

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Friday, 9:00 A.M.
December 11, 2015**

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

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

I 9:00 A.M. SDAB-D-15-301

Construct a two-storey Accessory Building (detached Garage) and to demolish the existing rear detached Garage

7840 - Jasper Avenue NW
Project No.: 179568960-001

II 12:30 P.M. SDAB-D-15-302

Construct 4 Dwellings of Row Housing with verandas and a mutual rear detached Garage (6.10m x 11.58m), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage)

15003 - 108 Avenue NW
Project No.: 168274427-001

III 12:30 P.M. SDAB-D-15-303

Construct 4 Dwellings of Row Housing with verandas and rear detached mutual Garage and to demolish an existing Single Detached House and detached Garage

14912 - 108 Avenue NW
Project No.: 168272000-001

NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-301

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 179568960-001

ADDRESS OF APPELLANT: 7840 - Jasper Avenue NW

APPLICATION TO: Construct a two-storey Accessory Building (detached Garage) and to demolish the existing rear detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 13, 2015

DATE OF APPEAL: November 23, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7840 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan 1875R Blk 2 Lot 9

ZONE: DC1-Direct Development Control Provision

OVERLAY: n/a

STATUTORY PLAN: Stadium Station ARP

Grounds for Appeal

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

To question if the Development Authority followed the directions of City Council and the DC1 provisions regarding legal and planning issues pertaining to permit number 179568960-001.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

685(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.

641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

General Provisions:

Section 11.17.1 of the **Stadium Station Area Redevelopment Plan** designates the subject site as within "DC1 (Area 3) – Viewpoint Direct Development Control District (**Section 710, Land Use Bylaw**)".

Section 2.7 of the Edmonton Zoning Bylaw 12800 states that "Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision."

Section 11.17.1 of the **Stadium Station Area Redevelopment Plan** states that the rationale of this DC Zone is as follows:

“It is the intent of this Plan to provide a district to preserve and protect the low density family oriented housing function the area serves, and to recognize and protect the heritage resources and low density family-oriented residential functions which exist in this Sub-Area, to recognize the unique geography of the Viewpoint community, and to provide guidelines to stabilize and protect the character of this neighbourhood, in order to achieve the intent of Section 3.4 of this Plan. To accomplish this last objective, guidelines are set forward in this District which will control the design of new development and additions to existing development in a manner that ensures common design elements and building materials are utilized throughout the area”.

Height of Accessory Buildings

Section 61.3(2) of the Edmonton Land Use Bylaw 5996 states that “an Accessory Building or Structure shall not exceed 3.7 m (12.0 ft.) nor one storey in Height, except as provided in Sections 61.4 and 61.5”.

Board Officer’s note: Section 61.4 and 61.5 of the Edmonton Land Use Bylaw 5996 relate to provisions for “Satellite Signal Receiving Antenna” and “Amateur Radio Antenna and Support Structure”.

Development Officer’s Determination

“The height, measured to the midpoint of the highest roof slope, is 6.35 metres and two storeys. The maximum height of an accessory building in this location is 3.7 m and one storey, as per City of Edmonton Land Use Bylaw 5996”.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-301



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-302

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

APPELLANT:

APPLICATION NO.: 168274427-001

ADDRESS OF APPELLANT: 10742 – 150 Street NW

APPLICATION TO: Construct 4 Dwellings of Row Housing with verandas and a mutual rear detached Garage (6.10m x 11.58m), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 3, 2015

DATE OF APPEAL: November 18, 2015

NOTIFICATION PERIOD: November 10, 2015 through November 23, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 15003 - 108 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15003 - 108 Avenue NW

LEGAL DESCRIPTION: Plan 2111HW Blk 53 Lot 9

ZONE: RF3 -Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: none

Grounds for Appeal

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

Does not fit in neighborhood or street scape.

General Matters

Appeal Information:

The decision of the Development Authority was appealed by a neighbouring property owner.

