

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

Meeting No. 01HR2/15

**Thursday, 9:00 A.M.
January 8, 2015**

**Hearing Room No. 2
Main Floor, Churchill Building**

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

9:00 A.M. 81439690-007	SDAB-D-15-004	Order to CEASE the Use (General Industrial – Waste Removal Business) and removal of ALL business related materials from the site. 10851 – 75 Avenue NW	I
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LUNCH BREAK – 11:15 A.M. TO 11:45 A.M.

11:45 A.M. 162862587-001	SDAB-D-15-005	Construct an exterior alteration to an existing Single Detached House (Driveway extension, 3.05 metres by 7.62 metres), existing without permits. 18920 – 90A Avenue NW	II
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12:45 P.M. 162106704-001	SDAB-D-15-006	Construct an Accessory Building (6.71 metres by 9.14 metres (Detached Garage) existing without permits. 4058 - Alexander Way SW	III
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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.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-004

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.: 81439690-007.

APPLICATION TO: Appeal an Order to CEASE the Use (General Industrial – Waste Removal Business) and removal of ALL business related materials from the site. This Order is to be complied with on or before December 4, 2014.

DECISION DATE: November 13, 2014.

DATE OF APPEAL: November 28, 2014.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10851 – 75 Avenue NW.

LEGAL DESCRIPTION: Lot 1, Block, 4, Plan 5765Q.

ZONE: RF6 Medium Density Multiple Family Zone.

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan.

ITEM I: 9:00 A.M.

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DEVELOPMENT OFFICER'S DECISION

A check with Land Titles Office discloses that you are the registered owner(s) of the property located at 10851 – 75 Avenue NW, legally described as Plan 5765Q Block 4, Lot 1.

LAND USE INFRACTION:

The property is zoned RF6 (Medium Density Multiple Family Zone) in accordance with Section 170 of the Edmonton Zoning Bylaw. Our investigation revealed that a Use (General Industrial – Waste Removal Business) has been developed. The City of Edmonton has not issued a development permit for the Use (General Industrial – Waste Removal Business), which is contrary to Section 683 of the *Municipal Government Act*, R.S.A. 2000, c.M-26.1.

ORDER:

Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO: CEASE the Use (General Industrial – Waste Removal Business) and removal of ALL business related materials from the site.

This order is to be complied with on or before December 4, 2014.

CONSEQUENCES FOR NON-COMPLIANCE:

In the event that a person fails to comply with an Order issued under Section 645, Section 646 of the Municipal Government Act authorizes the City to enter on the land and take any action necessary to carry out the Order. Section 553 (1)(h.1) of the Act provides that the costs and expenses of carrying out an order may be added to the tax roll of the property and Section 566(1), subject to subsection (2), a person who is found guilty of an offence under this Act is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

The property will be inspected on or before December 4, 2014 to determine compliance with this Order.

Failure to comply will result in action as described in Section 646.

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-004

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

YOU ARE HEREBY NOTIFIED that if YOU HAVE NOT CEASED THE USE (GENERAL INDUSTRIAL – WASTE REMOVAL BUSINESS) AND REMOVED ALL BUSINESS RELATED MATERIALS FROM THE SITE by the December 4, 2014 deadline, the City may carry out the Order by entering onto the property and performing remedial action pursuant to Section 646, and all the costs and expenses in doing so will be added to the tax roll pursuant to Section 553(1)(h.1) of the *Municipal Government Act* R.S.A. 2000.

Following are Sections 553, 645, 646, 683, 685 and 686 of the Municipal Government Act, R.S.A. 2000, c.M-26.1, which provides you with the right to appeal this Order and enables the City to add all costs associated with this action to the tax roll of the property.

If you have any questions in regards to this matter, please contact the writer at 780-496-2687.

APPELLANT'S SUBMISSION

“This property did have a business license but that was not renewed by the City. I will not use this property to store any business related materials. The Order, however, is not clear and could be interpreted to mean I am not allowed to store my own personal items and tools. There needs to be clarity so that the enforcement officers don't think they can come and clear out my belongings. I will also file a charter notice if any government agents come on my land without a warrant.”

