

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
January 24, 2018**

**River Valley Room  
City Hall, 1 Sir Winston  
Churchill Square NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
River Valley Room**

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I	9:00 A.M.	SDAB-D-18-010	Construct exterior alterations to an Accessory Building (rear greenhouse (14.02 metres by 7.93 metres)  3392 - Cutler Crescent SW Project No.: 230508286-002
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II	10:30 A.M.	SDAB-D-18-011	Construct a Semi-Detached House with front uncovered deck, fireplace, rear uncovered deck (irregular shape), and to a demolish an existing Single Detached House and Accessory Building (rear detached Garage)  9706 - 69 Avenue NW Project No.: 265858612-001
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**WITHDRAWN**

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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-18-010

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 230508286-002

APPLICATION TO: Construct exterior alterations to an Accessory Building (rear greenhouse (14.02 metres by 7.93 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 13, 2017

DATE OF APPEAL: December 26, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3392 - Cutler Crescent SW

LEGAL DESCRIPTION: Plan 1320325 Blk 3 Lot 71

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

*Grounds for Appeal*

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

Development officer refused according to the bylaw 12800 section - 52.4.e.  
Building construction has been completing 80%.  
Siding and Roofing job completed.

*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 decision is made 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 clause (d), must comply with any land use bylaw in effect;

...

- (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*:**

Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in (**RSL**) **Residential Small Lot Zone**.

Under section 7.2(8), **Single Detached Housing** means:

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 does not include Secondary Suites or Duplexes.

Under Section 6.1(2), **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(1) states a Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw. Notwithstanding the foregoing, Accessory parking may be on the same Site as the principal Use or comply with subsection 54.2(2) of this Bylaw.

Section 50.1(2) states Accessory Uses and buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

Section 115.1 states that the **General Purpose** of the **(RSL) 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 and Garden Suites.

<i><b>Height</b></i>
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Section 50.3(3) states an Accessory building or structure shall not exceed 4.3 metres in Height.

Section 52(4) states the Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:

- a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
- b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
- c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
- d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 metres or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments;
- e. for a Garden Suite, the Development Officer may determine Grade by calculating the average of the elevation of the corners at the Rear Lot Line prior to construction as shown on the applicant's Site Plan; or
- f. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development.

**Development Officer's Determination**


An Accessory building or structure shall not exceed 4.3 m in Height (Section 50.3(3)).  
[unedited]

