

Edmonton Subdivision and Development Appeal Board

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Date: August 20, 2015
Project Number: 158053134-002
File Number: SDAB-D-15-171

Notice of Decision

This appeal dated July 8, 2015, from the decision of the Development Authority for permission to:

Construct exterior alterations (driveway extension, 6.0m x 1.22m and 1.55m x 12m) existing without permits

On Plan 0125039 Blk 36 Lot 72, located at 3210 - 35A Avenue NW, was heard by the Subdivision and Development Appeal Board on August 5, 2015.

Summary of Hearing:

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct exterior alterations (driveway extension, 6.0m x 1.22m and 1.55m x 12m) existing without permits located at 3210 – 35A Avenue NW. The subject site is zoned RF1 Single Detached Residential Zone and is within the Meadows Area Structure Plan and the Wild Rose Neighbourhood Structure Plan.

The development permit application was refused because the proposed driveway is beyond the containment of the Garage, excluding the existing extension encroaching on the neighbouring property to the west; parking is not allowed in the Front Yard and the Front Yard should be landscaped. It is the opinion of the Development Authority that the Driveway extension would unduly interfere with the amenities of the neighbourhood, and materially interfere with and affect the use, enjoyment and value of neighbouring properties.

Prior to the hearing the following information was provided to the Board:

- A written submission from the Development Authority dated July 29, 2015; and
- An on-line response from an affected property owner in opposition to the proposed development.

The Board heard from the Appellant, Mr. Sooch, who provided the following information in support of the appeal:

1. The Driveway extension was developed in 2009, but he did not realize that a development permit was required.
2. The Driveway was extended to provide additional on-site parking because there is a fire hydrant and a utility box located in front of the house, which prevents on street parking.
3. Most of his neighbours have extended their Driveways in a similar manner, including his adjacent neighbours.
4. In his estimation, 80% of properties in the immediate area have extended Driveways.
5. He submitted photographs of eight other houses on his block with various types of extensions on both sides of the containment of the Garage, marked Exhibit "A".
6. He did not know why a complaint would have been registered in 2014 when the Driveway was extended in 2009.
7. Mr. Sooch submitted signatures of support obtained from 26 neighbouring property owners, marked Exhibit "B".
8. The one neighbour who did not sign the petition of support provided an online response in opposition to the proposed development.

Mr. Sooch provided the following responses to questions:

1. He owns five vehicles, two of which are parked inside the Garage.
2. He confirmed that the photographs in the Development Officer's report showing four vehicles parked on the Driveway and the Driveway extension during the winter months are accurate.

The Board then heard from Ms. Kendall Heimdahl, representing the Sustainable Development Department, who provided the following responses to questions:

1. Ms. Heimdahl could not explain the delay between the time that the complaint was filed on July 23, 2014 and the date of the inspection of the subject Site in February 2015.
2. It was her opinion that this development is not characteristic of the neighbourhood.
3. However, she acknowledged that the photographic evidence provided by the Appellant at the hearing did demonstrate that the proposed development was characteristic of the houses on the block.
4. The concrete extension is slightly wider on one side of the Garage.
5. It was her opinion that there was no hardship in this situation because there are two parking spaces located inside the Garage and two tandem spaces available on the Driveway which provide more than adequate parking.
6. It was her opinion that the concrete extension will not create any drainage problems.
7. She asked the Board to consider the possibility of having the Appellant install heavy planters on the Driveway extensions to prevent the parking of vehicles on the concrete extensions.

Mr. Sooch had nothing further to add in rebuttal.

Decision:

The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**.

The development is **GRANTED** as applied for to the Development Authority subject to the following **CONDITIONS**:

1. The Driveway extension is allowed only on the highlighted areas identified on the approved Site Plan, also attached to this decision as Schedule "A".