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to appeal an Order. The Order is to cease the Use (General Industrial – Waste Removal Business) and remove ALL business related materials from the Site. This Order is to be complied with on or before December 4, 2014.

The site is located on the southeast corner of 75 Avenue and 109 Street, and is zoned RF6 Medium Density Multiple Family Zone, Section 170 of the Edmonton Zoning Bylaw 12800. The site is within the Medium Scale Residential Infill Overlay, Section 823. The site is also within the 109 Street Corridor Area Redevelopment Plan, under Bylaw 16242 (as amended), approved by City Council on August 26, 2013.

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

Section 686(1)(a)(i) of the *Municipal Government Act* states “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...after the date on which the person is notified of the order or decision or the issuance of the development permit.”

The Order issued by the Development Officer is dated November 13, 2014. Fourteen days from the date of issuance is November 27, 2014 and the Notice of Appeal was filed on November 28, 2014.

Section 645 of the *Municipal Government Act* states:

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

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

Section 5.1 of the Zoning Bylaw states:

No Person:

1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefore issued under the provisions of Section 12 of this Bylaw; or
2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefore issued under Section 12 of this Bylaw.

Section 687(3) states “in determining an appeal, the subdivision and development appeal board

....

- (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.”**

A **General Industrial Use** is neither a Permitted Use nor a Discretionary Use in the RF6 Medium Density Multiple Family Zone.

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

Under Section 7.5(2), **General Industrial Use** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

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

Application Number	Description	Decision
160145712-001	Violation Notice	<p>November 3, 2014; An inspection of the above noted property by this Department revealed that a four-Unit Lodging House use has been operating from this location without a valid Development Permit.</p> <p>In accordance with Section 5.1 of the City of Edmonton Zoning Bylaw 12800, the Change-of-Use of a Single Detached Dwelling to a Lodging House constitutes Development requiring a Development Permit.</p>

<p>160145712-001 (Continued)</p>		<p>You must obtain a Development Permit for a Lodging House use or revert the property back to a Single Detached Dwelling by decommissioning the Lodging House use. To decommission the Lodging House use, you must reduce the number of unrelated persons residing on the property to a maximum of three.</p> <p>If you fail to comply with this violation notice by December 18, 2014, the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A. 2000.</p> <p>[...]</p>
<p>81439690-007</p>	<p>Violation Notice</p>	<p>May 1, 2014; An inspection of the above noted property by this Department revealed the Use (General Contractor Service) is operating, for which, according to our records, no development permit has been issued.</p> <p>Edmonton Zoning Bylaw 12800</p> <p>5. Approval Required For Development</p> <p>5.1 No Person:</p> <p>Shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or</p> <p>Shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of</p>

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81439690-007 (Continued)		<p>this Bylaw.</p> <p>5.2 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.</p> <p>You must cease the use and remove all business related materials from site. If some action has not been taken to rectify the situation by June 1, 2014, the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A. 2000.</p> <p>[...]</p>
81439690-009 SDAB-D-14-070	Operate a Major Home Based Business (Administration office for Junk Removal / Hauling business).	April 4, 2014; that the appeal be DENIED and the decision of the refusal by the Development Authority CONFIRMED.
81439690-008	To operate a Major Home Based Business (Administration office for Junk Removal / Hauling business).	February 6, 2014; Refused.
81439690-007	Violation Notice	<p>January 9, 2014;</p> <p>An inspection of the above noted property by this Department revealed the Use (General Contractor Service) is operating, for which, according to our records, no development permit has been issued.</p>

<p>81439690-007 <i>(Continued)</i></p>		<p>Edmonton Zoning Bylaw 12800</p> <p>5. Approval Required For Development</p> <p>5.1 No Person: Shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or Shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw.</p> <p>5.2 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.</p> <p>You must cease the use and remove all business related materials from site. If some action has not been taken to rectify the situation by January 30, 2014, the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A. 2000. [...]</p>
<p>81439690-006 SDAB-D-11-222</p>	<p>Stop Order: Residential Use Not in Compliance with Development Permit Storage of materials in the back yard.</p>	<p>October 27, 2011; that the appeal be DENIED and the Stop Order UPHeld.</p>