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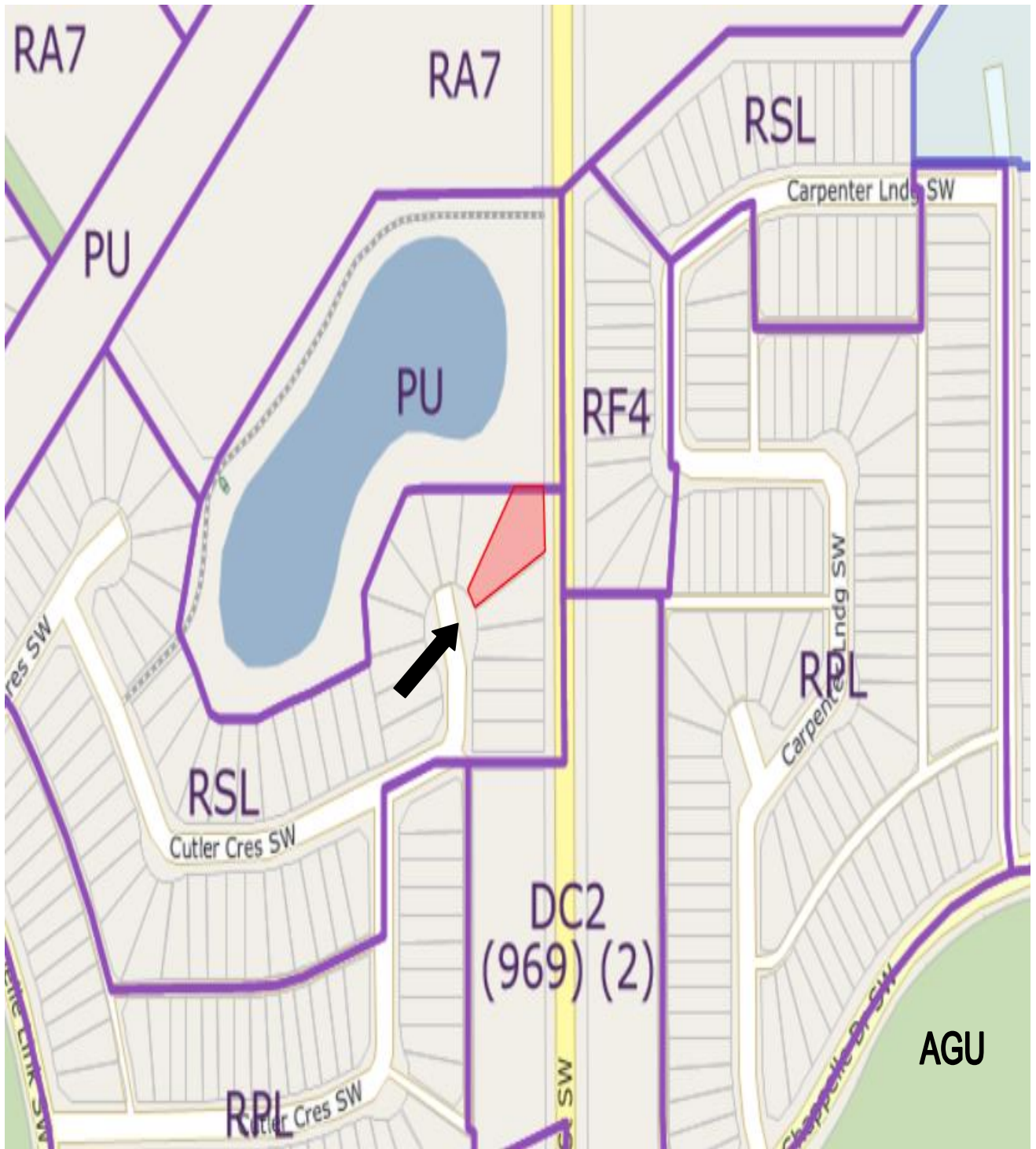
**Notice to Applicant/Appellant**

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. 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*.

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	Project Number: <b>230508286-002</b> Application Date: NOV 15, 2017 Printed: January 2, 2018 at 9:56 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>  <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<b>Property Address(es) and Legal Description(s)</b> 3392 - CUTLER CRESCENT SW Plan 1320325 Blk 3 Lot 71  <b>Specific Address(es)</b> Entryway: 3392 - CUTLER CRESCENT SW Building: 3392 - CUTLER CRESCENT SW																				
<b>Scope of Application</b> To construct exterior alterations to an Accessory Building (rear greenhouse (14.02m x 7.93m)).																					
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     # of Dwelling Units Add/Remove: 0                      Client File Reference Number:                      Minor Dev. Application Fee: Exterior Alterations (Res.)                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit: Class A                      Lot Grading Needed?: N                      New Sewer Service Required: N                      Stat. Plan Overlay/Annex Area: (none)                 </td> </tr> </table>		# 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: _____																					
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> An Accessory building or structure shall not exceed 4.3 m in Height (Section 50.3(3)).  <b>Rights of Appeal</b> 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 13, 2017    Development Authority: ZIOBER, MELISSA    Signature: _____																					
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$166.00</td> <td style="text-align: right;">\$166.00</td> <td style="text-align: right;">04623310</td> <td style="text-align: right;">Nov 15, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$166.00</td> <td style="text-align: right;">\$166.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$166.00	\$166.00	04623310	Nov 15, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$166.00	\$166.00		
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Totals for Permit:	\$166.00	\$166.00																			
<b>THIS IS NOT A PERMIT</b>																					





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-010



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-011

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

ADDRESS OF APPELLANT: 9702 - 69 Avenue NW

APPLICATION NO.: 265858612-001

APPLICATION TO: Construct a Semi-Detached House with front uncovered deck, fireplace, rear uncovered deck (irregular shape), and to a demolish an existing Single Detached House and Accessory Building (rear detached Garage)

**WITHDRAWN**

DECISION OF THE DEVELOPMENT AUTHORITY: Approved

DECISION DATE: December 6, 2017

DATE OF APPEAL: December 28, 2017

NOTIFICATION PERIOD: Dec. 12, 2017 through Jan. 2, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9706 - 69 Avenue NW

LEGAL DESCRIPTION: Plan 2306HW Blk 19 Lot 16

ZONE: RF3 Small Scale Infill Development 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 would like to appeal the decision to approve a semi-detached house as the existing site does not meet the width requirements.

