

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Meeting No. 02HR2/15

Thursday, 9:00 A.M.
January 15, 2015

Hearing Room No. 2
Main Floor, Churchill Building

Meeting No.: 02HR2/15

Thursday, January 15, 2015

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

9:00 A.M.	SDAB-S-15-001	Create one (1) additional	I
161116987-001;		Single Detached	
LDA14-0435		Residential Lot.	
		10225 – 137 Street NW	

Lunch to Follow

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

Meeting No. 02HR2/15

Thursday, January 15, 2015

I

ITEM I: 9:00 A.M.FILE: SDAB-S-15-001AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPLICATION NO.:	161116987-001; LDA14-0435.
APPLICATION TO:	Create one (1) additional Single Detached Residential Lot.
DECISION OF THE SUBDIVISION AUTHORITY:	Refused.
DECISION DATE:	November 28, 2014.
DATE OF APPEAL:	December 12, 2014.
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10225 – 137 Street NW.
LEGAL DESCRIPTION:	Lot 8, Block 111, Plan 2803 AF.
ZONE:	RF1 Single Detached Residential Zone.
OVERLAY:	Mature Neighbourhood Overlay.
STATUTORY PLAN:	N/A.

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Meeting No. 02HR2/15

Thursday, January 15, 2015

FILE: SDAB-S-15-001

9:00 A.M.

SUMMARY

This application is to create one (1) additional Single Detached Residential Lot.

The site is located on the southeast corner of 137 Street and Stony Plain Road and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814.

The plan shows that the existing site is an irregular shaped lot. The (north) Site Width is 29.32 metres; the (south) Site Width is 27.44 metres; the (east) Site depth is 29.53 metres; and the (west) Site depth is 19.27 metres. The proposed subdivision would create two lots that are each 334.94 square metres in size.

The proposed Lot 18, a Corner Lot, would have a (north) Site Width of 16.24 metres; a (south) Site Width of 15.09 metres, an (east) Site depth of 24.95 metres; and a (west) flanking Site depth of 19.27 metres.

The proposed Lot 19 would have a (north) Site Width of 13.08 metres; a (south) Site Width of 12.35 metres, an (east) Site depth of 29.53 metres; and a (west) Site depth of 24.95 metres.

Section 110.4(1) states the Site regulations for Single Detached Housing are as follows:

- a. the minimum Site area shall be 360 square metres;
- b. the minimum Site Width shall be 12.0 metres; and
- c. the minimum Site depth shall be 30.0 metres.

The *Municipal Government Act*, Section 654(2) states that 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

cont'd....

Meeting No. 02HR2/15

Thursday, January 15, 2015

FILE: SDAB-S-15-001

9:00 A.M.

SUMMARY (CONTINUED):

(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

Section 814.1 states the purpose of this 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.

On file is a Memorandum from Kelly Sizer, General Supervisor, Development Planning, Transportation Planning Branch, dated October 27, 2014 that states Transportation Services has reviewed the proposed subdivision application and has provided a condition and two advisements. **A copy of this Memorandum is on file.**

ATTACHMENTS

I. Letter of Refusal by the Subdivision Authority, dated November 28, 2014.

II. Map.

APPELLANT'S SUBMISSION

We act for Conrad Langier who caused Hagen Surveys to file a subdivision application on his behalf in respect of property he owns on the corner of 137 St. and Stony Plain Road. The application was refused by the Subdivision as set out in the attached letter of refusal.

Please consider this as an appeal of the refusal under sec. 668 of the Municipal Government Act.

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Meeting No. 02HR2/15

Thursday, January 15, 2015

FILE: SDAB-S-15-001

9:00 A.M.

APPELLANT'S SUBMISSION (CONTINUED):

The grounds of appeal are:

1. The subject site is on the extreme edge of the Glenora neighbourhood and fronts onto Stony Plain road, an arterial roadway. There is no defined streetscape along Stony Plain Road and properties within sight of the subject have no common character or design. Hence the proposed subdivision is not inconsistent with the Mature Neighbourhood Overlay.
2. Because of the property location and the current unappealing and deteriorating development on the site, the proposed subdivision will allow for construction of two homes on the site that will enhance the use, enjoyment and value of neighbouring properties rather than be opposite.
3. The depth of the proposed two lots will be the same as the depth of the current lot so the subdivision presents no new inconsistency in that regard with the other lots in the neighbourhood or with the Land Use Bylaw.
4. While the propose new lots will be narrower than most lots in Glenora, the proposed subdivision is consistent with City policy which promotes higher density redevelopment in mature neighbourhoods, a policy aimed at more efficient use of land. Also, the proposed widths exceed the minimum requirements for the RF1 Zone.
5. The Subdivision Authority states that the increase in density (one additional home) will have negative impact on adjacent properties. This is unreasonable having regard to the location of the subject site.
6. The Subdivision Authority suggests that the property is subject to dedication of road widening for LRT purposes. Any requirement that the subdivision applicant dedicate without compensation land for LRT purposes would be unfair, unreasonable and discriminatory. Consequently, any reason for refusal associated with LRT dedication is an invalid ground for refusal.

