

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 4, 2016**

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

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

TO BE RAISED

I 9:00 A.M. SDAB-D-16-001

Develop a Secondary Suite in the Basement of a Single Detached House, existing without permits

14848 - 47 Street NW
Project No.: 156704720-005

II 10:45 A.M. SDAB-D-16-045

Construct exterior alterations to a Semi-detached House (Driveway extension, 1.83m x 5.0m), existing without permit

6521 - 172 Avenue NW
Project No.: 176844860-002

III 1:00 P.M. SDAB-S-16-002

Create two single family lots
13534 Stony Plain Road NW
Project No.: 180380572-001

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

TO BE RAISED
ITEM I: 9:00 A.M.

FILE: SDAB-D-16-001

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 156704720-005

ADDRESS OF APPELLANT: 14848 - 47 Street NW

APPLICATION TO: Develop a Secondary Suite in the Basement of a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 25, 2015

DATE OF APPEAL: December 7, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14848 - 47 Street NW

LEGAL DESCRIPTION: Plan 9723920 Blk 4 Lot 87

ZONE: RPL Planned Lot Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Miller Neighbourhood Area Structure Plan

Grounds for Appeal

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

When the members of the Residential Compliance Team (Kathy Rivard, Dallas Thomas, Heather Polnick) performed an inspection back in April, they encouraged us to move forward to make the suite legal. They were very helpful and after their review they advised it would make sense to make the few changes they noted to make the suite legal. Heather advised she would approve a variance for the parking space deficiency. This was the only deficiency we were advised of. It would have been very helpful if we would have been advised at that time the full scope of the deficiency's (Minimum Site, etc.)

This has been a very time consuming and frustrating process with a lot of resources (The City's and Ours) being utilized needlessly it would appear. When I did the search on line for Zoning, it would have been great if when I input the address, although it said the Zone was RPL, it would say this address doesn't meet the Site requirement (I'm sure the computer system could be configured to say minimum site area is 360m2, which this address does not meet. These comments aren't intended to criticize the individuals, they were great to deal with and I believe had our best interests, and the City's in mind. Given the housing crunch our City has, we were also hopeful this application would be approved. Low cost housing, as you are aware, is difficult to find. Selfishly, I would feel more comfortable if someone would be living upstairs in my fathers house as he is getting older and there could potentially be someone close to keep an eye on him (as he lives in the basement). So this appeal is not only about us hoping to have this permit approved, but also as a taxpayer, trying to improve the process so resources aren't utilized inappropriately. We tried to do as much research on this topic but we may have missed something also, I'm certainly not absolving ourselves of blame, however as noted above, more information back in April would have been helpful. Thank you, and if you require further clarification, please call me at [REDACTED] or email [REDACTED] on behalf of my father [REDACTED] [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.

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, or
- ...

The decision of the Development Authority was dated November 25, 2015. The Notice of Appeal was filed on December 7, 2015.

The Subdivision and Development Appeal Board at a hearing on January 6, 2016, made and passed the following motion:

That the hearing for SDAB-D-16-001 be tabled to February 4, 2016, at the request of the Respondent and with the consent of the Development Authority.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 130.2(3), **Secondary Suites** are a **Permitted Use** in the RPL Planned Lot Residential Zone.

Under section 7.2(7), **Secondary Suites** is defined as follows:

...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 130.1 states the following with respect to the **General Purpose** of the **RPL Planned Lot Residential Zone**:

... 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.

Minimum Site Area

Section 86(1) states: “the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m2”.

Development Officer’s Determination:

1. The minimum Site area for a Single Detached House containing a Secondary is 360m2. (Section 86.1) The proposed Site area is 340.05 m2, deficient by 19.95 m2. [unedited]

Minimum Number of On-Site Parking Stalls

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides the following:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Residential and Residential-Related Uses	
2. Garage Suite	1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling.
Garden Suite	
Secondary Suite	

Development Officer’s Determination:

2. A minimum of 3 on-site parking stalls is required (2 stalls for the House + 1 stall for the Secondary Suite = 3 stalls). (Section 54.2.Schedule 1(2)) There are 2 on-site parking stalls provided, deficient by 1. [unedited]

Maximum Width of Parking Stall

Section 54.2(4)(a)(iv) states:

All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions:

...

- iv. where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m.

