

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 20, 2016**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

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

I	9:00 A.M.	SDAB-D-16-029	Leave as built a Single Detached House. 10547 - 127 Street NW Project No.: 180336059-002
<hr/>			
II	10:30 A.M.	SDAB-D-16-030	Construct a Semi-Detached House with front uncovered deck (3.66m x 3.05m), fireplaces, rear attached garage, and Basement development (Not to be used as an additional Dwelling) 9540 - 122 Avenue NW Project No.: 165779120-004
<hr/>			
III	1:00 P.M.	SDAB-D-16-031	Construct a two-story Accessory Building (Garage Suite - parking on the first floor and Suite on the second floor) 14020 - 122A Avenue NW Project No.: 171600002-003
<hr/>			
IV	2:30 P.M.	SDAB-D-16-032	Operate a Major Home Based Business (Office and training room for first aid training classes - OIL SANDS & CONSTRUCTION TRAINING & SAFETY LTD) 1928 - 74 Street SW Project No.: 181926492-001

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-D-16-029

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.:	180336059-002
ADDRESS OF APPELLANT:	10547 - 127 STREET NW
APPLICATION TO:	Leave as built a Single Detached House
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	December 11, 2015
DATE OF APPEAL:	December 23, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10547 - 127 Street NW
LEGAL DESCRIPTION:	Plan 1424449 Blk 50 Lot 22
ZONE:	RF3 Small Scale Infill Development Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLANS IN EFFECT:	None

Grounds for Appeal

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

The home was built as per plan but was placed too close to the North property line. This error was not discovered until an RPR was completed at the end of the build. We wish to keep the home built as-is. [unedited]

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Officer is dated December 11, 2015. The Notice of Appeal was filed on December 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 140.1 of the *Edmonton Zoning Bylaw*, 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, and including Secondary Suites under certain conditions.

Single Detached Housing is a **Permitted Use** in the **RF3 Small Scale Infill Development Zone**.

Minimum Side Setback

Pursuant to Section 140.4(13)(a), Side Setbacks “shall total at least 20% of the Site Width to a maximum total of 6.0 m, with a minimum Side Setback of 1.2 m on each side”.

Development Officer’s Determination:

1. The minimum Side Yard shall be 1.2m. (Reference Section 140.4.10.a)

Proposed: 1.0 m

Deficient by: -0.2 m [unedited]

Cantilevered Projections

Section 44(2)(a) reads as follows:

windows, or cantilevered projections without windows, provided that such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces. In all cases, a minimum distance of 0.6 m from the property line to the outside wall of such projection and all other portions of a Dwelling, including eaves, shall be maintained

Development Officer's Determination:


2. Cantilevered projections may project into the required Side Setback, provided such projections do not exceed 0.6 m. In all cases, a minimum distance of 0.6 m from the property line to the outside wall shall be maintained.

Proposed Projection: 0.85 m
Deficient by: +0.25 m

Proposed distance from property line to overhang: 0.35 m
Deficient by: -0.25 m. [unedited]

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.

	Project Number: 180336059-002 Application Date: OCT 15, 2015 Printed: January 18, 2016 at 11:06 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant ENGELMAN CONSTRUCTION LTD 	Property Address(es) and Legal Description(s) 10547 - 127 STREET NW Plan 1424449 Blk 50 Lot 22 Specific Address(es) Building: 10547 - 127 STREET NW		
Scope of Application To leave as built a Single Detached House.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area:
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built Single Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. The minimum Side Yard shall be 1.2m. (Reference Section 140.4.10.a) <p style="margin-left: 20px;">Proposed: 1.0 m Deficient by: -0.2 m</p> 2. Cantilevered projections may project into the required Side Setback, provided such projections do not exceed 0.6 m. In all cases, a minimum distance of 0.6 m from the property line to the outside wall shall be maintained. <p style="margin-left: 20px;">Proposed Projection: 0.85 m Deficient by: +0.25 m</p> <p style="margin-left: 20px;">Proposed distance from property line to overhang: 0.35 m Deficient by: -0.25 m.</p> 			
Rights of Appeal 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 11, 2015 Development Authority: LIANG, BENNY Signature: _____			
THIS IS NOT A PERMIT			