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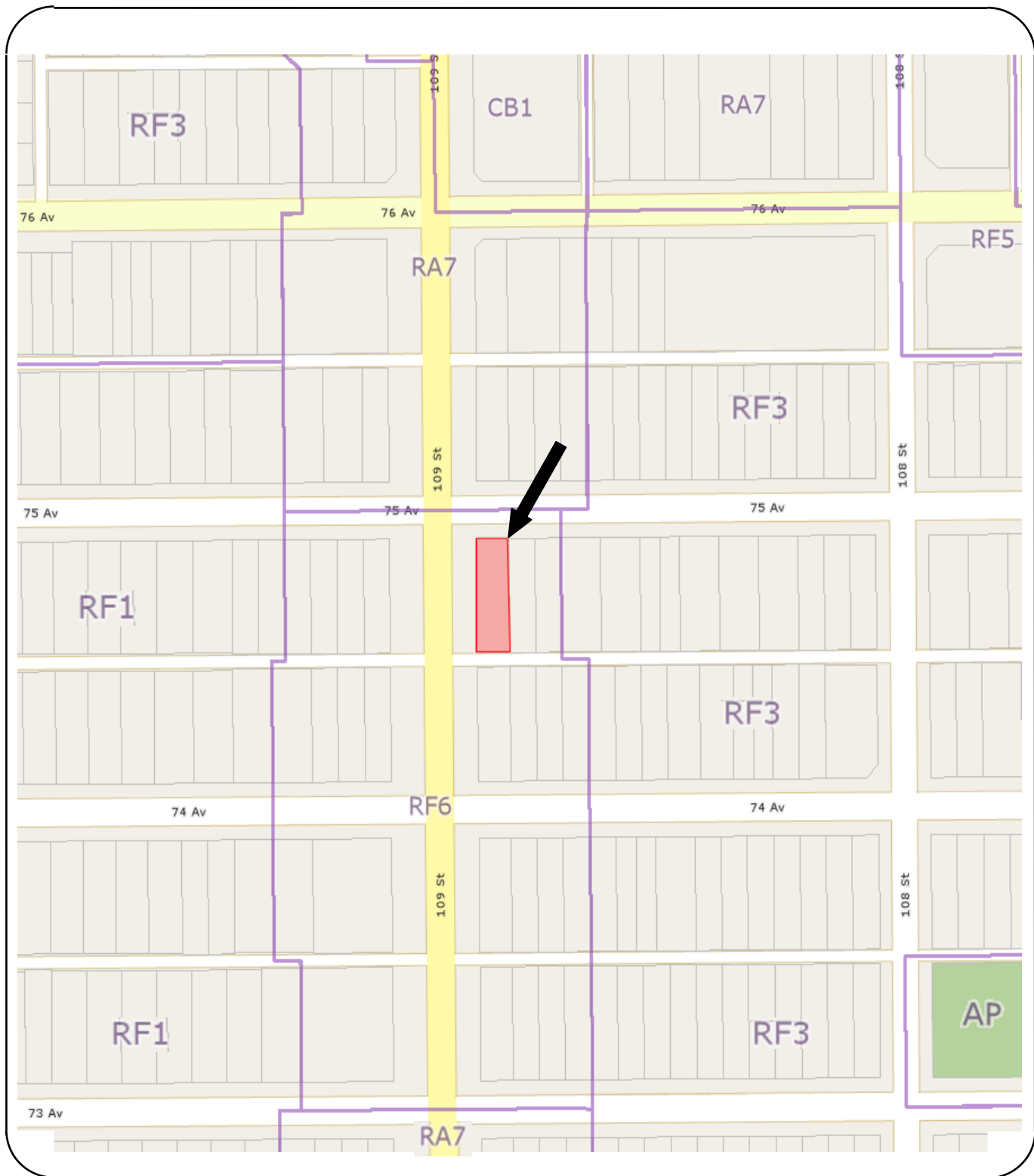
<p>81439690-005</p>	<p>Stop Order: Residential Use Not in Compliance with Development Permit Storage of materials in the back yard.</p>	<p>August 29, 2011;</p> <p>Order</p> <p>Pursuant to Section 645 of the Municipal Government Act, R.S.A. 2000, YOU ARE HEREBY ORDERED TO:</p> <p>Effective Immediately, Cease the OPERATION of your refuse removal business operating as 1 800 Dump Now from this property location and REMOVE all metal, metal objects and all materials currently stored in the yard of this residential property that are associated to your refuse removal business.</p> <p>You are notified that in accordance to Section 23.5(1) of the Edmonton Zoning Bylaw #12800, your Development Permit has been REVOKED. Your Permit, "To operate a Major Home Based Business for hauling items to the dump" issued December 5, 2008, from the property addressed 10851 - 75 Ave NW in Edmonton, Alberta, legally described as Plan: 5765Q Block: 4 Lot: 1, is REVOKED as of the date of this letter.</p> <p>You are also advised that your Business License, Account Number 81439690-003, will be affected by this decision as an approved Development Permit is a requirement for a Business License. Without a current and valid Development Permit, no Business License may be issued.</p>
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81439690-005 <i>(Continued)</i>		This order is to be complied with immediately. [...]
81439690-002 SDAB-D-08-282	Operate a Major Home Based Business (hauling items to the dump) on Lot 1, Block 4, Plan 5765Q was refused as it was deemed that the proposed development does not qualify as a Major Home Based Business.	December 5, 2008; Appeal ALLOWED and the DEVELOPMENT GRANTED and the excess of 2,000 kilograms in the maximum allowable gross vehicle weight be permitted subject to conditions.
81439690-001	To operate a Major Home Based Business (Hauling items to the dump).	October 21, 2008; Refused.

