

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 13, 2019**

**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-19-016	Construct an addition to an Accessory Building (attached carport to an existing detached Garage) existing without permits 13510 - 62 Street NW Project No.: 111792484-002
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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-19-016

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 111792484-002

APPLICATION TO: Construct an addition to an Accessory Building (attached carport to an existing detached Garage) existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 17, 2019

DATE OF APPEAL: January 17, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13510 - 62 Street NW

LEGAL DESCRIPTION: Plan 2676MC Blk 3 Lot 22

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:

The building permit was refused. More information will be provided.

The use of my Carport has improved my life. It makes life easier for me daily since it provides cover in our ever changing weather. It has helped improve my security system and appeal to neighbourhood, because it is well built.

This car-port is on corner lot. Please consider the fact that it is more spacious than many new builds. Also in no way is vehicle traffic view affected. It is also setback 13 ft. from closest public side walk.

As for weather we now have:

- it's less shoveling the snow

- it eliminate slippery surfaces in this area from coverage carport roof provides

On hot summer days, it provides shade for myself and vehicles. In rainy season, it gives protection from rain and hail storms.

I live in the Belvedere community for over 30 years. I like this neighbourhood, however it is a high theft area. This carport has bright lighting and with my security cameras installed, I see clearer and can say I have witnessed lights come on at night and wonderers flee. This gives me a sense of comform.

Life is too short, and I'm not getting any younger. I now have health issues. The carport help me a lot and I'm asking you to please help me also and consider my appeal for letting me keep the carport I now enjoy to use.

Overall I love my carport because it helps me a lot everyday hopefully for the rest of my life. I appreciate for your kind consideration.

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.

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 (a.4) and (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*:

Section 110.2(5) states **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;

Section 50.1(2) states that 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.

Under Section 6.1, **Garage** means an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport;

Section 110.1 states that the **General Purpose** of **(RF1) Single 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.

<i>Site Coverage</i>

Section 110.4(6)(a) states that the maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. a Single Detached Housing - Site greater than 300 square metres	28%	12%	40%	40%

Under Section 6.1, **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or

- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

Development Officer's Determination

Section 110.4(6) - The maximum Site Coverage for an Accessory building on a Site where the prescribed use is Single Detached Housing shall be 12%.

Previous SDAB decision (059622523-002): Granted an excess of 13.67 square meters (1.6%) in the maximum allowable Site Coverage for an Accessory Building.

Site Area: 852.24 m²

Permitted Accessory Building Site Coverage: 13.6% (115.87 m²)

Existing Accessory Building Site Coverage: 17.6% (149.74 m²)

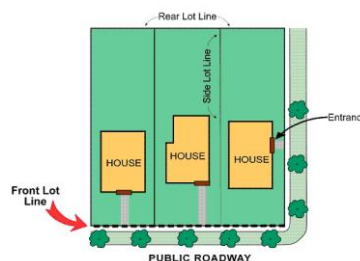
EXCEEDS permitted Site Coverage by: 5.0% (42.61 m²) [unedited]

Flanking Side Setback

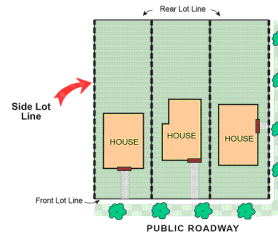
Section 50.3(5)(c) states that the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building. If the principal building was developed before October 2, 1961, the distance may be reduced, if the placement of the proposed Garage is consistent with the placement of other existing Garages in the same block.

Section 110.4(10)(d) states that 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 4.5 metres. If the Dwelling does not have an attached Garage also facing the flanking Side Lot Line, the minimum Side Setback may be reduced to 3.0 metres, in order to increase the Private Outdoor Amenity Area in the interior Side Yard.

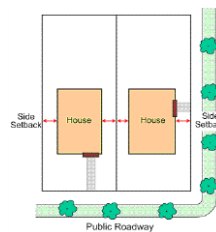
Under Section 6.1, **Front Lot Line** means the property line separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved 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.



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



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

Section 50.3(5)(c) - the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building.

- The existing carport addition protrudes into the 3.0 m flanking side setback.
- Proposed Flanking Setback 1.2 m [unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-06-212	Construct an addition to an accessory building (Shed Addition to a Detached Garage - 7.31 metres by 7.92 metres)	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.



Project Number: **111792484-002**
 Application Date: JAN 02, 2019
 Printed: January 17, 2019 at 9:42 AM
 Page: 1 of 2

Application for Accessory Building Permit

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

Applicant	Property Address(es) and Legal Description(s) 13510 - 62 STREET NW Plan 2676MC Blk 3 Lot 22
	Location(s) of Work Entryway: 13510 - 62 STREET NW Building: 13510 - 62 STREET NW

Scope of Application

To construct an addition to an Accessory Building (attached carport to an existing detached Garage) existing without permits.

Permit Details

Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 852.24
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Issue Date: Jan 17, 2019 **Development Authority:** FOLKMAN, JEREMY

Reason for Refusal

Section 110.4(6) - The maximum Site Coverage for an Accessory building on a Site where the prescribed use is Single Detached Housing shall be 12%.