Project Number: **180336059-002**
Application Date: OCT 15, 2015
Printed: January 18, 2016 at 11:06 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$150.00	\$150.00	02823683	Oct 15, 2015
DP Notification Fee	\$40.00	\$40.00	02823683	Oct 15, 2015
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$190.00	\$190.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-029



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 165779120-004

ADDRESS OF APPELLANT: 9540 - 122 Avenue NW

APPLICATION TO: Construct a Semi-Detached House with front uncovered deck (3.66m x 3.05m), fireplaces, rear attached garage, and Basement development (Not to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 15, 2015

DATE OF APPEAL: December 23, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9540 - 122 Avenue NW

LEGAL DESCRIPTION: Plan 4725S Blk 27 Lot 1

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

The plans for the property address 9540 122 Avenue were designed to address the need for affordable housing in the area and give an appealing look to the neighborhood. There are many semi-detached homes and stacked and/or row housing (including the property directly to the North, and to the West) developments in the neighborhood.

We are appealing the site area and site width. We are deficient by only 38 sq. m. on the site area and 4.2m on the site width. Oggi Homes had just finished a project that we were granted a variance for (without having to go the appeal process for) 11010 117 Avenue, in which the project didn't meet the minimum

site area or width. This project was also a corner lot with a semi-detached house on it.

Some further examples of semi-detached homes, on corner lots, that don't have the minimum site and/or width requirements in the neighborhood are (See Appendix A):

- 9518 – 120 Ave
- 9537 – 120 Ave
- 9612 – 120 Ave
- 8921 – 121 Ave

As this development is on a corner site, the attached garage is allowed. There would be no way to provide the required parking if the garage is orientated to face 122 Avenue. In addition there is a light standard that would prevent the garage to be orientated toward 122 Avenue. There is a new semi-detached development that has been built at 9211 123 Avenue (See Appendix A) that has attached garages that doesn't have a rear setback of 40%.

Amenity space is provided in the front yard of the home (along 122 Avenue). This is the same as the row housing developments on corner lots.

Some examples in the neighborhood are (See Appendix A):

- 8804 – 119 Ave
- 8515 – 122 Ave
- 9605 – 122 Ave

Mario of Oggi Homes has approached all of the homes within a 60m radius and received comments from the people who were home. Most had asked why the City was making him talk to the neighbors and were wondering why the City has an issue with this development. Although only 2 of the address would provide written comments (See Appendix B), the feedback that was received was they were in support of the attached garage as it would be in the same location, they liked the curb appeal of elevations of the home and were happy that it wasn't a basic "cookie cutter" design, and were happy that this development would increase the value of their homes. They were also happy as Oggi Homes have completed other developments in the area and the sites are kept clean and fenced in.

This proposed development could be constructed in such a manner with a detached garage and look very basic. Oggi Homes is wanting to do something a little different to bring an exciting look to the neighborhood. [unedited]

<i>General Matters</i>

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Officer is dated December 15, 2015. The Notice of Appeal was filed on December 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 140.1 of the *Edmonton Zoning Bylaw*, 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, and including Secondary Suites under certain conditions.

Semi-detached Housing is a **Permitted Use** in the **RF3 Small Scale Infill Development Zone**.

Minimum Site Area

Pursuant to Section 140.4(3)(a), the Minimum Site Area for Semi-detached Housing must be 440.2 square metres.

Development Officer’s Determination:

- 1. The minimum Site area for Semi-detached Housing shall be 442.2 square metres (Section 140.4.3.a).

Proposed: 404.2 square metres
Deficient by: -38.0 square metres [unedited]

Minimum Site Width

Pursuant to Section 140.4(3)(c), the Minimum Site Width for a Corner Lot, Semi-detached Housing must be 14.8 metres.

Development Officer's Determination:

2. The minimum Site Width for Semi-detached Housing on a Corner Lot shall be 14.8 m (Section 140.4.3.c)

Proposed: 10.6 m

Deficient by: -4.2 m [unedited]

Private Outdoor Amenity Area

Pursuant to Section 140.4(15), the Private Outdoor Amenity Area must comply with Section 47 of the *Edmonton Zoning Bylaw*.

Section 47 reads as follows:

47. Private Outdoor Amenity Area

1. Where required in any Zone, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the Zone.
2. Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.
3. Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.
4. Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard.
5. Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.
6. Private Outdoor Amenity Area may be located within a required Separation Space, but only if the Amenity Area is intended for the use of the Dwelling for which the Separation Space is provided.