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Meeting No. 02HR2/15

Thursday, January 15, 2015

FILE: SDAB-S-15-001

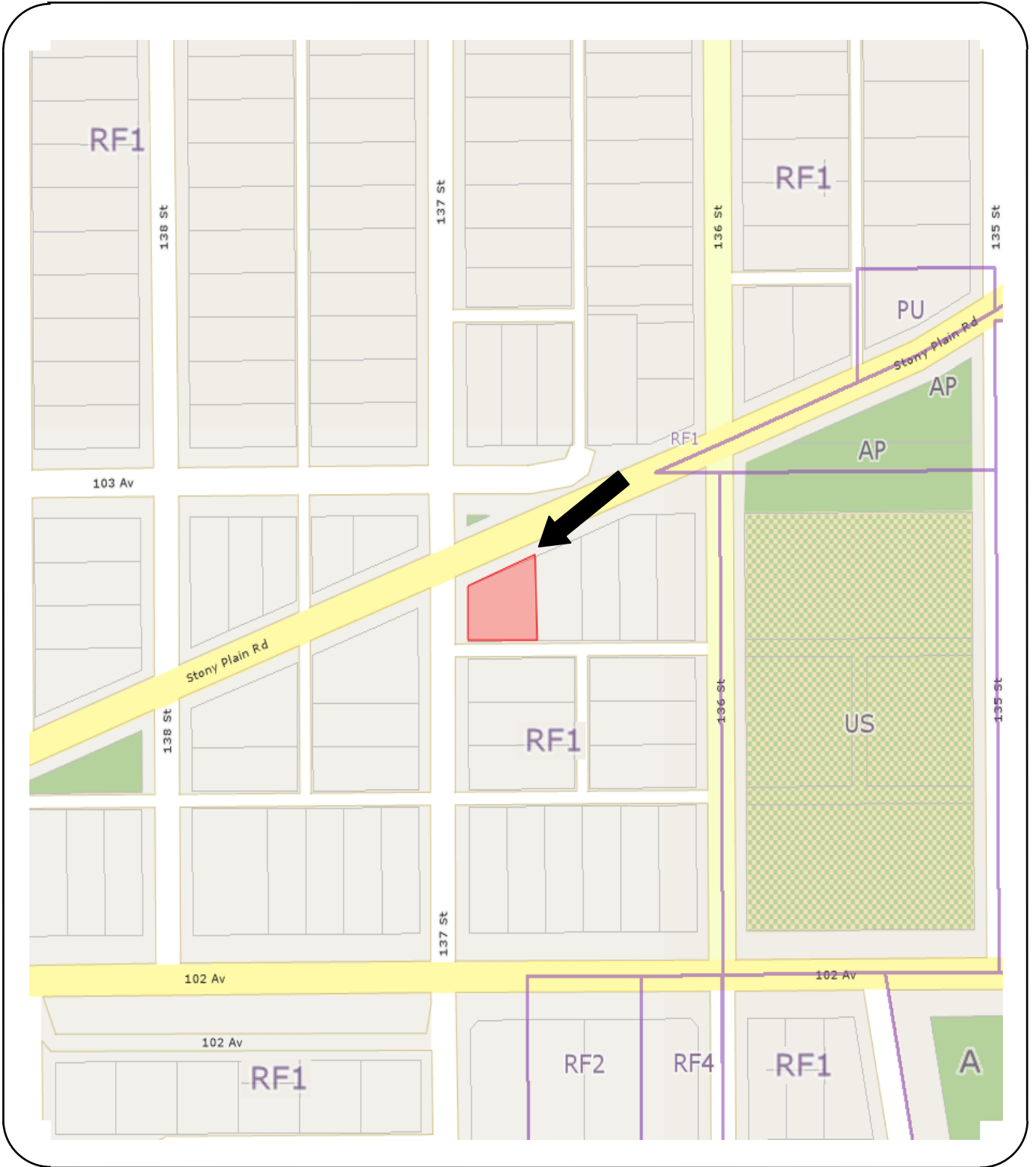
9:00 A.M.

APPELLANT'S SUBMISSION (CONTINUED):

7. Further, there are no concrete plans for an LRT right of way along Stony Plain Road that would affect the subject lands so it would be unreasonable to refuse the subdivision on any ground associated with a supposed LRT.
8. Such other grounds as may be raised at the hearing.