Development Officer's Determination:

3. The minimum width of a parking stall where the stall is limited on both sides by a wall or a column, shall be 3.0 m. (Section 54.2.4(iv)) The proposed parking stall width is about 2.6m at its widest point. The width narrows towards the interior of the site. [unedited]

Required Parking Shall be Hardsurfaced

Section 54.6(2)(a) states:


Every Driveway, off-street parking or loading space, and access provided or required in any Residential Zone, including the area contained within City-owned land from which access or egress is obtained, shall be Hardsurfaced if access is from a public roadway which is Hardsurfaced or gravelled.

Development Officer's Determination:

4. All required parking shall be Hardsurfaced. (Section 54.6.2(a) The proposed sidewalk and grassed area cannot be considered as a hardsurfaced parking space. [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: 156704720-005 Application Date: OCT 09, 2015 Printed: December 23, 2015 at 11:54 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	Property Address(es) and Legal Description(s) 14848 - 47 STREET NW Plan 9723920 Blk 4 Lot 87 Specific Address(es) Suite: BSMT, 14848 - 47 STREET NW Entryway: 14848 - 47 STREET NW Building: 14848 - 47 STREET NW		
Scope of Application To develop a Secondary Suite in the Basement of a Single Detached House, existing without permits.			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; padding: 5px;"> # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y </td> <td style="width: 50%; padding: 5px;"> Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		# 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: (none)
# 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: (none)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal The proposed Secondary Suite to an existing Single Detached House application (existing without permits) is refused for following reasons:			
<ol style="list-style-type: none"> 1. The minimum Site area for a Single Detached House containing a Secondary is 360m². (Section 86.1) The proposed Site area is 340.05 m², deficient by 19.95 m². 2. A minimum of 3 on-site parking stalls is required (2 stalls for the House + 1 stall for the Secondary Suite = 3 stalls). (Section 54.2.Schedule 1(2)) There are 2 on-site parking stalls provided, deficient by 1. 3. The minimum width of a parking stall where the stall is limited on both sides by a wall or a column, shall be 3.0 m . (Section 54.2.4(iv)) The proposed parking stall width is about 2.6m at its widest point. The width narrows towards the interior of the site. 4. All required parking shall be Hardsurfaced. (Section 54.6.2(a) The proposed sidewalk and grassed area cannot be considered as a hardsurfaced parking space. 			
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: Nov 25, 2015 Development Authority: LAI, ECHO Signature: _____			
THIS IS NOT A PERMIT			



Project Number: **156704720-005**
Application Date: OCT 09, 2015
Printed: December 23, 2015 at 11:54 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$260.00	\$260.00	02809679	Oct 09, 2015
Existing Without Permit Penalty Fee	\$260.00	\$260.00	02809679	Oct 09, 2015
Sanitary Sewer Trunk Fee for Secondary Suite	\$633.00	\$633.00	02809679	Oct 09, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$1,153.00	\$1,153.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-001



ITEM II: 10:45 A.M.

FILE: SDAB-D-16-045

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176844860-002

ADDRESS OF APPELLANT: 6521 - 172 Avenue NW

APPLICATION TO: Construct exterior alterations to a Semi-detached House (Driveway extension, 1.83m x 5.0m), existing without permit

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 22, 2015

DATE OF APPEAL: January 11, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6521 - 172 Avenue NW

LEGAL DESCRIPTION: Plan 1520589 Blk 13 Lot 5

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 type of driveway exists a few blocks from here. [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.

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, or
 - ...

The decision of the Development Authority was dated December 22, 2015. The Notice of Appeal was filed on January 11, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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.

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.”

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.”

Development Officer's Determination:

1. The existing concrete extension area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Section 6.1(26)) The existing concrete extension does not lead to an overhead garage door or parking area. [unedited]

Definition of Driveway

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. Parking Area or Parking space shall not be located within the Front Yard. (Section 54.2(2)(e)(i)) [unedited]

Landscaping

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;

Section 55.4 states:

