

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 25, 2016**

**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-16-063	Construct exterior alterations to a Semi-detached House (Driveway extension, 1.83m x 5m) 6519 - 172 Avenue NW Project No.: 176844527-002
<hr/>			
II	10:30 A.M.	SDAB-D-16-064	Construct an addition to a Single Detached House (Breezeway: 5.18 m x 4.49 m to a detached garage), existing without permits 732 - Johns Road NW Project No.: 144630834-001
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III	1:15 P.M.	SDAB-D-16-065	Erect an overheight fence (1.93 in Height) in the Front and Side Yards 16508 - 113 Street NW Project No.: 180559542-001
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IV	2:30 P.M.	SDAB-D-16-066	Develop a Secondary Suite in the Basement of an existing Single Detached House. 8519 - 76 Avenue NW Project No.: 178513054-006

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-16-063

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176844527-002

ADDRESS OF APPELLANT: 6519 - 172 Avenue NW

APPLICATION TO: Construct exterior alterations to a Semi-detached House (Driveway extension, 1.83m x 5m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 19, 2016

DATE OF APPEAL: February 2, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6519 - 172 Avenue NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 4

ZONE: RF4 Semi-Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: McConachie Neighbourhood Structure Plan, Pilot Sound Area Structure Plan

Grounds for Appeal

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

Same driveway are same area more than once.

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 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 Board is advised that the decision of refusal by the Development Officer is dated January 19, 2016. The Notice of Appeal was filed on February 2, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 150.1 states that the **General Purpose** of the **RF4 Semi-detached Residential Zone** is “ to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

Under Section 150.2(5), **Semi-detached Housing** is a **Permitted Use** in the RF4 Semi-detached Residential Zone.

Under section 7.2(8), **Semi-detached Housing** is defined as follows:

... 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.

Definition of Driveway

Section 6.1(26) states: “**Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Section 54.1(5) states: “The Driveway shall lead directly from the roadway to the required Garage or Parking Area.”

Development Officer’s Determination

1. Section 6.1(26) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Section 54.1(5) - The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

- Other than the approved concrete front driveway, the existing concrete extension does not lead to an overhead garage door.

[unedited]

No Parking in Front Yard

Section 54.2(2)(e)(i) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- (i) parking spaces shall not be located within a Front Yard;

Development Officer’s Determination

2. Section 54.2(2)(e)(i) - Except for Driveways, parking spaces shall not be located within a Front Yard.

- The proposed Driveway extension is in the Front Yard. Parking is not allowed on the Front Yard and the extension should be landscaped.

[unedited]

Driveway Width

Section 54.1(4)(b) states:

The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- (b) a maximum width that shall be calculated as the product of 3.1m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;

Development Officer's Determination

3. Section 54.1(4) - The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have: (b) a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

Proposed width of driveway, walkway, and extension: 6.07m

Maximum width of driveway: 3.10m

Exceeds by: 2.97m

[unedited]

Landscaping

Section 55.4(1) states:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

Section 6.1(55) states:

Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture;

Development Officer's Determination

4. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

- The existing concrete extension is in the Front Yard. The Front Yard must be landscaped. Monolithic concrete is not a form of landscaping (Reference Section 6.1(55)).

[unedited]

<p><i>Variance Power</i></p>

Section 11.3 states:

The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

1. the proposed development would not, in their opinion:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
2. the proposed development would, in his opinion, conform with the use prescribed for that land or building in this Bylaw; and
3. the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in his opinion:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Development Officer's Determination

5. Section 11.3(1) - Given the above observations, it is the opinion of the Development Officer that the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties. Other than areas approved as a Driveway, the rest of the Front Yard should be landscaped. The extension of concrete onto area required to be landscaped, is unsightly. Parking on areas that should be landscaped also takes away from desirable curb appeal.

[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: 176844527-002
Application Date: NOV 26, 2015
Printed: February 2, 2016 at 2:28 PM
Page: 1 of 3

Application for Minor Development Permit

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

Applicant NEW CENTURY HOMES 	Property Address(es) and Legal Description(s) 6519 - 172 AVENUE NW Plan 1520589 Blk 13 Lot 4 Specific Address(es) Entryway: 6519 - 172 AVENUE NW Building: 6519 - 172 AVENUE NW
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Scope of Application
To construct exterior alterations to a Semi-detached House (Driveway extension, 1.83m x 5m)

Permit Details # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Application for Minor Development Permit

Project Number: **176844527-002**
 Application Date: NOV 26, 2015
 Printed: February 2, 2016 at 2:28 PM
 Page: 2 of 3

Reason for Refusal

1. Section 6.1(26) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.
 Section 54.1(5) - The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

- Other than the approved concrete front driveway, the existing concrete extension does not lead to an overhead garage door.

