

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

Meeting No. 02HR3/15

**Wednesday, 9:00 A.M.  
January 14, 2015**

**Hearing Room No. 3  
Main Floor, Churchill Building**

Meeting No.: 02HR3/15

Wednesday, January 14, 2015

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

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9:00 A.M. 146026839-005	SDAB-D-15-009	Construct a rear uncovered deck (irregular shape – 7.32 metres by 10.97 metres at 3.05 metres in height). 5808 - Edworthy Cove NW	I
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**BREAK – 10:15 A.M. TO 10:30 A.M.**

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10:30 A.M. 164380387-001	SDAB-D-15-010	Park a recreational vehicle in a required Front Yard. 389 - Calderon Crescent NW	II
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**NOTE:** *Unless otherwise stated, all references to “Section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

Meeting No. 02HR3/15

Wednesday, January 14, 2015

I

ITEM I: 9:00 A.M.FILE: SDAB-D-15-009AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	146026839-005.
APPLICATION TO:	Construct a rear uncovered deck (irregular shape – 7.32 metres by 10.97 metres at 3.05 metres in height).
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused.
DECISION DATE:	December 9, 2014.
DATE OF APPEAL:	December 12, 2014.
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	5808 Edworthy Cove NW.
LEGAL DESCRIPTION:	Lot 32, Block 13, Plan 1320806.
ZONE:	RSL Small Lot Residential Zone.
OVERLAY:	N/A.
STATUTORY PLAN:	Edgemont Neighbourhood Area Structure Plan.

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Wednesday, January 14, 2015

FILE: SDAB-D-15-009

9:00 A.M.DEVELOPMENT OFFICER'S DECISION

“REFUSED - The proposed development is refused for the following reasons:

The maximum total Site Coverage shall not exceed 45 percent, inclusive of the attached Garage and any other Accessory Buildings (Reference Section 115.4(5)).

Allowable Coverage:	45 percent
Proposed Coverage:	46.6 percent
Exceeds By:	1.6 percent

Platform Structures provided such projections do not exceed 2.0 metres into Setbacks or Separation Spaces with a depth of at least 4.0 metres. (Reference Section 44.3(a))

Allowable Projection into Rear yard:	2.0 metres
Proposed Projection into Rear yard:	3.84 metres
Exceeds By:	1.84 metres”

APPELLANT'S SUBMISSION

“My house has a revenue suite in the basement. Therefore, renters will be using the back yard. I would like a larger deck for my 3 kids to have somewhere safe to run around outside.”

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to construct a rear uncovered deck (irregular shape - 7.32 metres by 10.97 metres at 3.05 metres in height).

The site is located in a cul-de-sac on the west side of Edworthy Cove, south of Edgemont Boulevard and is zoned RSL Residential Small Lot Zone, Section 115 of the Edmonton Zoning Bylaw 12800. The site is within the Edgemont Neighbourhood Area Structure Plan, under Bylaw 15717, approved by City Council on May 30, 2011.

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FILE: SDAB-D-15-009

9:00 A.M.SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED):

The submitted Site Plan shows that the subject site is irregular shaped. The proposed uncovered deck is irregular shaped and is attached to the (west) rear elevation and the (north) side elevation of the Principal Building.

The Development Officer has provided the following information:

Site Area:	454.97 square metres
45 percent allowable Site Coverage:	204.74 square metres
Existing Principal Building with attached Garage:	157.21 square metres
Proposed uncovered deck addition:	54.81 square metres
Proposed Total Site Coverage:	212.02 square metres

Section 115.4(5) states the maximum total Site Coverage shall not exceed 45 percent, inclusive of the attached Garage and any other Accessory Buildings.

**The Development Officer determined that the maximum allowable Total Site Coverage is 204.74 square metres and the proposed uncovered deck and Principal Building is 212.02 square metres, which exceeds the maximum allowable Site Coverage by 7.28 square metres.**

Section 115.4(7) states the minimum Rear Setback shall be 7.5 metres.