Development Officer's Determination:

3. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this bylaw (Section 140.4.15).

Proposed: Private Outdoor Amenity Area for the west unit is located in the front yard abutting 96 Street NW. Private Outdoor Amenity Area for the east unit is located either in the front yard abutting 96 Street NW or in the side yard abutting 122 Avenue NW.

Deficiency: Private Outdoor Amenity Area for the east unit located in the front yard is not immediately adjacent to or have direct access to the Dwelling. Private Outdoor Amenity Area for the east unit located in the side yard will have a width less than 4.0 m. Private Outdoor Amenity Area may not be located in the Front Yard. [unedited]

Minimum Rear Setback

Pursuant to Section 814.3(5), the Minimum Rear Setback, as required by the Mature Neighbourhood Overlay, is “40% of the Site depth.”

Development Officer’s Determination:

4. The minimum Rear Setback shall be 40% of Site depth (Section 814.3.5)



Required: 15.2 m

Proposed: 5.5 m

Deficient by: -9.7 m [unedited]

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.

	Project Number: 165779120-004 Application Date: SEP 30, 2015 Printed: January 18, 2016 at 12:05 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
Applicant OGGI INC. 	Property Address(es) and Legal Description(s) 9540 - 122 AVENUE NW Plan 4725S Blk 27 Lot 1 Specific Address(es) Entryway: 9540 - 122 AVENUE NW Entryway: 9542 - 122 AVENUE NW Building: 9540 - 122 AVENUE NW		
Scope of Application To construct a Semi-Detached House with front uncovered deck (3.66m x 3.05m), fireplaces, rear attached garage, and Basement development (Not to be used as an additional Dwelling).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 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:
# of Dwelling Units Add/Remove: 1 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:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused			
THIS IS NOT A PERMIT			



Project Number: **165779120-004**
 Application Date: SEP 30, 2015
 Printed: January 18, 2016 at 12:05 PM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

1. The minimum Site area for Semi-detached Housing shall be 442.2 square metres (Section 140.4.3.a).

Proposed: 404.2 square metres
 Deficient by: -38.0 square metres

2. The minimum Site Width for Semi-detached Housing on a Corner Lot shall be 14.8 m (Section 140.4.3.c)

Proposed: 10.6 m
 Deficient by: -4.2 m

3. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this bylaw (Section 140.4.15).

Proposed: Private Outdoor Amenity Area for the west unit is located in the front yard abutting 96 Street NW. Private Outdoor Amenity Area for the east unit is located either in the front yard abutting 96 Street NW or in the side yard abutting 122 Avenue NW.

Deficiency: Private Outdoor Amenity Area for the east unit located in the front yard is not immediately adjacent to or have direct access to the Dwelling. Private Outdoor Amenity Area for the east unit located in the side yard will have a width less than 4.0 m. Private Outdoor Amenity Area may not be located in the Front Yard.

4. The minimum Rear Setback shall be 40% of Site depth (Section 814.3.5)

Required: 15.2 m
 Proposed: 5.5 m
 Deficient by: -9.7 m

Note: It is strongly advised that the applicant meet the requirements of Section 814.3(23) as follows:

- a)the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League.
- b)the applicant shall outline to the affected parties any requested variances to the Overlay and solicit their comments on the application;
- c)the applicant shall document any opinions or concerns expressed by the affected parties and what modifications were made to address their concerns; and
- d)the applicant shall submit this documentation as part of the Development Application.

Rights of Appeal

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 15, 2015 Development Authority: LIANG, BENNY Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$40.00			
Dev. Application Fee	\$447.00	\$447.00	02786407	Sep 30, 2015
Lot Grading Fee	\$135.00	\$135.00	02786407	Sep 30, 2015
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02786407	Sep 30, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,052.00	\$2,012.00		
(\$40.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-30



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-031

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 171600002-003

ADDRESS OF APPELLANT: 14020 - 122A AVENUE NW

APPLICATION TO: construct a two-story Accessory Building
(Garage Suite - parking on the first floor
and Suite on the second floor)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 14, 2015

DATE OF APPEAL: December 24, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 14020 - 122A AVENUE NW

LEGAL DESCRIPTION: Plan 5844HW Blk 18 Lot 36

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLANS IN EFFECT: None

Grounds for Appeal

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

1. The height and square footage of the garden suite is architecturally and engineered congruently with the square footage of the garage main floor.
2. The garage and suite design compliments the area and increases the curb appeal of the neighbourhood.
3. Garage is under the 12% max of the said lot.
4. Neighbours garage is oversized both in foot print and in height.
5. Neighbours house addition over looks my entire back yard.
6. Parking for proposed lot is appropriate.
7. Extra square footage is designed to house a bigger family and allows for 2 bedrooms.

