

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

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

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

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

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I	9:00 A.M.	SDAB-D-16-033	Construct a Garage Suite 10650 - 79 Avenue NW Project No.: 181873893-004
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II	10:30 A.M.	SDAB-D-16-034	Develop a Secondary Suite in the basement of a Single Detached House 10947 - 90 Avenue NW Project No.: 161092241-011
<hr/>			
III	1:00 P.M.	SDAB-D-16-035	Construct exterior alterations (Driveway extension, 4.55m x 10.59m) to a Single Detached House, existing without permits 7353 Singer Way NW Project No.: 176563749-002
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IV	2:30 P.M.	SDAB-D-16-036	Leave as built a rear detached Garage (9.24m x 6.17m) 10620 - 126 Street NW Project No.: 181205357-004
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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-16-033

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181873893-004

ADDRESS OF APPELLANT: 10650 - 79 Avenue NW

APPLICATION TO: Construct a Garage Suite

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 9, 2015

DATE OF APPEAL: December 22, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10650 - 79 Avenue NW

LEGAL DESCRIPTION: Plan I26 Blk 46 Lot 17

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

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***Grounds for Appeal***

In an attachment to his online Notice of Appeal form, the Appellant provided the following reasons for appealing the decision of the Development Authority:

THIS PROPERTY CURRENTLY HAS A 2 ½ STORY CHARACTER HOUSE THAT WAS BUILT IN THE 1920-30s. THE HOUSE HAS BEEN CONVERTED TO A ROOMING HOUSE AND HAS 4 LEGAL SELF-CONTAINED SUITES.

THE PROPERTY IS LOCATED IN THE QUEEN ALEXANDER NEIGHBOURHOOD WHICH IS RA7 ZONING. IT IS SURROUNDED BY A MIXTURE OF 3-4 STOREY WALK-UP APARTMENT BUILDINGS AND SINGLE FAMILY DWELLINGS. THE AREA IS SUCH THAT I AM SURE THE CITY WOULD ENCOURAGE AND PROMOTE HIGHER DENSITY.

THE ADDITION OF A SUITE ABOVE THE NEW GARAGE WOULD INCREASE THE DENSITY OF THE PROPERTY WHILE STILL MAINTAINING THE EXISTING CHARACTER.

WE UNDERSTAND THAT A GARAGE SUITE IS NOT PERMITTED IN THE RA7 ZONING. THE BYLAWS DO ALLOW US TO BUILD A DETACHED GARAGE AND WE ARE ALLOWED TO CONSTRUCT A LARGE 3 STOREY ADDITION TO THE EXISTING BUILDING.

A LARGE ADDITION WOULD INCREASE THE DENSITY OF THE PROPERTY BUT WE BELIEVE IT WOULD HAVE A NEGATIVE IMPACT ON THE UNIQUE & VIBRANT ASTHETICS OF THE EXISTING STEET SCAPE OF THE AREA.

WITH THE ADDITION OF A GARAGE SUITE ON THIS CORNER LOT (54' X 132') WE WOULD BE INCREASING THE DENSITY OF THE PROPERTY WITHOUT DITROYING THE CHARM & CHARACTER OF THE EXISTING HERITAGE HOME. A UNIQUE AFFORDABLE I BEDROM LIVING UNIT IS CREATED AND THE WONDERFULL DIVERSITY OF THE STEET SCAPE IS ENHANCED. A GARAGE SUITE VERSES THE ALTERNATIVES WOULD HAVE MUCH LESS IMPACT ON THE ADJACENT PROPERTY WHICH IS A 3 STOREY WALK-UP.

PLEASE CONSIDER OUR PROPOSED GARAGE SUITE FOR THIS PARTICULAR PROPERTY. [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, or

...

The Board is advised that the Order by the Development Authority is dated December 9, 2015. The Notice of Appeal was filed on December 22, 2015.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments”.

Under Section 210.2(1), **Apartment Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(9) states:

**Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 7.2(3) states:

**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.* [emphasis added] 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.

