

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 10:30 A.M.
December 9, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 a.m. SDAB-D-20-175

WITHDRAWN

To Operate a Major Home Based Business (Food processing with up to 5 client visits per day - KAMBAL'S KAKANIN). Expires Nov. 5, 2025.

707 - 78 Street SW
Project No.: 376675203-001

II 10:30 A.M. SDAB-D-20-176

To Construct exterior alterations to a Single Detached House (curved Driveway extension in the Front Yard).

15203 - 78 Avenue NW
Project No.: 365535203-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-175

WITHDRAWN

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 376675203-001

APPLICATION TO: Operate a Major Home Based Business (Food processing with up to 5 client visits per day - KAMBAL'S KAKANIN). Expires Nov. 5, 2025.

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved

RESPONDENT:

DECISION DATE: November 5, 2020

DATE OF APPEAL: November 18, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 707 - 78 Street SW

LEGAL DESCRIPTION: Plan 0523136 Blk 16 Lot 95

ZONE:

ITEM II: 10:30 A.M.

FILE: SDAB-D-20-176

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 365535203-002

APPLICATION TO: Construct exterior alterations to a Single Detached House
(curved Driveway extension in the Front Yard)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 30, 2020

DATE OF APPEAL: November 18, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15203 - 78 Avenue NW

LEGAL DESCRIPTION: Plan 6252KS Blk 2 Lot 9

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:

To whom it may concern:

- A. We feel the bylaw is outdated. When the bylaw was implemented it was done without consideration of safety and new subdivision rules. With new building codes such as having fire retarded sheeting between buildings. Having more than one car parked along side of house is more of a risk. Some of neighbors will park as many as four vehicles on their driveway. Our circular driveway eliminates this risk. A few years ago the City approved infill housing for our neighborhood. These homes usually have

double wide garages. This is now allowing twice as much entry space. Also, the green space has been reduced to near nil. Definitely less than our proposal.

- B. Double wide garages, multiple entry ways and circular drives There are numerous front entry double wide garage's in neighborhood. These garages take up the same or more entry and green space as we are proposing. Pictures of houses with multiple entry ways and circular drives have been submitted. These are all within 1km of our property.
- C. Neighbors We have spoken with all adjacent neighbors. None of them have a concern with what we are doing. It is actually the exact opposite. If any of them have anything to say it is only positive. We can provide signatures however we feel this is unfair and unnecessary. Too much identity theft in this world today. Thank you for your time and consideration of our appeal. We feel that there is sufficient reason not to go hearing. We are sure you will approve our permit.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

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

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

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

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

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

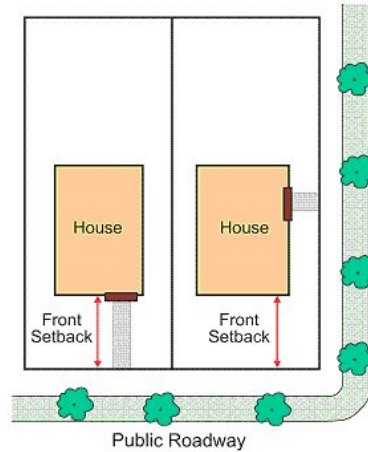
Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front Setback** means:

the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.

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

to 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.

Vehicle Parking Design for Low-density Residential

Section 54.3(3) states:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either

the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;

...

Development Officer's Determination

1. The Front Yard of any ground level Dwelling may include a maximum of one Driveway (Section 54.3.3)

Proposed: There are two Driveways

2. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a)

Proposed: The Driveway does not lead to Garage or Parking Area.

[unedited]

<i>General Planting Requirements</i>

Section 55.3(1)(e) states:

all open space including Front Yards, Rear Yards, Side Yards and Yards, Amenity Areas at ground level, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