55.4 General Requirements

2. 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.
3. Hardsurfaced areas such as walkways and plazas shall be enhanced with Landscaping, at the discretion of the Development Officer. Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalks or walkways, to connect with public sidewalks and walkways adjacent to roadways or within right-of-ways abutting the Site.
4. Any parking lot having eight or more parking spaces that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have perimeter planting. The location, length, thickness and Height of such perimeter planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining Residential or Commercial Zone, and enhance the view of the parking area from any adjacent public roadway or Light Rail Transit line.
5. Any trash collection area, open storage area, or outdoor service area, including any loading, unloading or vehicular service area that is visible from an adjoining Site in a Residential or Commercial Zone, or from a public roadway other than a Lane, or from a Light Rail Transit line, shall have screen planting. The location, length, thickness and Height of such screen planting at maturity shall, in conjunction with a change in Grade or other natural or man-made features, be sufficient to block the view from any adjoining Residential or Commercial Zone, or from the public roadway or Light Rail Transit line. Such screen planting shall be maintained to provide effective screening from the ground to a minimum Height of 1.85 m. If, in the opinion of the Development Officer, screen planting cannot reasonably be expected to survive, earth berming,

masonry walls, wood fencing or other man-made features may be permitted as a substitution.

6. If the Height of materials in an outdoor storage area would limit the effectiveness of screen planting required by subsection 55.4(4), a fence, wall, earth berm, or a combination thereof, may be substituted, subject to the approval of the Development Officer.
7. Trees and shrubs shall be provided in accordance with subsection 55.8. For development consisting of Residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:
 - a. one tree for each 35 m² and one shrub for each 15 m² of Setback at Grade; and
 - b. one tree for each 20 m² and one shrub for each 10 m² of required parking area islands. In no case shall there be less than one tree per required parking area island.
8. ...
9. Existing vegetation shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Officer, to be necessary or desirable to efficiently accommodate the proposed development. Trees and shrubs preserved on the Site may, at the discretion of the Development Officer, be credited to the total landscaping requirements.
10. All planting shall be installed to the finished Grade. Where this is not practical in the opinion of the Development Officer, planters may be used. Such planters shall be of adequate design, having sufficient soil capacity and insulation to promote healthy growth.
11. Landscaping that extends onto or over City-owned lands shall be developed in accordance with the Traffic Bylaw 5590 and the City Design & Construction Standards.
12. The Development Officer may, where the Development Officer considers it appropriate, vary any or all of the General Landscaping regulations of this Bylaw. Before granting a variance of the landscaping regulations, the Development Officer may require the applicant seeking the reduction of the minimum landscaping standards of this Bylaw to submit a report from a qualified landscape professional, such as a horticulturist, or landscape architect, explaining and justifying the reduction.

Development Officer's Determination:

The Development Officer cited Sections 6.1(55) and 55.4, and determined that "The Front Yard shall be landscaped."

Driveway Width

Section 54.1(4)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:

- a. a minimum width of 3.1 m; and
- 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;
- c. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 3.1 m.

Development Officer's Determination:

The Development Officer cited Section 54.1(4)(b) and determined that "For a Garage with 1 parking space, the maximum width of the Driveway is 3.1m."

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: **176844860-002**
Application Date: NOV 26, 2015
Printed: January 29, 2016 at 2:40 PM
Page: 1 of 2

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) 6521 - 172 AVENUE NW Plan 1520589 Blk 13 Lot 5 Specific Address(es) Entryway: 6521 - 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 5.0m), existing without permits.

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: Class A Lot Grading Needed?: N New Sewer Service Required: N 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



Project Number: **176844860-002**
 Application Date: NOV 26, 2015
 Printed: January 29, 2016 at 2:40 PM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

Application to construct exterior alterations to an existing Semi-detached House (Driveway extension, 1.83m x 5.0m), is refused for the following reasons:

1. The existing concrete extension area shall not be considered a Driveway. Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area. (Section 6.1(26)) The existing concrete extension does not lead to an overhead garage door or parking area.
2. Parking Area or Parking space shall not be located within the Front Yard. (Section 54.2(2)(e)(i))
3. The Front Yard shall be landscaped. (Section 55.4) 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. (Section 6.1(55))
4. For a Garage with 1 parking space, the maximum width of the Driveway is 3.1m. (Section 54.1.4(b))

NOTES:

1. Landscaping condition attached to Development Permit # 168682951-001 for the Semi-detached House approval have not been fulfilled.
2. All Yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. (Section 55.2(4)(b))
3. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

