

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
August 22, 2018**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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**TO BE RAISED**

I     9:00 A.M.     SDAB-D-18-107     Construct an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom)  
  
10345 - 133 Street NW  
Project No.: 280926123-001

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II    10:30 A.M.     SDAB-D-18-124     Construct a Single Detached House with veranda, attached Garage, rear uncovered deck, Basement development (NOT to be used as an additional Dwelling), and to demolish a Single Detached House.  
  
12203 - Aspen Drive West NW  
Project No.: 278856632-001

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III   1:30 P.M.     SDAB-D-18-125     Construct 3 Dwellings of Row Housing with front verandas.  
  
9609 - 120 Avenue NW  
Project No.: 219877833-005

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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-18-107**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER**

APPELLANT:

APPLICATION NO.: 280926123-001

APPLICATION TO: Construct an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 24, 2018

DATE OF APPEAL: June 20, 2018

NOTIFICATION PERIOD: May 31, 2018 through June 21, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10345 - 133 Street NW

LEGAL DESCRIPTION: Plan 2803AF Blk 89 Lot 10

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:

Our home and lot is located to the immediately east adjacent to the subject property. We understand that the owner proposes a two storey addition to the northeast corner of his home that will significantly diminish the enjoyment of our home and yard, and we expect will diminish it's market value somewhat.

We do understand that the City of Edmonton Development Officer has approved the addition, however we were advised by that Officer that the existing property is non-conforming and does not meet the mandatory front setback rules for development. It is this front setback rule that we wish to see observed, as the development as proposed will not only mass forward on the lot significantly out of context with our and the other homes on our block, but it will also obstruct our view to the north and west from our living room windows. The house presently does encroach on that setback at the front northwest corner, however that nonconformity does not currently interfere with our enjoyment of our home. That said, we do not wish that the present profile of the home be built out to the same extent on the northeast corner as it is on the northwest. Also, we presently do enjoy some sunlight penetration into our home in the evening during the summer, which will almost entirely be diminished should the addition be constructed as proposed. We do appreciate that the owner has been advised that the east windows that view into our yard must be made opaque, these windows were opaque at one time and a previous owner replaced them with clear windows during a renovation. We appreciate your kind consideration of our request.

***General Matters***

The Subdivision and Development Appeal Board made and passed the following motion on July 19, 2018:

**SDAB-D-18-107** is **TABLED** to **August 22 or 23, 2018** at the verbal consent of both the Appellants and Respondents with the following **CONDITIONS**:

1. The Respondents (Applicants) must conduct a Community Consultation by notifying neighbours and the Community League per section 814.5(2) of the Mature Neighbourhood Overlay outlining the proposed development and the Front Setback variance per section 814.3(1).
2. Provide feedback from neighbours with respect to the proposed development.
3. Provide Community Consultation results to the Subdivision and Development Appeal Board office on or before August 17, 2018.

**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;

...

(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.

**Non-conforming use and non-conforming buildings**

**643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

**(2)** A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

**(3)** A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

**(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except**

- (a) **to make it a conforming building,**
- (b) **for routine maintenance of the building, if the development authority considers it necessary, or**
- (c) **in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.**

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 110.2(5), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under Section 7.2(8), Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Front Setback***

Section 814.3(1) states the Front Setback shall be a minimum of 3.0 metres and shall be consistent within 1.5 metres of the Front Setback on Abutting Lots, to a maximum of 20 percent of Site Depth. Where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot.

***Driveway Access***

Section 814.3(17) states regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists.

***Side Setbacks***

Section 110.4(11)(a) states Side Setbacks shall total at least 20 percent of the Site Width, with a minimum Side Setback of 1.2 metres on each side.

***Projection***

Section 44.3 states the following features may project into a required Setback or Separation Space as provided for below:

- a) ...
- b) Platform Structures provided such projections do not exceed 2.0 metres into any other Setbacks or Separation Spaces with a depth of at least 4.0 metres;
- c) ...
- d) ...
- e) ..



***Non-conforming building***

Section 11.3(2) states:

The Development Officer may approve, with or without conditions as a Class B Discretionary Development, an enlargement, alteration or addition to a non-conforming building if the non-conforming building complies with the Uses prescribed for that land in this Bylaw and the proposed development would not, in their 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.