2. Section 54.2(2)(e)(i) - Except for Driveways, parking spaces shall not be located within a Front Yard.

- The proposed Driveway extension is in the Front Yard. Parking is not allowed on the Front Yard and the extension should be landscaped.

3. Section 54.1(4) - The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have: (b) a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

Proposed width of driveway, walkway, and extension: 6.07m

Maximum width of driveway: 3.10m

Exceeds by: 2.97m

4. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

- The existing concrete extension is in the Front Yard. The Front Yard must be landscaped. Monolithic concrete is not a form of landscaping (Reference Section 6.1(55)).

5. Section 11.3(1) - Given the above observations, it is the opinion of the Development Officer that the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties. Other than areas approved as a Driveway, the rest of the Front Yard should be landscaped. The extension of concrete onto area required to be landscaped, is unsightly. Parking on areas that should be landscaped also takes away from desirable curb appeal.

NOTES:

Sufficient on site parking is provided through the provision of a front attached garage and 1 parking space in tandem on the approved Driveway, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

It is the opinion of the Development Authority that the concrete extension sets a negative precedent for the neighbourhood.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

THIS IS NOT A PERMIT



Project Number: 176844527-002
Application Date: NOV 26, 2015
Printed: February 2, 2016 at 2:28 PM
Page: 3 of 3

Application for Minor Development Permit

Issue Date: Jan 19, 2016 Development Authority: XIE, JASON Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02919308	Nov 26, 2015
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02919308	Nov 26, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$310.00	\$310.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-063



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-064

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 144630834-001

ADDRESS OF APPELLANT: 732 - Johns Road NW

APPLICATION TO: Construct an addition to a Single Detached House (Breezeway: 5.18 m x 4.49 m to a detached garage), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 19, 2016

DATE OF APPEAL: January 29, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 732 - Johns Road NW

LEGAL DESCRIPTION: Plan 9122977 Blk 12 Lot 33

ZONE: RPL Planned Lot Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Burnewood Neighbourhood Area Structure Plan

Grounds for Appeal

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

I feel that this development will not interfere with my neighbours and discrepancies are very minor.

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 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 Board is advised that the decision of refusal by the Development Officer is dated January 19, 2016. The Notice of Appeal was filed on January 29, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 130.1 states that the **General Purpose** of the **RPL Planned Lot Residential Zone** is “ to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.”

Under section 120.2(4), **Single Detached Housing** is a **Permitted Use** in the RPL Planned Lot Residential Zone.

Under section 7.2(9), **Single Detached Housing** is defined as follows:

...development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Site Coverage

Section 130.4.3 states:

Maximum Site coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached Housing	35%	17%	47%	47%
b. Single Detached Housing - one Side Setback reduced to zero	38%	17%	53%	53%
c. All other Uses	35%	17%	47%	47%

Development Officer’s Determination

1. Section 130.4.3 - Maximum Site Coverage for Single Detached Housing on Site greater than 300m2 shall be 47% for Principal building with attached Garage and Total Site Coverage.

Maximum Total Site Coverage: 47%
 Proposed Total Site Coverage: 48%
 Exceeds by: 1%

[unedited]

Side Setback

Section 130.4(5) states:

The minimum Side Setback shall be [1.2 m](#), except that:

- a. the minimum Side Setback abutting a public roadway other than a Lane shall be 20% of the Site Width or [2.4 m](#), whichever is greater. Where a Garage is attached to the principal building, and the vehicle doors of the Garage face a flanking public roadway other than a Lane, the distance between any portion of these vehicle doors and the flanking public roadway shall be not less than [4.5 m](#). The minimum Side Setback abutting a Lane shall be [1.2 m](#).
- b. one Side Setback may be reduced to 0 m where:
 - i. the other Side Setback is a minimum of [1.5 m](#);
 - ii. all roof leaders from the Dwelling are connected to the storm sewer service;
 - iii. all roof leaders from Accessory buildings are connected to the storm sewer service or directed to drain directly to an adjacent lane;
 - iv. no roof leader discharge shall be directed to the maintenance easement; and
 - v. the owner of the adjacent Site register against title, a private maintenance easement a minimum of [1.5 m](#) wide that provides for:

1. a [0.30 m](#) eave encroachment easement with the requirement that the eaves must not be closer than [0.90 m](#) to the eaves on the adjacent building;
2. a [0.60 m](#) footing encroachment easement;
3. a drainage swale, constructed as per the City of Edmonton Design and Construction Standards; and
4. permission to access the easement area for maintenance of both properties.

