

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 18, 2016**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-16-056

To construct exterior and interior alterations
(new doors and windows) and develop a
Secondary Suite in the Basement of an existing
Single Detached House

11427 - 38 Avenue NW
Project No.: 184742186-001

II 10:30 A.M. SDAB-D-16-057

To construct an over height Fence (maximum
height at 2.29m)

4003 - 125 Street NW
Project No.: 181646896-002

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-16-056

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

APPELLANT:

APPLICATION NO.: 184742186-001

ADDRESS OF APPELLANT: 11423 – 38 Avenue NW

APPLICATION TO: Construct exterior and interior alterations (new doors and windows) and develop a Secondary Suite in the Basement of an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 12, 2016

DATE OF APPEAL: January 20, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 11427 - 38 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11427 - 38 Avenue NW

LEGAL DESCRIPTION: Plan 3614NY Blk 58 Lot 10

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

I live next door at 11423-38 ave, am a single father with a 9 year old son. i have had experience living next to rental properties and it is not an experience that i found rewarding. I had talked to the new owner and was under the impression that he would be renting it out

to a young family. Now i find that a basement suite is being developed which means multiple renters. This is not acceptable This neighbourhood was developed for families to live and grow, and duplexes, townhouses are for renting. The value of my property will drop. [unedited]

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.

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,

The decision of the Development Officer is dated January 12, 2016. The Notice of Appeal was filed on January 20, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 110.1, 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, Semi-detached Housing and Duplex Housing under certain conditions.

Pursuant to Section 110.2(3), **Secondary Suites** are a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Pursuant to Section 7.2(7), “**Secondary Suites**” means:

... development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

<i>Parking</i>

Section 54.2(2) Schedule 1 provides that for Secondary Suites, “1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling” is required.

In addition, “tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.”

Section 54.2(4)(a)(iii) reads as follows:

for parking spaces other than parallel parking spaces, up to 30% of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.6 m. Such spaces shall be clearly signed as small car spaces, easily located and convenient to use;

Development Officer’s Determination:

Variances

Parking - 60% of the required parking spaces (i.e. 2 out of 3 required parking spaces) may be a minimum length of 4.6m, instead of 30% (Section 54.2.4.a.iii). [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. 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.



Project Number: **184742186-001**
Application Date: DEC 16, 2015
Printed: January 12, 2016 at 2:44 PM
Page: 1 of 3

Minor Development Permit

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.

Applicant CHRISTOPHER KEITH HOMES 	Property Address(es) and Legal Description(s) 11427 - 38 AVENUE NW Plan 3614NY Blk 58 Lot 10 Specific Address(es) Suite: BSMT, 11427 - 38 AVENUE NW Entryway: 11427 - 38 AVENUE NW Building: 11427 - 38 AVENUE NW
--	---

Scope of Permit
To construct exterior and interior alterations (new doors and windows) and develop a Secondary Suite in the Basement of an existing Single Detached House.

Permit Details # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
--	--

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **184742186-001**
 Application Date: DEC 16, 2015
 Printed: January 12, 2016 at 2:44 PM
 Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes exterior and interior alterations (new doors and windows) and develop a Secondary Suite in the Basement of an existing Single Detached House. The development shall be constructed in accordance with the stamped and approved drawings. It does not authorize any other additions to the principal building.

1. A Secondary Suite shall be developed in such a manner that the exterior of the principal building (including the new door added to the principal building) containing the Secondary Suite shall appear as a single Dwelling.
2. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
3. A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
4. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.
5. The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
6. Parking shall be provided in accordance with the stamped and approved drawings.
7. 1 parking space per 2 Sleeping Units shall be provided in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites and Garage Suites. (Reference Section 54.2(2))
8. Unless a parking variance has been granted, the minimum width of the each required parking stall shall be 2.6m x 5.5m (Reference Section 54.2(4)(a))
9. 2 required parking spaces may be of a length shorter than that required above, to a minimum of 4.6m. Such spaces shall be clearly signed as small car spaces, easily located and convenient to use. No vehicles shall overhang onto the lane. This Development Permit shall be revoked if the conditions of this permit are not met.
10. All required parking shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced. (Reference Section 54.6(1)(i))
11. Notwithstanding Secondary Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton-Strathcona County Joint Planning Study Area Secondary, Garage and Garden Suites Overlay in Section 822 of this Bylaw.