**Development Officer's Determination**

**Non-Conforming Building - This Single Detached House no longer conforms to current zoning rules, which may have changed since it was originally constructed. This permit does not increase the non-conformity of the building Front Setback. (Section 11.3.2). Non-conforming areas: (Section 814.3.17, Section 814.3.1, Section 110.4.11.a, Section 44.3.b) [unedited]**

***Community Consultation***

Section 814.5 states:

1. When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:
  - a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
  - b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
  - c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.


Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	814.3(1) – Front Setback 814.3(17) – Driveway Access

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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.

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	Project Number: <b>280926123-001</b> Application Date: MAY 01, 2018 Printed: June 21, 2018 at 1:47 PM Page: 1 of 2		
<b>Minor Development Permit</b>			
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.			
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10345 - 133 STREET NW Plan 2803AF Blk 89 Lot 10  <b>Specific Address(es)</b> Suite: 10345 - 133 STREET NW Entryway: 10345 - 133 STREET NW		
<b>Scope of Permit</b> To construct an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom).			
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 0                      Client File Reference Number:                      Minor Dev. Application Fee: House Addition                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Lot Grading Needed?: N                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct.  Applicant signature: _____			
<b>Development Permit Decision</b> Approved <b>Subject to the Following Conditions</b> This Development Permit authorizes the development of an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom).  The two main floor windows on the East side of the Garage shall be frosted to prevent overlook.  There shall be no vehicle access from 133 Street to the overhead door of the garage addition.  The development shall be constructed in accordance with the stamped and approved drawings.  Immediately upon completion of the addition, the site shall be cleared of all debris.  As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development.  <b>ADVISEMENTS:</b>  An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2)  Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.			



Project Number: **280926123-001**  
 Application Date: MAY 01, 2018  
 Printed: June 21, 2018 at 1:47 PM  
 Page: 2 of 2

## Minor Development Permit

**Variations**

Non-Conforming Building - This Single Detached House no longer conforms to current zoning rules, which may have changed since it was originally constructed. This permit does not increase the non-conformity of the building Front Setback. (Section 11.3.2)  
 . Non-conforming areas: (Section 814.3.17, Section 814.3.1, Section 110.4.11.a, Section 44.3.b)