Development Officer's Determination

2. Section 130.4.5 - The minimum Side Setback shall be 1.2m.

Minimum: 1.2m

Proposed: 0.9m - left, 0.9m - right

Deficient by: 0.3m

[unedited]

Rear Yard

Section 130.4(6) states:

The Rear Yard shall be based on a consideration of the requirements of clauses 3, 7, 8 and 9 and in no case shall be less than [4.0 m](#).

Development Officer's Determination

3. Section 130.4.6 - The Rear Yard in no case shall be less than 4.0 m.

Minimum: 4.0m

Proposed: 1.2m

Deficient by: 2.8m

[unedited]

Private Outdoor Amenity Area

Section 130.4(8) states:

A minimum Private Outdoor Amenity Area of [45 m²](#) per principal Dwelling shall be designated on the Site plan. Neither the width nor length of the Private Amenity Area shall be less than [4.0 m](#). The Private Outdoor Amenity Area may be located within a required Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions.

Development Officer's Determination

4. Section 130.4.8 - A minimum Private Outdoor Amenity Area of 45 m² per principal Dwelling shall be designated on the Site plan. Neither the width nor length of the Private Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within a required Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions.

Required: Private Outdoor Amenity Area shall not be less than 4.0m in length or width.
Proposed: Private Outdoor Amenity Area is 0.9m in width.

[unedited]

Compatibility with Existing Structures

Section 130.4(12) states:

Individual Development Permit applications shall be evaluated in terms of compatibility with existing structures on the block face, taking into account proposed development Setbacks, Dwelling entrances and orientation, massing, roof-lines, the location of windows and other openings in walls and elevational treatment of wall openings, building façades, and finishing materials.

Development Officer's Determination

5. Section 130.4.12 - Individual Development Permit applications shall be evaluated in terms of compatibility with existing structures on the block face, taking into account proposed development Setbacks, Dwelling entrances and orientation, massing, roof-lines, the location of windows and other openings in walls and elevational treatment of wall openings, building facades, and finishing materials.

- The development proposes setbacks, massing, and Private Outdoor Amenity Area that are inconsistent with the established built form of the blockface.

[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: 144630834-001
Application Date: OCT 04, 2013
Printed: February 1, 2016 at 9:12 AM
Page: 1 of 2

Application for Minor Development Permit

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

Applicant RAMALINGAM, BALASUBRAMANIAM 	Property Address(es) and Legal Description(s) 732 - JOHNS ROAD NW Plan 9122977 Blk 12 Lot 33
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Scope of Application
To construct an addition to a Single Detached House (Breezeway: 5.18 m x 4.49 m to a detached garage), existing without permits.

Permit Details <table border="0"> <tr> <td># of Dwelling Units Add/Remove: 0</td> <td>Class of Permit: (none)</td> </tr> <tr> <td>Client File Reference Number:</td> <td>Lot Grading Needed?:</td> </tr> <tr> <td>Minor Dev. Application Fee: House Addition</td> <td>New Sewer Service Required: N/A</td> </tr> <tr> <td>Secondary Suite Included?: N</td> <td>Stat. Plan Overlay/Annex Area: (none)</td> </tr> </table>		# of Dwelling Units Add/Remove: 0	Class of Permit: (none)	Client File Reference Number:	Lot Grading Needed?:	Minor Dev. Application Fee: House Addition	New Sewer Service Required: N/A	Secondary Suite Included?: N	Stat. Plan Overlay/Annex Area: (none)
# of Dwelling Units Add/Remove: 0	Class of Permit: (none)								
Client File Reference Number:	Lot Grading Needed?:								
Minor Dev. Application Fee: House Addition	New Sewer Service Required: N/A								
Secondary Suite Included?: N	Stat. Plan Overlay/Annex Area: (none)								

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **144630834-001**
 Application Date: OCT 04, 2013
 Printed: February 1, 2016 at 9:12 AM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

1. Section 130.4.3 - Maximum Site Coverage for Single Detached Housing on Site greater than 300m² shall be 47% for Principal building with attached Garage and Total Site Coverage.

