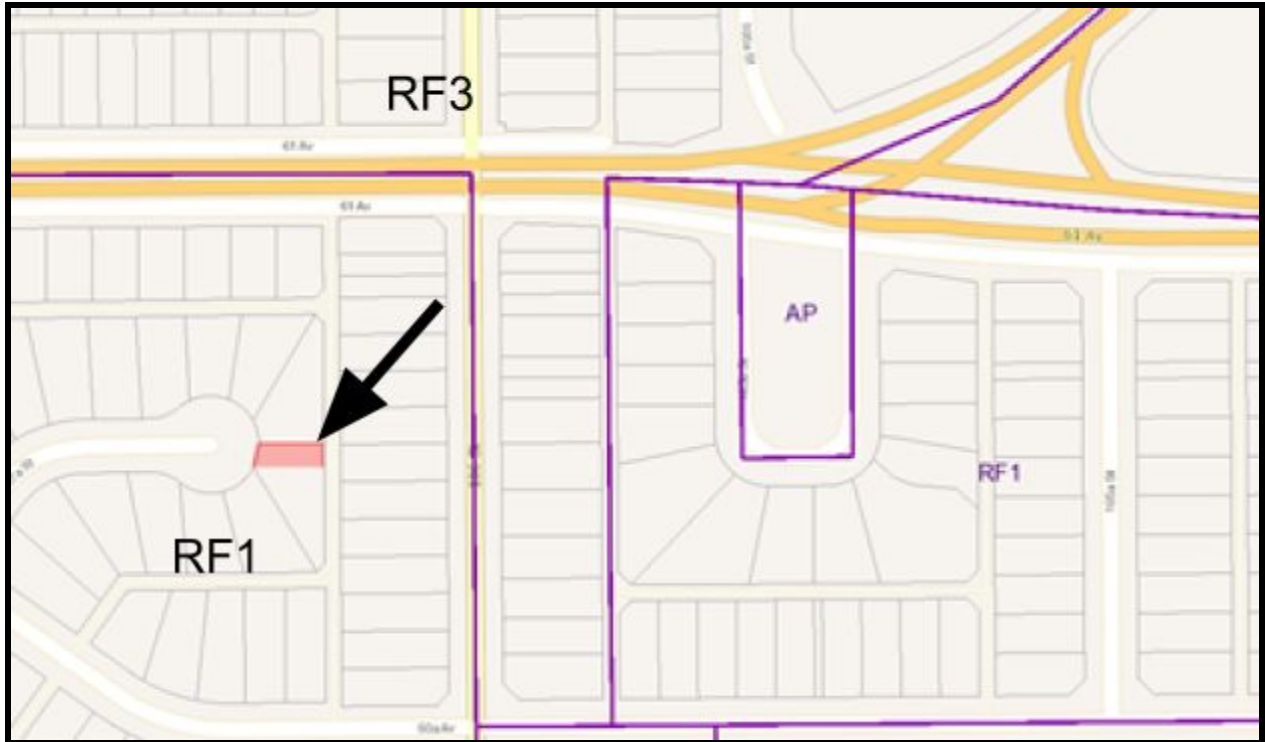
Project Number: **363059204-002**
Application Date: JUN 01, 2020
Printed: July 21, 2020 at 3:02 PM
Page: 2 of 2

Application for Home Improvement Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee (Demolition)	\$112.00	\$112.00	962067040950001	Jun 02, 2020
Development Application Fee	\$120.00	\$120.00	962067040950001	Jun 02, 2020
Building Permit Fee (Accessory Building)	\$112.00	\$112.00	962067040950001	Jun 02, 2020
Safety Codes Fee	\$8.96	\$8.96	962067040950001	Jun 02, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$352.96</u>	<u>\$352.96</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-20-108