8. Extra square footage is to allow for a livable dining and living room.
[unedited]

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1),
after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Officer is dated December 14, 2014. The Notice of Appeal was filed on December 24, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 110.1, 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.”

Pursuant to Section 110.3, **Garage Suites** are **Discretionary Uses** in the **RF1 Single Detached Residential Zone**.

Pursuant to Section 7.2(3), **Garage Suite** means:

an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance

separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Pursuant to 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.”

Maximum Height of a Garage Containing a Garage Suite (Above Grade)

Section 87(2)(a)(i) reads as follows:

87. Garage and Garden Suites

a. Garage containing a Garage Suite (above Grade):

- i. 6.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.

Section 52(2)(c) provides that:

Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer’s Determination:

1. The maximum Height of a Garage containing a Garage Suite above grade shall be 6.5 m or up to 1.5 m greater than the Height of the Principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 or greater (Reference Section 87.2.a.i)

Where the maximum Height as determined by Section 52.1 is measured to the Midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height for a Garage Suite in accordance with Section 87 (Reference Section 52.2.c).

Height of the Single Detached House: 4.6 m

Maximum permitted Height of a Garage Suite, measured from Grade to the Roof Midpoint: 6.1 m

Maximum permitted Height of a Garage Suite, measured from Grade to the ridge line of the roof: 7.6 m

Proposed Height of the Garage Suite from Grade to the ridge line of the roof: 8.1 m

Deficiency of: +0.5 m [unedited]

Maximum Floor Area

Pursuant to Section 87(3)(a), the Maximum Floor Area shall be “60 m² for a Garage Suite (above Grade).”

Development Officer’s Determination:



2. The maximum Floor Area shall be 60 m² for a Garage Suite above Grade (Reference Section 87.3.a)

Proposed: 103 m²

Exceeds by: +43 m² [unedited]

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.

	Project Number: 171600002-003 Application Date: AUG 18, 2015 Printed: January 18, 2016 at 12:59 PM Page: 1 of 2		
House Development and Building Permit			
This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit			
Applicant JURTIK, MILAN 	Property Address(es) and Legal Description(s) 14020 - 122A AVENUE NW Plan 5844HW Blk 18 Lot 36 Location(s) of Work Entryway: 14020A - 122A AVENUE NW Building: 14020A - 122A AVENUE NW		
Scope of Application To construct a two-story Accessory Building (Garage Suite - parking on the first floor and Suite on the second floor).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Affected Floor Area (sq. ft.): 1062 Class of Permit: Class B Front Yard (m): Rear Yard (m): 1.22 Side Yard, left (m): Site Area (sq. m.): 1118.55 Site Width (m): 14.9 </td> <td style="width: 50%; border: none;"> Building Height to Midpoint (m): 5.64 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 1062 Class of Permit: Class B Front Yard (m): Rear Yard (m): 1.22 Side Yard, left (m): Site Area (sq. m.): 1118.55 Site Width (m): 14.9	Building Height to Midpoint (m): 5.64 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused			



Project Number: **171600002-003**
 Application Date: AUG 18, 2015
 Printed: January 18, 2016 at 12:59 PM
 Page: 2 of 2

House Development and Building Permit

Reason for Refusal

1. The maximum Height of a Garage containing a Garage Suite above grade shall be 6.5 m or up to 1.5 m greater than the Height of the Principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 or greater (Reference Section 87.2.a.i)

Where the maximum Height as determined by Section 52.1 is measured to the Midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height for a Garage Suite in accordance with Section 87 (Reference Section 52.2.c).