Section 44.3(a) states Platform Structures may project into a required Setback or Separation Space provided such projections do not exceed 2.0 metres into Setbacks or Separation Spaces with a depth of at least 4.0 metres.

**The existing Rear Setback is 7.50 metres.**

**Therefore, the deck may project 2.00 metres into the required Setback (7.50 metres – 7.50 metres = 0.00 metres + 2.00 metres), proposed is 3.96 metres and exceeds the maximum allowable by 1.96 metres.**

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FILE: SDAB-D-15-009

9:00 A.M.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED):

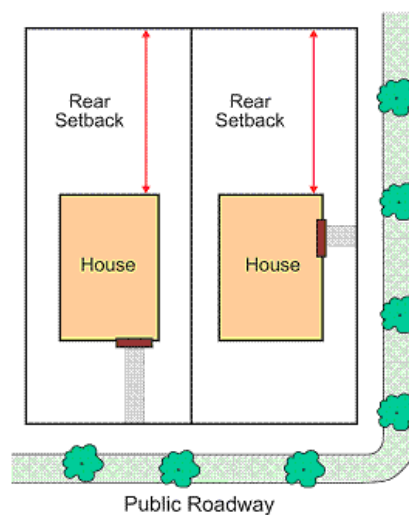
**It should be noted** that the Development Permit indicates that the proposed projection is 3.84 metres.

Under Section 6.1(93), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metre above grade, including Accessory Buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metre or more above grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metre above grade.

Under Section 6.1(74), **Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.

Under Section 6.1(82), **Rear Setback** means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



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FILE: SDAB-D-15-009

9:00 A.M.SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED):

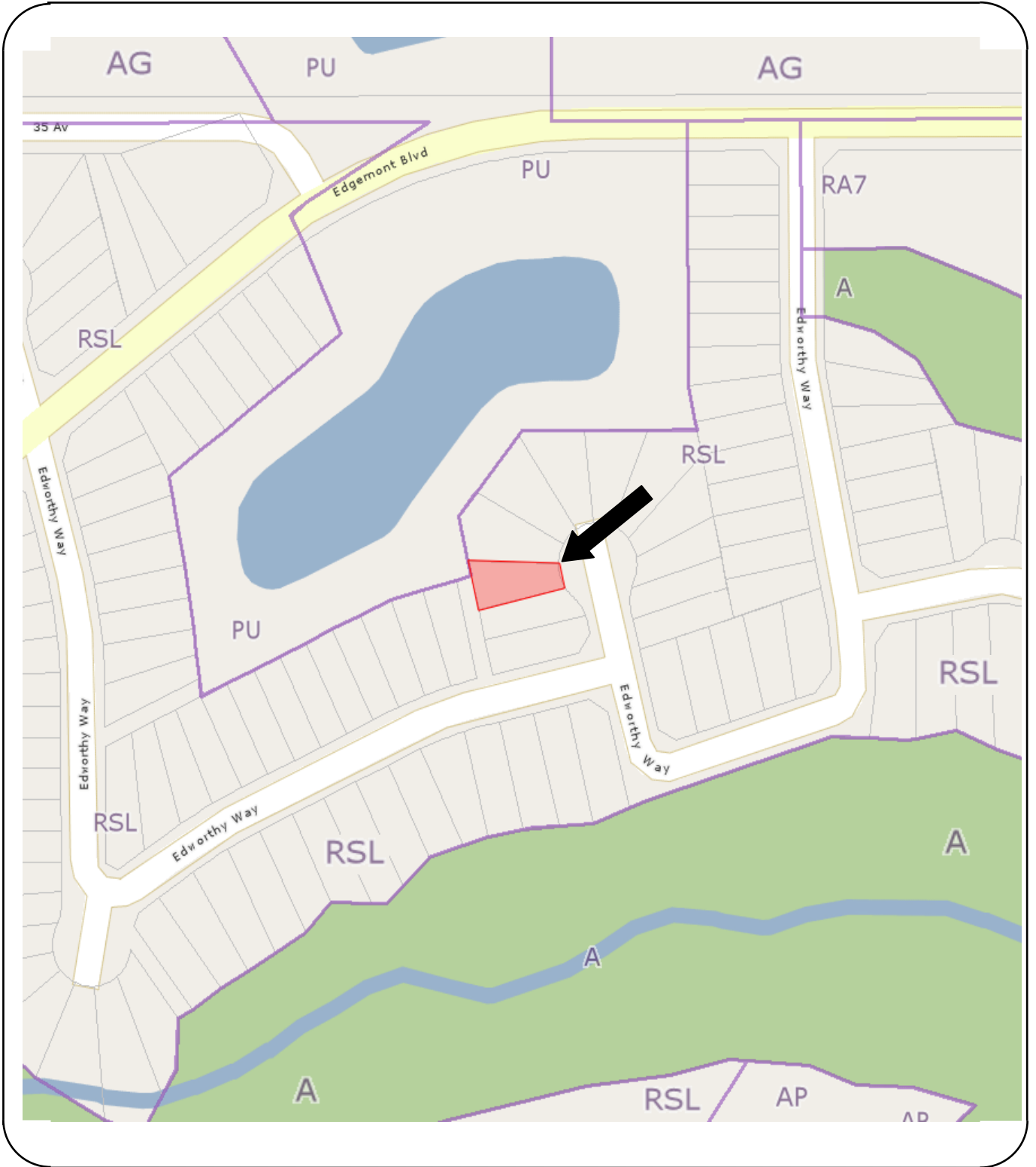
Section 115.1 states the purpose of this Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