In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The requirements of Section 6.1(26) of the *Edmonton Zoning Bylaw* are waived to allow the Driveway to extend to the highlighted areas identified on the approved Site Plan on the east and west side of the existing property that do not lead to an overhead Garage door or parking area.
2. Section 54.1(4)(b) of the *Edmonton Zoning Bylaw* is relaxed to allow the Driveway to extend to the highlighted areas identified on the approved Site Plan to a total width of 9.0 metres, which exceeds the maximum allowable width of 6.2 metres by 2.8 metres.
3. With respect to Landscaping, section 55.4(1) of the *Edmonton Zoning Bylaw* is waived for the portion of the Front Yard located on the highlighted areas identified on the approved Site Plan.

Reasons for Decision:

The Board finds the following:

1. The proposed Driveway extension is Accessory to a Permitted Use in the RF1 Single Detached Residential Zone.
2. While the proposed Driveway extension does not comply with four development regulations pursuant to the *Edmonton Zoning Bylaw*, the photographic evidence provided by the Appellant demonstrates that this type of development is very characteristic of this neighbourhood, particularly of the immediately adjacent properties.
3. The photographs submitted by the Appellant, marked Exhibit "A", show 7 properties located on the block face and around the adjacent cul de sac with Driveway extensions similar to, or wider than, the extended Driveway on the subject Site.
4. Like the proposed development, these neighbouring Driveway extensions are located beyond the containment of their respective Garages on both sides.
5. Like the proposed development, these neighbouring Driveway extensions do not appear to comply with the cited Bylaw regulations.
6. The Board notes that based on the evidence provided at the hearing, the Development Officer concurred that this type of Driveway extension is typical of the majority of other houses located on this block and is characteristic of the neighbourhood.
7. The Board acknowledges the receipt of one letter of objection. It identifies two concerns: first, the proposed development will set an example for other properties to do the same; and

second, the “neighbourhood is turning into a rental area and any potential hazards that may come with it”.

8. The Board finds these concerns are not persuasive for the following reasons:
 - a. First, the proposed Driveway cannot set an example for other owners to do the same because it is typical of the existing situation. The photographic evidence shows a substantial number of comparable Driveway extensions have already been developed on this very block face and in the immediate neighbourhood.
 - b. Second, the concerns about alleged “potential hazards” of rental accommodations are irrelevant to the issue of a Driveway extension and outside the purview of the Board in any event. The Board must consider uses not users.
9. The Appellant provided a petition of support containing the signatures of 26 neighbours within the 60 metres notification radius who do not object to the existing Driveway extension.
10. The Board accepts the evidence of the Appellant that the Driveway extension was developed in 2009 and notes that for the six years it has been in existence only a single complaint was received in July 2014.
11. Based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board;
 - b) the requirements of the *Alberta Safety Codes Act*, RSA 2000, c S-1;
 - c) the requirements of the *Permit Regulation*, Alta Reg 204/2007;
 - d) the requirements of any other appropriate federal, provincial or municipal legislation; and
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw 12800*, as amended.

5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Ms. K. Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board

Enclosure

Edmonton Subdivision and Development Appeal Board

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10185 - 92 Street NW
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Date: August 20, 2015
Project Number: 140968761-005
File Number: SDAB-D-15-169

Notice of Decision

This appeal dated July 9, 2015, from the decision of the Development Authority for permission to:

Construct an Accessory Building (rear detached 2 Storey Garage - 5.72m x 12.50m)

On Plan 1021299 Blk 1 Lot 23A, located at 10185 - 92 Street NW, was heard by the Subdivision and Development Appeal Board on August 5, 2015.

Summary of Hearing:

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct an Accessory Building (rear detached 2 Storey Garage - 5.72 m x 12.50m) located at 10185 – 92 Street NW. The subject Site is zoned RF2 Low Density Infill Zone and is within the Mature Neighbourhood Overlay and the Riverdale Area Redevelopment Plan.

The development permit application was refused because of an excess in the maximum allowable Height; an excess in the maximum allowable Site Coverage for an Accessory Building; an excess in the maximum allowable total Site Coverage; and because the rear detached Garage was not fully contained within the rear 12.8 metres of the Site.

