

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
February 20, 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-19-019

To construct an Accessory building (detached
Garage, 9.45 metres by 11.26 metres).

208 - Brander Drive NW
Project No.: 301770564-001

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-19-019

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 301770564-001

APPLICATION TO: Construct an Accessory building (detached Garage, 9.45 metres by 11.26 metres).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 17, 2019

DATE OF APPEAL: January 28, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 208 - Brander Drive NW

LEGAL DESCRIPTION: Plan 5452RS Blk 24 Lot 4

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I need the height for an Auto lift. I restore antique cars as a hobby.

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 clauses (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(7) states **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 6.1, **Accessory** is 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, the **General Purpose** of **(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 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is to provide a development Setback from the North Saskatchewan River Valley and Ravine System.

Height (Midpoint)

Section 50.3(3) states that an Accessory building or structure shall not exceed 4.3 metres in Height.

Development Officer's Determination

Height (to midpoint): Maximum height of detached garage is 5.0m instead of 4.3m (Section 50.3.3) [unedited]

Height (to peak)

Section 52.2(c) states that where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer's Determination

Height (to peak): Maximum height of detached garage is 6.3m instead of 5.8m (Section 52.2.c) [unedited]

Setback from Overlay

Section 811.3(1) states that all developments shall maintain a minimum 7.5 metre Setback from the North Saskatchewan River Valley and Ravine System.

Development Officer's Determination

Overlay – Detached garage is setback 0.9m from the North Saskatchewan River Valley and Ravine System instead of 7.5m (Section 811.3.1) [unedited]

Driveway

Section 54.1(4) states that the Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 metres, or the width of the Garage or Parking Area, whichever is the lesser;
- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 metres multiplied by the total number of adjacent side-by-side parking

spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and


- d. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 4.3 metres.