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-15-004



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.: 162862587-001.

APPLICATION TO: Construct an exterior alteration to an existing Single Detached House (Driveway extension, 3.05 metres by 7.62 metres) existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused.

DECISION DATE: November 21, 2014.

DATE OF APPEAL: December 2, 2014.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 18920 – 90A Avenue NW.

LEGAL DESCRIPTION: Lot 25, Block 85, Plan 9021693.

ZONE: RF1 Single Detached Residential Zone.

OVERLAY: N/A.

STATUTORY PLAN(S): West Jasper Place North Area Structure Plan.
Belmead Neighbourhood Structure Plan.

ITEM II: 11:45 A.M.

FILE: SDAB-D-15-005

DEVELOPMENT OFFICER’S DECISION

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

Section 54.2(2)(e) - 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;

Section 54.1(4) - The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

Section 6.1(26) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Section 54.1(1)(b) - Notwithstanding the above, the regulations contained within this Section shall not apply to buildings or Uses existing at the time of the adoption of this Bylaw, except that: (iii) where off-street parking facilities or loading facilities are provided when not required, the location, design and operation of such facilities shall comply with all the regulations of this Bylaw.

The proposed development is a non-required off-street parking facility to which Section 54.2(2)(e) still applies. It is a parking space located within the front yard. The proposed Development is not a Driveway nor a part of a Driveway as it does not lead directly from the roadway to the required Garage, but beyond it. Therefore the proposed development does not comply with Section 54.2(2)(e).

Section 54.1(4) - 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: (b) a maximum width that shall be calculated as the product of 3.1m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

Proposed paved width:	8.53 metres
Maximum paved width:	6.20 metres
Exceeds by:	2.33 metres

APPELLANT'S SUBMISSION

“Driveway expansion – want extra room to allow for parking difficulties parking in winter with snow piling. Extension is safer to avoid accidents.”

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an exterior alteration to an existing Single Detached House (Driveway extension, 3.05 metres by 7.62 metres), existing without permits.

The site is located in a cul-de-sac on the north side of 90A Avenue, west of 189 Street and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the West Jasper Place North Area Structure Plan, Bylaw 5708 (as amended), approved by Council June 11, 1979. The site is also within the Belmead Neighbourhood Structure Plan, Bylaw 6619, approved by City Council on September 22, 1981.