The Board heard from the Appellant, Mr. Parr, who provided the following information in support of the appeal:

1. This development was previously approved by the Subdivision and Development Appeal Board on September 6, 2013, and is currently at the framing stage.
2. He made changes during construction to reduce the impact of the Garage on neighbouring property owners.
3. The changes led to the issuance of the Stop Order.
4. The changes were made to accommodate the development on a lot that is only 25 feet wide.

5. The length of the Garage was reduced from 43 feet to 41 feet and the Garage was moved two feet further into the Rear Yard, from 12.8 to 14.94 metres, to provide better access off the rear lane and on-site parking.
6. The width of the Garage was reduced from 19 feet to 18 feet, 9 inches to provide space for a walkway to the lane.
7. Both of the most affected property owners support the proposed changes.
8. The roof was removed from the balcony, and the fireplace was moved from the north side to the south side of the structure to reduce sun shadowing on the neighbour's Rear Yard.
9. The house is only 800 square feet in size and the proposed Garage will provide extra storage space for his wife's artistic supplies and his carpentry equipment.
10. The Garage will have in floor heating.
11. Three additional small windows were added on the north elevation and two windows were added to the south elevation.
12. Mr. Parr submitted a petition containing 22 signatures of support from neighbouring property owners who reside within the 60 metres notification radius, including the two most affected adjacent property owners who reside north and south of the subject Site, marked Exhibit "A".
13. Some of the neighbours questioned the need for an additional notice because of the previous approval.
14. If the Board does not approve this development, the approval will revert back to the original proposal that was approved by the Subdivision and Development Appeal Board in 2013, which will have a much greater impact on adjacent property owners.

Mr. Parr provided the following responses to questions:

1. The new application was refused because the revised Garage is still over height.
2. The lot was subdivided before 2010 but it was resurveyed in 2010 for the adjacent lots.
3. The house was constructed in 1920.
4. He has no intention of developing the Garage space as a Garage Suite.
5. The extra space will provide more space and storage for their own personal use.
6. The installation of in floor heating will eliminate the need to install a furnace in the Garage.
7. The proposed shower and bathroom facilities will allow him to clean up in the Garage when he gets home from work
8. The inclusion of a washer and dryer will allow him to wash his work clothes without going into the house.
9. The roof covering the balcony was removed to reduce sun shadowing on adjacent properties.
10. The fireplace will provide screening for the property to the south and the rail along the balcony on the north elevation will provide sufficient screening for the property to the north.
11. The two windows on the south elevation are located above the area where vehicles will be parked and will not overlook into the yards of adjacent property owners.
12. He reiterated that he does not want to be forced to proceed with the previously approved development permit application because of the impact that it will have on his neighbours.

The Board then heard from Mr. George Robinson, representing the Sustainable Development Department. Mr. Robinson indicated that he was appearing on behalf of the Development Officer who reviewed this development application but was unable to attend the hearing. Mr. Robinson provided the following information:

1. This development has been the subject of three difference development permit applications.
2. The original development permit application was refused in July 2013.
3. The Subdivision and Development Appeal Board approved a development permit application in July 2013.
4. In May of this year it was discovered that the approved Garage was not being built in accordance with the approved development permit and a Stop Order was subsequently issued.
5. Variances could not be granted on the basis of undue hardship because although the lot is smaller, it is a regular rectangular shaped lot.
6. The massing of the Garage is still a concern even with the inclusion of windows.
7. The proposed development is an overdevelopment of the Site and will materially affect the neighbourhood.
8. If it is the decision of the Board to approve this development, all of the conditions contained in the 2013 approval decision of the Subdivision and Development Appeal Board should be imposed, as well as a condition that the Accessory Building not be used as a Dwelling unit.
9. The Board should also consider Section 814.3(8) of the *Edmonton Zoning Bylaw* requiring the inclusion of visual screening for platform structures.
10. The number of Storeys in an Accessory Building is no longer regulated by the *Edmonton Zoning Bylaw*.
11. Mr. Robinson submitted photographs to illustrate the state of construction on the subject Site, marked Exhibit "B".