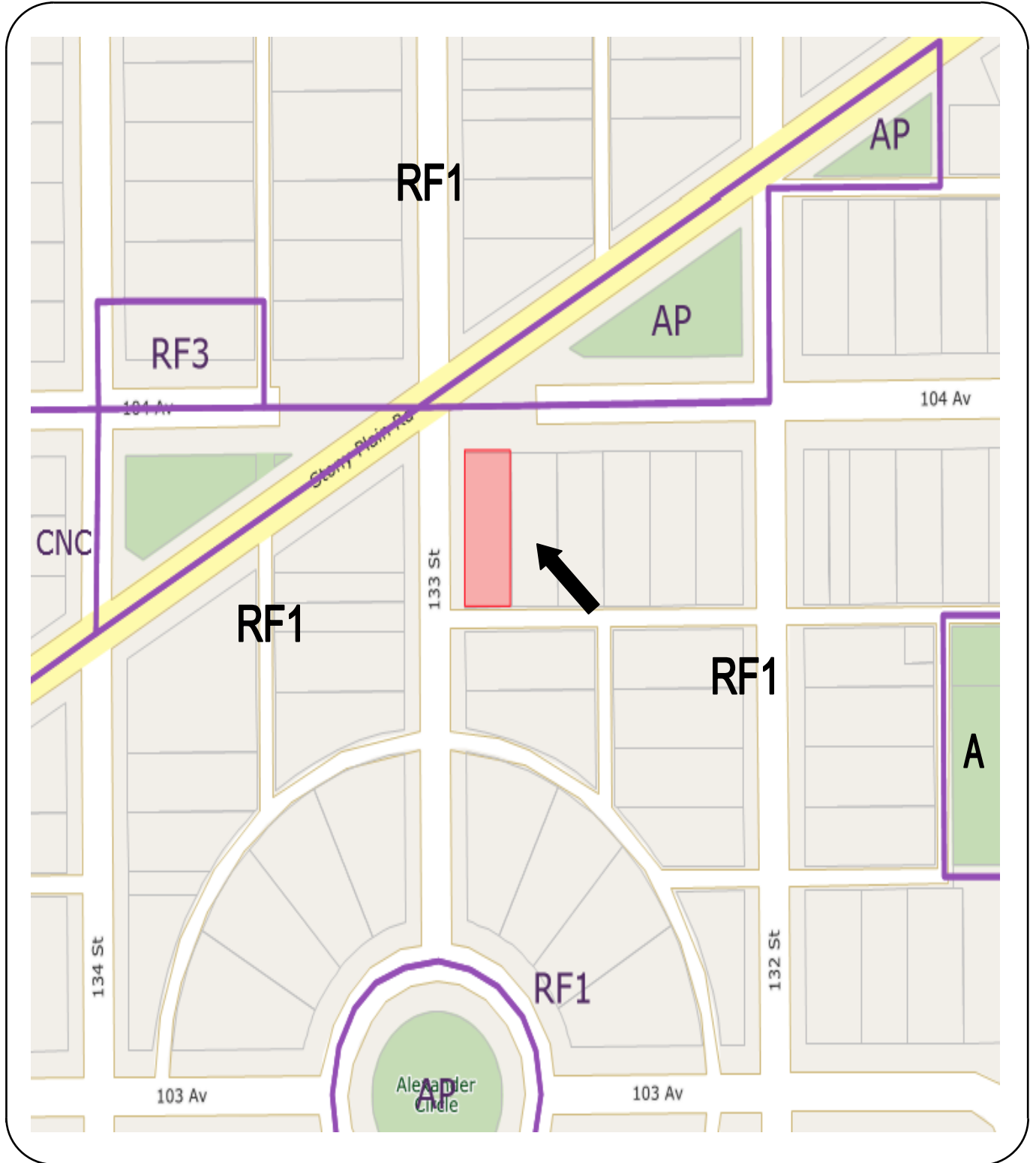
**Rights of Appeal**

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** May 24, 2018    **Development Authority:** WATTS, STACY  
**Notice Period Begins:** May 31, 2018    **Ends:** Jun 21, 2018

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$418.00	\$418.00	04983747	May 01, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$418.00	\$418.00		



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-107



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-124

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 278856632-001

APPLICATION TO: Construct a Single Detached House with veranda, attached Garage, rear uncovered deck, Basement development (NOT to be used as an additional Dwelling), and to demolish a Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 30, 2018

DATE OF APPEAL: July 30, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12203 - ASPEN DRIVE WEST NW

LEGAL DESCRIPTION: Plan 6773MC Blk 16 Lot 5

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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*Grounds for Appeal*

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

Our application to build a single detached house with an attached triple garage has been refused on the basis that the garage width is wider than other garages on the block and that we are requesting garage access from the side street. We are also requesting a variance to extend a back deck into the rear setback to allow space for a dining table and chairs.

There are other new infill homes on Aspen drive that have triple attached garages of this width. Other homes on this particular block have attached garages and do not need to access the garage through the lane. The existing house on this lot had a front attached garage.

The alley and existing utilities were not designed for back garage access for this lot. There is a power pole in the back of this lot that interferes with access to a detached garage.

This is a corner lot and we are requesting access to the garage from the flanking street as opposed to the front street. This garage access results in a nicer frontage on the house. Neighbours on either side of this home have given their written approval for this project and are in favour with the triple attached garage with side access. We did not get back any negative comments during the public consultation process.

The attached triple garage is important to my clients building the home as their mother has suffered a stroke and is wheelchair bound. The main floor of the home has been designed with a main floor bedroom and barrier free bathroom so that she can stay with them. Additionally, we will be installing a lift on the stairs to assist her with getting in and out of the home. My clients anticipate requiring a wheelchair friendly van that they will park in the garage to transport their mother in and out of the house. They will need this additional garage bay to store this vehicle. They do not wish to have to transport their mother through winter weather from a detached garage.

<i>General Matters</i>
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**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,

- (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, [...]

**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;

...

- (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 110.2(2) states a **Single Detached House** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.



Under Section 7.2(8), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 50.1(2) states 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.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

#### ***Driveway Access***

Section 814.3(17) states regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists.

#### **Development Officer's Determination**

1. Driveway - The driveway is located off of 122 Street NW (flanking street) instead of the alley (Section 814.3.17).

#### ***Garage Width***

Section 814.3(18) states Attached Garages shall be developed in accordance with the following:

- a. a Garage may protrude beyond the front or flanking wall of the principal building a distance that is characteristic of existing Garages on the blockface;
- b. a Garage may have a maximum width that is characteristic of the width of existing attached Garages on the blockface;
- c. building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and Landscaping; and

- d. for Semi-detached Housing, Duplex Housing, Row Housing, Stacked Row Housing and Apartment Housing, Garages shall be designed so that the Garage is attached to a shared common wall and includes a shared driveway apron where possible.

**Development Officer's Determination**

2. Garage width - the garage is a 3 car garage (width of 10.5m), the other garages on this block are only 2 car garages (average width of 6.88m) (Section 814.3.18.b).