The following jobs are listed in the Sustainable Development Department POSSE system:

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
156278273-001	Compliance Certificate	July 2, 2014; Stamped.
146026839-001	To construct a Single Detached House with front attached Garage, front veranda, fireplace and Secondary Suite (2 Bedroom).	November 28, 2013; Approved with conditions and the following variance:  The Development Officer deems the Single Detached House with attached Garage to be a two Storey Structure.

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.



### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-009





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## II

ITEM II: 10:30 A.M.FILE: SDAB-D-15-010AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	164380387-001.
APPLICATION TO:	Park a recreational vehicle in a required Front Yard.
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused.
DECISION DATE:	December 5, 2014.
DATE OF APPEAL:	December 11, 2014.
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	389 Calderon Crescent NW.
LEGAL DESCRIPTION:	Lot 98, Block 23, Plan 0226399.
ZONE:	RSL Residential Small Lot Zone.
OVERLAY:	N/A.
STATUTORY PLAN(S):	Palisades Area Structure Plan. Cumberland Neighbourhood Structure Plan.

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Wednesday, January 14, 2015

FILE: SDAB-D-15-010

10:30 A.M.

DEVELOPMENT OFFICER'S DECISION

“REFUSED - The proposed development is refused for the following reasons:

Does not conform to Zoning Bylaw, Section 45.3, 45.4.”

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APPELLANT'S SUBMISSION

“This property was recently purchased (August 2014) and it was chosen specifically due to the large front driveway to park an RV. The purchase of the property was at great financial expense for a young family and having to pay more money on top of this I believe is unfair and puts harsher financial pressures. The Development Authority Officer who assisted me with my application stated that the only reason he had to deny my permit was he just did not have the authority and would not oppose it.”

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to park a recreational vehicle in the required Front Yard.

The site is located on the north side of Calderon Crescent, west of 134 Street and is zoned RSL Residential Small Lot Zone, Section 115 of the Edmonton Zoning Bylaw 12800. The Site is within the Palisades Area Structure Plan, under Bylaw 7464 (as amended), approved by City Council on April 24, 1984, and the Cumberland Neighbourhood Structure Plan, under Bylaw 7563 (as amended), approved by City Council on June 19, 1984.