NOTES:

1. 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.
2. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

Variations

Parking - 60% of the required parking spaces (i.e. 2 out of 3 required parking spaces) may be a minimum length of 4.6m, instead of 30% (Section 54.2.4.a.iii).

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **184742186-001**
 Application Date: DEC 16, 2015
 Printed: January 12, 2016 at 2:44 PM
 Page: 3 of 3

Minor Development Permit

Rights of Appeal

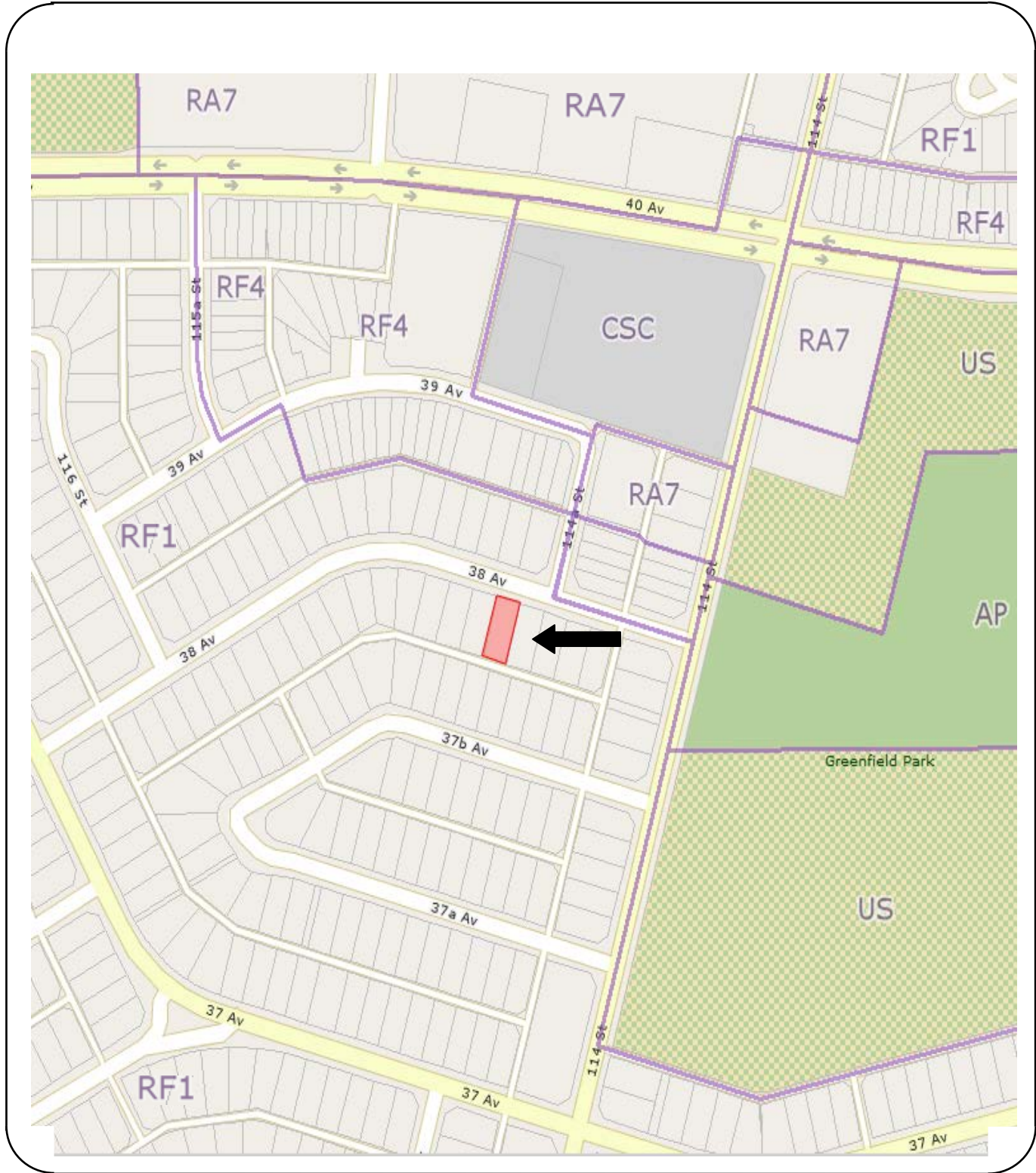
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jan 12, 2016 **Development Authority:** YEUNG, KENNETH **Signature:** _____
Notice Period Begins: Jan 19, 2016 **Ends:** Feb 01, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$260.00	\$260.00	02958488	Dec 16, 2015
Sanitary Sewer Trunk Fee for Secondary Suite	\$633.00	\$633.00	02958488	Dec 16, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$893.00	\$893.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-056