Rights of Appeal

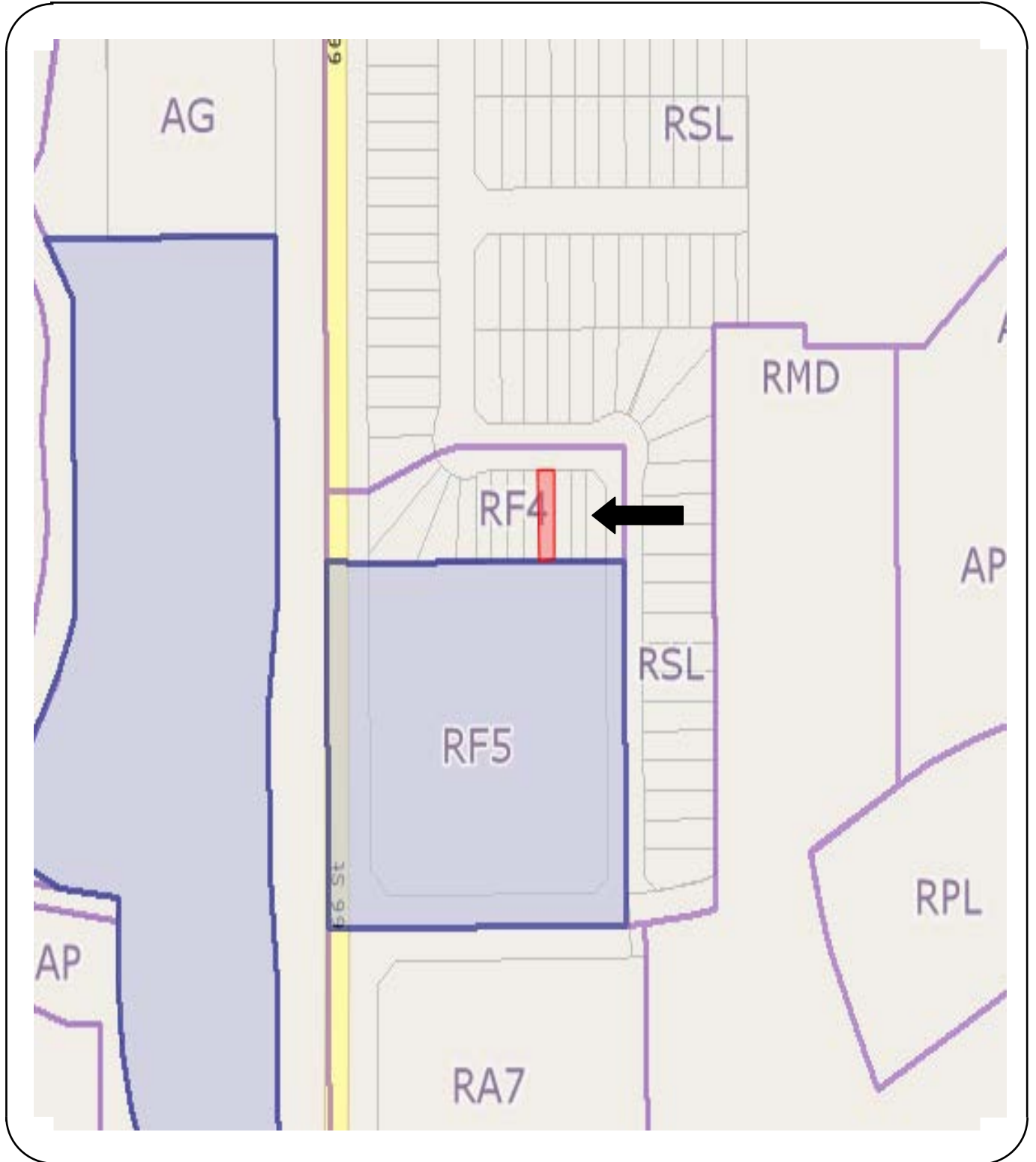
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 22, 2015 **Development Authority:** LAI, ECHO **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02919309	Nov 26, 2015
Existing Without Permit Penalty Fee	\$155.00	\$155.00	02919309	Nov 26, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$310.00	\$310.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-045



ITEM III: 1:00 P.M.

