

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 11, 2015**

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

Members Scheduled

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

I	9:00 A.M.	SDAB-D-15-029	Construct a Semi-detached House with front attached Garages, front verandas, fireplaces, and rear uncovered decks (3.96 metres by 3.05 metres) 11511 – 24 Avenue NW Project No.: 159168525-001
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LUNCH BREAK: 12:00 P.M. TO 12:30 P.M.

II	12:30 P.M.	SDAB-D-15-030	Construct a Semi-detached House with verandas, fireplaces and Basement developments (not to be used as additional Dwelling units) 8515 - 81 Avenue NW Project No.: 165334720-001
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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-15-029

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

APPELLANT(S):

APPLICATION NO.: 159168525-001

ADDRESS OF APPELLANT: 2416 - 115 Street NW
Edmonton AB T6J 3S1,
11536 - 24 Avenue NW
Edmonton AB T6J 3R7,
11412 - 24 Avenue NW
Edmonton AB T6J 4Z1,
11515 - 24 Avenue NW
Edmonton AB T6J 3R6

APPLICATION TO: Construct a Semi-detached House with
front attached Garages, front verandas,
fireplaces, and rear uncovered decks (3.96
metres x 3.05 metres)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 19, 2014

NOTIFICATION PERIOD: December 25, 2014 through January 7,
2015

DATE OF APPEAL(S): January 5, 2015 – January 7, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: P.O. Box 3032
Beaumont AB T4X 1K8

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11511 - 24 Avenue NW

LEGAL DESCRIPTION: Plan 7521561 Blk 21 Lot 25

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved with the following conditions:

This Development Permit authorizes the development of a Semi-detached House with front attached Garages, front verandas, fireplaces, and rear uncovered decks (3.96m x 3.05m). The development shall be constructed in accordance with the stamped, red-lined and approved drawings.

The height of the principal building shall not exceed 10.0 m nor 2 1/2 Storeys as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.

Any future deck enclosure or cover requires a separate development and building permit approval.

Any future basement development shall require a new Development and Building Permit approvals.

The development of Basement Suites in a Semi-Detached House is prohibited by the Edmonton Zoning Bylaw 12800. There may be an inspection in the future to ensure that no illegal suite has been developed.

Semi-detached Housing requires 2 on-site parking spaces per Dwelling and may be in tandem to the attached garage. (Reference Section: 54.2(3))

The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.

Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.

Eave projections shall not exceed 0.6m in the case of Setbacks or Separation Spaces of 1.2m or greater. (Reference Section 44.1(a))

For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 47)

DEVELOPMENT OFFICER'S DECISION CONTINUED

Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

This development permit shall be revoked if the conditions of this permit are not met.

Notes:

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, 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.

Variance:

Class B Discretionary Development: Semi-detached Housing is a Discretionary Use in the RF1 zone. (Reference Section 12.4)

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

APPELLANTS' SUBMISSIONS

Brenda Matthew:

I wish to appeal the proposed development permit to construct a semi-detached house at address 11511- 24 Avenue NW Plan 7521561 Blk 21 Lot 25 for the following reasons:

APPELLANTS' SUBMISSIONS CONTINUED

Brenda Matthew (continued)

- I was not provided with the initial development notice that a duplex was going to be built at the end of our street
- this development is not consistent with the current single-family dwellings homes in our neighborhood. This would be the sole duplex on the avenue/street
- duplex development will decrease the value of the homes in the neighborhood
- parking is already an issue on 115 street. Multiple families, tenants and vehicles will contribute to the parking challenges in the neighborhood.

Gregory Hense:

We chose to purchase a single family home in this district because it is an RF1 district. A semi-detached house changes the architectural integrity of this single detached family residential neighbourhood. To allow infilling sets a precedent that can increase the density over time when there already is higher density town house developments within walking distance. There will also be a significant increase in density in this neighbourhood with the approved development of the Blue Quill Community green space.

Robert and Laura Slywka:

We are strongly opposed to the proposed Semi-Detached House with the front attached Garages for the following reasons:

- 1) The proposed development does not appropriately fit into the surrounding context of this late-1970's single detached neighbourhood (in scale, materiality, and character).
- 2) This RF1 zoning is already surrounded by multi-family housing zoning (RF5 and RA7), and we feel that a duplex could contribute to other future multi-family developments. We do not want to see a precedent established for future similar development.
- 3) The proposed development could reduce existing property values and compromise resale opportunities for existing single detached houses in this neighbourhood. This is the common perception amongst homeowners and potential buyers.
- 4) Side-by-side double attached garages with a continuous driveway leaves no frontage for soft landscaping, again compromising the character of this mature neighbourhood.

