

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
August 25, 2016**

**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-16-203

To develop a Secondary Suite in the Basement of an
existing Semi-detached House

16426 - 89 Avenue NW
Project No.: 225340777-001

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-16-203

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 225340777-001

APPLICATION TO: Develop a Secondary Suite in the Basement of an existing Semi-detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 13, 2016

DATE OF APPEAL: July 27, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16426 - 89 Avenue NW

LEGAL DESCRIPTION: Plan 2960MC Blk 11 Lot 8

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:

1. City of Edmonton wishes to supply more low income housing.
2. City of Edmonton has in the past taxed my dwelling as a basement suite.
3. I have ample parking for the residence.
4. I bought the duplex with (unknowingly) a basement suite.

General Matters

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.

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.

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

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

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(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*:

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 110.2(3) states a Secondary Suite is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

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 Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Section 110.4(17) states Secondary Suites shall comply with Section 86 of this Bylaw.

Section 814.1 states the **General 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.

Maximum Number of Buildings

Development Officer's Determination

Section 110.4(16) states a maximum of one building containing Single Detached Housing, Semi-detached Housing, or Duplex Housing per Site shall be allowed.

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*.



Project Number: **225340777-001**
 Application Date: JUL 05, 2016
 Printed: August 5, 2016 at 3:15 PM
 Page: 1 of 1

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant PLAMONDON, ARMAND <div style="border: 1px solid black; width: 200px; height: 20px; margin-left: 20px;"></div>	Property Address(es) and Legal Description(s) 16426 - 89 AVENUE NW Plan 2960MC Blk 11 Lot 8 Specific Address(es) Suite: 16426 - 89 AVENUE NW Suite: REAR, 16426 - 89 AVENUE NW Entryway: 16426 - 89 AVENUE NW Building: 16426 - 89 AVENUE NW
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Scope of Application
 To develop a Secondary Suite in the Basement of an existing Semi-detached House.