***Projection***

Section 44.3 states the following features may project into a required Setback or Separation Space as provided for below:

- a) Platform Structures provided such projections do not exceed 2.5 metres into a Front Setback;
- b) Platform Structures provided such projections do not exceed 2.0 metres into any other Setbacks or Separation Spaces with a depth of at least 4.0 metres;
- c) Platform Structures provided such projections do not exceed 0.6 metres into any other Setbacks or Separation Spaces with a depth of less than 4.0 metres; and
- d) Notwithstanding subsection 44(3)(b) and subsection 44(3)(c), Platform Structures 0.6 metres or less in Height may be constructed to the Lot lines Abutting an interior Side Yard and Rear Yard;
- e) Any structures attached to the principal building, including Platform Structures, may be constructed to the common property line of a Semi-detached, Row Housing or Stacked Row Housing development to the satisfaction of the Development Officer.

**Development Officer's Determination**

3. Projection - The distance from the deck to the back property line (rear lot line) is 12.6m, instead of 14.13m (Section 44.3).

***Community Consultation***

Section 814.5 states:

1. When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.


Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	814.3(17) – Driveway Access  814.3(18) – Attached Garage

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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.

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	Project Number: <b>278856632-001</b> Application Date: APR 06, 2018 Printed: July 31, 2018 at 9:40 AM Page: 1 of 2															
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																
<p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>																
<b>Applicant</b> <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 12203 - ASPEN DRIVE WEST NW Plan 6773MC Blk 16 Lot 5															
<b>Scope of Application</b> To construct a Single Detached House with veranda, attached Garage, rear uncovered deck, Basement development (NOT to be used as an additional Dwelling), and to demolish a Single Detached House.																
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                 Affected Floor Area (sq. ft.): 4462                  Class of Permit:                  Front Yard (m): 5.09                  Rear Yard (m): 16.24                  Side Yard, left (m): 4.75                  Site Area (sq. m.): 903.33                  Site Width (m): 21.62             </td> <td style="width: 50%; border: none;">                 Building Height to Midpoint (m): 8.37                  Dwelling Type: Single Detached House                  Home Design Type:                  Secondary Suite Included?: N                  Side Yard, right (m): 2.05                  Site Depth (m): 40.33                  Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay             </td> </tr> </table>		Affected Floor Area (sq. ft.): 4462 Class of Permit: Front Yard (m): 5.09 Rear Yard (m): 16.24 Side Yard, left (m): 4.75 Site Area (sq. m.): 903.33 Site Width (m): 21.62	Building Height to Midpoint (m): 8.37 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 2.05 Site Depth (m): 40.33 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay													
Affected Floor Area (sq. ft.): 4462 Class of Permit: Front Yard (m): 5.09 Rear Yard (m): 16.24 Side Yard, left (m): 4.75 Site Area (sq. m.): 903.33 Site Width (m): 21.62	Building Height to Midpoint (m): 8.37 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 2.05 Site Depth (m): 40.33 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay															
I/We certify that the above noted details are correct. Applicant signature: _____																
<b>Development Application Decision</b> Refused <b>Issue Date:</b> Jul 30, 2018 <b>Development Authority:</b> ROBINSON, GEORGE  <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1. Driveway - The driveway is located off of 122 Street NW (flanking street) instead of the alley (Section 814.3.17).</li> <li>2. Garage width - the garage is a 3 car garage (width of 10.5m), the other garages on this block are only 2 car garages (average width of 6.88m) (Section 814.3.18.b).</li> <li>3. Projection - The distance from the deck to the back property line (rear lot line) is 12.6m, instead of 14.13m (Section 44.3).</li> </ol> <b>Rights of Appeal</b> 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.																
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 15%;">Receipt #</th> <th style="width: 15%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Permit Inspection Fee</td> <td>\$0.00</td> <td>\$204.00</td> <td>04922463</td> <td>Apr 06, 2018</td> </tr> <tr> <td>Water Usage Fee</td> <td>\$108.90</td> <td>\$108.90</td> <td>04922463</td> <td>Apr 06, 2018</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Development Permit Inspection Fee	\$0.00	\$204.00	04922463	Apr 06, 2018	Water Usage Fee	\$108.90	\$108.90	04922463	Apr 06, 2018
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<b>THIS IS NOT A PERMIT</b>																