Height of the Single Detached House: 4.6 m
 Maximum permitted Height of a Garage Suite, measured from Grade to the Roof Midpoint: 6.1 m
 Maximum permitted Height of a Garage Suite, measured from Grade to the ridge line of the roof: 7.6 m
 Proposed Height of the Garage Suite from Grade to the ridge line of the roof: 8.1 m
 Deficiency of: +0.5 m

2. The maximum Floor Area shall be 60 m² for a Garage Suite above Grade (Reference Section 87.3.a)

Proposed: 103 m²
 Exceeds by: +43 m²

Rights of Appeal

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 14, 2015 Development Authority: LIANG, BENNY Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$100.00			
Electrical Fee (Service)	\$75.00	\$75.00	02676150	Aug 18, 2015
Lot Grading Fee	\$135.00	\$135.00	02676150	Aug 18, 2015
Safety Codes Fee	\$46.04	\$46.04	02676150	Aug 18, 2015
Sanitary Sewer Trunk Fund	\$633.00	\$633.00	02676150	Aug 18, 2015
Electrical Safety Codes Fee	\$13.38	\$13.38	02676150	Aug 18, 2015
Water Usage Fee	\$27.83	\$27.83	02676150	Aug 18, 2015
Building Permit Fee	\$1,151.00	\$1,151.00	02676150	Aug 18, 2015
Electrical Fees (House)	\$222.00	\$222.00	02676150	Aug 18, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,403.25	\$2,303.25		
(\$100.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-31



ITEM IV: 2:30 P.M.

FILE: SDAB-D-16-032

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181926492-001

ADDRESS OF APPELLANT: 1928 - 74 STREET SW

APPLICATION TO: Operate a Major Home Based Business
(Office and training room for first aid
training classes - OIL SANDS &
CONSTRUCTION TRAINING &
SAFETY LTD)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 15, 2015

DATE OF APPEAL: December 22, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 1928 - 74 STREET SW

LEGAL DESCRIPTION: Plan 1024836 Blk 31 Lot 72A

ZONE: RF4 Semi-Detached Residential Zone

OVERLAY: None

STATUTORY PLANS IN EFFECT: Ellerslie Area Structure Plan
Summerside Neighbourhood Structure
Plan

Grounds for Appeal

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

Scope of the application

- To operate a Major Home Based Business (Office and training room for First Aid & CPR (including AED) training classes – Oil Sands & Construction Training & Safety Ltd. (OSCTS)
- Up to six visitors in one day

Premises description

- Training rooms are located at the basement of half duplex located at 1928, 74 St. SW, Edmonton, AB. T6X 0K3
- There are two rooms currently renovated (building, electrical, plumbing and small kitchenette permits were applied for and issued by the City of Edmonton) to accommodate training and comfortable seating for up to six persons:
 - Classroom 15feet x 14 feet
 - Practical first aid activities room 13 feet x 14 feet
- Facilities are currently renovated and will be equipped with
 - Desks and chairs
 - 60-inch TV for Power Point presentation, in addition there will be also overhead projector and screen
 - Bathroom
 - Small kitchenette with coffee maker, hot water jug, microwave, small fridge and kitchen sink. Some students will bring lunches which can be kept in the fridge and heated up in microwave. There will be storage for coffee, tea and other supplies in the kitchenette cabinets
- No specific information is available on Edmonton web site as to the requirements of the training facilities, I have replaced window with one which can be opened as an additional route of escape and also installed second smoke alarm in the practical first aid activities room

Commercial school objection

Reason for Refusal

1. Section 150 - The Development Authority deems this use to be a Commercial School, which is neither a Permitted nor a Discretionary Use in the RF4 Semi-detached Residential Zone.

The proposed use should be considered a Commercial School, because the business proposes the training and instruction of a specific trade or skill. In this case, it is for first aid and safety training for oil field workers. (Reference Section 7.4.10)

Response:

Commercial school versus training courses providing

By the City of Edmonton definition: Commercial School is described as "any business set up for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical examples include secretarial, business, hairdressing, beauty culture, driving, dancing or music schools and private education services."

There are no special business license regulations for this category, other than the need for a license. Edmonton Fire Rescue is asked for a recommendation on applications for this type of business.