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-057

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

APPELLANT:

APPLICATION NO.: 181646896-002

ADDRESS OF APPELLANT: 12404 - 40 Avenue NW

APPLICATION TO: Construct an over height Fence (maximum height at 2.29m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 7, 2016

DATE OF APPEAL: January 26, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 4003 - 125 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4003 - 125 Street NW

LEGAL DESCRIPTION: Plan 6773MC Blk 12 Lot 98

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

- If this fence is built to a height of 2.29m, it will cause:
 - A sun-shadowing effect, in our garden and backyard.
 - I will be unable to see the bus stop, and street from my office.
 - It will create a massing effect for our home, and we will feel closed in.
 - It will reduce light into our home windows, and visibility out of our windows.

- It would ruin our aesthetics, streetscape and affect our property value.
- We presently have a black chain link fence, built on our property. Photos to follow over next few weeks. [unedited]

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.

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,

The decision of the Development Officer is dated January 7, 2016. The Notice of Appeal was filed on January 26, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 110.1, 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, Semi-detached Housing and Duplex Housing under certain conditions.

Fence Height

Section 49(3) provides as follows:

1. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 m in Height, measured from the general ground level 0.5 m back of the property line of the Site on which the fence, wall, or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting:
 - a. the Front Yard, or
 - b. Side Yard abutting a public roadway other than a Lane.

Development Officer's Determination:

Variances

Fence Height - The fence along lane is 2.29m high, instead of 1.85m (Section 49.3) [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. 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.



Project Number: **181646896-002**
 Application Date: NOV 26, 2015
 Printed: January 7, 2016 at 1:53 PM
 Page: 1 of 2

Minor Development Permit

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</p> <p>CHEN, LIN </p>	<p>Property Address(es) and Legal Description(s)</p> <p>4003 - 125 STREET NW Plan 6773MC Blk 12 Lot 98</p> <hr/> <p>Specific Address(es)</p> <p>Suite: 4003 - 125 STREET NW Entryway: 4003 - 125 STREET NW Building: 4003 - 125 STREET NW</p>
--	--

Scope of Permit
 To construct an overheight fence (maximum height at 2.29m).

<p>Permit Details</p> <p># of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N</p>	<p>Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>
---	---

I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

Subject to the Following Conditions
 This Development Permit authorizes the development of a 2.29m high fence. The development shall be constructed in accordance with the stamped and approved drawings.

1. This application was circulated to Transportation Services, who did support the fence height. However they have the follow conditions:
 a) The flower box and the contents shall be removed from within road right of way.
 b) The garbage enclosure may remain within road right of way, if it is moveable and not affixed to the ground.

Note:
 The removal of the flower box and contents shall be done by April 1, 2016. Failure to do so will result in enforcement action.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

Variations
 Fence Height - The fence along lane is 2.29m high, instead of 1.85m (Section 49.3)

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.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **181646896-002**
Application Date: NOV 26, 2015
Printed: January 7, 2016 at 1:53 PM
Page: 2 of 2