Maximum Total Site Coverage: 47%
 Proposed Total Site Coverage: 48%
 Exceeds by: 1%

2. Section 130.4.5 - The minimum Side Setback shall be 1.2m.

Minimum: 1.2m
 Proposed: 0.9m - left, 0.9m - right
 Deficient by: 0.3m

3. Section 130.4.6 - The Rear Yard in no case shall be less than 4.0 m.

Minimum: 4.0m
 Proposed: 1.2m
 Deficient by: 2.8m

4. Section 130.4.8 - A minimum Private Outdoor Amenity Area of 45 m² per principal Dwelling shall be designated on the Site plan. Neither the width nor length of the Private Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within a required Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions.

Required: Private Outdoor Amenity Area shall not be less than 4.0m in length or width.
 Proposed: Private Outdoor Amenity Area is 0.9m in width.

5. Section 130.4.12 - Individual Development Permit applications shall be evaluated in terms of compatibility with existing structures on the block face, taking into account proposed development Setbacks, Dwelling entrances and orientation, massing, roof-lines, the location of windows and other openings in walls and elevational treatment of wall openings, building facades, and finishing materials.

- The development proposes setbacks, massing, and Private Outdoor Amenity Area that are inconsistent with the established built form of the blockface.

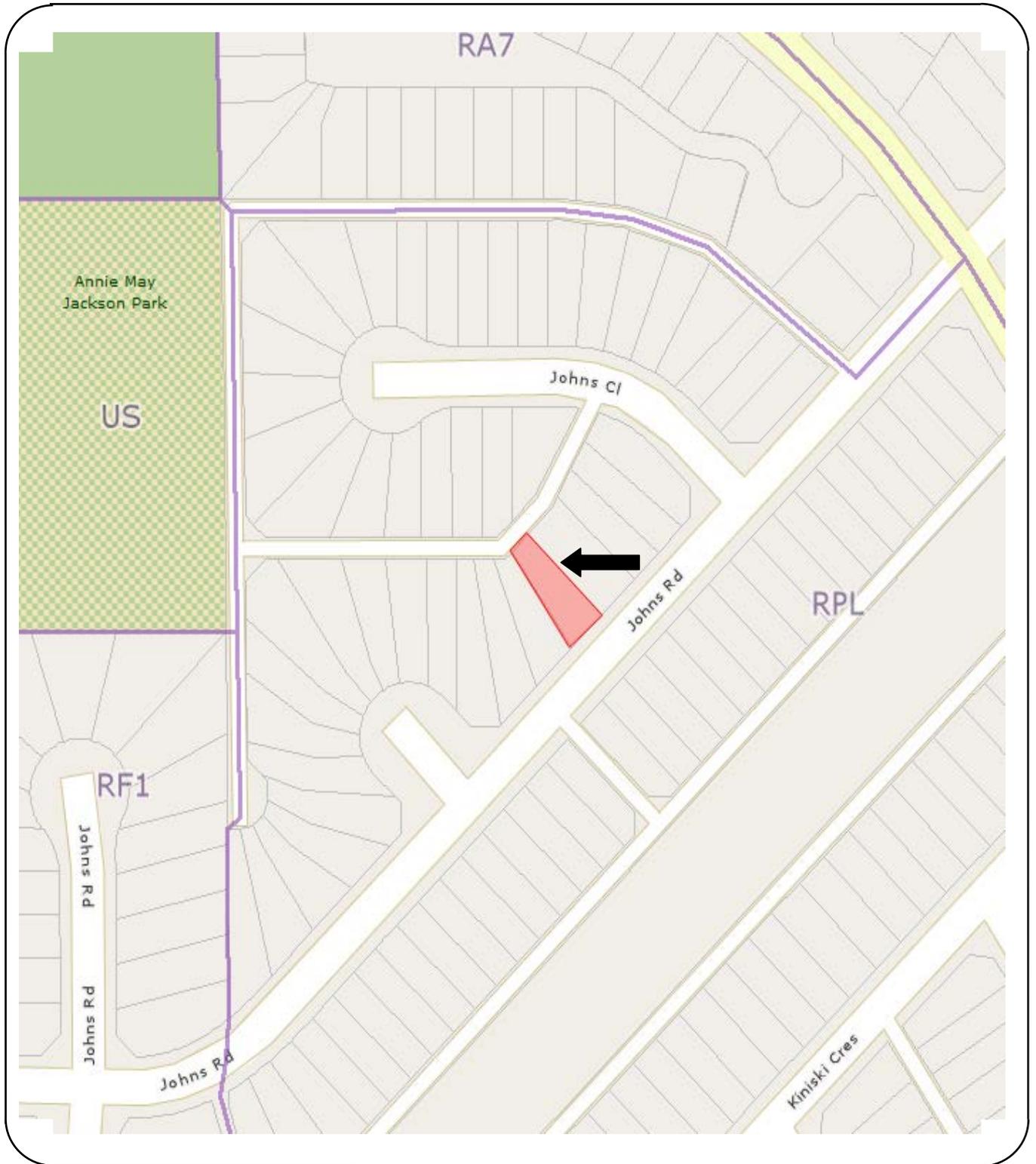
Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jan 19, 2016 **Development Authority:** XIE, JASON **Signature:** _____