The submitted Site Plan shows that the subject site is irregular shaped. The proposed Driveway extension is located in the (south) Front Yard.

Section 54.1(1)(b)(iii) states where off-street parking facilities or loading facilities are provided when not required, the location, design and operation of such facilities shall comply with all the regulations of this Bylaw.

Section 54.2(2)(e)(i) states parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall not be located within a Front Yard.

The Development Officer determined the proposed development is not a Driveway. The proposed development provides parking spaces located within a Front Yard, which is in contravention of Section 54.2(2)(e).

Section 54.1(4)(b) states the Front Yard of any at-grade Dwelling unit 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 maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage. The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

ITEM II: 11:45 A.M.

FILE: SDAB-D-15-005

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

The Development Officer determined the maximum width of hardsurfaced area is 6.20 metres. The proposed development provides a width of 8.53 metres of hardsurfaced area, which exceeds the maximum by 2.33 metres.

Under Section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Under Section 6.1(69), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

Section 110.1 states the purpose of the 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.

The following permit applications are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
155754333-001	Violation Notice	<p>October 16, 2014; An inspection of the above noted property has revealed that parking is taking place in the front yard of this property location and that you have hardsurfaced a portion of your front yard.</p> <p>According to our records, no development permit has been issued for the development</p> <p>Section 5.1 (1) and (2) of the Edmonton Zoning Bylaw 12800, states as follows:</p> <p>Approval Required For Development</p> <p>5.1 No Person:</p>

ITEM II: 11:45 A.M.