Mr. Robinson provided the following responses to questions:

1. The inclusion of windows on the south elevation will help reduce the massing effect and will not impact the privacy of neighbouring property owners.
2. Based on a review of the revised plans, he expressed concern that there is potential for the Appellant to develop a Garage Suite.
3. Removal of the roof over the balcony helps to mitigate the massing.
4. It was his opinion that the current proposal is more suitable than the original approval that was granted in September 2013.
5. Moving the Garage further into the lot will require a greater variance, however, this change will also reduce impact as it creates additional on-site parking at the rear of the Garage.

Mr. Parr made the following points in rebuttal:

1. The Garage was sited two feet further into the Rear Yard to provide on-site parking.
2. The size of the Garage was reduced to minimize the impact on neighbouring property owners who support the proposed changes.
3. He has no intention of converting the development into a Garage Suite and no problem with a condition to that effect.
4. Visual screening will be provided by the fireplace on the south side of the deck.
5. It was his opinion that the installation of additional privacy screening on the north side of the deck will create sun shadowing on the adjacent property.
6. There is a large tree on his neighbour's property that provides the necessary screening.

Decision:

The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**.

The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:

1. The development is approved according to the revised plans submitted to and reviewed by the Board;
2. Eaves, including eavestroughing, may project a maximum of 0.46 metres into required Setbacks or Separation Spaces of less than 1.2 metres; and may project a maximum of 0.60 metres into a required Setbacks or Separation spaces of 1.2 metres or greater;
3. Eavestroughing shall be installed and drainage must take place entirely on the subject property;
4. The exterior finish of the Garage shall be made compatible with that of the existing Principal Dwelling;
6. The Applicant shall install a remote control Garage door opener;
7. The access to the Garage shall be hardsurfaced. Hardsurfacing shall mean provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement; and
8. The Garage shall not be used as a Dwelling.

In granting the development, the following variances to the Edmonton Zoning Bylaw are allowed:

1. The excess of 0.47 metres in the maximum allowable Height of an Accessory Building, to allow a total Height of 4.77 metres, pursuant to Section 50.3(2) of the *Edmonton Zoning Bylaw*;
2. The excess of 34.07 square metres in the maximum allowable Site Coverage for Accessory Buildings, pursuant to Section 50.3(a) of the *Edmonton Zoning Bylaw*;
3. The excess of 4.68 square metres to the 40 percent maximum allowable total Site Coverage pursuant to Section 120.4(7)(a) of the *Edmonton Zoning Bylaw*; and
4. The excess of 2.14 metres in the requirement that a rear detached Garage shall be fully contained within the rear 12.8 metres of the Site pursuant to Section 814.3(20) of the *Edmonton Zoning Bylaw* to allow the Garage to be sited no further than the proposed distance of 14.94 metres from the Rear Lot Line.

Reasons for Decision:

The Board finds the following:

1. The proposed development is Accessory to a Permitted Use in the RF2 Low Density Infill Development Zone.
2. A development permit to construct an Accessory Building (rear detached 2 Storey Garage - 5.72m x 12.50m) with variances granted for Height, Site Coverage, total Site Coverage and