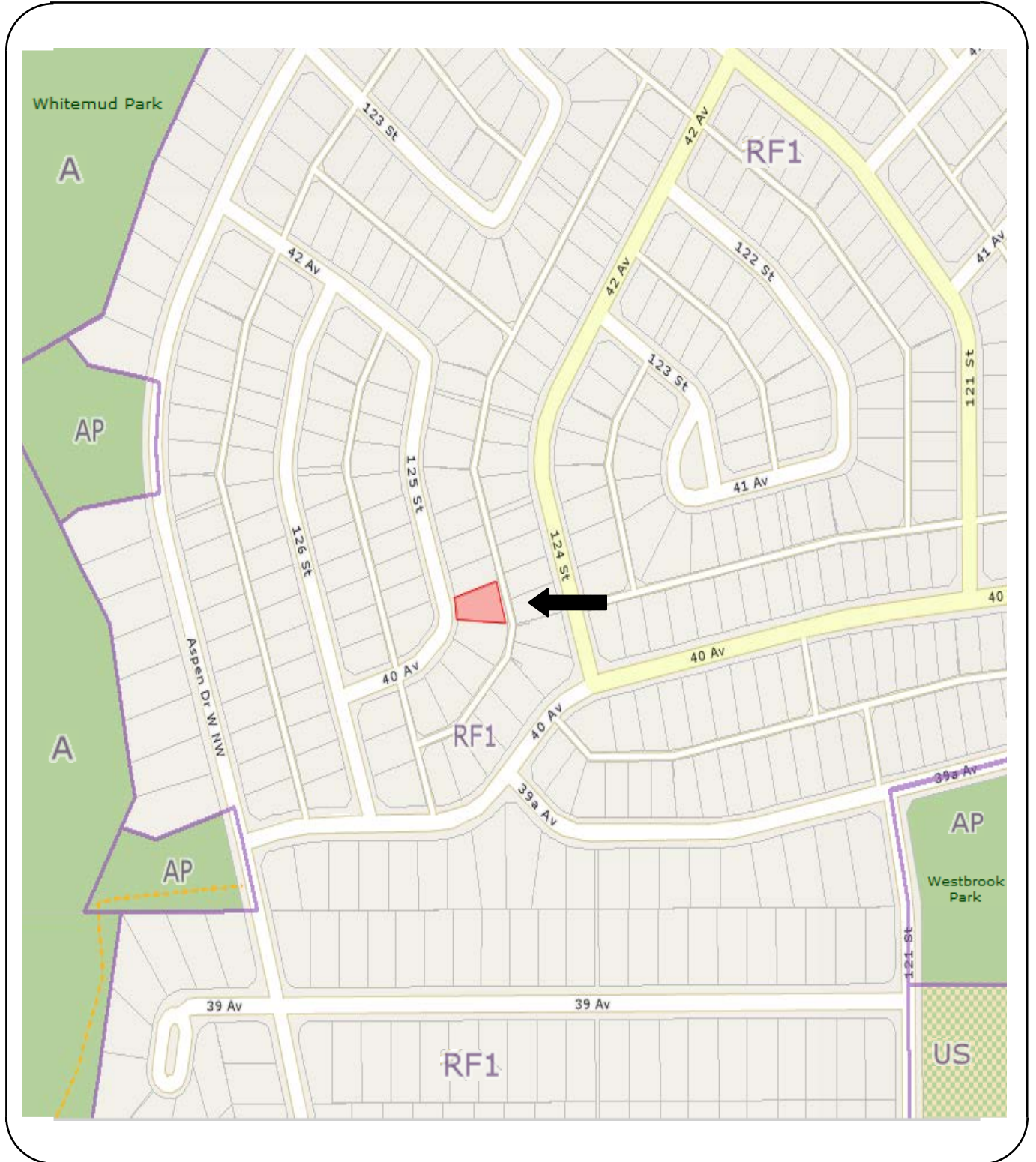
Minor Development Permit

Issue Date: Jan 07, 2016 **Development Authority:** BAUER, KERRY **Signature:** _____
Notice Period Begins: Jan 14, 2016 **Ends:** Jan 27, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$161.00	\$161.00	02917439	Nov 26, 2015
DP Notification Fee	\$40.00	\$40.00	02917439	Nov 26, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$201.00	\$201.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-057



BUSINESS LAID OVER

SDAB-D-15-285	An appeal to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 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-16-049	An appeal to develop a Parking Area Accessory to an existing Apartment House. <i>March 9 or 10, 2016</i>
SDAB-D-16-501	An appeal to demolish an existing building. <i>March 30 or 31, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

--	--