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<p>155754333-001 (Continued)</p>		<p>1. shall commence, or cause or allow to be commenced, a Development without a development Permit therefore issued under the provisions of Section 12 of this Bylaw; or</p> <p>2. shall carry on, or cause or allow to be carried on a development without a Development Permit therefore issued under Section 12 of this Bylaw.</p> <p>According to Section 45(7) of the Edmonton Zoning Bylaw #12800, In the Front Yard of any Site in any Residential Zone:</p> <p>(a) Vehicles shall not be located on the landscaped portion of the yard; and</p> <p>(b) Vehicles shall only be allowed on a Driveway or within an attached or detached Garage.</p> <p>According to Section 54.1(4) of the Edmonton Zoning Bylaw #12800, a driveway shall have:</p> <p>(a) A minimum width of 3.1 metres</p> <p>(b) A maximum width calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the garage.</p> <p>According to the Edmonton Zoning Bylaw Section 54.2 (4.a.i) Vehicular Parking dimensions and configuration shall be a minimum of 2.6 m wide with a minimum</p>
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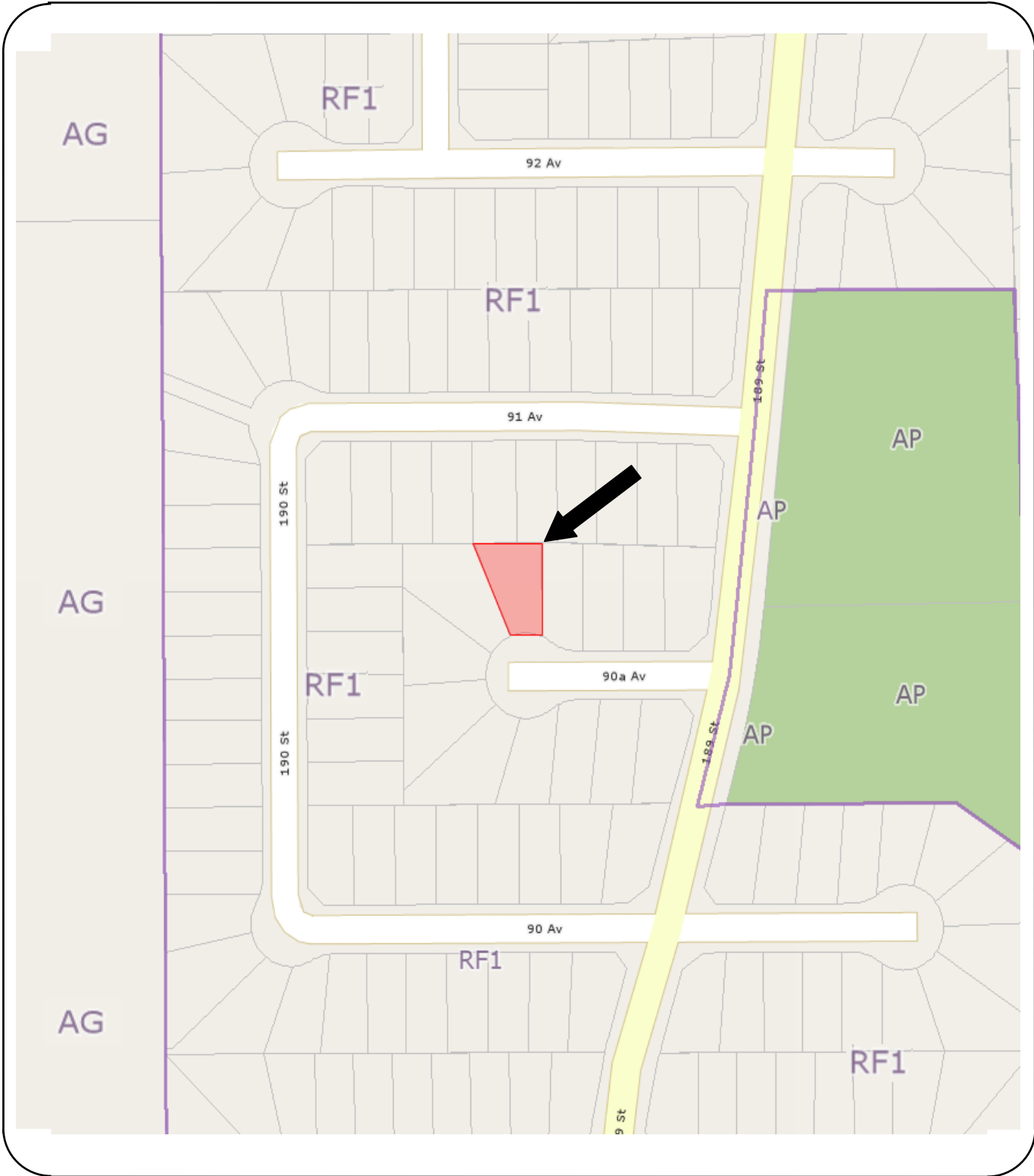
ITEM II: 11:45 A.M.

FILE: SDAB-D-15-005

<p>155754333-001 <i>(Continued)</i></p>		<p>clear length of 5.5 m.</p> <p>You must remove all vehicles parked on the landscaped portion of the front yard and cease parking in this location.</p> <p>AND</p> <p>You must obtain a development permit for the Hardsurfacing or dismantle and remove it from the site.</p> <p>If some action has not been taken to rectify the situation by October 31, 2014, the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A. 2000.</p> <p>[...]</p>
<p>155754333-001</p>	<p>Violation Notice</p>	<p>July 28, 2014; An inspection of the above noted property by this Department revealed that Hardsurfacing has been completed for which, according to our records, no development permit has been issued.</p> <p>You must obtain a development permit for the Hardsurfacing or dismantle and remove it from the site. If some action has not been taken to rectify the situation by August 18, 2014, the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A. 2000.</p> <p>[...]</p>

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-15-005



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	162106704-001.
APPLICATION TO:	Construct an Accessory Building (6.71 metres by 9.14 metres Detached Garage), existing without permits.
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused.
DECISION DATE:	October 28, 2014.
DATE OF APPEAL:	December 2, 2014.
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	4058 - Alexander Way SW.
LEGAL DESCRIPTION:	Lot 34, Block 3, Plan 1124699.
ZONE:	RPL Planned Lot Residential Zone.
OVERLAY:	N/A.
STATUTORY PLAN:	Allard Neighbourhood Area Structure Plan.