Section 6.1(2) states: “**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 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is “to accommodate the development of medium-scale infill housing in Edmonton’s mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.”

*Principal and Accessory Use*

**Development Officer’s Determination**

The existing principal Use of building for this Site is an Apartment Housing.

As per definition, a Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing.

Further definition of Garage Suite:

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.


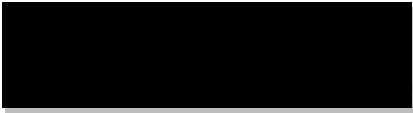
Therefore, since the proposed development is not accessory to a Single Detached House (the existing Use is an Apartment Housing), the development authority has no authority to approved it. The application for Garage Suite will be REFUSED. [unedited]

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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>181873893-004</b> Application Date: NOV 03, 2015 Printed: January 12, 2016 at 9:58 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.			
<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 10650 - 79 AVENUE NW Plan I26 Blk 46 Lot 17		
<b>Scope of Application</b> To construct a Garage Suite.			
<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: 1                      Client File Reference Number:                      Minor Dev. Application Fee: Garage Suite                      Secondary Suite Included?: Y                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Class of Permit:                      Lot Grading Needed?:                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Garage Suite Secondary Suite Included?: Y	Class of Permit: Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Garage Suite Secondary Suite Included?: Y	Class of Permit: Lot Grading Needed?: 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 Application Decision</b> Refused  <b>Reason for Refusal</b> The existing principal Use of building for this Site is an Apartment Housing.  As per definition, a Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing.  Further definition of Garage Suite: 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.  Therefore, since the proposed development is not accessory to a Single Detached House (the existing Use is an Apartment Housing), the development authority has no authority to approved it. The application for Garage Suite will be REFUSED.  <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 09, 2015      Development Authority: ANGELES, JOSELITO      Signature: _____			
<b>THIS IS NOT A PERMIT</b>			



Project Number: **181873893-004**  
Application Date: NOV 03, 2015  
Printed: January 12, 2016 at 9:58 AM  
Page: 2 of 2

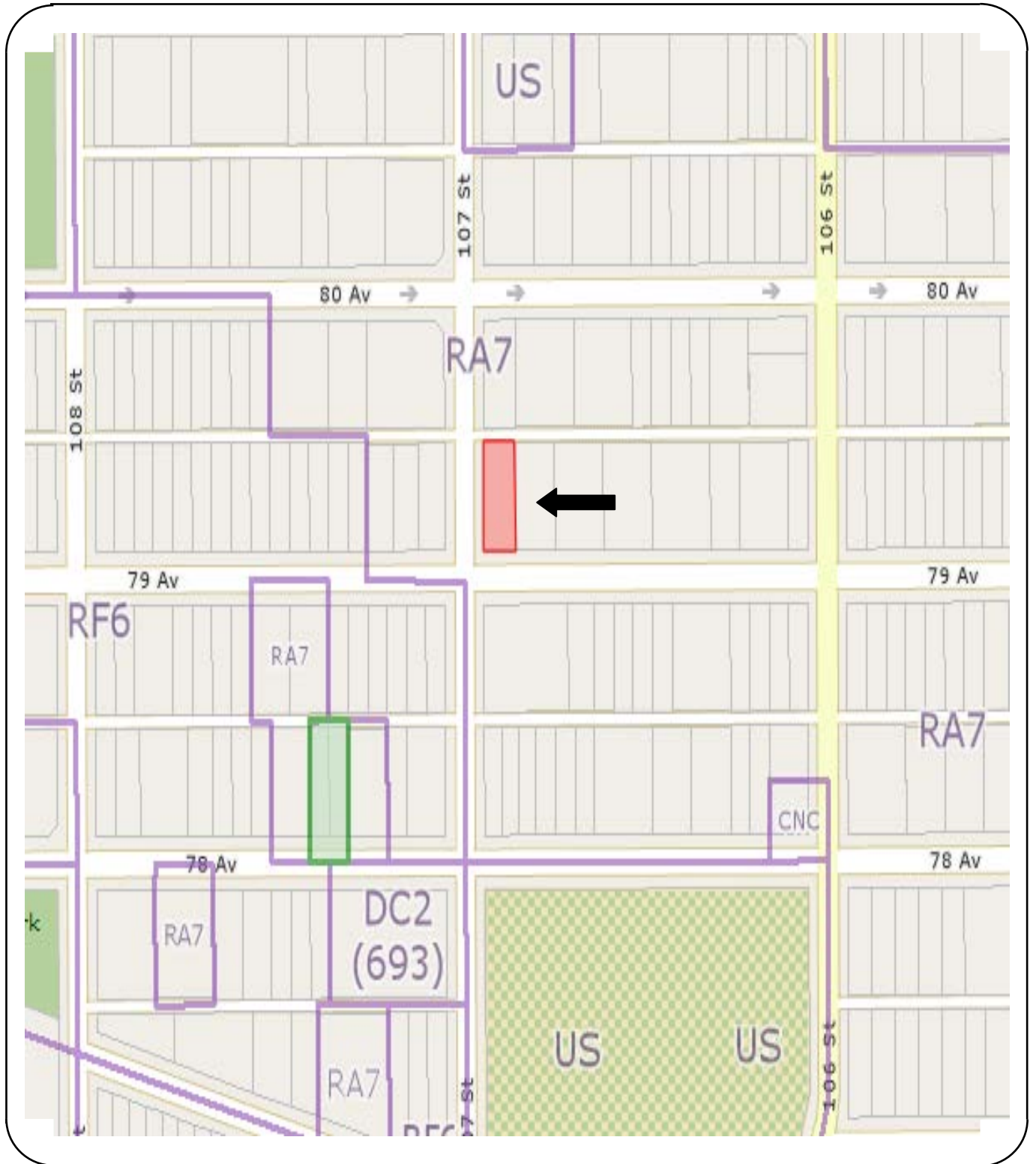
## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$260.00	\$260.00	02868817	Nov 03, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$260.00	\$260.00		