Commercial school is recognized as an operation teaching occupational skills which can be used for gainful employment utilizing skills learned. First Aid & CPR (including AED) training does not provide employable skills. This type of skills are taught at EMT (emergency medical technician) courses which are longer in duration than basic First Aid & CPR courses. First Aid & CPR courses give

little skill set, most of the curriculum is based on awareness of what to do in the cases of the emergencies.

There are quite a few organizations/businesses providing First Aid & CPR training in Edmonton and they are registered as businesses delivering training, not as a commercial school

First Aid & CPR courses delivered by OSCTS are not geared for oil field workers, but opened to the general public

Residential character of the area

Reason for Refusal

2. Section 75.9 - the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

There will be not conflict between operation of the training facility and the residential character of the area. There are three off street parking areas within 60 meters of the location visible from the entrance to the premises. Parking areas are: 93 feet (28m), 98 feet (29m) and 93 feet (28m) long allowing for the comfortable parking of 15 vehicles, and are located not at front of the houses, but at the areas which do not affect vehicular parking of the residents on the streets. The most vehicles parked observed during the period of few months were three, with normal situation being one or two vehicles parked. In the later part of document there will be pictures of parking situation on the street. The morning traffic of people going to work stops at around 0730 am, and people start arriving back from work after 4:30 pm. Courses will be delivered between 8:00 am and 4:00 pm. Course participants will arrive after, and leave before residents will travel to or from work not creating excessive vehicular traffic conflicting with area residents driving.

Excessive pedestrian of vehicular traffic

Reason for Refusal

3. Section 75.3 - the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.

The business will generate up to six simultaneous client visits per class. This amount of traffic is considered excessive over a residential Home.

Response

Walking traffic congestion

Providing training at the premises will not generate walking traffic overburden on the neighbourhood, as off street parking is within short walk distance from the training location. There is no walking traffic as such at the location. Through whole day there may be 5 people walking dogs and two or three mothers with kids in the prams. May be two people visiting neighbours.

Once students will get into the house, they will not create any congestion on the sidewalk or at front of the house disrupting privacy of the residents.

Smoking facilities

Smoking area provided to students is at the back porch (over 600 square feet) fenced on both sides. Open side which faces the back of the property across the back roadway is separated from view from the neighbouring property by the garage belonging to this property

Parking for course participants

On the web site and also with the registration form each participant will receive map with highlighted information of the parking areas they can park cars.

Home business car parking space

Reason for Refusal

4. Section 54.2.1.a - the Major Home Based Business requires 1 parking space in addition to parking required for primary Dwelling. The Semi-detached House requires 2 parking spaces, which may be in tandem and may include 1 Garage space.

The site only contains 2 parking spaces, which are located on the rear parking pad. There is no space available for a third parking space.

Parking at the premises

There are three parking spots at the location. Two at the back of the house on the parking pad, and one as off street parking at the front of the house. [unedited]

<i>General Matters</i>

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 within 14 days,

- a. in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The decision of the Development Officer is dated December 15, 2015. The Notice of Appeal was filed on December 22, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to Section 150.1, the **General Purpose** of the **RF4 Semi-detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

Pursuant to Section 150.3, **Major Home Based Businesses** are a **Discretionary Use** in the **RF4 Semi-detached Residential Zone**.

<p><i>Determination of Use Class: Major Home Based Business or Commercial School</i></p>

Pursuant to Section 7.3(7), “**Major Home Based Business**” is defined as:

development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 7.4(1) defines “**Commercial School**” as:

Development used for training and instruction in a specific trade, skill, service or artistic endeavor. This Use Class does not include schools defined as Public Education Services or Private Education Services. Typical Uses include secretarial, business, hairdressing, beauty, culture, dancing or music schools.

Section 7.8(9) defines “**Private Education Services**” as:

Development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a Home Based Business. This Use Class includes dormitory or Accessory buildings. This Use Class does not include commercial schools.

Pursuant to Section 75(9), the Major Home Based Business shall not be allowed if:

in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Development Officer's Determination:

1. Section 150 - The Development Authority deems this use to be a Commercial School, which is neither a Permitted nor a Discretionary Use in the RF4 Semi-detached Residential Zone.

The proposed use should be considered a Commercial School, because the business proposes the training and instruction of a specific trade or skill. In this case, it is for first aid and safety training for oil field workers. (Reference Section 7.4.10).