The submitted Site Plan shows that the subject site is 12.19 metres by 36.70 metres in size. The plan indicates that the recreational vehicle is parked on a pad located in the (south) Front Yard. The plan shows a Driveway with a depth of 5.64 metres leading to the front attached Garage. The width of the Garage is 6.76 metres.

Section 45(3) states that no person shall keep, in the Front Yard in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle.

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Wednesday, January 14, 2015

FILE: SDAB-D-15-010

10:30 A.M.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED):

**The Development Officer determined that the proposed application does not meet this requirement.**

Section 45(4) states that notwithstanding subsection 45.3, from April 1 through October 31 inclusive, on a residential Site with no rear Lane, large Recreational Vehicles may be parked to within 2.0 metres of the interior edge of the sidewalk, or within 2.0 metres of the curb if there is no sidewalk:

- a. where vehicular access is solely available through the Front Yard; or
- b. in the case of a corner Site, where vehicular access is solely available through the Front Yard or through the exterior flanking Side Yard,

subject to the discretion of the Development Officer, who may exercise his variance power to decrease this minimum Setback requirement on a Site by Site basis, given the proximity and orientation of driveways, parking areas, buildings and other physical features which may affect sight lines and amenities on the subject property and on adjacent properties.

**The Development Officer determined that the proposed application does not meet the requirements of Section 45(4). The Recreational Vehicle will be parked in the Front Yard on a year-round basis.**

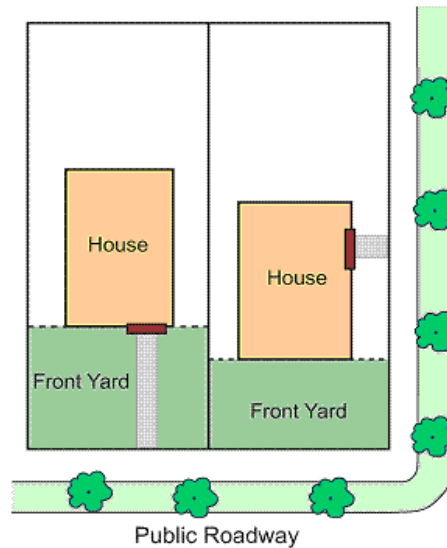
Section 45(5) states that for the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall include any motorhome, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored; or any similar vehicles.

Section 45(6) states that for the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall not include: small utility trailers; camper van conversions; tent trailers; campers which are mounted in trucks; boats; snowmobiles; all-terrain vehicles; jet skis; or motorcycles and trailers to carry them.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS  
(CONTINUED):

Under Section 6.1(39), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Section 115.1 states the purpose of the Residential Small Lot Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

The following Job is listed in the Sustainable Development Department POSSE system:

Job Number	Description	Decision
163819490-001	Violation Notice	December 10, 2014; It has been determined that the use of your property at 389 Calderon Crescent NW, in the City of Edmonton, is in violation of the City of Edmonton Zoning Bylaw. The nature of the violation is as follows:  45(3). No person shall keep, in the Front Yard in any Residential Zone,