- rear detached Garage location requirements, was approved previously by the Subdivision and Development Appeal Board.
3. During the construction phase, it was determined that the approved Garage was not being built in accordance with the approved development permit and a Stop Order was issued by the Sustainable Development Department.
 4. As a result of the Stop Order, the Applicant submitted revised plans and applied for a new development permit.
 5. This application was denied in part because the proposed Garage exceeded the maximum allowable Height requirement for an Accessory Building or Structure.
 6. The Development Authority cannot grant variances for Height.
 7. Based on a review of the revised plans, the Board finds that the proposed changes generally reduce the previously approved variances and overall will ameliorate the potential negative impacts of the development as previously approved.
 8. The Height of the proposed Accessory Building remains unchanged.
 9. The Site Coverage of the proposed Accessory Building has been reduced slightly and requires a smaller variance.
 10. The maximum allowable total Site Coverage has been reduced and requires a smaller variance.
 11. Siting the garage further toward the Front Lot Line requires a larger variance to Section 814.3(20) of the *Edmonton Zoning Bylaw*, which states that “A rear detached Garage shall be fully contained within the rear 12.8 m of the Site.”
 12. The Board notes that while this variance has increased, the change also means that additional on-site parking will be provided which reduces some of the negative impacts.
 13. The other revisions to the proposed development do not require variances to the Bylaw.
 14. The other revisions also ameliorate the negative impacts of the previously approved development for the following reasons:
 - a) Removal of the roof covering the second floor balcony will reduce sun shadowing for the immediately adjacent neighbour to the north without creating any additional privacy concerns.
 - b) Relocating the proposed fireplace will reduce sun shadowing for the immediately adjacent neighbour to the north and concurrently increase privacy screening for the immediately adjacent neighbour to the south.
 - c) The addition of windows on the north and south elevations will break up the massing impact without compromising the privacy of adjacent property owners.
 - d) The interior changes will not negatively affect neighbouring property owners and the Appellant does not object to the imposition of a condition that the development cannot be used as a Garage Suite.
 15. The Appellant has complied with the requirements of Section 814(24) of the *Edmonton Zoning Bylaw* by canvassing property owners who reside within 60 metres of the subject site. A majority of these property owners, including the two most affected property owners who reside immediately north and south of the subject Site have provided written support for the proposed development.
 16. Based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board;
 - b) the requirements of the *Alberta Safety Codes Act*, RSA 2000, c S-1;
 - c) the requirements of the *Permit Regulation*, Alta Reg 204/2007;
 - d) the requirements of any other appropriate federal, provincial or municipal legislation; and
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Ms. K. Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board

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Date: August 20, 2015
Project Number: 170694991-001
File Number: SDAB-D-15-170

Notice of Decision

This appeal dated July 8, 2015, from the decision of the Development Authority for permission to:

Construct a Semi-detached House with veranda and fireplace and to demolish a Single Detached House

On Plan 7884AH Blk 21 Lot 6, located at 7324 - 81 Avenue NW, was heard by the Subdivision and Development Appeal Board on August 5, 2015.

Summary of Hearing:

At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct a semi-detached House with veranda and fireplace and to demolish a Single Detached House located at 7324 – 81 Avenue NW. The subject site is zoned RF3 Small Scale Infill Development Zone and is within the Mature Neighbourhood Overlay.

The development permit application was refused because of a deficiency in the minimum required Site Area for Semi-detached Housing.

Prior to the hearing the following information was provided to the Board:

- A written submission from the Appellant dated July 31, 2015.

The Board heard from Mr. Cooper who appeared as the Agent for Pannu Homes, the Appellant, who referenced his written submission and provided the following information in support of the appeal:

1. The subject Site is located in King Edward Park, one block south of Whyte Avenue.
2. The proposed development complies with all of the development regulations for Semi-detached Housing except the minimum required Site Area.

3. In his opinion, the minimum Site Area requirement was established to ensure compliance with the other development regulations in the Zone. Therefore the purpose of the minimum Site Area requirement had been met by the proposed development.
4. Mr. Cooper provided the Board with a copy of the letter that had been provided to all houses within the notification radius in advance of a personal visit, marked Exhibit "A".
5. The letter described the proposed development and the deficiency in the minimum required Site Area as well as the compliance with the development regulations for minimum required Site Width and Depth, the maximum allowable Height, minimum required Setbacks and parking.
6. He personally spoke to seven neighbours and obtained four signatures of support.
7. It was the opinion of the neighbours who provided support that the proposed development would benefit both themselves and the neighbourhood as a whole.
8. The plans and elevation drawings were shared with the neighbours that they spoke to.
9. The proposed development supports the policy goals of the City of Edmonton Municipal Development Plan, *The Way We Grow*.
10. The proposed development complies with the City of Edmonton Residential Infill Guidelines.
11. The proposed development is compatible with the neighbourhood because there are a number of other Semi-detached Houses and Apartment Houses in the neighbourhood.
12. It was his opinion that the neighbourhood is very suitable for infill housing developments because of its close proximity to commercial development.