DEVELOPMENT OFFICER'S DECISION

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

An Accessory Building or Structure shall not exceed 4.3 metres (14.1 feet) nor one storey in Height. (Reference Section 50.3(2))

Allowable Height:	4.30 metres
Proposed Height:	4.88 metres
Exceeds by:	0.58 metres

APPELLANT'S SUBMISSION

“I would like to appeal the decision of Refusal as the garage is .58 metres over height and it does not affect the neighbourhood nor does it bother my neighbours. I have signed letter / emails confirming.”

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an Accessory Building (6.71 metres by 9.14 metres Detached Garage), existing without permits.

The site is located in a cul-de-sac on the west side of Alexander Way SW, north of Allard Boulevard SW and is zoned RPL Planned Lot Residential Zone, Section 130 of the Edmonton Zoning Bylaw 12800. The site is within the Allard Neighbourhood Area Structure Plan, Bylaw 14510 (as amended), approved by Council on May 23, 2007.

Section 686(1)(a)(i) of the Municipal Government Act states “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....after the date on which the person is notified of the order or decision or the issuance of the development permit.”

The decision of refusal by the Development Officer is dated October 28, 2014. Fourteen days from the decision date is November 11, 2014, and the Notice of Appeal was filed on December 2, 2014.

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

The submitted Site Plan shows that the subject site is an irregular pie-shaped lot. The proposed detached Garage is 9.14 metres by 6.71 metres in size and is located 2.82 metres from the (west) Rear Lot Line, 1.10 metres from the (north) Side Lot Line, and 14.34 metres from the Principal Building to the east. Vehicular access to the proposed detached Garage is from the (west) rear Lane.

The Development Officer has provided the following information:

Site Area:	643.94 square metres
12 percent allowable Site Coverage:	77.27 square metres
28 percent allowable Site Coverage:	180.30 square metres
40 percent allowable Site Coverage:	257.58 square metres
Existing Principal Building:	72.58 square metres
Proposed Accessory Building:	61.33 square metres
Proposed Total Site Coverage:	133.91 square metres

Section 50.3(3)(a) states the Site Coverage of Accessory Buildings, with or without a Garage Suite, or Structures shall not exceed 12 percent, unless a different standard is prescribed within the regulations contained within the relevant Zone.

Section 110.4(6)(a) states for Single Detached Housing, the maximum total Site Coverage shall not exceed 40 percent, with a maximum of 28 percent for a Principal Building and a maximum of 12 percent for Accessory Buildings.

Section 50.3(2) states an Accessory building or structure shall not exceed 4.3 metres nor one Storey in Height.

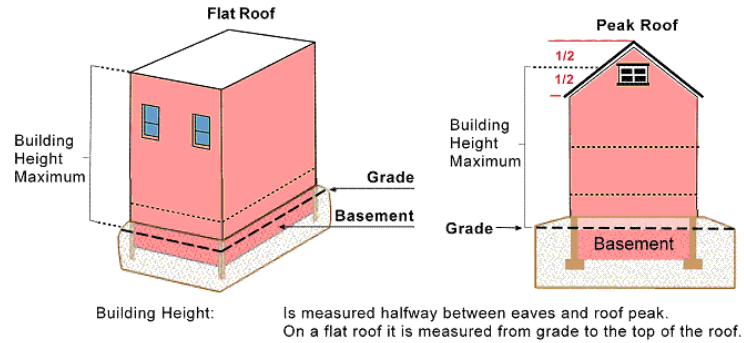
The Development Officer determined the proposed development is 4.88 metres in Height, which is in excess of the allowable Height by 0.58 metres.

Under Section 6.1(49), **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plan through grade and a horizontal plane through:

- a. the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and

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

- b. the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the rood shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.



Under Section 6.1(42), **Grade** means a geodetic elevation from which the Height of structure is measured, calculated in accordance with Section 52.