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

Grounds for Appeal

685(1) If a development authority

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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.

685(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 within 14 days,

- (b) in the case of an appeal made by a person referred to in section 685(1), after
 - (ii) the date on which the person is notified of the order or decision or the issuance of the development permit,

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 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”.

Under Section 140.2(5), **Row Housing** is a **Permitted** Use in the RF3 Small Scale Infill Development Zone.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is “is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations”.

Variance: Front Setback

Section 814.3(1) states that “the Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane”.

Development Officer’s Determination

“Reduced Front Setback - The distance from the house to the property line along 150 Street (front lot line) is 6.9m. This setback is within 3.0m of the average front setback of the blockface, instead of within 1.5m”

Variance: Rear Setback

Section 814.3(5) states that “the minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement”.

Development Officer’s Determination

“Reduced Rear Setback - The distance from the house to the rear property line is 16.0 m (35% of site depth) instead of 18.1 m (40% of site depth)”

Variance: Side Setback

Section 140.4(13)(d) states that “Side Setbacks shall be established on the following basis: on a Corner Site where Row Housing with a Site Area less than 700 m², Semi-detached Housing with a Site Area less than 600 m², or Single Detached Housing or Duplex Housing with a Site Area less than 300 m² faces the flanking Side Lot Line, Site Setbacks shall be a minimum of 1.2 m for the interior Side Setback, and a minimum of 2.5 m for the flanking Side Setback. However, if a Dwelling has an attached Garage that faces the flanking Side Lot Line, the flanking Side Setback shall be a minimum of 4.5 m.”

Development Officer’s Determination

“Reduced Side Setback - The distance from the house to the property line along 108 Avenue (flanking side lot line) is 2.0 m instead of 2.5 m”

Variance: Private Outdoor Amenity Space in Front Yard

Section 47.4 states that “Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard”.

Development Officer’s Determination

“Amenity space - Amenity space for Unit D is located in the front yard, along 150 Street”

Variance: Private Outdoor Amenity Space dimensions

Section 47.5 states that “Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.”

Development Officer’s Determination

“Amenity space - The amenity spaces for Units A through C are 2.9m deep, instead of 4.0m.”