THIS IS NOT A PERMIT





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-033



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-034

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 161092241-011

ADDRESS OF APPELLANT: 10947 - 90 Avenue NW

APPLICATION TO: Develop a Secondary Suite in the basement of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 15, 2015

DATE OF APPEAL: December 22, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10947 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 1423020 Blk 150 Lot 48

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

***Grounds for Appeal***

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

Similar homes in the area have been granted the same relaxation to obtain development of a legal secondary suite. A secondary suite is a permitted use of this zone. [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, or
  - ...

The Board is advised that the Order by the Development Authority is dated December 15, 2015. The Notice of Appeal was filed on December 22, 2015.

**General Provisions from the *Edmonton Zoning Bylaw*:**

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, and including Secondary Suites under certain conditions.”

Under Sections 140.2(7) and 140.2(9), **Secondary Suites** and **Single Detached Housing** are **Permitted Uses** in the RF3 Small Scale Infill Development Zone.

Section 7.2(7) states:

**Secondary Suite** means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above Grade space to a separate

Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Section 7.2(9) states:

**Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 6.1(2) states: “**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 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

...to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

*Site Area*

Section 86(1) states:

A Secondary Suite shall comply with the following regulations: ...the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m<sup>2</sup>, except in the case of the RR Zone, where it shall be the same as the minimum Site area for the Zone.