FILE: SDAB-S-16-002

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 180380572-001

ADDRESS OF APPELLANT: 13534 Stony Plain Road NW

APPLICATION TO: Create two single family lots

DECISION OF THE
SUBDIVISION AUTHORITY: Approved With Conditions

DECISION DATE: December 23, 2015

DATE OF APPEAL: January 7, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 13534 Stony Plain Road NW

LEGAL DESCRIPTION: Plan 2177AH Blk 93 Lots A and B

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are appealing condition "1. That the owner dedicate road right of way to the satisfaction of Transportation Services, as shown on Enclosures I and II;
on the basis that is illegal to expropriate land without compensation. This amount of land that is be expropriated, has significant value, not only as a whole but as to what it limits on the size of the land but the density capabilities of which can be developed. Which is in direct conflict of what is outlined in the Transit Oriented Development (TOD) guidelines. This expropriation takes away the ability to have a legal suite, garden or garage suite on the west Lot. This is a discouragement of the city wide housing unit growth to locate near the downtown and mature neighbourhoods around future LRT stations and transit centers where

infrastructure capacity supports redevelopment, as noted in the Municipal Development Plan.

This was the basis of the subdivision, to create density onto a large lot in a mature neighbourhood, with great walkability, which this expropriation changes.

Thank you for your consideration, [unedited]

<i>Grounds for Appeal</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Appeals

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
 - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
 - (ii) the location of school reserve allocated to it, or
 - (iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Municipal Government Board if the land that is the subject of the application is within the Green Area, as classified by the Minister responsible for the *Public Lands Act*, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations, or

- (b) in all other cases, with the subdivision and development appeal board.

(2.1) ...

(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 5 days from the date the decision is mailed.

(4) A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

Hearing and decision

680(2) In determining an appeal, the board hearing the appeal

- (a) must act in accordance with any applicable ALSA regional plan;
- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

The decision of the Development Authority was dated December 23, 2015. The Notice of Appeal was filed on January 7, 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.

Section 814.1 states 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.

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*.




Subdivision Authority

5th Floor,
10250 - 101 Street NW
Edmonton, Alberta T5J 3P4

December 23, 2015

LDA15-0513



Attention: 

Dear Sir:

Subject: Tentative plan of subdivision to create separate titles for Lots A and B, Block 93, Plan 2177 AH located east of 136 Street and north of Stony Plain Road; Glenora

The Subdivision by Plan is APPROVED on December 23, 2015, subject to the following condition(s):

1. that the owner dedicate road right of way to the satisfaction of Transportation Services, as shown on Enclosures I and II; and
2. that any outstanding property taxes be paid. (Tax Collection Branch 780-496-6366)

Please be advised of the following:

1. that the owner is required to make satisfactory arrangements for, and pay all costs associated with separate servicing to each lot, as well as the modification, relocation and/or removal of existing services. For further information, please contact: EPCOR Distribution & Transmission Inc. (412-4000), TELUS Communications (Edmonton) Inc. (Residential and Business 423-2500), ATCO Gas (424-5222), and the Financial Services and Utilities (water and sewer 496-5444);
2. that the existing services (water and sanitary) enter the site approximately 5.5 m west of the east property line of Lots A and B (see attached comments from Drainage Services). As per the Sewers and Waterworks Bylaws, these services can not cross the proposed property line;
3. that if power service crosses the proposed property line the owner may be required to provide a blanket easement in favour of EPCOR Distribution & Transmission Inc. If required, said easement shall be registered prior to or concurrent with the final plan (contact EPCOR Land and Administration Group at 412-3252);

4. that the next step in the subdivision process is to complete the attached *Application for Separation or Consolidation of Titles* in order to register the approved subdivision. The legal instrument is then forwarded to the City for endorsement along with the endorsement fee (\$623.00 – 2015 fees) and subsequently released to the applicant for registration at the Land Titles Office;
5. that the Subdivision Authority will not endorse the plan of subdivision or other instrument until the appeal period as prescribed by the Municipal Government Act, 2000 has lapsed;
6. that the approval is valid for one (1) year from the date on which the subdivision approval is given to the application. An extension beyond that time may be granted by the City of Edmonton; and
7. that an appeal may be lodged with the Subdivision and Development Appeal Board, 10019 – 103 Avenue, Edmonton AB T5J 0G9 within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be five (5) days from the date the decision is mailed.

If you have further questions, please contact Gilbert Quashie-Sam at 780-496-6295 or gilbert.quashie-sam@edmonton.ca.