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$430.00	\$370.00	01232764	Oct 04, 2013
Total GST Amount:	\$0.00			
Totals for Permit:	\$430.00	\$370.00		
(\$60.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-064



ITEM III: 1:15 P.M.

FILE: SDAB-D-16-065

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

APPELLANT:

APPLICATION NO.: 180559542-001

ADDRESS OF APPELLANT:

APPLICATION TO: Erect an overheight fence (1.93 in Height) in the Front and Side Yards

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: January 13, 2016

DATE OF APPEAL: January 27, 2016

NOTIFICATION PERIOD: Jan 19, 2016 through Feb 1, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 16508 - 113 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16508 - 113 Street NW

LEGAL DESCRIPTION: Plan 7722130 Blk 53 Lot 28

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

I Glory Walker (Goebel) owner of property of 11304? 165 Ave would like to appeal the development decision. I currently have about 300 feet of fence that is 1.85 m height surrounding my property. Over the past 10 years I have rebuilt /replaced all this fence with the exact same kind since purchasing this property. My neighbor wants to build a fence that backs onto my fence that separates us (approx. 50 feet long) they want to

build it higher than mine so therefore I will be able to see it from inside my back yard, and not match all the other existing fence that I already have.

As well as in over 10 years my neighbor has not maintained his side of the fence which was OK by me since I could not see it from my side. (Example: staining, repairing when they damaged it ect.) But if they build a higher fence I will be able to see it from my side of the yard and if history repeats itself will look trashy in no time. I will supply photos so you can see.

My neighbor will also have to change the grade of his back yard and build it up. This is on a city easement. I already get water in my garage so then I will have to tear down my new fence and build up the grade in my back yard and then have to rebuild my fence once again. At who's expense?

You can look at the photos

First 2 pictures show what my back yard looks like
Picture 3 show's my old fence, picture 4 show's when they took their other fence down they destroyed my existing fence. I had to put plywood up and nail boards back in place. Once again I had to try and repair the post that was loosen in the ground again. My daughter comes over with her dog all the time so I had to do something. This stayed looking like this for weeks.

Picture 5 and 6 show that I got fed up at the look of my fence and ripped it down and replaced it with a new one. Picture 6 show's my property and all the fence I have surrounding it.

Picture 7 show's my neighbor's side of the old fence before I ripped it down. You can clearly see that they have never maintained it. Picture 8 shows the street view of picture 7

I will also be bringing more picture to support my views.

[unedited]

<i>General Matters</i>

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 Board is advised that the decision of approval by the Development Officer is dated January 13, 2016. The Notice of Appeal was filed on January 27, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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, Semi-detached Housing and Duplex Housing under certain conditions.”

Fence Height Variance

Section 49.3 states:

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

Fence Height - The fence adjacent to the neighbours at 16510 - 113 Street and 11304 - 165 Avenue is 1.93m 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: **180559542-001**
 Application Date: OCT 07, 2015
 Printed: January 13, 2016 at 3:41 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.

Applicant WARD, DENYSE 	Property Address(es) and Legal Description(s) 16508 - 113 STREET NW Plan 7722130 Blk 53 Lot 28 Specific Address(es) Suite: 16508 - 113 STREET NW Entryway: 16508 - 113 STREET NW Building: 16508 - 113 STREET NW
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Scope of Permit
 To erect an overheight fence (1.93 in Height) in the Front and Side Yards.

Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)

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: **180559542-001**
 Application Date: OCT 07, 2015
 Printed: January 13, 2016 at 3:41 PM
 Page: 2 of 2

Minor Development Permit

Subject to the Following Conditions

This Development Permit authorizes the development of an overheight Fence (1.93 m in Height). The development shall be constructed in accordance with the stamped and approved drawings.

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

- The fence shall be installed entirely on or within property lines.
- The fence shall not impede any sightlines for vehicular or pedestrian traffic
- The fence shall not exceed 1.93m in height as approved in this permit.
- The materials of the fence shall be similar to, or better than, the standard of surrounding development (Section 57.2).

Advisements:

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.

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

Variations

Fence Height - The fence adjacent to the neighbours at 16510 - 113 Street and 11304 - 165 Avenue is 1.93m high, instead of 1.85m (Section 49.3).

Rights of Appeal

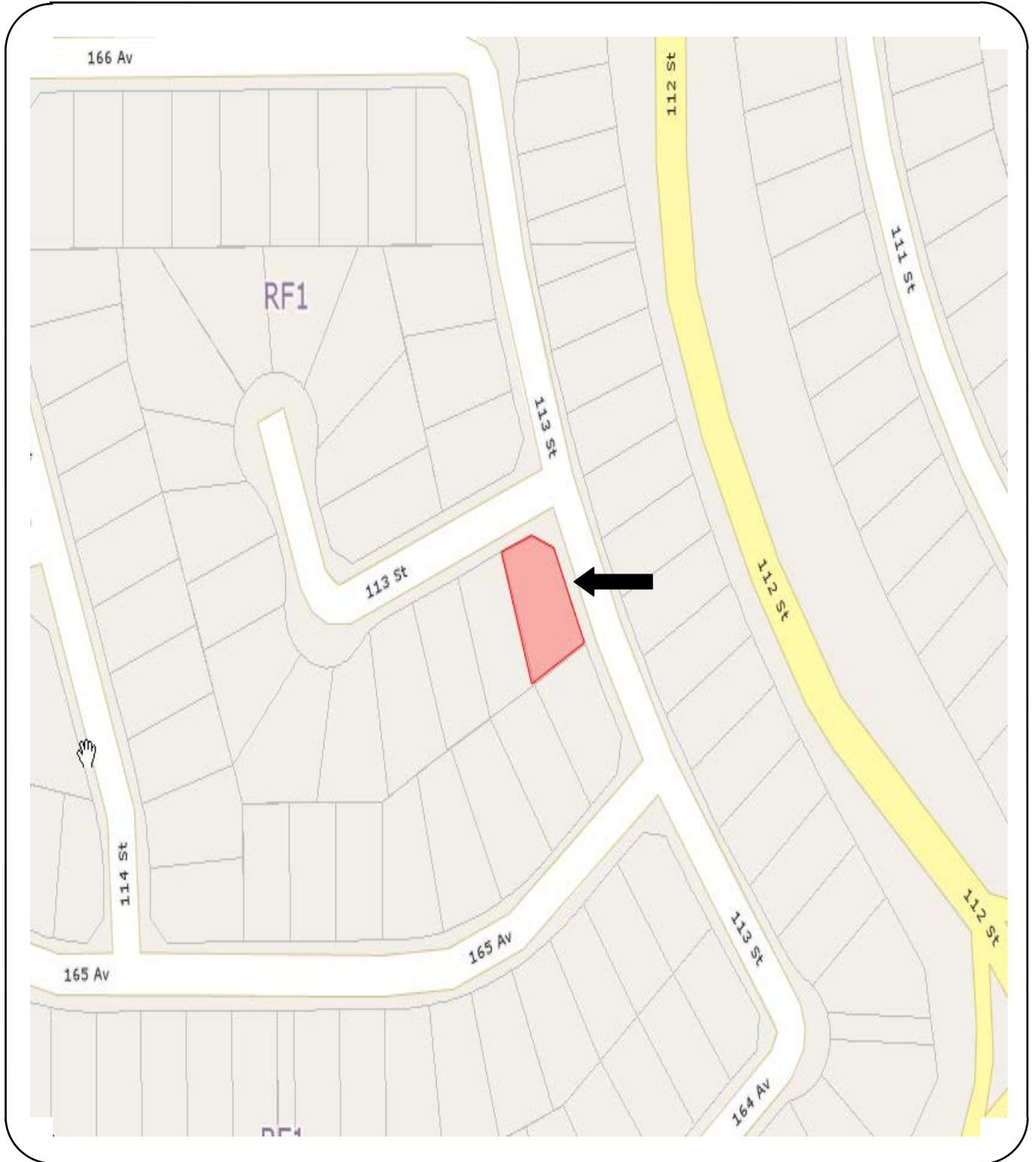
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jan 13, 2016 **Development Authority:** SARAZA, JAYSON **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$161.00	\$161.00	02804883	Oct 07, 2015
DP Notification Fee	\$40.00	\$40.00	02804883	Oct 07, 2015
Total GST Amount:	\$0.00			
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-16-065



ITEM IV: 2:30 P.M.