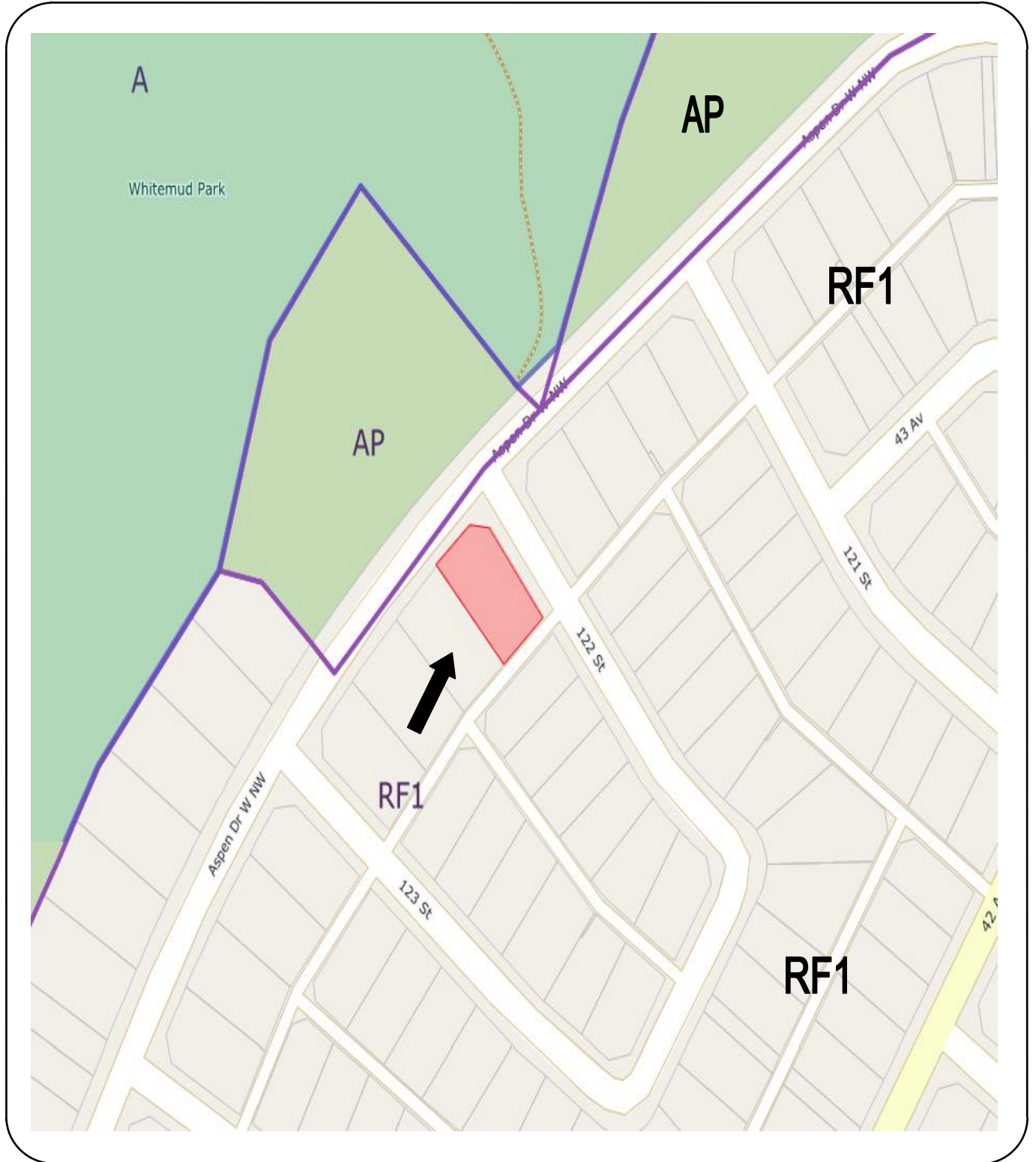
Project Number: **278856632-001**  
Application Date: APR 06, 2018  
Printed: July 31, 2018 at 9:40 AM  
Page: 2 of 2

## Application for House Development and Building Permit

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$81.00	\$81.00	04922463	Apr 06, 2018
Electrical Safety Codes Fee	\$19.02	\$19.02	04922463	Apr 06, 2018
Electrical Fees (House)	\$363.00	\$363.00	04922463	Apr 06, 2018
Safety Codes Fee	\$155.68	\$155.68	04922463	Apr 06, 2018
Building Permit Fee	\$3,892.00	\$3,892.00	04922463	Apr 06, 2018
Lot Grading Fee	\$143.00	\$143.00	04922463	Apr 06, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$4,762.60	\$4,966.60		
(overpaid by (\$204.00))				

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-124



ITEM III: 1:30 P.M.