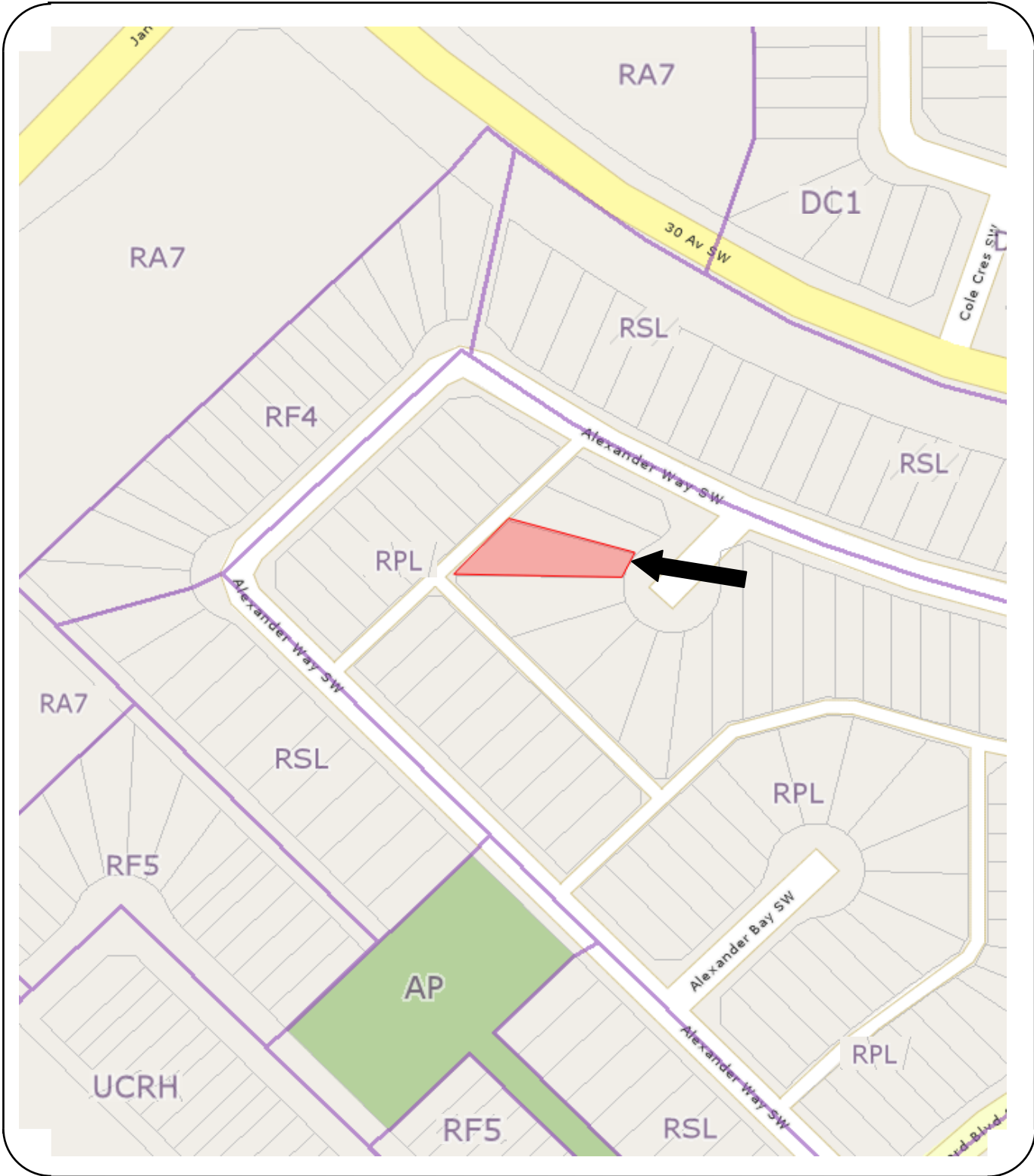
Section 130.1 states the purpose of the Planned Lot Residential Zone is to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Land that provides the opportunity for more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

The following permit application is listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
135194950-001	To construct a single detached house with a veranda.	Approved with conditions February 13, 2013.

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-15-006



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, 2015

APPEAL HEARINGS TO BE SCHEDULED