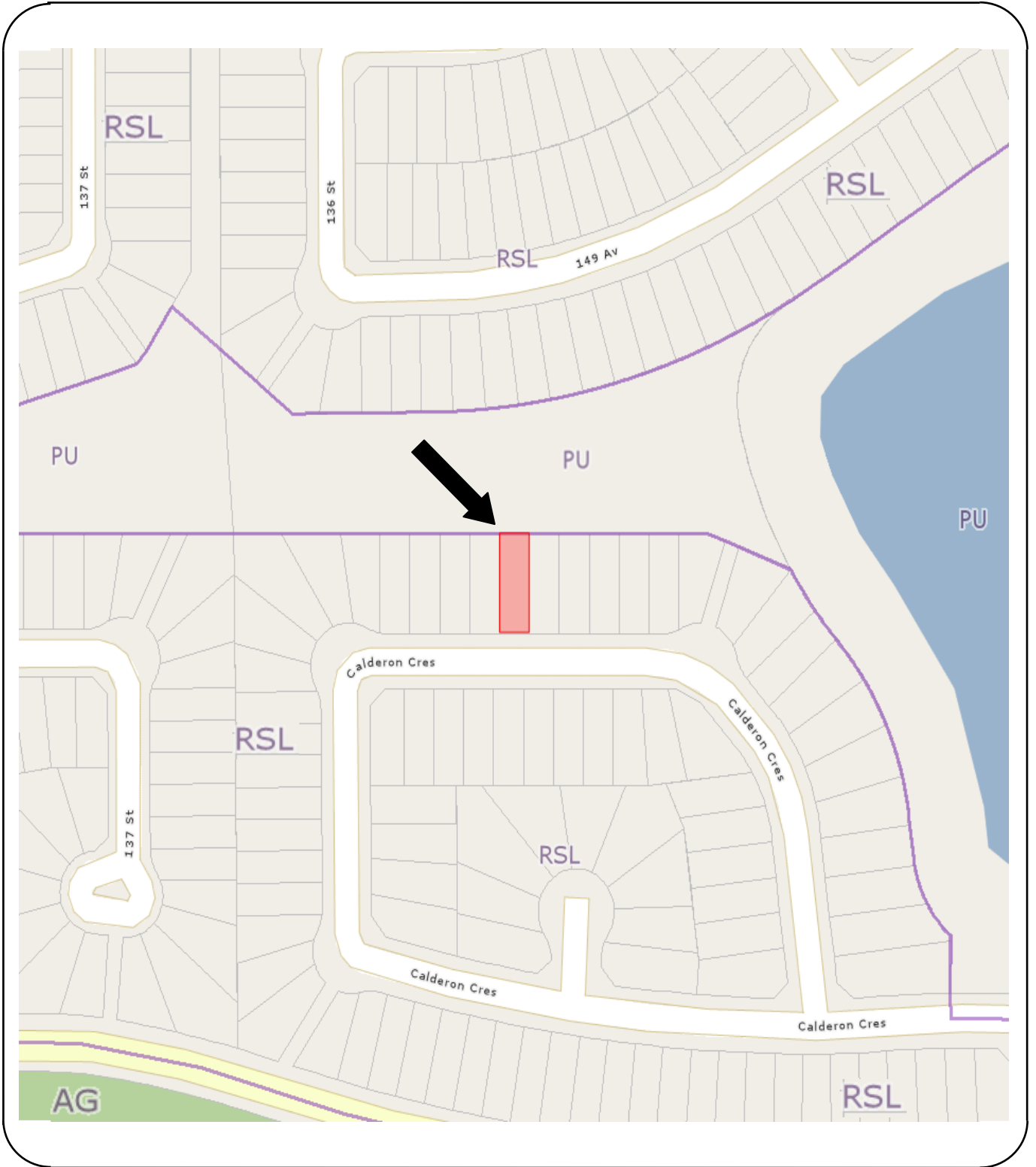
<p>163819490-001 (Continued)</p>		<p>or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle.</p> <p>YOU ARE HERBY DIRECTED to stop the use of this land for this purpose by taking the following corrective measures:</p> <p>Remove the large recreational vehicle from the front yard of your property, and refrain from parking it there between November 1 and March 31.</p> <p>These corrective measures must be taken by December 24, 2014 unless a development permit for the use is obtained for the land from the City. [...]</p>
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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-010



Meeting No. 02HR3/15

Wednesday, January 14, 2015

**BUSINESS LAID OVER**

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SDAB-D-14-316 An appeal to construct a rear uncovered deck (5.49 metres by 9.78 metres at 1.35 metres in height), existing without permits.

*January 14 or 15, 2014*

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**APPEAL HEARINGS TO BE SCHEDULED**