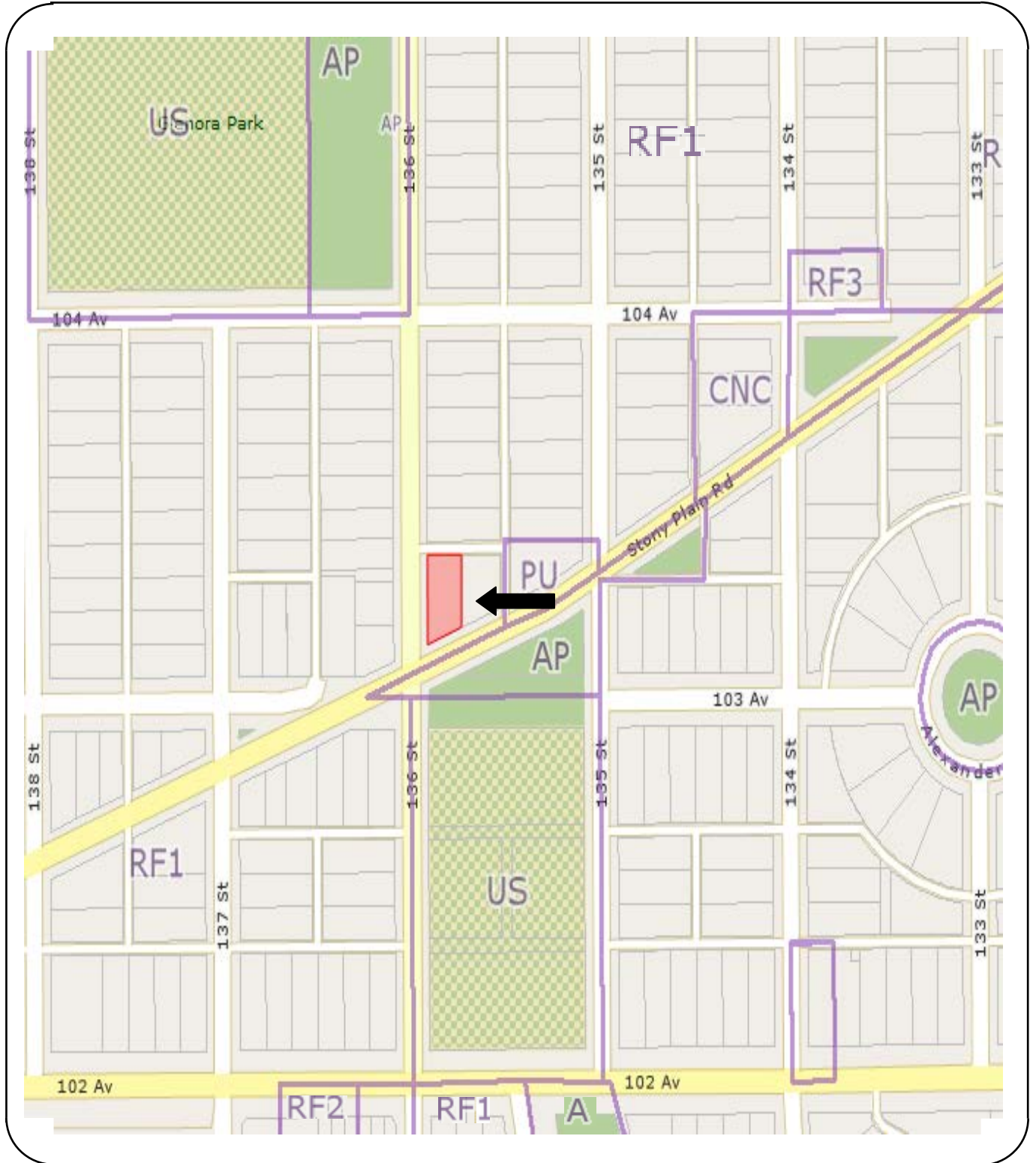
Yours truly,



Blair McDowell
Subdivision Authority

BM/gq/Posse #180380572-001

Enclosures



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-S-16-002



BUSINESS LAID OVER

SDAB-D-15-238	An appeal to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-16-022	An appeal to operate a Minor Alcohol Sales Use and to construct interior alterations. <i>February 19, 2016</i>
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>

APPEAL HEARINGS TO BE SCHEDULED

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