FILE: SDAB-D-18-125

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 219877833-005

APPLICATION TO: Construct 3 Dwellings of Row Housing with front verandas

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 11, 2018

DATE OF APPEAL: July 27, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9609 - 120 Avenue NW

LEGAL DESCRIPTION: Plan 1994CL Blk 1 Lots 5-6

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Alberta Avenue / Eastwood Area Redevelopment Plan

*Grounds for Appeal*

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

We are intending to build a triplex in order to allow a son, daughter, and parents to live side by side. We have already tried to reduce the setbacks as much as possible without sacrificing too much living space. We have worked very hard to design this triplex. We are hoping you will please reconsider allowing the setback deficiencies for this property.

*General Matters*

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,

- (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, [...]

### **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;
- ...
- (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 140.2(6) states **Row Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under Section 7.2(5), **Row Housing** means:

a development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to ground level. This Use does not include Stacked Row Housing or Blatchford Town housing.

Under section 6.1, **Dwelling** means:

a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Section 140.4(19)(c) states “where Apartment Housing, Stacked Row Housing, or Row Housing are allowed in this Zone, a maximum of four Dwellings per Site shall be allowed.”

Under Section 140.1, 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 under certain conditions, and including Secondary Suites and Garden Suites.

Under Section 814.1, the **General Purpose** of the **Mature Neighbourhood Overlay** is:

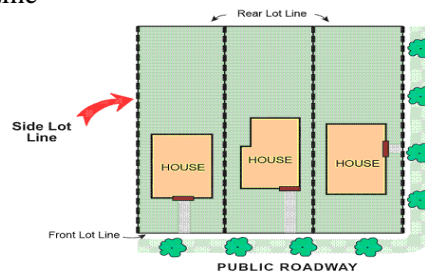
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

***Front Setback***

Section 814.3(2) states that notwithstanding Section 814.3(1), on a Corner Site in the RF3 Zone, where Row Housing, Stacked Row Housing or Apartment Housing faces the flanking Side Lot Line, the following shall apply:

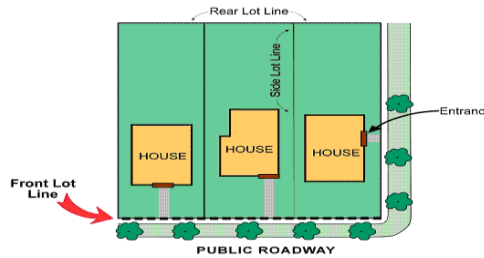
- a. for Lots where the Front Setback of the Abutting Lot is 9.0 metres or less, the Front Setback shall be a minimum of 3.0 metres and shall be consistent within 1.5 metres of the Front Setback of the Abutting Lot, to a maximum of 6.0 metres.
- b. for Lots where the Front Setback of the Abutting Lot is greater than 9.0 metres and less than 11.0 metres, the Front Setback shall be consistent within 3.0 metres of the Front Setback of the Abutting Lot, to a maximum of 7.0 metres.
- c. for Lots where the Front Setback of the Abutting Lot is 11.0 metres or greater, the Front Setback shall be within 4.0 metres of the Front Setback of the Abutting Lot.
- d. Where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot.

Under Section 6.1, **Side Lot Line** means a the property line of a lot other than a Front Lot Line or Rear Lot Line



Under Section 6.1, **Front Lot Line** means:

the property line separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line; In the case of Reverse Housing, the Front Lot Line means the shortest property line which is furthest from and opposite the Lot Line abutting the Lane.



**Development Officer’s Determination**

Reduced Front Setback – The distance from the proposed row house to the property line along 96 Street NW (front lot line) is 4.87 metres instead of 10.27 metres (Section 814.3(2))[unedited]

***Projection - Front Porch***

Section 814.3(11) states:

Platform Structures or single Storey Unenclosed Front Porches may project from the first Storey of a Dwelling a maximum of 2.0 metres into a required flanking Side Setback, provided that a minimum of 1.5 metres is maintained between the flanking Side Lot Line and the Platform Structure or Unenclosed Front Porch.

Under Section 6.1, **Unenclosed Front Porch** means:

an entrance structure typically located at the front or sides of a residential Dwelling at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure remain open to the outside elements. This structure is commonly referred to as a veranda.