**Development Officer’s Determination**


1) The minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m<sup>2</sup> (Reference Section 86.1). The proposed Site is deficient by 54.47m<sup>2</sup>. [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>161092241-011</b> Application Date: NOV 18, 2015 Printed: January 12, 2016 at 11:53 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="background-color: black; width: 100%; height: 20px;"></div>	<b>Property Address(es) and Legal Description(s)</b> 10947 - 90 AVENUE NW Plan 1423020 Blk 150 Lot 48  <b>Specific Address(es)</b> Suite: BSMT, 10947 - 90 AVENUE NW Entryway: 10947 - 90 AVENUE NW Building: 10947 - 90 AVENUE NW																														
<b>Scope of Application</b> To develop a Secondary Suite in the basement of a Single Detached House.																															
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<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> 1) The minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m2 (Reference Section 86.1). The proposed Site is deficient by 54.47m2.  <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.																															
<b>Issue Date:</b> Dec 15, 2015 <b>Development Authority:</b> LANGILLE, BRANDON <b>Signature:</b> _____																															
<b>Fees</b>  <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 15%; text-align: right;">Receipt #</th> <th style="width: 25%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>DP Notification Fee</td> <td style="text-align: right;">\$40.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">\$260.00</td> <td style="text-align: right;">02901920</td> <td style="text-align: right;">Nov 18, 2015</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$300.00</td> <td style="text-align: right; border-top: 1px solid black;">\$260.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5">(\$40.00 outstanding)</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	DP Notification Fee	\$40.00				Dev. Application Fee	\$260.00	\$260.00	02901920	Nov 18, 2015	Total GST Amount:	\$0.00				Totals for Permit:	\$300.00	\$260.00			(\$40.00 outstanding)				
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<b>THIS IS NOT A PERMIT</b>																															



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-034



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-035

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176563749-002

ADDRESS OF APPELLANT: 7353 Singer Way NW

APPLICATION TO: Construct exterior alterations (Driveway extension, 4.55m x 10.59m) to a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 9, 2015

DATE OF APPEAL: December 21, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7353 Singer Way NW

LEGAL DESCRIPTION: Plan 0426367 Blk 84 Lot 77

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: South Terwillegar Neighbourhood Area Structure Plan

***Grounds for Appeal***

On December 21, 2015, the Appellant filed her Notice of Appeal through the online submissions system. Immediately on the following day, the Appellant noted several errors to her original submission and provided updated grounds for appeal, as follows:

Dear Sir/Madam:

Re: Application for Minor Development Permit – Project Number  
176563749-002  
7353 – SINGER WAY NW  
Plan 0426367 Blk 84 Lot 77



We respectfully submit the following response to the Development Application Decision that refuses our application to leave the property as is and to utilize the parking area for parking as has been the history of the property for a period of 10 years.

The reasons for our appeal are as follows:

### **History**

1. The property was built in 2005. Our son purchased the home in July, 2011. At the time of purchase the property existed as it does now, with the front and side yard landscaped with paving stones. There have not been any new developments to the property since our son purchased it.
2. Our son owned an RV prior to him purchasing the property in 2011. The "RV parking" was something he took into consideration when purchasing the property. Our son and his spouse own 3 vehicles, 2 cars used for commuting to work and a truck used to tow the RV.
3. From July 2011 to June 2015 our son parked his 5<sup>th</sup> wheel recreation vehicle on the parking area for the period May to October each year and his truck from November to April. For the winter months our son stored the RV out in the country and parked the truck on the driveway extension in question. Parking of both the RV and the truck on the driveway extension assists in alleviating some of the parking congestion on Singer Way which is created by the design of the street.
4. Prior to parking his RV on the driveway extension in 2011, our son spoke with neighbors and received no objection. The parking has been in place for 10 years and there have not been any complaints. The violation notice received in June 2015 was based on a COE compliance employee inspection, it was not based on a complaint from neighbors.
5. COE did a property inspection in 2011 and our son was required to correct the grading on the west side of the home. The correction was made, property re-inspected for compliance. There was no mention at that time of the driveway extension being non-compliant.
6. Since receiving the violation notice from the COE dated June 10, 2015, there has not been any parking on the driveway extension as per the requirement of the violation notice. This meant that each time our son used the RV, it was parked on the street for loading prior to a trip. This also means that the truck that is used to tow the RV was parked on the street in front of the driveway extension for the period June 2015 to present. The RV is a 29 ½ foot 5<sup>th</sup> wheel trailer. Prior to June 2015 whenever the RV was not present (May to October) the truck was parked on the driveway extension, removing it from the street.