We have concern over the encroachment to our property and potential drainage issues and fire hazard with the new development being built closer to our home than what zoning bylaws originally determined to be acceptable.

***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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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,

...

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**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 clause (d), must comply with any land use bylaw in effect;
- ...
- (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*:**

Under section 140.2(9), **Semi-detached Housing** is a **Permitted Use** in the (RF3) Small Scale Infill Development Zone.

Under section 7.2(7), **Semi-detached Housing** means:

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 does not include Secondary Suites or Duplexes.

Under section 6.1(31), **Dwelling** means:

a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings under certain conditions, and including Secondary Suites and Garden Suites.

<b><i>Site Width</i></b>
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Section 140.4(3)(b) states "on a non-Corner Lot, the minimum Site Width shall be 13.4 metres, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 metres."

**Development Officer's Determination**


**Site Width - The width of the site is 13.1m instead of 13.4m (Section 140.4.3.b).** [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. 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*.

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		Project Number: <b>265858612-001</b> Application Date: OCT 30, 2017 Printed: January 2, 2018 at 9:28 AM Page: 1 of 3	
<h2>Minor Development Permit</h2>			
<p>This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.</p>			
<b>Applicant</b>  <div style="border: 1px solid black; width: 250px; height: 40px; margin: 10px auto;"></div>		<b>Property Address(es) and Legal Description(s)</b> 9706 - 69 AVENUE NW Plan 2306HW Blk 19 Lot 16	
		<b>Specific Address(es)</b> Entryway: 9706 - 69 AVENUE NW Entryway: 9708 - 69 AVENUE NW Building: 9706 - 69 AVENUE NW	
<b>Scope of Permit</b> To construct a Semi-Detached House with front uncovered deck, fireplace, rear uncovered deck (irregular shape), and to a demolish an existing Single Detached House and Accessory Building (rear detached Garage).			
<b>Permit Details</b>			
# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N		Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	
I/We certify that the above noted details are correct. Applicant signature: _____			
<b>Development Permit Decision</b> Approved			



Project Number: 265858612-001  
Application Date: OCT 30, 2017  
Printed: January 2, 2018 at 9:28 AM  
Page: 2 of 3

## Minor Development Permit

### Subject to the Following Conditions

This Development Permit is not valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of a Semi-Detached House with front uncovered deck, fireplace, rear uncovered deck (irregular shape), and to a demolish an existing Single Detached House and Accessory Building (rear detached Garage).

WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)

Immediately upon demolition of the building, the site shall be cleared of all debris.

The development shall be constructed in accordance with the stamped and approved drawings.

The maximum Height shall not exceed 8.9m, in accordance with Section 52 of the Edmonton Zoning Bylaw 12800.

Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties. (Reference Section 814.3(9))

The maximum number of Dwellings per Site shall be as follows: a maximum of one Single Detached Dwelling per Site, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite. (Reference Section 140.4(17)(a))

Single Detached Housing/Semi-detached housing requires 1 parking spaces per dwelling; parking may be in tandem as defined in Section 6.1(112) (Reference Schedule 1 of Section 54.2).

For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 47)

Landscaping shall be installed and maintained in accordance with Section 55.

Frosted or opaque glass treatment shall be used on windows as indicated on the drawings to minimize overlook into adjacent properties (Reference Section 814.3(8)).

### ADVISEMENT:

Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.

Any future deck enclosure or cover requires a separate development and building permit approval.

Any future basement development requires development and building permit approvals.

Any future additional dwelling such as Secondary Suite shall require a separate development permit application.

The driveway access must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities.

Lot grades must match the Edmonton Drainage Bylaw 16200 and/or comply with the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.

Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the



Project Number: **265858612-001**  
 Application Date: OCT 30, 2017  
 Printed: January 2, 2018 at 9:28 AM  
 Page: 3 of 3

## Minor Development Permit

Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site.

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

**Variations**

Site Width - The width of the site is 13.1m instead of 13.4m (Section 140.4.3.b).