Variance: Accessory Building Setback

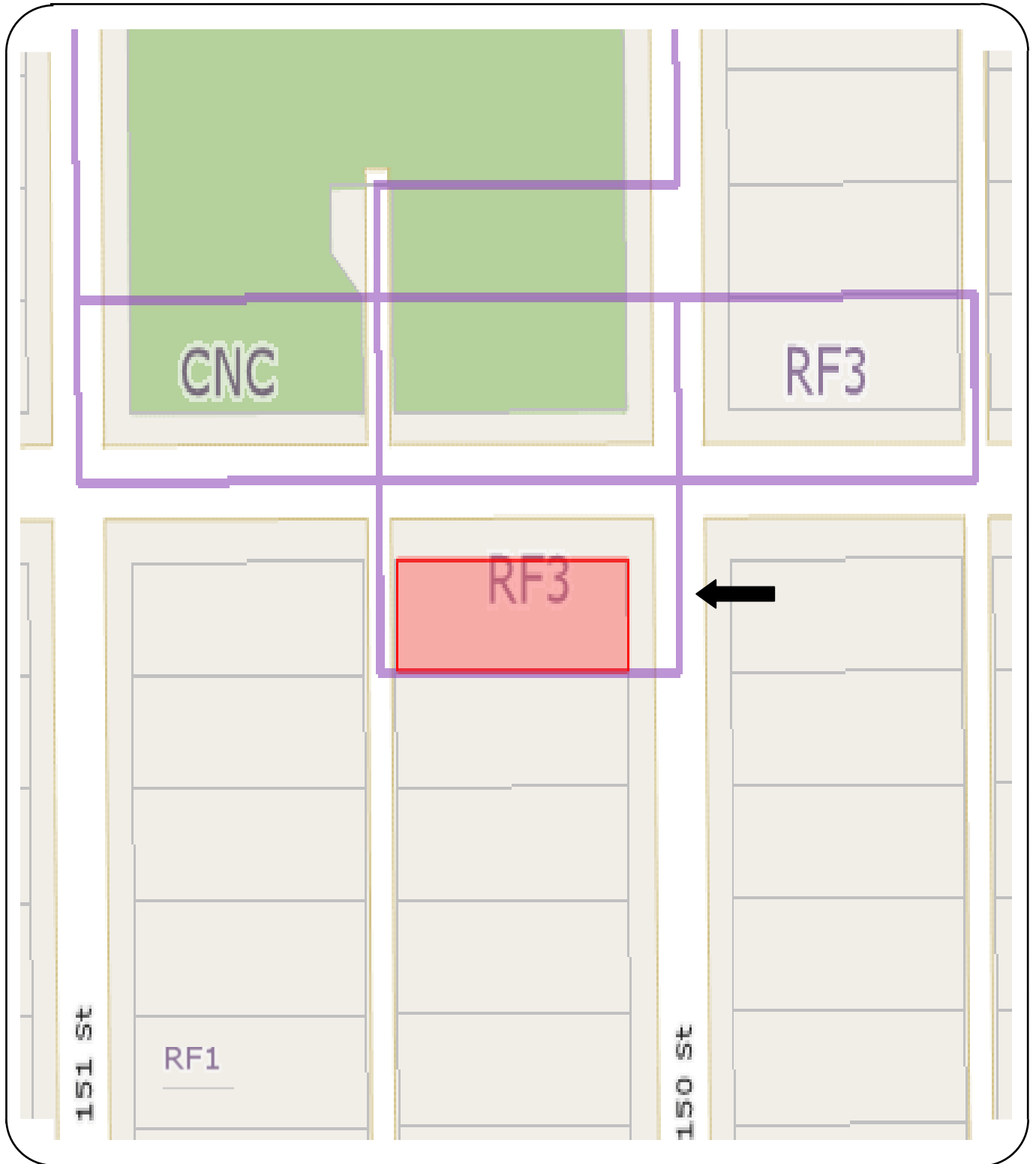
Section 50.3(5)(b) states that “Accessory buildings and structures shall be located on a corner Site as follows: where an Accessory building is a detached Garage, and where the vehicle doors of the detached Garage face any flanking public roadway other than a Lane, the distance between the Garage and the lot line running parallel to that flanking public roadway shall not be less than 4.5 m. If the principal building was developed before October 2, 1961, the distance may be reduced, if the placement of the proposed Garage is consistent with the placement of other existing Garages in the same block”.

Development Officer’s Determination

“Accessory Building Setback - The distance from the rear detached garage to the property line along 108 Avenue (flanking side lot line) is 2.1 m instead of 2.5 m”

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-302



ITEM III: 12:30 P.M.

FILE: SDAB-D-15-303

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

APPELLANT:

APPLICATION NO.: 168272000-001

ADDRESS OF APPELLANT: 10742 – 150 Street NW

APPLICATION TO: Construct 4 Dwellings of Row Housing with verandas and rear detached mutual Garage and to demolish an existing Single Detached House and detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 2, 2015

DATE OF APPEAL: November 18, 2015

NOTIFICATION PERIOD: November 10, 2015 through November 23, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 14912 - 108 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14912 - 108 Avenue NW

LEGAL DESCRIPTION: Plan 704KS Blk 68 Lot 1

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: none

Grounds for Appeal

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

Does not fit in neighbourhood and streetscape

<i>General Matters</i>

Appeal Information:

The decision of the Development Authority was appealed by a neighbouring property owner.

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

Grounds for Appeal

685(1) If a development authority

- (g) fails or refuses to issue a development permit to a person,
- (h) issues a development permit subject to conditions, or
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Appeals

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- (c) in the case of an appeal made by a person referred to in section 685(1), after
 - (iii) the date on which the person is notified of the order or decision or the issuance of the development permit,

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 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”.

