

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 11, 2017**

**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-S-17-001

Create one (1) additional Single Detached
Residential Lot

11924 - 136 Street NW
Project No.: 230546924-001

TO BE RAISED

II 11:00 A.M. SDAB-S-16-003

Create one (1) additional Rural Residential Lot

18650 - 8A Avenue SW
Project No.: 227399461-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-S-17-001

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 230546924-001

APPLICATION TO: Create one (1) additional Single Detached Residential Lot

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: November 24, 2016

DATE OF APPEAL: December 4, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11924 - 136 Street NW

LEGAL DESCRIPTION: Plan 2639KS Blk 15 Lot 31

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:

The current lot is approx. 13,000 sq/ft and the proposal is to subdivide the lot into two lots:

lot A: will be approx. 5564 sq/ft and will be large enough for house + garage

lot B: will be approx. 7427 sq/ft and keep the existing house and potentially build new single car garage

Owner wants to move into new house and parents into existing house. Many other lots in the city are smaller and have underground parking since the lot has been subdivided into smaller lots and have not enough room for detached/attached garage.

General Matters

Appeal Information:

The Board is advised that the hearing was scheduled for January 11, 2017 with the consent of the Appellant and the Subdivision Authority.

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.

Approval of application

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and the regulations under this Part, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,and
- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

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 110.4(1)(c) states:

Site regulations for Single Detached Housing, the minimum Site depth shall be 30.0 m.

Section 110.4(2)(c) states:

Site regulations for Duplex Housing, the minimum Site depth shall be 30.0 m.

Section 110.4(3)(d) states:

Site regulations for Semi-detached Housing, the minimum Site depth shall be 30.0m.

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

November 24, 2016

File NO. LDA16-0435

ATTENTION: Roy Maxwell

RE: Tentative plan of subdivision to create one (1) additional single detached residential lot from Lot 31, Block 15, Plan 2639 KS located south of 122 Avenue NW and west of 135 Street NW;
DOVERCOURT

The Subdivision by Plan is **REFUSED** on November 24, 2016, for the following reason(s):

1. The proposed subdivision does not comply with the minimum Development Regulations identified in Section 110 of the City of Edmonton Zoning Bylaw. The minimum site depth identified in the RF1 (Single Detached Residential) Zone for permitted and discretionary uses is 30.0 metres. The averaged lot depth of proposed Lot 33 is 23.34 metres and therefore deficient in depth by 6.66 metres, or 22.2%; and
2. When an application for subdivision is submitted for consideration, the Subdivision Authority is charged with the responsibility to ensure that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land (Section 654 of the Municipal Government Act).

The proposal will result in site depths that are uncharacteristically smaller when compared to properties on the block face. For example, the site depths on the block face range from 36.58 metres to 56.97 metres. The averaged lot depth of proposed Lot 33 is 23.34 metres, which is significantly smaller than lots characteristic to the block face.

Therefore, it is the position of the Subdivision Authority that the proposed subdivision would not comply with Section 654 of the Municipal Government Act.

Please be advised that an appeal may be lodged with the Subdivision and Development Appeal Board, 10019 – 103 Avenue NW, Edmonton Alberta, 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.