**Development Officer’s Determination**

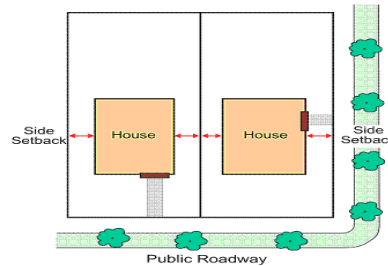
Projection – The distance from the enclosed front porch to the property line shared with 120 Avenue NW(Flanking side lot line) is 1.2 metres, instead of 1.5 metres (Section 814.3(11)) [unedited]

***Projection - Eaves***

Section 140.4(17) states:

Notwithstanding Section 44 of this Bylaw, on a Corner Site where Row Housing, Stacked Row Housing, or Apartment Housing face the flanking Side Lot Line, single Storey Platform Structures, verandas and porches may project into the flanking Side Setback a maximum of 1.5 metres, provided a Tree Lined Boulevard is present along the roadway adjacent to the flanking Side Lot Line. Where eaves are designed as an integral part of a veranda or porch, eaves may project an additional 0.3 metres into a required flanking Side Setback.

Under Section 6.1, **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



**Development Officer’s Determination**

Projection – The distance from the eaves of the unenclosed front porch to the property line shared with 120 Avenue NW (flanking side lot line) is 0.8 metres, instead of 1.2 metres (Section 140.4(17)) [unedited]

***Side Setback***

Under Section 814.3(3)(b), Side Setbacks shall be established on the following basis where a Site Width is greater than 12.0 metres and less than 18.3 metres, the Side Setback requirements of the underlying Zone shall apply.

Section 140.4(14) states:

- ...
- c. on a Corner Site where the building faces the flanking Side Lot Line, the minimum Side Setback Abutting the flanking Side Lot Line shall be 2.0 metres. However, if a building facing the flanking Side Lot Line has an attached Garage that faces the flanking Side Lot Line, the Side Setback from the flanking Side Lot Line to the Garage shall be a minimum of 4.5 metres.
- d. on a Corner Site where the building faces the flanking Side Lot Line, Row Housing, Stacked Row Housing and Apartment Housing shall provide a minimum interior Side Setback of 3.0 metres.

**Development Officer’s Determination**

Reduced Side Setback – The distance from the row house to the property line along 120 Avenue NW (flanking side lot line) is 1.8 metres instead of 2.0 metres (Section 140.4(14)(c)) [unedited]

Reduced Side Setback – The distance from the row house to the property line shared with 11934 – 96 Street NW (interior side lot line) is 1.6 metres instead of 3.0 metres (Section 140.4(14)(d)) [unedited]

***Community Consultation***

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay to be Varied</b>
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(2) – Front Setback (RF3 Corner Sites)
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(3) – Side Setbacks 814.3(11) – Platform Structures (Flanking Side Yard)

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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.

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## Application for Major Development Permit

Project Number: **219877833-005**  
 Application Date: APR 19, 2018  
 Printed: July 30, 2018 at 10:33 AM  
 Page: 1 of 2

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

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 9609 - 120 AVENUE NW Plan 1994CL Blk 1 Lots 5-6  <b>Specific Address(es)</b> Entryway: 9609 - 120 AVENUE NW Entryway: 9611 - 120 AVENUE NW Entryway: 9613 - 120 AVENUE NW Building: 9609 - 120 AVENUE NW
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**Scope of Application**  
 To construct 3 Dwellings of Row Housing with front verandas.

<b>Permit Details</b>  Class of Permit: Gross Floor Area (sq.m.): 193.97 New Sewer Service Required: N Site Area (sq. m.): 606.15	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 3 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused  
**Issue Date:** Jul 11, 2018    **Development Authority:** YEUNG, KENNETH

**Reason for Refusal**

Reduced Front Setback - The distance from the proposed row house to the property line along 96 Street NW (front lot line) is 4.87m instead of 10.27m (Section 814.3.2).

Projection - The distance from the unenclosed front porch to the property line shared with 120 Avenue NW (flanking side lot line) is 1.2m, instead of 1.5m (Section 814.3.11).

Reduced Side Setback - The distance from the row house to the property line along 120 Avenue NW (flanking side lot line) is 1.8m instead of 2.0m (Section 140.4.14.c).

Reduced Side Setback - The distance from the row house to the property line shared with 11934 - 96 Street NW (interior side lot line) is 1.6m instead of 3.0m (Section 140.4.14.d).

Projection - The distance from the eaves of the unenclosed front porch to the property line shared with 120 Avenue NW (flanking side lot line) is 0.8m, instead of 1.2m (Section 140.4.17).

