

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
February 17, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-031

To construct a two-Storey Garden Suite (main floor Garage 6.70 metres by 10.40 metres, second floor Garden Suite 6.70 metres by 8.84 metres) and to demolish an Accessory building (detached Garage)

1900 - Lakewood Road South NW
Project No.: 367531642-002

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-21-031

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN

APPELLANT NO. 1:

APPELLANT NO. 2:

APPLICATION NO.: 367531642-002

APPLICATION TO: Construct a two-Storey Garden Suite (main floor Garage 6.70 metres by 10.40 metres, second floor Garden Suite 6.70 metres by 8.84 metres) and to demolish an Accessory building (detached Garage)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 13, 2021

DATE OF APPEALS: January 23, 2021 and January 28, 2021

NOTIFICATION PERIOD: January 19, 2021 through February 9, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 1900 - Lakewood Road South NW

LEGAL DESCRIPTION: Plan 7723072 Blk 30 Lot 40

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

Appellant No. 1

Out of character with the neighbourhood / Loss of privacy / Shadow & view issues blocking the sight lines facing South West / Parking issues

Appellant No. 2

1. We appeal the approved decision made by the Board in the File # 367531642-002 1900 Lakewood Road South for the reasons listed below.
2. No contact has been made with the neighboring property owners to discuss the proposed project prior to approval by the City and under the City Of Edmonton's best practices.
3. Meyonohk School is directly across the street from the opposed project. There is no parking on the street in the area and the school's crossing guards use the alley to ensure children are safe walking across the street. Parents use the parking area to drop off and pick up their children from school. Children are always walking through the alley going to school and returning home.
4. There is not enough parking in the area for people living in the upstairs and downstairs units at the opposed address. This will be worse if people are allowed to live above the garage.
5. Overlooking and loss of privacy.
6. We live in an old established neighborhood. A building such as this does not fit in with the neighborhood's character.
7. Noise during construction, which would distract school children. Noise from three families living on the same lot would create excess noise.
8. Nuisance.
9. Loss of daylight, shading of other properties.

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.

(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(2), **Garden Suite** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(2), **Garden Suite** means:

Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use includes Mobile Homes that conform to Section 78 of this Bylaw. This Use does not include Secondary Suites, or Blatchford Lane Suites.

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.”

Garden Suites - Floor Area

Section 87.3 states Floor Area shall be provided in accordance with the following:

- a. for the purposes of this regulation, Floor Area shall exclude Basement areas within the Garden Suite, up to 6 m² of the area covered by elevators and any associated landing area on each storey, and up to 6 m² of the area covered by stairways;
- b. the maximum total Floor Area for a Garden Suite shall be 130 m²;
- c. **in the RF1, RF2, RF3, RF4, RF5, RF6, RA7, RA8, and RA9 Zones, the maximum Second Storey Floor Area shall be 50 m², except where the Garden Suite complies with the regulations of Section 93 the maximum Second Storey Floor Area shall be 60 m²; and**
- d. in all other Zones, the maximum Second Storey Floor Area shall be 60 m².

Under Section 6.1, **Floor Area** means “the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.”



Development Officer's Determination

Second Floor Area - The second floor area of the garden suite is 53m², instead of 50m² (Section 87.3.c).

[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: 367531642-002 Application Date: JUL 10, 2020 Printed: January 13, 2021 at 2:30 PM Page: 1 of 3		
<h2>Minor Development Permit</h2>			
<p>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.</p>			
Applicant 	Property Address(es) and Legal Description(s) 1900 - LAKEWOOD ROAD SOUTH NW Plan 7723072 Blk 30 Lot 40 Specific Address(es) Suite: 1900G - LAKEWOOD ROAD SOUTH NW Entryway: 1900G - LAKEWOOD ROAD SOUTH NW Building: 1900G - LAKEWOOD ROAD SOUTH NW		
Scope of Permit To construct a two-Storey Garden Suite (main floor Garage 6.70m x 10.40m, second floor Garden Suite 6.70m x 8.84m) and to demolish an Accessory building (detached Garage).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Garden Suite Secondary Suite Included?: Y </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 0 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Garden Suite Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 0 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: (none)
# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: 1 Client File Reference Number: Minor Dev. Application Fee: Garden Suite Secondary Suite Included?: Y	# of Primary Dwelling Units To Construct: 0 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: (none)		
Development Permit Decision Approved Issue Date: Jan 13, 2021 Development Authority: ZHOU, ROWLEY			

Minor Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).

This Development Permit authorizes the development of a two-Storey Garden Suite (main floor Garage 6.70m x 10.40m, second floor Garden Suite 6.70m x 8.84m) and to demolish an Accessory building (detached Garage).

The development shall be constructed and demolished in accordance with the stamped and approved drawings.

WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6).

An approved building permit for demolition is required prior to starting the demolition.

Immediately upon demolition of the building, the site shall be cleared of all debris.