Although we recognize this property needs to be reconstructed, we feel that a single-family house will better compliment the character of this distinguished and mature neighbourhood, which must be maintained. Other residents in the area who are also opposed to this development are listed as attached and wish to be copied on all correspondence related to the hearing.

APPELLANTS' SUBMISSIONS CONTINUED

Don and Cheryel Goodale:

- Not compatible with neighbourhood homes.
- Already have bookends: RF5 and RA7 from the West and RF5 from the east, RF5 from the north, RF5 and RA7 from the south.
- Picture of home plan shown to us dwarfs our home both in height and length, and its narrow side yards, and front view is all garages, huge garages.
- Massing effect – duplex/semi-detached home.
- Approving a semi-detached home is setting precedence for crammed quarters and limited parking. If one is approved, then will every other house be open to adapting their home to semi-detached or demolishing and building semi-detached on each property?
- Value of our home devalued with a duplex/semi-detached home crowded in.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct a Semi-detached House with front attached Garages, front verandas, fireplaces, and rear uncovered decks (3.96 metres by 3.05 metres).

The site is located on the south side of 24 Avenue, backs onto the north of 23 Avenue and is west of 115 Street. The site is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800.

The Subdivision and Development Appeal Board at a hearing on January 8, 2015 made and passed the following motion:

“that the appeal hearing be scheduled for FEBRUARY 11 or 12, 2015 at the written request of the Respondent and in agreement with the Appellants.”

Semi-detached Housing is a Discretionary Use in the RF1 Single Detached Residential Zone, Section 110.3(10).

Under Section 7.2(8), **Semi-detaching Housing** means development consisting of a building containing only two Dwellings joined in whole or part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

This application was approved by the Development Officer subject to conditions.

The decision of approval by the Development Officer has been appealed by adjacent property owners located at 2416 - 115 Street, 11536 - 24 Avenue, 11412 - 24 Avenue and on behalf of neighbouring property owners, and 11515 – 24 Avenue.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

The submitted Plot Plan created by Stantec Geomatics Ltd., dated August 5, 2014 shows that the subject site is slightly irregular shaped with a (south) Site Width of 17.68 metres and a (west) Site depth of 33.91 metres. The proposed Semi-detached House with front attached Garages is located 6.10 metres from the (north) Front Lot Line, 9.57 metres from the (south) Rear Lot Line, 1.83 metres from the (west) Side Lot Line, and 1.83 metres from the (east) Side Lot Line.

The Development Officer has provided the following information:

Site Area: 584.19 square metres
 42 percent allowable Site Coverage: 245.36 square metres
 Proposed Semi-detached House: 224.31 square metres
 (with front attached Garages)

Section 110.4(6)(c) states maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
Semi-detached Housing - Site area less than 600 square metres	28 percent	12 percent	42 percent	42 percent