**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.

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$510.00	\$510.00	04948926	Apr 19, 2018

**THIS IS NOT A PERMIT**



## Application for Major Development Permit

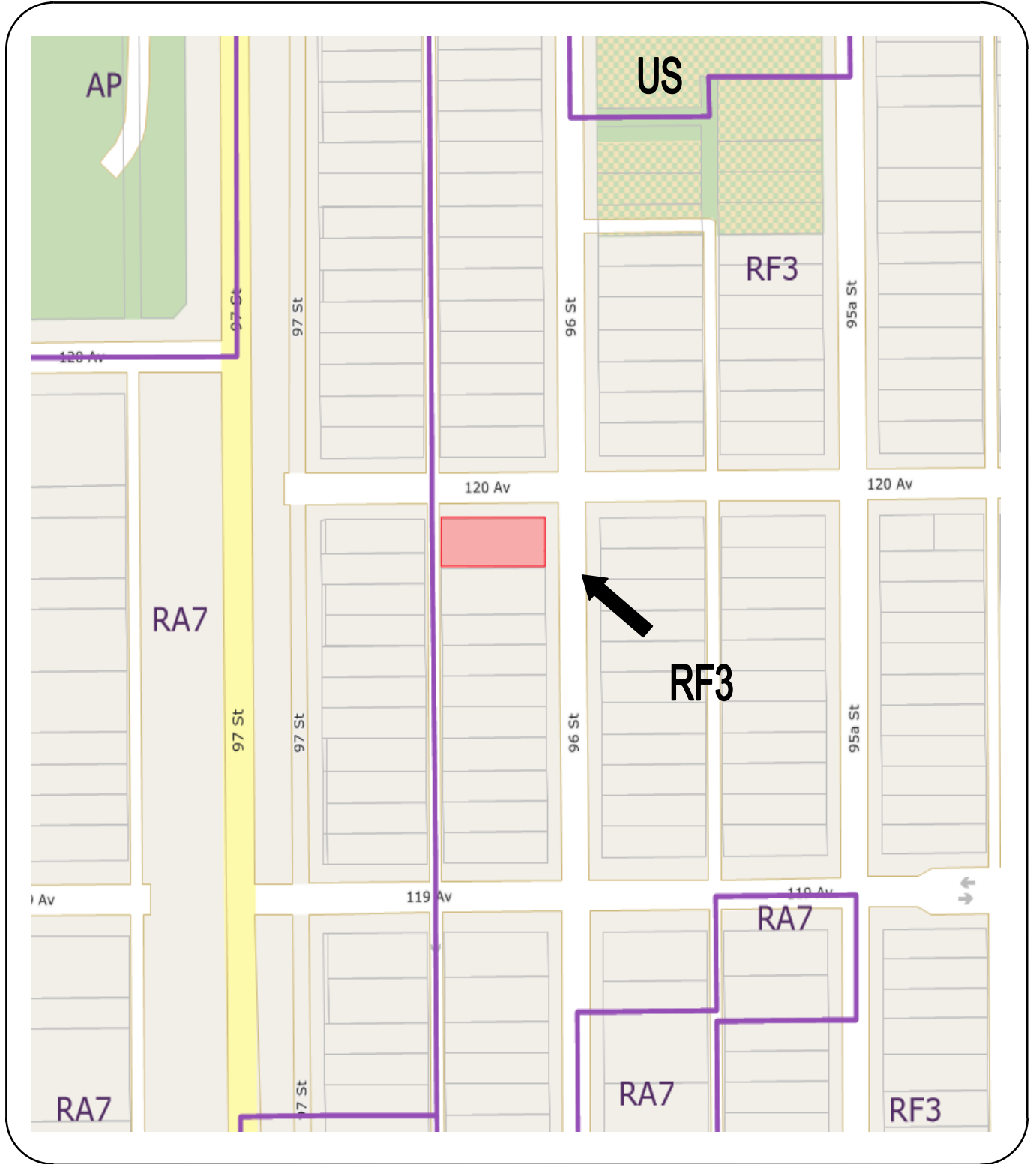
Project Number: **219877833-005**  
Application Date: APR 19, 2018  
Printed: July 30, 2018 at 10:33 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Lot Grading Fee	\$406.00	\$406.00	04948926	Apr 19, 2018
Major Dev. Application Fee	\$835.00	\$835.00	04948926	Apr 19, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,751.00</u>	<u>\$1,751.00</u>		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-125