FILE: SDAB-D-16-066

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 178513054-006

ADDRESS OF APPELLANT: 8519 - 76 AVENUE NW

APPLICATION TO: Develop a Secondary Suite in the Basement of an existing Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 19, 2016

DATE OF APPEAL: January 28, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8519 - 76 Avenue NW

LEGAL DESCRIPTION: Plan 1523411 Blk 2 Lot 33

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Southeast Area Plan

Grounds for Appeal

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

I am building a two bedroom single detached family dwelling at 8519-76 Ave. This lot was subdivided after the recent zoning change at 8.28mx40.24m. The approved development, single family detached dwelling, has a roof top patio that I feel should be accounted for with respect to outdoor living space. The Avonmore community association president, Nathan Mison, has communicated to me that it is his intention to support growth of the communities population through multifamily infill. As well, all of my neighbors in a 60m radius approve and support my application of a one bedroom secondary suite. There is ample parking on the lot as indicated on my application plan. The proposed LRT on 83ST is one block away and the property is on a major bus rout (151).

<i>General Matters</i>

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 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 Board is advised that the decision of approval by the Development Officer is dated January 19, 2016. The Notice of Appeal was filed on January 28, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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, Semi-detached Housing and Duplex Housing under certain conditions.”

Under sections 110.2(3) and 110.2(4), **Secondary Suites** and **Single Detached Housing** are **Permitted Uses** in the RF1 Single Detached Residential Zone.

Section 7.2(7) states:

Secondary Suite 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.

Section 7.2(9) states:

Single Detached housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood 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.

<i>Site Area</i>

Section 86.1 states:

A Secondary Suite shall comply with the following regulations:

1. the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is [360 m²](#), except in the case of the [RR Zone](#), where it shall be the same as the minimum Site area for the Zone.