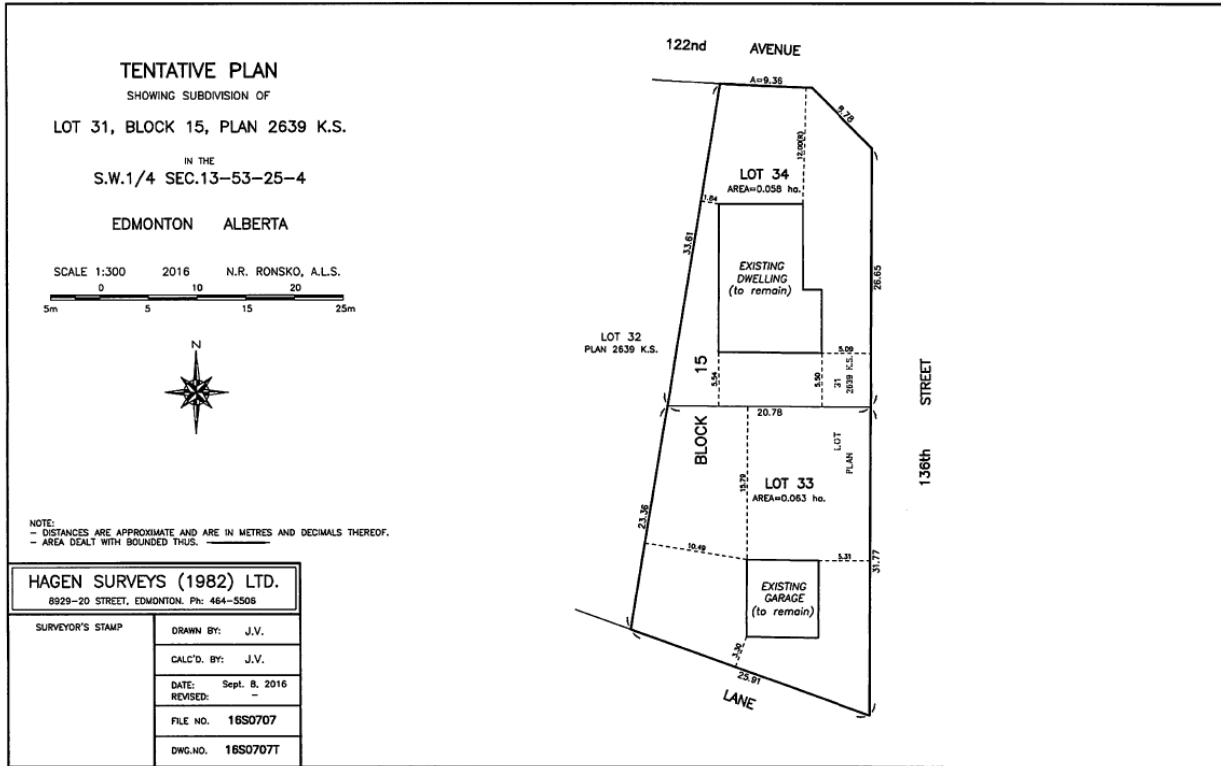
Regards,

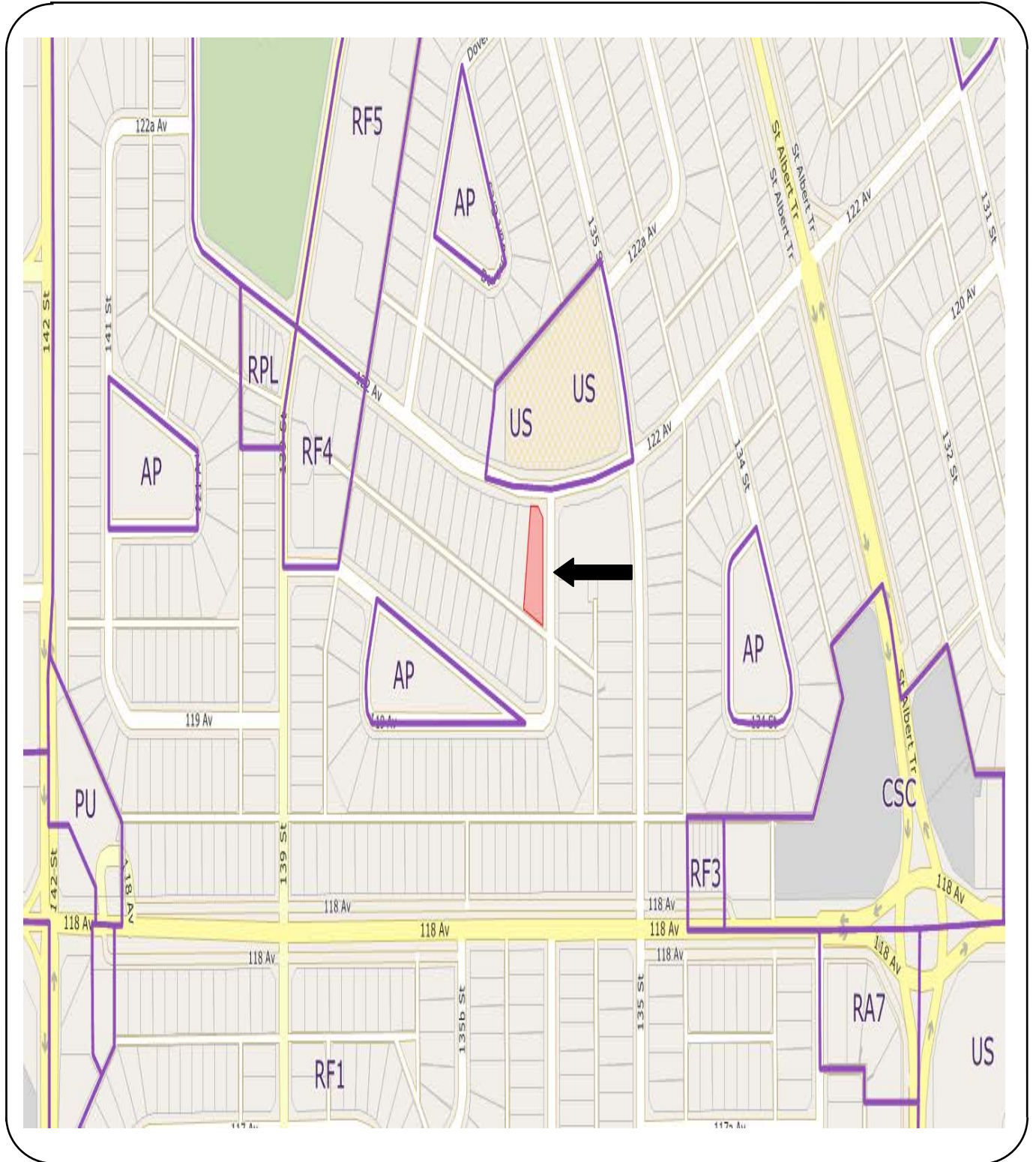


Blair McDowell
Subdivision Authority

BM/gq/Posse #232104801-001

Enclosure(s)





SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-S-17-001



TO BE RAISED
ITEM II: 11:00 A.M.

FILE: SDAB-S-16-003

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 227399461-001 / LDA16-0363

APPLICATION TO: Create one (1) additional Rural Residential Lot

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: October 27, 2016

DATE OF APPEAL: October 31, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 18650 - 8A Avenue SW

LEGAL DESCRIPTION: Plan 9022286 Blk 1 Lot 6A

ZONE: (RR) Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Windermere Area Structure Plan
Windermere Neighbourhood Structure Plan

Grounds for Appeal

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

The subdivision acts in compliance with the intent of the Windermere Neighbourhood Plan and the proposed use acts in conformance the City of Edmonton Zoning Bylaw (RR) Rural Residential.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board, at a hearing on November 24, 2016, made and passed the following motion with the consent of all parties:

“That the hearing for SDAB-S-16-003 be TABLED to January 11 or 12, 2017. The City will provide the Appellant with any changes to the proposed conditions for subdivision presented during the hearing by December 9, 2016. Written submissions from the parties with respect to possible conditions must be sent to each other and to the Board on or before January 5, 2017.”

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) ...

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- (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.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 240.1 states that the **General Purpose** of the **(RR) Rural Residential Zone** is:

...to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Section 240.4(1) states “the minimum Site Area shall be 1.0 ha.”

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

October 27, 2016

File NO. LDA16-0363

RE: Tentative plan of subdivision to create one (1) additional rural residential lot from Lot 6A, Block 1, Plan 902 2286, located north of Ellerslie Road SW and west of 8A Avenue SW;