Under Section 140.2(5), **Row Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is “is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations”.

Variance: Rear Setback

Section 814.3(5) states that “the minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement”.

Development Officer’s Determination

“Reduced Rear Setback - The distance from the house to the rear property line is 15.1 m (34% of site depth) instead of 17.9 m (40% of site depth)”

Variance: Side Setback

Section 140.4(13)(d) states that “Side Setbacks shall be established on the following basis: on a Corner Site where Row Housing with a Site Area less than 700 m², Semi-detached Housing with a Site Area less than 600 m², or Single Detached Housing or Duplex Housing with a Site Area less than 300 m² faces the flanking Side Lot Line, Site Setbacks shall be a minimum of 1.2 m for the interior Side Setback, and a minimum of 2.5 m for the flanking Side Setback. However, if a Dwelling has an attached Garage that faces the flanking Side Lot Line, the flanking Side Setback shall be a minimum of 4.5 m.”

Development Officer’s Determination

“Reduced Side Setback - The distance from the house to the property line along 108 Avenue (flanking side lot line) is 2.0 m instead of 2.5 m (Section 140.4.13.d).”

Variance: Accessory Building Setback

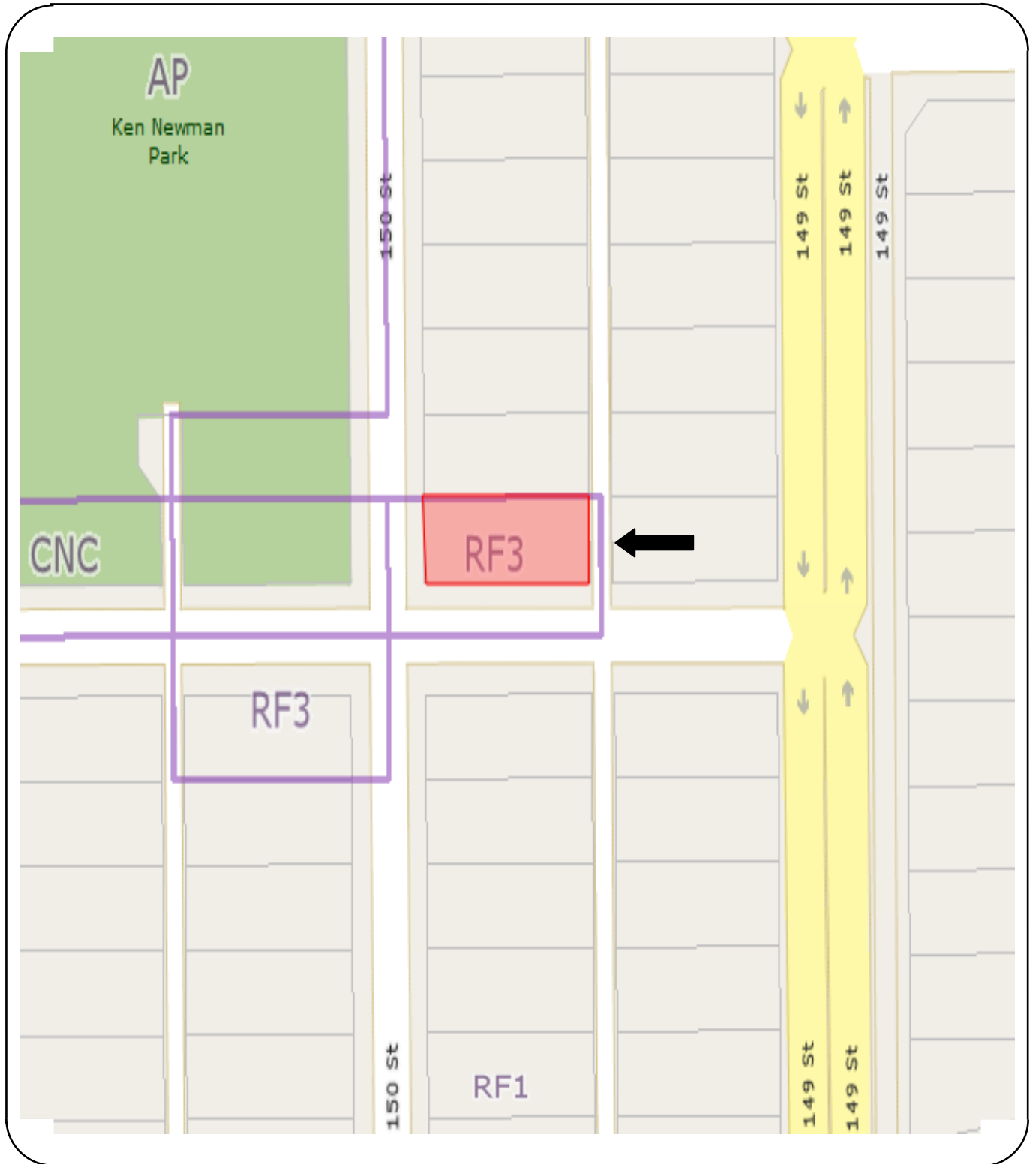
Section 50.3(5)(b) states that “Accessory buildings and structures shall be located on a corner Site as follows: where an Accessory building is a detached Garage, and where the vehicle doors of the detached Garage face any flanking public roadway other than a Lane, the distance between the Garage and the lot line running parallel to that flanking public roadway shall not be less than 4.5 m. If the principal building was developed before October 2, 1961, the distance may be reduced, if the placement of the proposed Garage is consistent with the placement of other existing Garages in the same block”.

