

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
February 27, 2019**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I 9:00 A.M. SDAB-D-19-022

Construct an Addition to an existing Accessory Building (7.37m x 1.10m covered area), existing without permits

11502 - 107 Avenue NW  
Project No.: 269093356-005

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II 10:30 A.M. SDAB-D-19-024

**WITHDRAWN**

Cease the Excavation, Stripping, and Grading of land immediately and acquire a development permit for the Excavation, Stripping, and Grading of the land before February 10, 2019.

14604 - 33 Street NE  
Project No.: 300636906-001

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III 10:30 A.M. SDAB-D-19-023

**WITHDRAWN**

Acquire a Development Permit for the Recreational Acreage Farm building (large building storing hay bales located south of the principal dwelling next to the horse pens) before February 10, 2019 or demolish and remove the Recreational Acreage Farm building (large building storing hay bales located south of the principal dwelling next to the horse pens) and clear the site of demolition materials before February 10, 2019. This course of action will also require you to acquire a Development Permit for said demolition.

14604 - 33 Street NE  
Project No.: 300636906-003

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-022

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 269093356-005

APPLICATION TO: Construct an Addition to an existing Accessory Building (7.37m x 1.10m covered area), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 30, 2019

DATE OF APPEAL: January 30, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11502 - 107 Avenue NW

LEGAL DESCRIPTION: Plan B4 Blk 15 Lot 189

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay  
Main Streets Overlay

STATUTORY PLAN: Central McDougall / Queen Mary Park Area Redevelopment Plan

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*Grounds for Appeal*

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

We are appealing the refusal of the above noted Permit for the following reasons:

1. The proposed development is an addition to an existing, approved accessory building;
2. The proposed development will not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land;
- and
3. Such further and other reasons as may be presented at the hearing of this appeal.

*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 210.3(13) states **Single Detached House** is a **Discretionary Use** in the **(RA7) Low Rise Apartment Zone**.

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.

Under Section 6.1, **Accessory** means when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Section 50.1(3) states that Accessory Uses and buildings are discretionary in a Zone when Accessory to a principal Use which is a Discretionary Use in that same Zone and for which a Development Permit has been issued.

Section 50.1(4) states where any building or structure on a Site is attached to a principal building on the Site by a roof, an open or enclosed structure above Grade, a floor or a foundation greater than 1.0 metre above Grade, it is a part of the principal building and is not an Accessory building.

Under Section 6.1, **Side Yard** means that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Section 210.1 states that the **General Purpose** of **(RA7) Low Rise Apartment Zone** is to provide a Zone for Low Rise Apartments.

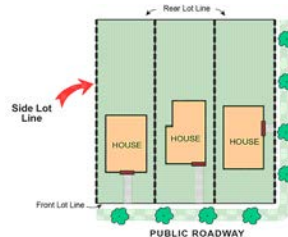
Section 815.1 states that the **General Purpose** of the **Medium Density Residential Overlay** is to accommodate the development of medium density housing in established areas of the City that is compatible, in mass and scale, with existing forms of lower and medium density development and that maintains the pedestrian-friendly character and streetscape of these established areas.

**Location – Side Lot Line**

Section 50.3(5)(b) states an Accessory building or structure shall be located not less than 0.9 metres from the interior Side Lot Line, except:

- i. where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer;
- ii. where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone;
- iii. where it is located on a Site governed by the RF4 Zone and is a detached Garage where the vehicle doors face a Lane Abutting the Site, the minimum distance shall be 0.6 m from the Side Lot Line; or
- iv. where the Accessory building does not exceed the permitted Fence Height.

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



**Development Officer’s Determination**

An Accessory Building or Structure shall be located not less than 0.9m (3.0ft.) from the side lot line. (Reference Section 50.3(4) (b))

Proposed: -0.08m

Deficient by: 0.98m [unedited]

***General Performance Standards***

Section 57.3(1) states that in all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development.

**Development Officer's Determination**

The applicant has not demonstrated that the materials used shall be similar to, or better than, the standard of the surrounding development in accordance with section 57.3.1. [unedited]

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**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.

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	Project Number: <b>269093356-00</b> Application Date: SEP 28, 2018 Printed: January 30, 2019 at 9:59 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.

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 11502 - 107 AVENUE NW Plan B4 Blk 15 Lot 189
	<b>Specific Address(es)</b> Entryway: 11502 - 107 AVENUE NW Building: 11502 - 107 AVENUE NW

**Scope of Application**  
 To construct an Addition to an existing Accessory Building (7.37m x 1.10m covered area), existing without permits.

<b>Permit Details</b>  # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Accessory Buildings Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Medium Scale Residential Infill Overlay
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I/We certify that the above noted details are correct.  
 Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused

**Issue Date:** Jan 15, 2019    **Development Authority:** BAUER, KERRY

**Reason for Refusal**

A. An Accessory Building or Structure shall be located not less than 0.9m (3.0ft.) from the side lot line. (Reference Section 50.3(b))  
 Proposed: -0.08m  
 Deficient by: 0.98m

Note: Applicant was unwilling to provide a 'letter of support' from the affected neighbour.

B. The applicant has not demonstrated that the materials used shall be similar to, or better than, the standard of the surrounding development in accordance with section 57.3.1.

**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.

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$116.00	\$116.00	05377073	Sep 28, 2018
Existing Without Permit Penalty Fee	\$116.00	\$116.00	05377073	Sep 28, 2018

**THIS IS NOT A PERMIT**





## Application for Minor Development Permit

Project Number: **269093356-005**  
Application Date: SEP 28, 2018  
Printed: January 30, 2019 at 9:59 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$232.00</u>	<u>\$232.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-022



ITEM III: 10:30 A.M.

FILE: SDAB-D-19-023

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 300636906-003

APPLICATION TO: Acquire a Development Permit for the Recreational Acreage Farm building (large building storing hay bales located south of the principal dwelling next to the horse pens) before February 10, 2019 or demolish and remove the Recreational Acreage Farm building (large building storing hay bales located south of the principal dwelling next to the horse pens) and clear the site of demolition materials before February 10, 2019. This course of action will also require you to acquire a Development Permit for said demolition.

**WITHDRAWN**

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: January 10, 2019

DATE OF APPEAL: January 31, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14604 - 33 Street NE

LEGAL DESCRIPTION: Plan 815NY Lot B

ZONE: RR Rural Residential Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: N/A



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-024

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 300636906-001

APPLICATION TO: Cease the Excavation, Stripping, and Grading of land immediately and acquire a development permit for the Excavation, Stripping, and Grading of the land before February 10, 2019.

**WITHDRAWN**

DECISION OF THE DEVELOPMENT AUTHORITY: Order Issued

DECISION DATE: January 10, 2019

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ZONE: RR Rural Residential Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: N/A

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