Permit Details # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

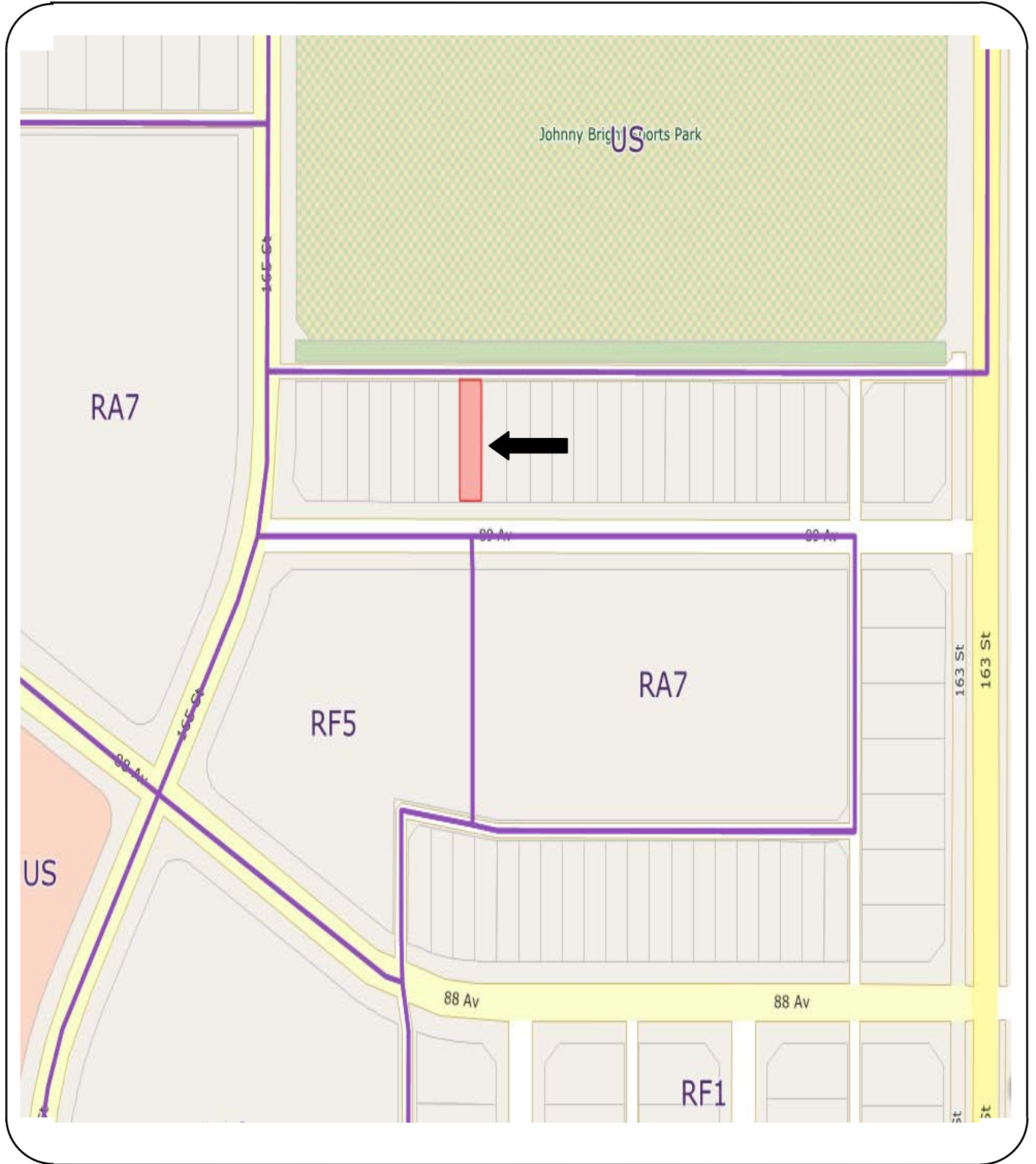
Reason for Refusal
 Section 110.4.16 A maximum of one building containing Single Detached Housing, Semi-detached Housing, or Duplex Housing per Site shall be allowed.

Rights of Appeal
 The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jul 13, 2016 **Development Authority:** ZIOBER, MELISSA **Signature:** _____

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$266.00	\$266.00	03416257	Jul 05, 2016
Sanitary Sewer Trunk Fee for Secondary Suite	\$693.00	\$693.00	03416257	Jul 05, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$959.00	\$959.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-203



BUSINESS LAID OVER

SDAB-D-16-176	An appeal to install (1) Freestanding Off-premises Sign (Outfront Media), existing without permits <i>August 25, 2016</i>
SDAB-D-16-190	An appeal to install a Freestanding Off-premises Sign (6.1 metres by 3 metres facing N/S) <i>September 1, 2016</i>
SDAB-D-16-187	An appeal to construct a 3 Dwelling Apartment House and to demolish the existing Single Detached House. <i>August 31, 2016 or September 1, 2016</i>
SDAB-D-16-205	An appeal to continue and intensify the use of an existing Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alterations <i>September 1, 2016</i>
SDAB-D-16-204	An appeal to develop a Secondary Suite in the basement of a Single Detached House, existing without permits <i>September 21 or 22, 2016</i>
SDAB-D-16-192	An appeal to change the Use from General Retail to Minor Alcohol Sales (AKP Liquors) <i>September 21 or 22, 2016</i>
SDAB-S-14-001	An appeal to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>October 31, 2016</i>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

186484308-002	An appeal to convert an existing Single Detached House to Child Care Services and to construct interior and exterior alterations (120 children occupancy). <i>September 7 or 8, 2016</i>
183991152-001	An appeal to construct 88 Dwellings of Apartment Houseing (4-storey building with underground parkade) <i>September 7 or 8, 2016</i>
169544513-002	An appeal to construct an Accessory Building (Shed 1.98m x 4.57 m). <i>September 28 or 29, 2016</i>