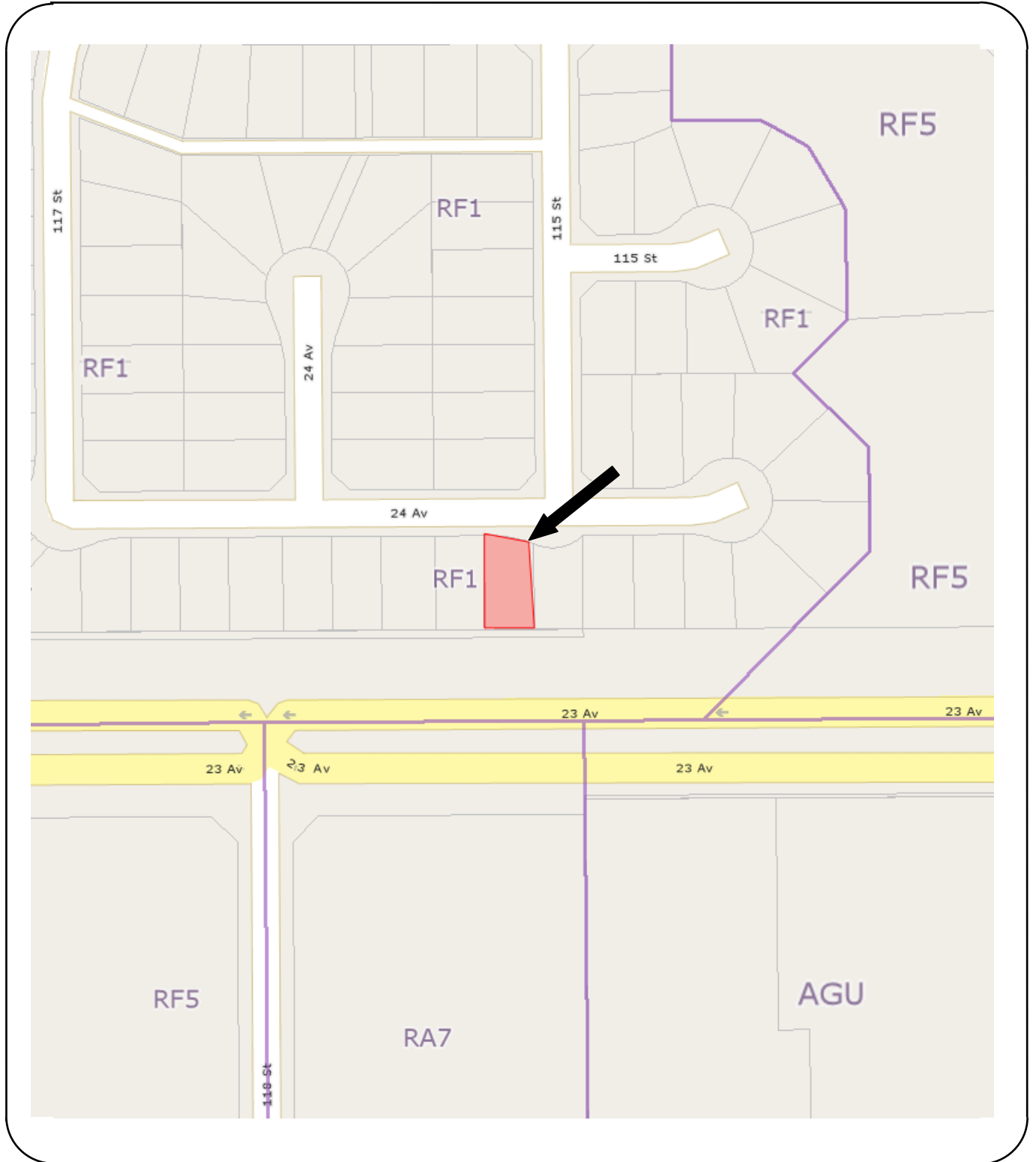
Section 110.1 states the purpose of the RF1 Single Detached Residential Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain circumstances.

The following permit application is listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
159168525-004	To demolish a single Detached House (3800 sq ft).	September 16, 2014; Approved with conditions.

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-15-029



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-030

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

APPELLANT:

APPLICATION NO.: 165334720-001

ADDRESS OF APPELLANT: 8024 - 85 Street NW
Edmonton AB T6C 3B6

APPLICATION TO: Construct a Semi-detached House with
verandas, fireplaces and Basement
developments (not to be used as additional
Dwelling units

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 5, 2015

NOTIFICATION PERIOD: January 8, 2015 through January 21, 2015

DATE OF APPEAL: January 19, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: RR3 – Calmar
Calmar, AB T0C 0V0

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8515 - 81 Avenue NW

LEGAL DESCRIPTION: Plan 1270HW Blk 19 Lot 18

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit authorizes the development of a Semi-Detached House with verandas, fireplaces and Basement developments (not to be used as additional Dwelling units). The development shall be constructed in accordance with the stamped and approved drawings.

The height of the principal building shall not exceed 8.6 m nor 2 1/2 Storeys as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

Any future basement development may require Development and Building Permit approvals.

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.

The maximum number of Dwellings per lot and applicable density regulations shall be as follows: Where Semi-detached Housing and Duplex Housing are allowed in this Zone, a maximum of two Dwellings per lot or and where Single Detached Housing is developed in this Zone, a maximum of one Dwelling per Site, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite shall be allowed. Reference Section 140.4(17)(b)

Semi-detached Housing requires 2 on-site parking spaces per Dwelling and may be in tandem to the attached garage. (Reference Section: 54.2(3))

A hard surface walkway is required between the Garage, Garage pad, or Parking Area and an entry to the Dwelling.