Development Officer’s Determination

“Accessory Building Setback - The distance from the rear detached garage to the property line along 108 Avenue (flanking side lot line) is 2.1 m instead of 2.5 m.”

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-303



BUSINESS LAID OVER

SDAB-D-15-280	An appeal to construct a Minor Impact Utility Services Use Building (EPCOR Training facility) <i>January 6, 2016</i>
SDAB-D-15-293	An appeal to construct exterior alterations to a Professional, Financial and Office Support Services Use building (Karst Properties Parking Expansion – Proposed New Parking Lot Layout) <i>January 7, 2016</i>
SDAB-D-15-298	An appeal to erect an over height Fence (5.44 m in length on west property line at 2.44 m in Height) in the Rear Yard of a Single Detached House <i>January 13 or 14, 2016</i>
SDAB-D-15-247	An appeal to change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>
SDAB-D-15-236 to 241	An appeal to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-15-252	An appeal to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <i>February 10 or 11, 2016</i>
SDAB-D-15-268	An appeal to Leave as built a Single Detached House. <i>Date to be determined</i>

APPEAL HEARINGS TO BE SCHEDULED

176406166-003	An appeal to convert a half of Semi-detached Housing to 3 Dwellings of Apartment Housing and to construct interior alterations (existing without permits, 1 Dwelling above grade, Dwellings below grade). <i>December 16, 2015</i>
160474324-004	An appeal to replace Roof Off-premises Sign with (1) roof mounted Minor Digital On-premises Off-premises Sign (1319416 ALBERTA LTD.) <i>December 16, 2015</i>
163727651-001	An appeal to operate a Temporary Non-Accessory Parking Lot for two years (December 2015 to December 2017) <i>January 6 or 7, 2016</i>
176013858-001	An appeal to construct a Single Detached House with a rear attached Garage, a front veranda, fireplace, basement development (NOT to be used as an additional DwellinG) <i>January 13 or 14, 2016</i>
171838918-001	An appeal to install one Minor Digital Off-premises Sign (Icewerx).

	<i>January 13 or 14, 2016</i>
159269966-003	An appeal to construct an exterior alteration to an existing Single Detached House, (Driveway Extension 2.8m x 8.4m existing without permits. <i>January 21, 2016</i>