Development Officer's Determination

1. Section 86.1 –the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m².

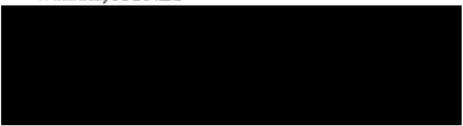
Proposed: 333.22m²

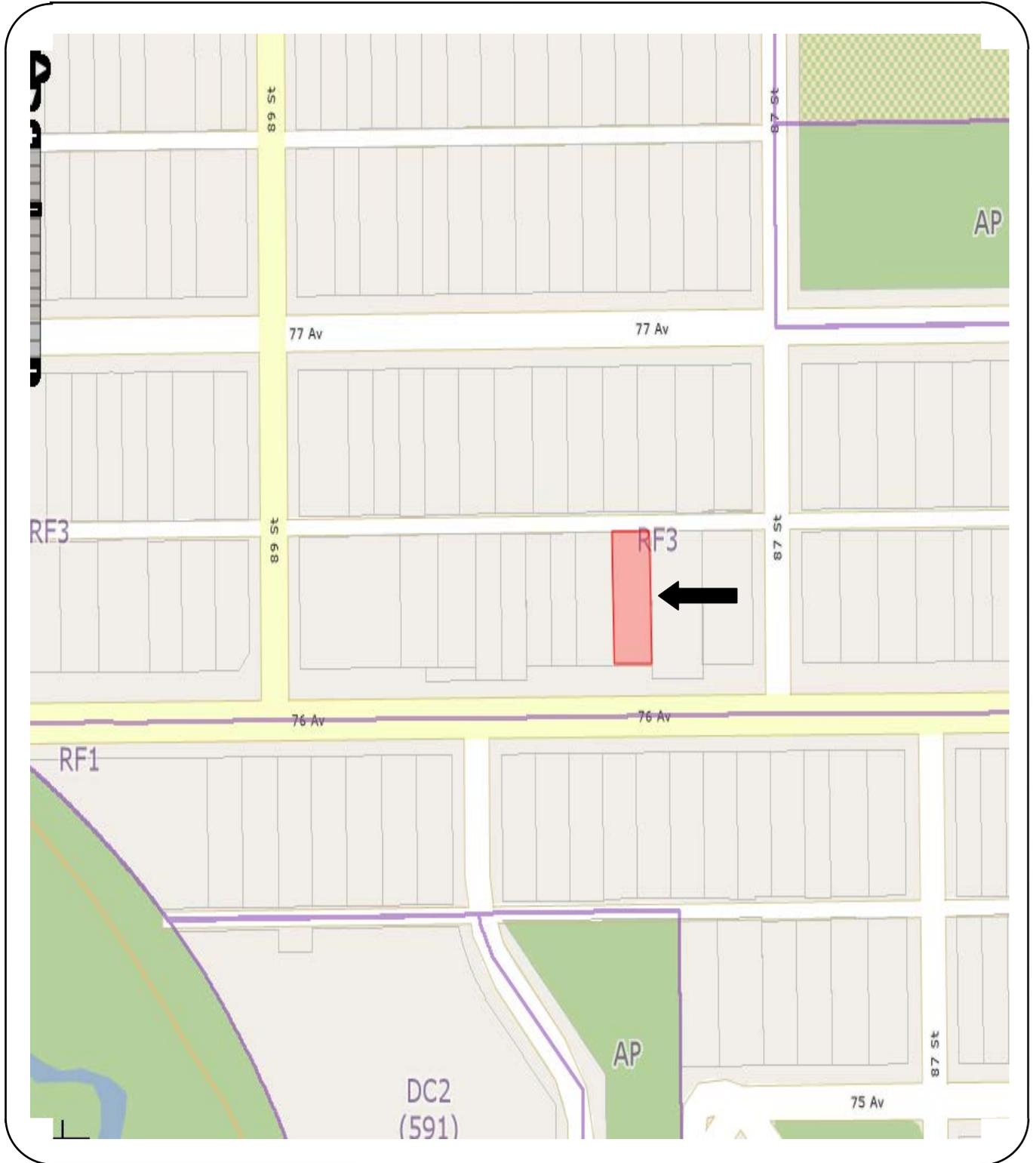
Deficient by: 26.78m²

[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: 178513054-006 Application Date: OCT 28, 2015 Printed: January 29, 2016 at 8:32 AM Page: 1 of 1																														
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																															
This document is a Development Permit Decision for the development application described below.																															
Applicant WHITE, AGNES 	Property Address(es) and Legal Description(s) 8519 - 76 AVENUE NW Plan 1523411 Blk 2 Lot 33 Specific Address(es) Suite: BSMT, 8519 - 76 AVENUE NW Entryway: 8519 - 76 AVENUE NW Building: 8519 - 76 AVENUE NW																														
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Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">03001449</td> <td style="text-align: right;">Jan 12, 2016</td> </tr> <tr> <td>Sanitary Sewer Trunk Fee for Secondary Suite</td> <td style="text-align: right;">\$633.00</td> <td></td> <td></td> <td></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;">\$893.00</td> <td style="text-align: right; border-top: 1px solid black;">\$260.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5">(\$633.00 outstanding)</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$260.00	\$260.00	03001449	Jan 12, 2016	Sanitary Sewer Trunk Fee for Secondary Suite	\$633.00				Total GST Amount:	\$0.00				Totals for Permit:	\$893.00	\$260.00			(\$633.00 outstanding)				
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THIS IS NOT A PERMIT																															



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-066



BUSINESS LAID OVER

SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> 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-15-238	An appeal by <u>Jim Murphy</u> regarding an Order to comply with all conditions of Development Permit 149045660-001 or cease the Use and demolish all materials by September 25, 2015 <i>March 3, 2016</i>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> 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-16-048	An appeal by <u>Pattison Outdoor Advertising</u> to construct a Freestanding Off-premises Sign <i>March 9 or 10, 2016</i>
SDAB-D-16-049	An appeal by <u>Petwin 104 Corporation</u> to develop a Parking Area Accessory to an existing Apartment House. <i>March 9 or 10, 2016</i>
SDAB-D-16-050	An appeal by <u>Permit Solutions Inc.</u> to install (1) Fascia On-premises Sign (Boardwalk) <i>March 16, 2016</i>
SDAB-D-16-501	An appeal by <u>Darren Crocker / Brownlee LLP</u> to demolish an existing building. <i>March 30 or 31, 2016</i>