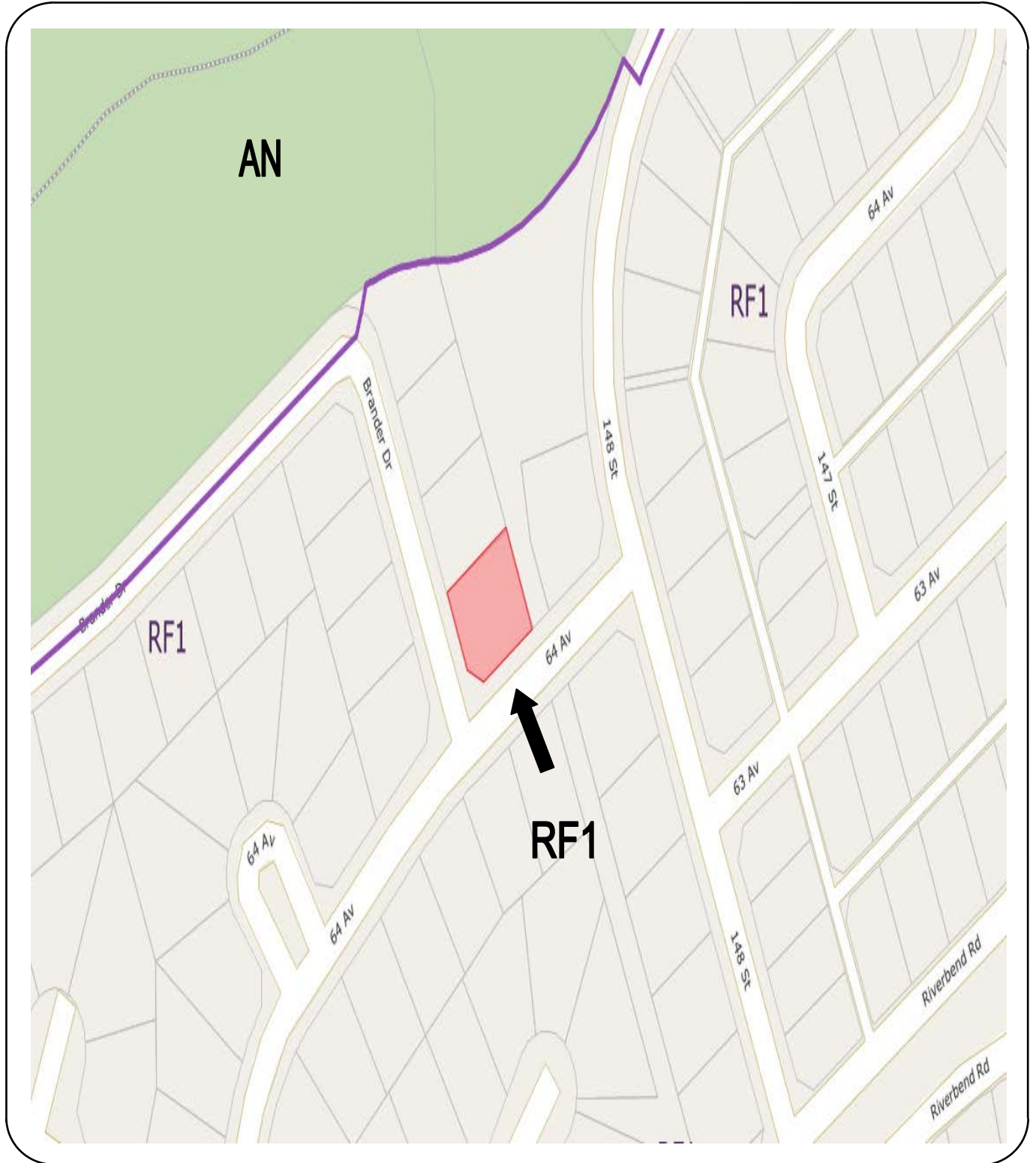
Development Officer's Determination

Driveway – This property has two driveways instead of one driveway (Section 54.1.4)
[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: 30177056 Application Date: JAN 17, 2019 Printed: January 17, 2019 at 11:00 AM Page:																														
<h2 style="margin: 0;">Application for Accessory Building Permit</h2>																															
This document is a Development Permit Decision for the development application described below.																															
Applicant	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> Property Address(es) and Legal Description(s) 208 - BRANDER DRIVE NW Plan 5452RS Blk 24 Lot 4 </td> </tr> <tr> <td style="padding: 5px;"> Location(s) of Work Entryway: 208 - BRANDER DRIVE NW Building: 208 - BRANDER DRIVE NW </td> </tr> </table>	Property Address(es) and Legal Description(s) 208 - BRANDER DRIVE NW Plan 5452RS Blk 24 Lot 4	Location(s) of Work Entryway: 208 - BRANDER DRIVE NW Building: 208 - BRANDER DRIVE NW																												
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Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 5px;"> Class Of Permit: Class A Stat. Plan Overlay/Annex Area: (none) </td> <td style="width: 50%; padding: 5px;"> Site Area (sq. m.): 900.78 </td> </tr> </table>		Class Of Permit: Class A Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 900.78																												
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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: POTTER, CHRISTINA Reason for Refusal <ol style="list-style-type: none"> 1. Height (to midpoint): Maximum height of detached garage is 5.0m instead of 4.3m (Section 50.3.3). 2. Height (to peak): Maximum height of detached garage is 6.3m instead of 5.8m (Section 52.2.c). 3. Overlay - Detached garage is setback 0.9m from the North Saskatchewan River Valley and Ravine System instead of 7.5m (Section 811.3.1). 4. Driveway - This property has two driveways instead of one driveway (Section 54.1.4). 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 Refused																															
Fees <table style="width: 100%; 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>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">05571707</td> <td style="text-align: right;">Jan 04, 2019</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$118.00</td> <td style="text-align: right;">\$118.00</td> <td style="text-align: right;">05571707</td> <td style="text-align: right;">Jan 04, 2019</td> </tr> <tr> <td>Building Permit Fee (Accessory Building)</td> <td style="text-align: right;">\$110.00</td> <td style="text-align: right;">\$110.00</td> <td style="text-align: right;">05571707</td> <td style="text-align: right;">Jan 04, 2019</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$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;">\$232.50</td> <td style="text-align: right; border-top: 1px solid black;">\$232.50</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$4.50	\$4.50	05571707	Jan 04, 2019	Development Application Fee	\$118.00	\$118.00	05571707	Jan 04, 2019	Building Permit Fee (Accessory Building)	\$110.00	\$110.00	05571707	Jan 04, 2019	Total GST Amount:	\$0.00				Totals for Permit:	\$232.50	\$232.50		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-019