Except for the hardsurfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw.

Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area. (Reference Section 140.4(16))

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 140.4(15))

Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the facade, porches or entrance features, building materials, or other treatments. (Reference Section 140.4(18))

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Notes:

-Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

-The development of a Secondary Suite(s) in a Semi Detached House is prohibited by the Edmonton Zoning Bylaw 12800. There may be an inspection in the future to ensure that no illegal suite has been developed.

-Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

Variance:

Section 140.4(3)(b) Relaxed the minimum site width from 13.4 m to 12.8m.

APPELLANT'S SUBMISSION

I am appealing the above Development Permit on the following:

1. The neighborhood has an overabundance of Duplexes or Semi Detached Homes. When you look at the land use from 89 St to 83 St on 81 Avenue. When you look at these three blocks there is a total of 2 Fourplex, 9 Duplexes 8r Semi Detached Home, and 5 Residential Homes with suites.

APPELLANT'S SUBMISSION (CONTINUED)

2. These fourplexes and duplexes have added an additional 20 car to the area that have pushed the street parking to its maximum, When you add in the overflow parking from the businesses and Churches along 82 Ave the parking has been pushed past it's limit. Add to this the fact that some homes in the area have more than one car, parking for visitors can be impossible to find close to the home they wish to visit.
3. With the City now allowing garages to be built with 3.0 meters of the back lane the City has removed the parking that was available in a homeowner's backyard.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct a Semi-detached House with verandas, fireplaces and Basement developments (not to be used as additional Dwelling units).

The site is located on the south side of 81 Avenue, west of 85 Street and is zoned RF3 Small Scale Infill Development Zone, Section 140 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay.

Semi-detached Housing is a Permitted Use in the RF3 Small Scale Infill Development Zone, Section 140.2(8).

Under Section 7.2(8), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

Section 140.4(3)(b) states for Semi-detached Housing on a non-Corner Lot, the minimum Site Width shall be 13.4 metres, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 metres.

The Development Officer determined the minimum Site Width is 13.4 metres. The subject Site provides an existing Site Width of 12.8 metres, which is deficient by 0.6 metres and granted a variance in the minimum Site Width.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 8024 - 85 Street.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
CONTINUED

The submitted Plot Plan created by Pals Geomatics Corp., dated November 20, 2014 (revised January 5, 2015) shows that the subject site has a Site Width of 12.80 metres and a Site depth of 39.70 metres. The proposed Semi-detached House is located 7.01 metres from the (north) Front Lot Line, 1.30 metres from the (east) Side Lot Line, 1.30 metres from the (west) Side Lot Line, and 18.16 metres from the (south) Rear Lot Line.

The Development Officer has provided the following information:

Site Area:	508.23 square metres
28 percent allowable Site Coverage:	142.30 square metres
Proposed Semi-detached House:	142.21 square metres

Section 140.4(10)(d) states the maximum Site Coverage for Semi-detached Housing with a Site area of less than 600 square metres shall be 28 percent for Principal Dwelling / building; 14 percent for Accessory building; 42 percent for Principal building with attached Garage; and 42 percent Total Site Coverage.

Under Section 6.1(94), **Site Width** means the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.

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

Section 140.1 states the purpose of the 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.

The following permit applications are listed in the Sustainable Development POSSE system:

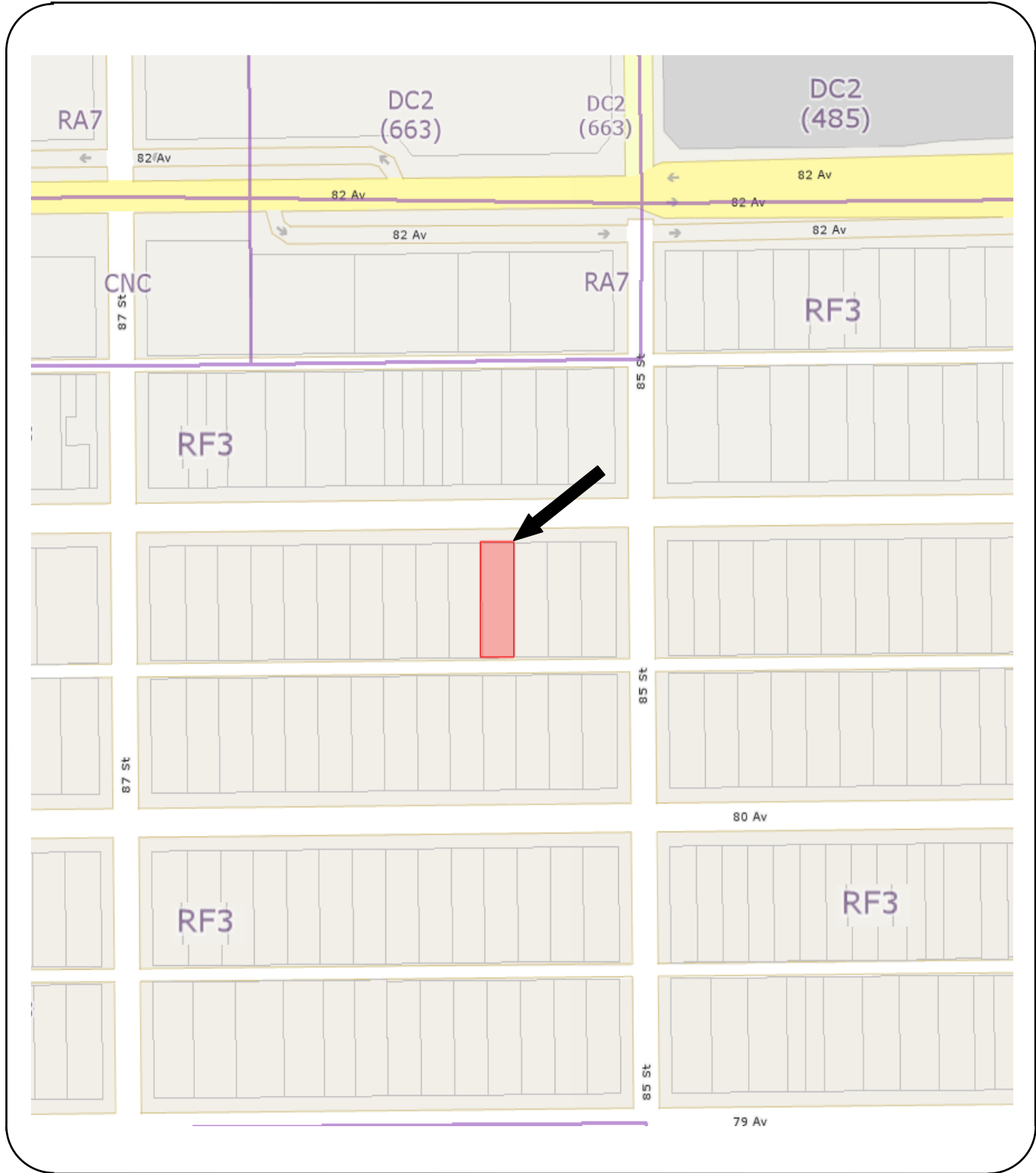
Application Number	Description	Decision
165409237-002 LDA14-0565-SUB	Application for Subdivision	Created December 8, 2014 – In Circulation.
165334720-003	To construct an Accessory Building (Detached Garage - 10.97m x 6.40m).	Created December 5, 2014; In Development Review.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
CONTINUED

Application Number	Description	Decision
117050385-001	To demolish 2 buildings, a Single Detached House (105.91 m ²) and a Detached Garage (29.73 m ²).	November 15, 2011; Approved with conditions.

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-15-030



BUSINESS LAID OVER

SDAB-D-15-011	An appeal by <u>Vernon Lappi</u> VS <u>Nissamka Wijayanayaka</u> to operate a Major Home Based Business from December 3, 2014 to December 3, 2019 (printing and applying 3M hood protection film). <i>February 18 or 19, 2015</i>
SDAB-D-15-019	An appeal by <u>Art Lab</u> to construct an Accessory Building (detached Garage, 4.88 metres by 6.10 metres). <i>March 5, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

162665810-001	An appeal by <u>Ogilvie LLP</u> to change the use from Convenience Retail Stores to a Restaurant (79.15 sq. m. public space) and construct interior alterations. <i>February 25 or 26, 2015</i>
161242059-003	An appeal by <u>Tom Parada</u> to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. <i>March 12, 2015</i>