Development Officer's Determination

3. All open space including the Front Yard shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs (Section 55.3.1.e).

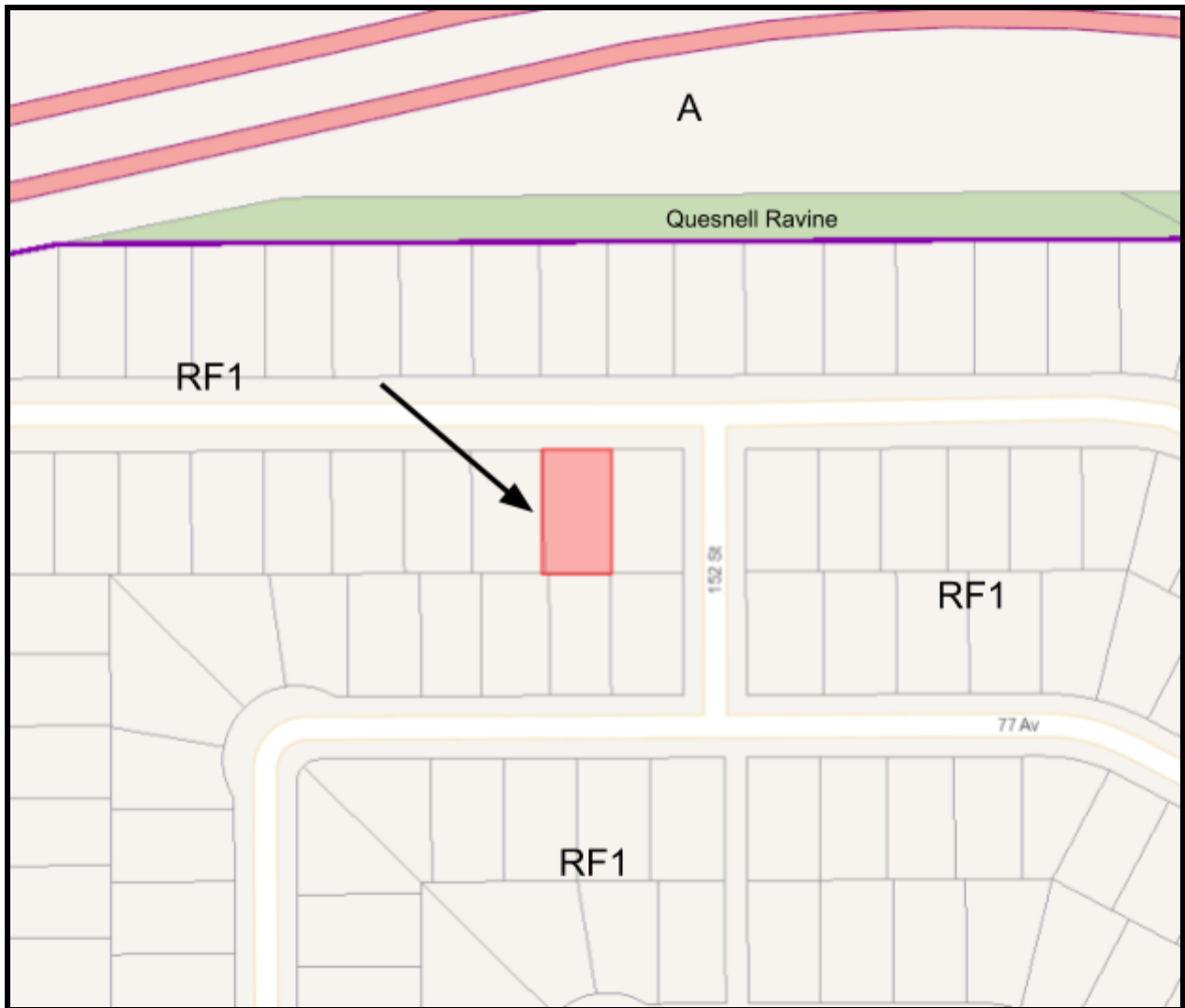
Proposed: The Front Yard is hard surfaced.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 365535203-002 Application Date: JUL 02, 2020 Printed: October 30, 2020 at 2:27 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant 	Property Address(es) and Legal Description(s) 15203 - 78 AVENUE NW Plan 6252KS Blk 2 Lot 9 Location(s) of Work Entryway: 15203 - 78 AVENUE NW Building: 15203 - 78 AVENUE NW																				
Scope of Application To construct exterior alterations to a Single Detached House (curved Driveway extension in the Front Yard).																					
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; border: none;"> Site Area (sq. m.): 612.79 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 612.79																		
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 612.79																				
Development Application Decision Refused Issue Date: Oct 30, 2020 Development Authority: ZHOU, ROWLEY Reason for Refusal 1. The Front Yard of any ground level Dwelling may include a maximum of one Driveway (Section 54.3.3) Proposed: There are two Driveways 2. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a) Proposed: The Driveway does not lead to Garage or Parking Area. 3. All open space including the Front Yard shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs (Section 55.3.1.e). Proposed: The Front Yard is hard surfaced. Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																					
Building Permit Decision No decision has yet been made.																					
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">97379607531B001</td> <td style="text-align: right;">Jul 02, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$176.00</td> <td style="text-align: right; border-top: 1px solid black;">\$176.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$176.00	\$176.00	97379607531B001	Jul 02, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$176.00	\$176.00		
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THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

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N

File: SDAB-D-20-176