Mr. Cooper provided the following responses to questions:

1. Three residents declined to sign the petition but indicated that they did not object to the proposed development.
2. A proposed development for Semi-detached Housing on the adjacent lot is still being reviewed by the Development Authority.
3. There is a four Dwelling unit located on the same block as the subject Site. The only difference between that development and the proposed development is that there will be a separation space between two Semi-detached Houses rather than four continuous row housing units.
4. There are many amenities provided in this neighbourhood including close proximity to schools which would be attractive to families and close proximity to the University of Alberta.
5. The proposed development will offer starter homes for young families.
6. The detached Garage will be very close to the maximum allowable 12 percent Site Coverage.
7. There are two types of Semi-detached housing developments in this neighbourhood. One is the two storey design that was built in the 21st century and the other is the single storey design that was commonly developed in the 1960s.
8. The development has been designed with roof pitches and siding so that it is similar to other residences in the area.
9. The majority of lots in this neighbourhood are approximately 10 metres wide.
10. There is currently a dilapidated single detached house on the subject Site that the neighbours will be happy to see removed.

11. There is a McDonald's and warehouse type development located in the commercial area at the rear of the subject Site.
12. The minimum required Site Area exists to ensure that developments comply with all of the other development regulations.
13. The proposed development complies with the minimum required Site Depth and Site Width and is in keeping with the intent of the RF3 Small Scale Infill Development Zone.

The Board then heard from Mr. Jeff Booth, representing the Sustainable Development Department. Mr. Booth indicated that he was appearing on behalf of the Development Officer who reviewed the development application but was unable to attend the hearing. Mr. Booth provided the following responses to questions:

1. According to a note from the Development Officer's file, the subject Site is much narrower than the lots where other semi-Detached Houses have been built on the same block.
2. It was that Development Officer's opinion that the development of a single detached house on this lot would be more appropriate.
3. This lot and the lot next to it were originally a single lot with one single detached house.
4. That larger original lot was subdivided into lot 6 and lot 7.
5. The Appellant proposes to build two semi-detached houses, one on lot 6 and another on lot 7.
6. Constructing these two semi-detached houses will result in the creation of four Dwellings on land that was intended for one Dwelling.
7. The purpose of the minimum Site Area requirement is to deal with increased density and to prevent densification such as that proposed by the Appellant.
8. To prevent over densification, the calculation of Minimum Site Area is not simply the total of the minimum width multiplied by the minimum depth of the lot.
9. The minimum required Site Width and Depth requirements have a different function. They address setbacks and massing.
10. The proposed Site meets the minimum Site Area requirement for a Single Detached House.
11. He referenced a mapping application to illustrate that the Site containing a semi-detached house on this block is wider than the subject Site.
12. He conceded that two single detached houses, each with a Secondary Suite could be built on lots 6 and 7 to create 4 Dwelling units on the same amount of land.
13. Although the number of Dwelling units would be the same, the parking impact would be less because only 3 parking spaces would be required instead of 4.

Mr. Cooper made the following points in rebuttal:

1. The RF3 Zone allows up to 4 Dwelling units on a lot.
2. This development is only proposing 2 Dwelling units on this lot.
3. They decided to develop two Semi-detached units each with 3 bedrooms instead of two single detached houses because it would provide above grade family housing in the neighbourhood.
4. A semi-detached house provides two above grade Dwelling units for family housing whereas a single detached house provides one above grade Dwelling unit for a family and a less desirable below grade Dwelling unit less suited for families.

5. Other semi-detached residences on the block have been developed on subdivided lots and are 7 metres wide.
6. The existing four Dwelling Row Housing on this block has been developed on a Site that is 20.12 metres wide.
7. Lots 6 and 7 are each 10.06 metres in width for a total of 20.12 metres.
8. Constructing one semi-detached house on lot 6 and a second semi-detached house on the immediately adjacent lot 7 will result in 4 Dwellings spanning two lots that also total 20.12 metres in width, but will have a smaller building footprint than the Row Housing development.
9. He lives in this neighbourhood and it was his opinion that this part of the city needs rejuvenation with the development of higher density, family friendly housing.