2. Section 75.9 - the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Since the proposed use should be classified as a Commercial School and the proposed Major Home Based Business generates excessive traffic compared with a Residential Home, the proposed use is more appropriately located in a commercial zone. [unedited]

Traffic and Parking (Major Home Based Business)

Section 75.3 provides that the Major Home Based Business “shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.”

Section 54.2(8) Schedule 1 sets out parking requirements for Major Home Based Businesses, which is “one parking space in addition to parking required for primary Dwelling.”

Development Officer's Determination:

3. Section 75.3 - the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.


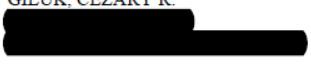
The business will generate up to six simultaneous client visits per class. This amount of traffic is considered excessive over a residential Home.

4. Section 54.2.1.a - the Major Home Based Business requires 1 parking space in addition to parking required for primary Dwelling. The Semi-detached House requires 2 parking spaces, which may be in tandem and may include 1 Garage space.

The site only contains 2 parking spaces, which are located on the rear parking pad. There is no space available for a third parking space. [unedited]

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.

	Project Number: 181926492-001 Application Date: NOV 03, 2015 Printed: January 18, 2016 at 1:48 PM Page: 1 of 2		
<h2>Application for Home Occupation</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>			
Applicant GILUK, CEZARY R. 	Property Address(es) and Legal Description(s) 1928 - 74 STREET SW Plan 1024836 Blk 31 Lot 72A Specific Address(es) Suite: 1928 - 74 STREET SW Entryway: 1928 - 74 STREET SW Building: 1928 - 74 STREET SW		
Scope of Application To operate a Major Home Based Business (Office and training room for first aid training classes - OIL SANDS & CONSTRUCTION TRAINING & SAFETY LTD)			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of business related visits/day: 6 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td style="width: 50%; vertical-align: top;"> # of vehicles at one time: 6 Business has Trailers or Equipment?: N Description of Business: home office, first aid and safety courses provided in the basement training room. Expiry Date: </td> </tr> </table>		# of business related visits/day: 6 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 6 Business has Trailers or Equipment?: N Description of Business: home office, first aid and safety courses provided in the basement training room. Expiry Date:
# of business related visits/day: 6 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 6 Business has Trailers or Equipment?: N Description of Business: home office, first aid and safety courses provided in the basement training room. Expiry Date:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused			
THIS IS NOT A PERMIT			



Project Number: **181926492-001**
 Application Date: NOV 03, 2015
 Printed: January 18, 2016 at 1:48 PM
 Page: 2 of 2

Application for Home Occupation

Reason for Refusal

1. Section 150 - The Development Authority deems this use to be a Commercial School, which is neither a Permitted nor a Discretionary Use in the RF4 Semi-detached Residential Zone.

The proposed use should be considered a Commercial School, because the business proposes the training and instruction of a specific trade or skill. In this case, it is for first aid and safety training for oil field workers. (Reference Section 7.4.10)

2. Section 75.9 - the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Since the proposed use should be classified as a Commercial School and the proposed Major Home Based Business generates excessive traffic compared with a Residential Home, the proposed use is more appropriately located in a commercial zone.

3. Section 75.3 - the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located.

The business will generate up to six simultaneous client visits per class. This amount of traffic is considered excessive over a residential Home.

4. Section 54.2.1.a - the Major Home Based Business requires 1 parking space in addition to parking required for primary Dwelling. The Semi-detached House requires 2 parking spaces, which may be in tandem and may include 1 Garage space.

The site only contains 2 parking spaces, which are located on the rear parking pad. There is no space available for a third parking space.

Rights of Appeal

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 15, 2015 Development Authority: LIANG, BENNY Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02873096	Nov 04, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-32



BUSINESS LAID OVER

SDAB-D-16-001	An appeal by Joseph D'Andrea to to develop a Secondary Suite in the Basement of a Single Detached House, existing without permits. <i>February 4, 2016</i>
SDAB-D-15-252	An appeal by <u>Southwest Muslim Community Centre</u> to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <i>February 10 or 11, 2016</i>
SDAB-D-15-238	An appeal by <u>Ogilvie LLP</u> to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-16-022	An appeal by <u>Dentons Canada</u> to operate a Minor Alcohol Sales Use and to construct interior alterations. <i>February 19, 2016</i>
SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 2016</i>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>