**Rights of Appeal**

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Dec 06, 2017    **Development Authority:** YEUNG, KENNETH

**Signature:** \_\_\_\_\_

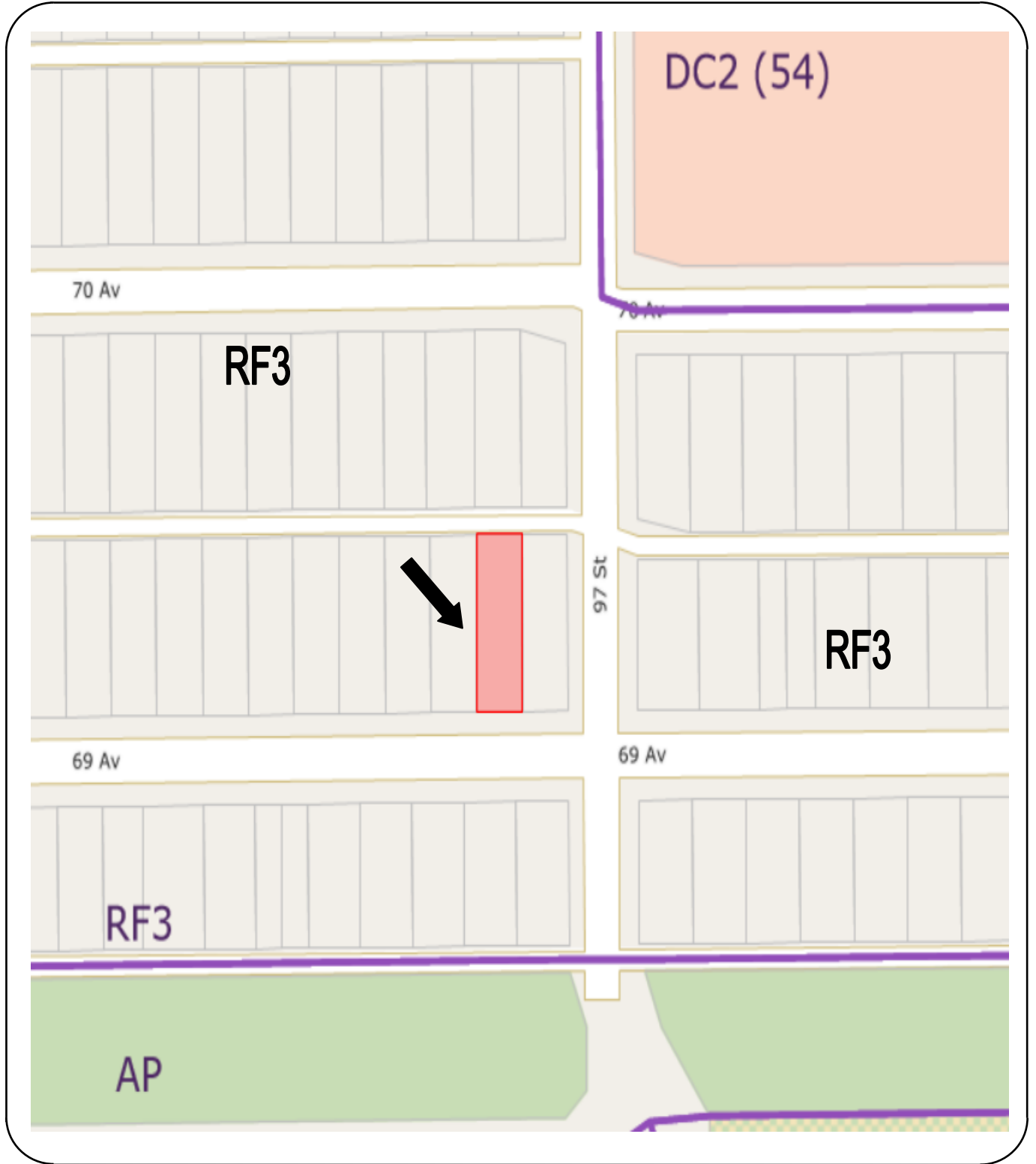
**Notice Period Begins:** Dec 12, 2017

**Ends:** Jan 02, 2018

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$200.00	\$200.00	04594531	Oct 30, 2017
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	04594531	Oct 30, 2017
Dev. Application Fee	\$475.00	\$475.00	04594531	Oct 30, 2017
Lot Grading Fee	\$280.00	\$280.00	04594531	Oct 30, 2017
Total GST Amount:	\$0.00			
<b>Totals for Permit:</b>	<b>\$2,521.00</b>	<b>\$2,521.00</b>		





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-011