Decision:

The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**.
The development is **GRANTED** as applied for to the development Authority.

In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The deficiency of 42.7 square metres in the minimum required Site Area for Semi-detached Housing to allow a Site Area of 399.5 square metres, pursuant to Section 140.4(3)(a) of the *Edmonton Zoning Bylaw*.

Reasons for Decision:

The Board finds the following:

1. Semi-detached Housing is a Permitted Use in the RF3 Small Scale Infill Development Zone, pursuant to Section 14.2(8) of the *Edmonton Zoning Bylaw*.
2. The Appellant proposes to build two semi-detached houses on the adjacent lots: one semi detached house on Lot 6 and one semi-detached house on lot 7.
3. This appeal concerns the Semi-detached Housing proposed for lot 6 only. The application for lot 7 is currently with the Development Authority awaiting a decision.
4. The proposed development has been designed to provide two viable family-oriented housing units within the confines of a small lot.
5. All of the development regulations for Semi-detached Housing, including Site Width, Site Depth, Site Coverage, Height, Setbacks, Private Amenity Area and parking have been met. The only variance required is for the minimum required Site Area for Semi-detached Housing.
6. The proposed development is in keeping with Section 140.1 of the *Edmonton Zoning Bylaw*, which states that the General Purpose of the RF3 Small Scale Infill Development Zone “is 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.”

7. The proposed development is consistent with the increased densification policy objectives of the Municipal Development Plan, *The Way We Grow*, specifically Policy 3.1.1.2 to encourage a minimum of 25 percent of city-housing unit growth to locate in the Downtown and mature neighbourhoods and around LRT stations and transit centres where infrastructure capacity supports development. The proposed development is also consistent with Policy 4.4.1.1 to provide a broad and varied housing choice, incorporating housing for various demographic and income groups in all neighbourhoods.
8. The proposed development will replace an existing non-habitable single detached house with two new Dwelling units. If lot 7 is similarly developed, then four new Dwelling units spanning lots 6 and 7 will replace the existing non-habitable single detached house.
9. Therefore, the proposed development is also consistent with the City of Edmonton Residential Infill Guidelines because it will increase the supply of available family-oriented housing (3 bedroom homes with at grade access) and will provide additional renewed housing opportunities in a mature area that is close to community shopping and public transit.
10. Based on the evidence provided, the proposed Semi-detached Housing is compatible with and characteristic of housing choices that have been developed on this block which include Semi-detached Housing, Single Detached Housing and Apartment Housing.
11. Further, the density of the proposed development is not uncharacteristic of the area.
12. The Board accepts the evidence of the Appellant that the original lot which was subdivided into lots 6 and 7 has dimensions equivalent to those of a lot to the east on the block face which contains a 4 Dwelling Row Housing development.
13. Lot 7 is half the width and half the area of the lot to the east.
14. Should both semi-detached housing developments on lot 6 and lot 7 proceed, the resulting density will be equivalent to the density of the existing four dwelling Row Housing located at the end of the block face.
15. The Appellant complied with the consultation requirements of Section 814.3(24) of the *Edmonton Zoning Bylaw* by sending advance letters and subsequently attempting to personally contact affected property owners who reside in the 60 metres notification radius to discuss the development and review the proposed plans and elevation drawings.
16. The materials circulated by the Appellant make it clear that the Appellant proposes to build two semi-detached houses: “a Semi-Detached House at 7324 81 Avenue and another at 7326 81 Avenue” on the original lot.
17. The Appellant spoke with seven residents. Four provided written support for the proposed development. The other three did not oppose the proposed development, but would not provide their opinion in writing.
18. No letters of objection were received and no one appeared in opposition to the proposed development.
19. Based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board;
 - b) the requirements of the *Alberta Safety Codes Act*, RSA 2000, c S-1;
 - c) the requirements of the *Permit Regulation*, Alta Reg 204/2007;
 - d) the requirements of any other appropriate federal, provincial or municipal legislation; and
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.

Ms. K. Cherniawsky, Presiding Officer
Subdivision and Development Appeal Board