WINDERMERE

I The Subdivision by Plan be REFUSED on October 27, 2016, for the following reasons:

1. the land use designation of the subject lot, as specified in Figure 5.0 - Development Concept of the Windermere Neighbourhood Structure Plan (NSP) (Bylaw 16472), is "Existing Country Residential. The subdivision does not comply with Section 3.1 - Development Goals of the Windermere NSP which states "The Windermere NSP aspires to [...] [p]rotect the existing character of country residential communities through appropriate urban design (i.e. transitional land use, site planning and design);"
2. the subdivision does not comply with Section 4.1.1 - Country Residential Estate of the Windermere NSP which states "Windermere, Windermere Ridge and Westpoint Estates comprise existing country residential estate development within the plan boundary. These areas run north to the southern boundary of the plan along the North Saskatchewan River Valley top-of-bank. These residences form part of this area's early history and are expected to remain country residential. They are not intended to be further subdivided;"
3. the zoning of the subject lot is (RR) Rural Residential Zone and is therefore subject to the regulations of Section 240 of the Edmonton Zoning Bylaw 12800. The subdivision does not comply with Section 240.1 of the Edmonton Zoning Bylaw 12800 which states "The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan;"
4. the subject lot is 0.52 ha and the proposed lots are 0.26 ha. Therefore, the subdivision does not comply with Section 240.4(1) of the Edmonton Zoning Bylaw 12800 which states "The minimum Site Area shall be 1.0 ha;" and

5. a storm and sanitary servicing report was identified as a requirement to review this subdivision. The required report was not provided. Therefore, City of Edmonton Drainage Planning and Engineering does not support the subdivision.

Please be advised that an appeal may be lodged in accordance to Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 – 103 Avenue NW, Edmonton Alberta, 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 Kyle Witiw at 780-442-4308 or kyle.witiw@edmonton.ca.