Previous SDAB decision (059622523-002): Granted an excess of 13.67 square meters (1.6%) in the maximum allowable Site Coverage for an Accessory Building.

Site Area: 852.24 m2
 Permitted Accessory Building Site Coverage: 13.6% (115.87 m2)
 Existing Accessory Building Site Coverage: 17.6% (149.74 m2)
 EXCEEDS permitted Site Coverage by: 5.0% (42.61 m2)

Section 50.3(5)(c) - the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building.

- The existing carport addition protrudes into the 3.0 m flanking side setback.
- Proposed Flanking Setback 1.2 m

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.

THIS IS NOT A PERMIT



Application for Accessory Building Permit

Project Number: **111792484-002**
Application Date: JAN 02, 2019
Printed: January 17, 2019 at 9:42 AM
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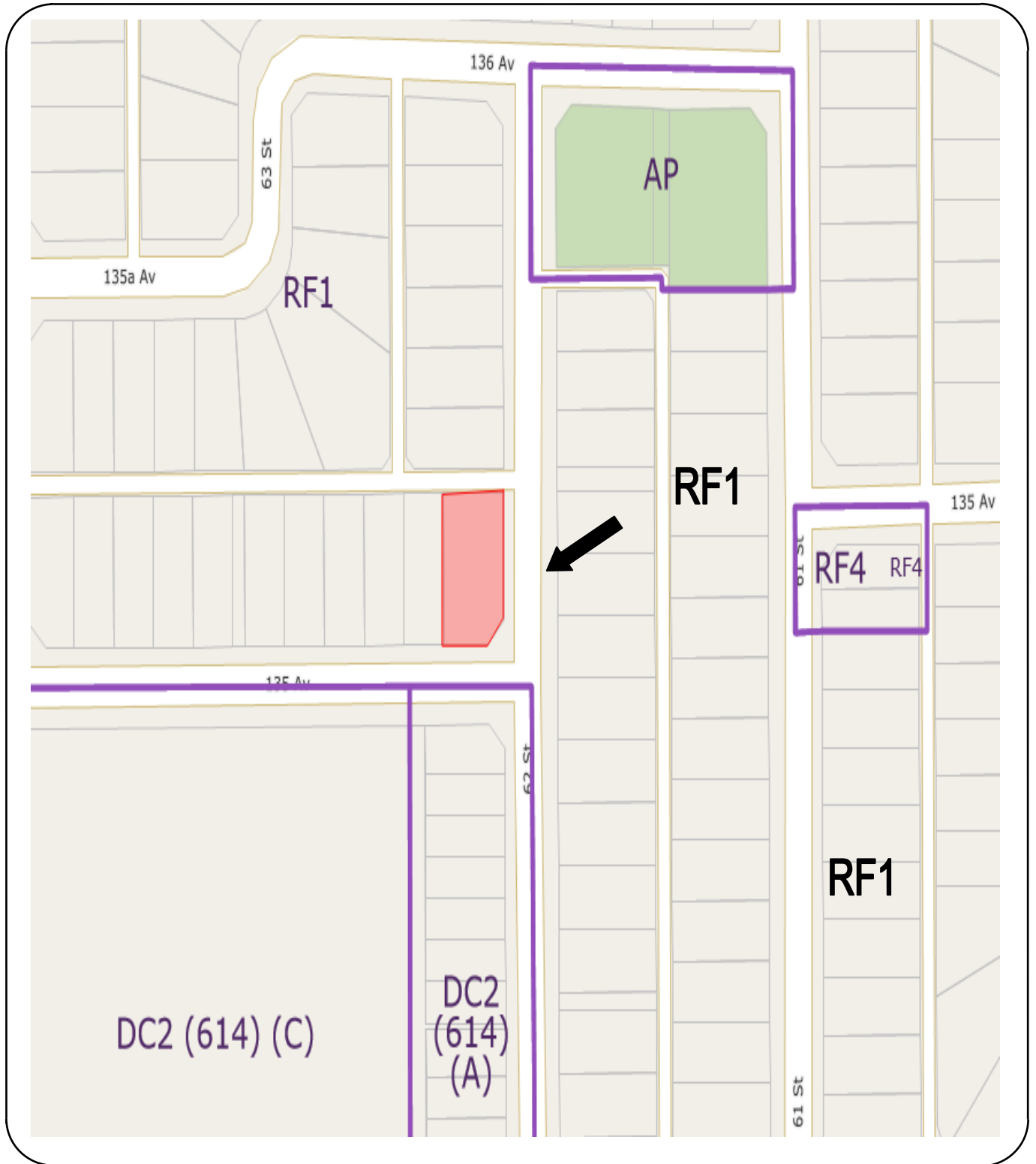
Building Permit Decision

Refused

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$118.00	\$118.00	05566664	Jan 02, 2019
Building Permit Fee (Accessory Building)	\$110.00	\$110.00	05566664	Jan 02, 2019
Safety Codes Fee	\$4.50	\$4.50	05566664	Jan 02, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$232.50	\$232.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-016