Frosted or translucent glass treatment shall be used on windows to minimize overlook into adjacent properties (Section 87.11).

Platform Structures greater than 1.0 m above Grade shall provide Privacy Screening to reduce overlook onto Abutting properties (Section 87.14).

Façades facing a Lane shall have exterior lighting (Section 87.17).

A maximum of one Household shall occupy a Garden Suite (Section 87.20).

A Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business (Section 87.21).

The Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision (Section 87.23).

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices (Section 51).

ADVISEMENTS:

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

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

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

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 (Section 5.2).

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.



Project Number: 367531642-002
Application Date: JUL 10, 2020
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Minor Development Permit

Variances

Second Floor Area - The second floor area of the garden suite is 53m2, instead of 50m2 (Section 87.3.c).

Rights of Appeal

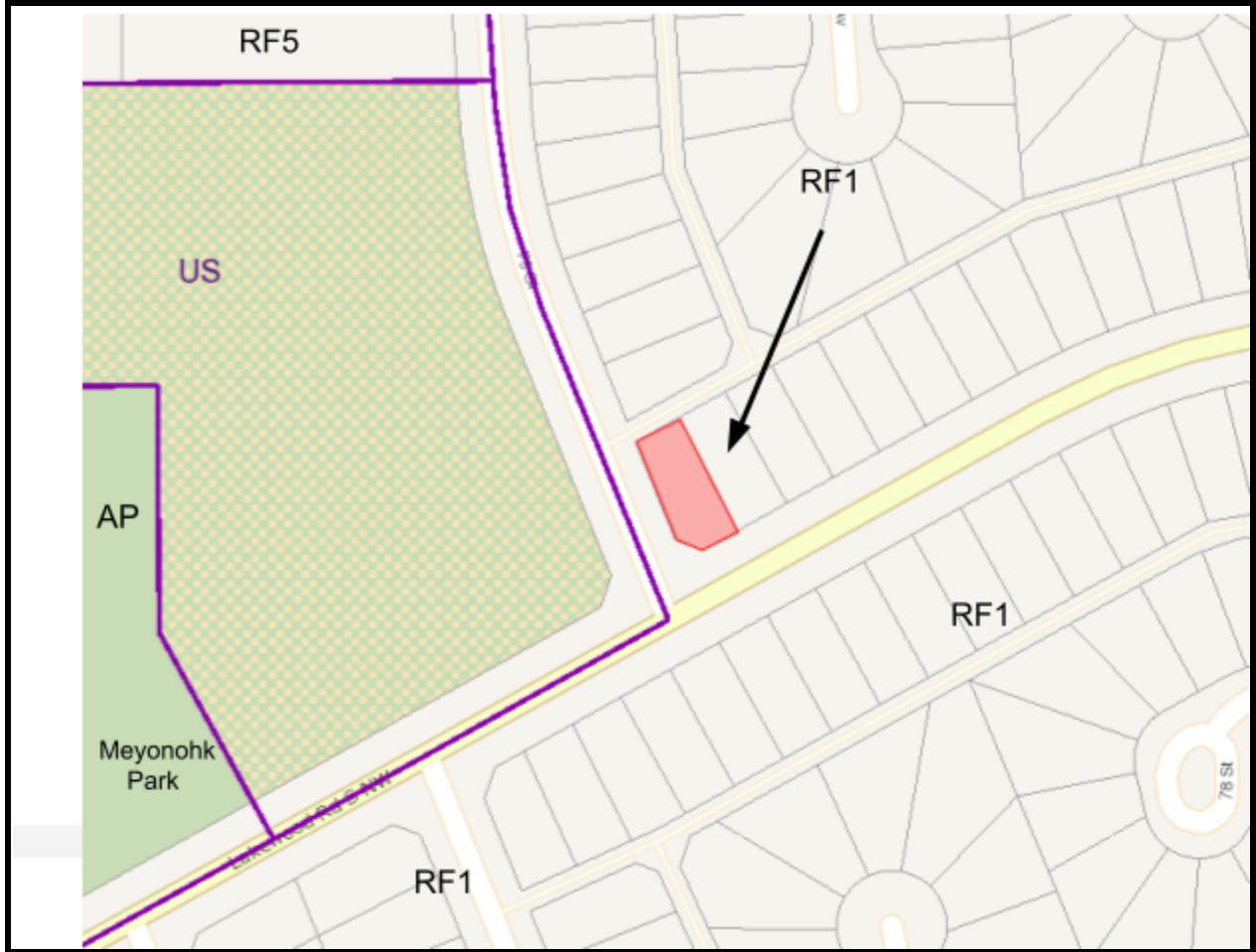
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Jan 19, 2021

Ends: Feb 09, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$293.00	\$293.00	9955770625110010	Aug 31, 2020
Sanitary Sewer Trunk Fund (Secondary/Garden Suite)	\$758.00	\$758.00	9955770625110010	Aug 31, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,051.00	\$1,051.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-031