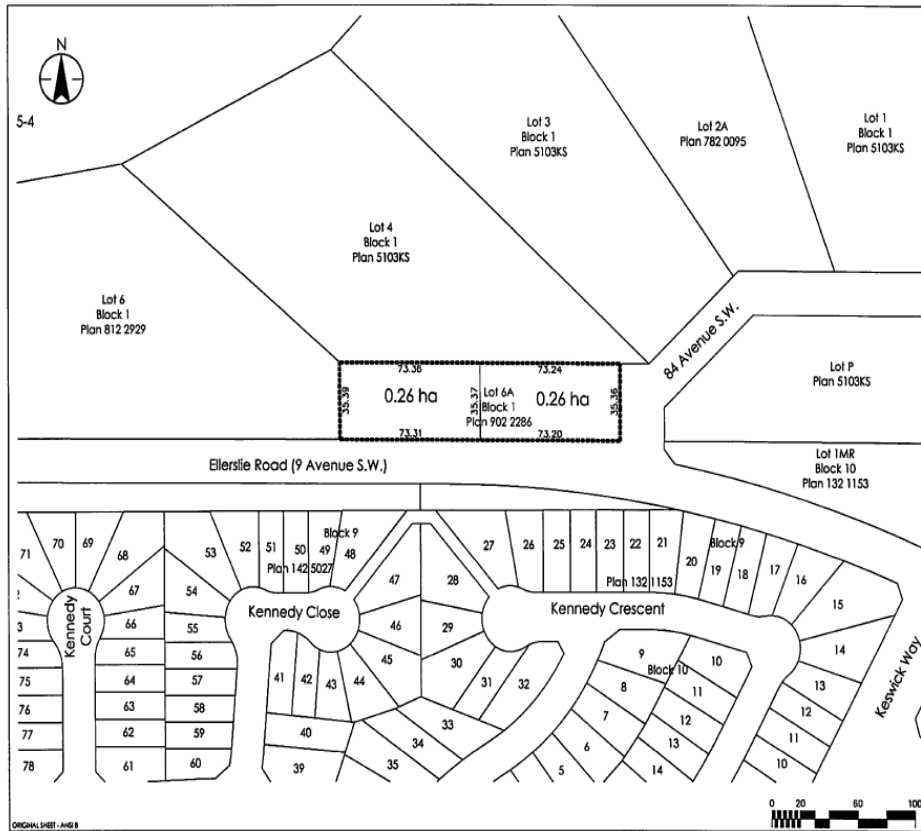
Yours truly,



Blair McDowell
Subdivision Authority

BM/kw/Posse #227399461-001

Enclosure(s)



Stantec

10140-112 Street
Edmonton, AB T5K 2L6
Tel. 780.917.7000
www.stantec.com

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The Contractor shall be responsible for all dimensions, DO NOT scale the drawing. The area is intended for use as shown. The Contractor shall be responsible for the accuracy of the drawing. Reproduction or use for any purpose other than that authorized by Stantec is prohibited.

Notes:
All distances are expressed in metres and decimals thereof.
Area to be subdivided outlined in black and contains approximately 1.52 hectares, including 2 residential lots.

Revision	By	Date

Client/Project
AL HENDRIKS
PLAN SHOWING PROPOSED SUBDIVISION
OF LOT 6A, BLOCK 1, PLAN 9022286
Edmonton, AB

Title
TENTATIVE PLAN OF SUBDIVISION
WINDERMERE - HENDRIKS LANDS

Project No. 1161 103525
July 25, 2016

Scale
1:1500

ORIGINAL SHEET - AND 8



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-S-16-003



BUSINESS LAID OVER

SDAB-D-16-294	An appeal to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18, 2017</i>
SDAB-D-16-295	An appeal to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <i>January 18, 2017</i>
SDAB-S-14-001	An appeal to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>January 25, 2017</i>
SDAB-D-16-316	An appeal to construct an addition and exterior alterations to an existing Religious Assembly (250-seat addition to 250-seat building and parking lot expansion)(Ethiopian Church) <i>January 18 or 19, 2017</i>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>February 15, 2017</i>

APPEAL HEARINGS TO BE SCHEDULED

232482794-001	An appeal to install (1) Freestanding On-premises Sign and remove (1) existing Freestanding On-premises Sign (ST. PAUL'S UNITED CHURCH). <i>January 12, 2017</i>
230469969-001	An appeal to install (1) freestanding Minor Digital Off-premises Sign (14.6m x 4.3m digital panel facing South, and static panel facing North); and to remove an existing Freestanding Off-premises Sign on 2920-101 Street, existing Freestanding Off-premises Signs on 2303 Gateway Boulevard NW, and existing Freestanding Off-premises Sign on 2950 Calgary Trail NW as shown on plans submitted. (PATTISON - KBR CANADA LTD.) <i>January 26, 2017</i>
152674334-001	An appeal to construct an Auctioneering Establishments building and operate an Auctioneering Establishment on the entire Site (including existing storage building and shed), and demolish an existing storage building (Osman Auction Inc.) <i>February 22, 2017</i>