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-S-15-001



November 28, 2014

LDA14-0435

Hagen Surveys (1982) Ltd.
8929 — 20 Street
Edmonton, AB T6P 1K8

Attention: Roy Maxwell

Dear Mr. Maxwell:

Subject: Tentative plan of subdivision to create one (1) additional single detached residential lot from Lot 8, Block' 111, Plan 2803 AF, located south of Stony Plain Road and east of 137 Street; Glenora

The proposed Subdivision is REFUSED on November 28, 2014 for the following reasons(s):

1. 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 proposed lot widths are less than those of the existing adjacent properties and will result in site areas that are uncharacteristically small when compared to the adjacent properties and other lots in the neighbourhood. General lot sizes in Glenora range from 601 to 1,065 square metres and have an average site depth of 42 metres. The proposed lot sizes are approximately 335 square metres and have an average site depth of 22 and 27 metres, substantially smaller than lots characteristic to the neighbourhood.

Approval of this application would require a portion of the land to be dedicated as road widening for the future LRT. The dedication of road right of way would reduce the already deficient area and depth of the proposed lots. The already shallow lots would be reduced to an average depth of 18 and 26 metres, substantially increasing the difference between the proposed lots and the surrounding character of the neighbourhood.

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

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2. The proposed subdivision is located within the RF1 District of Zoning Bylaw 12800 and does not meet the minimum requirements for site area or site depth. Section 110.4.1(a) states that the minimum site area shall be 360 square metres. The proposed lots are approximately 335 square metres, and are deficient by approximately 25 square metres. Section 110.4.1(c) states that the site depth shall be 30 metres. The proposed lots have an average site depth of 22 and 27 metres, and are deficient by 8 and 3 metres. The land dedication required by transportation would further increase the deficiency in site area and depth.
3. The proposed subdivision is located within the Mature Neighbourhood Overlay as prescribed by Zoning Bylaw 12800. The purpose of this 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.

It is the position of the Subdivision Authority that the proposed subdivision would not comply with the intent and spirit of the Mature Neighbourhood Overlay. Any proposed development would not be sensitive in scale to the existing developments and would subsequently impact the existing streetscape.

Although it may be possible to construct homes on the proposed lots, the Subdivision Authority contends that the lots do not fit within the immediate neighborhood. A fundamental issue is the increase in density, and the resulting negative impact on adjacent properties.

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TENTATIVE PLAN

SHOWING SUBDIVISION OF

LOT 8, BLK. 111, PLAN 2803 A.F.

IN THE
S.W.1/4 SEC.1-53-25-4

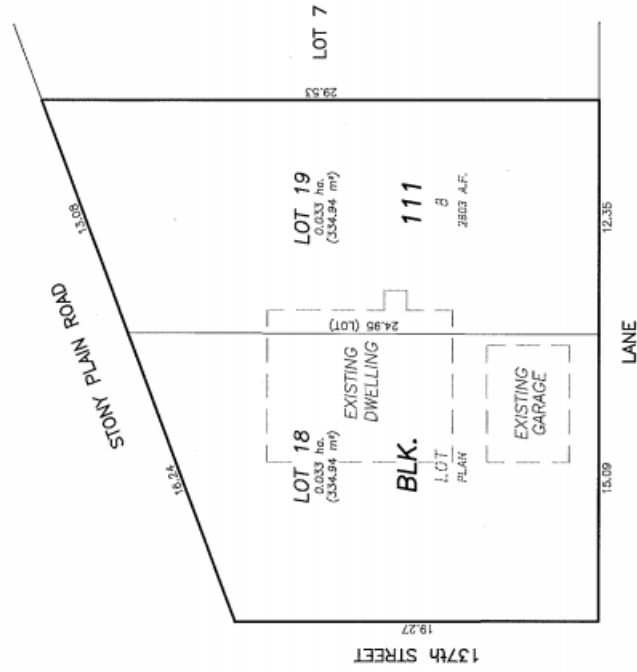
EDMONTON ALBERTA

SCALE 1:200 2014 D.J. HAGEN, A.L.S.



NOTE:
- DISTANCES ARE APPROXIMATE AND ARE IN METRES AND DECIMALS THEREOF.
- AREA DEALT WITH BOUNDED THUS.

HAGEN SURVEYS (1982) LTD. 8029-20 STREET, EDMONTON, PR. 464-5506	
SURVEYOR'S STAMP	
	DRAWN BY: AJ CALC'D. BY: - DATE: SEPTEMBER 12, 2014 REVISED: - FILE NO. 14S1051 DWG. NO. 14S1051



Meeting No. 02HR2/15

Thursday, January 15, 2015

BUSINESS LAID OVER

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

APPEAL HEARINGS TO BE SCHEDULED