7. The property does not have rear lane access, all access is from the front of the property.
8. A second violation notice was received October 13, 2015 for not filing a development permit for a driveway extension. The application was filed to meet the October 19, 2015 deadline.
9. Parking on Singer Way is very congested at the point of entry and exit to the neighborhood. There is in essence a “blind corner” due to on street parking.
10. There are 6 other existing driveway extensions on properties within close proximity to 7353 Singer Way, 1 of which was constructed in 2015 and 1 constructed in approximately 2012.

### **Requirements of Bylaw 12800**

The Application refusal states the following sections of Bylaw 12800 as the authority:

1. S. 6.1(26) – definition of driveway – an area providing access for vehicles from a public or private roadway to a Garage or Parking Area

S. 54.1(5) – this section does not exist in Bylaw 12800 on December 17, 2015. We believe the reference is to s. 45(7)(a) & (b) which says:

7. In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

a. vehicles shall not be located on the landscaped portion of the Yard; and

b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

This section of the bylaw came into effect in 2011.

2. S. 54(2)(e)(i) (amended in June 2015) now reads

The minimum number of off-street parking spaces required for each Use is specified in Schedule 1.

e. Except as otherwise provided for in this Bylaw, parking spaces 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, except Single Detached, Duplex and Semi-detached Housing

There was a recent change to s. 54.2(e)(i) in June of 2015, which is the time this issue arose with our property.

We are unable to locate on the website what the previous bylaw read prior to the amendment.

3. S. 54.1(4) (amended in June 2015) now reads

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:

- a. a minimum width of 3.1 m; and
- b. for a Site 10.4 m wide or greater, have a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; and
- c. for a Site less than 10.4 m wide, have a maximum width of 3.1 m

4. S. 55.4(1) – All open space including front yards, rear yards, etc. shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

S. 55.4(1)(b) reads:

- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths

Previously, in the City of Edmonton landscaping information it indicated that paving stones are an acceptable form of decorative hardsurfacing.

This section was also amended in June of 2015, at the same time as this file was opened, and it now reads differently than when we first started this process. Actually much of the COE information on the website has also changed, it is apparent the COE is working on issues related to RV parking.

This section of the bylaw was changed recently and was not in force at the time the house was built or purchased.

5. S. 11.3(1) reads: The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

1. the proposed development would not, in his opinion:
  - a. unduly interfere with the amenities of the neighbourhood; or
  - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

**Reasons for Appeal**

1. We were not aware the driveway extension on the property was non-compliant. Home built in 2005, purchased by our son in 2011, and parking availability for an RV and additional vehicle were considerations when purchasing the home as our son owned an RV prior to purchasing the property.
2. In 2011, COE conducted an inspection and required improvements to the grading on the west side of the home. Improvements were made and property was re-inspected for compliance. No mention of driveway extension was made by COE staff.
3. In June 2015, we became aware that parking was not permitted on the driveway extension and have complied with the COE.
4. We applied for a Development Permit for a driveway extension so we could be compliant with COE requirements and park legally on the property.
5. The sections of the bylaw relied on for refusal of the development have come into force 6 years and 10 years after the property was built.

Section of the Bylaw	Effective Date of Amendment
s. 6.1(26)	2011
s. 45(7)(a)(b)	2011
s. 54.2(2)(e)(i)	2011
s. 54.1(4)	2015
s. 55.4(1)	2011
s. 11.3(1)	2011

It appears that RV parking on city lots have been addressed in both 2011 and 2015. We appreciate the city’s position in garnering compliance with bylaw requirements in the City. When changes are made after a property is built and/or purchased, how does this impact compliance after the fact ?

The definitions of front yard s. 6.1(40) and side yard s. 6.1(91) were also amended in 2011.

The changes made to the bylaw have brought the property into non-compliance.

Our request is that since the property existed for 10 years with no complaints, and was built prior to the sections of the bylaw that make the property non-compliant came into force, that the development permit be approved for the driveway extension. This will bring the property into compliance with the COE requirements.

6. S. 44.6 that also came into force in 2011, states that front yards shall not be prohibited as driveways:

a Parking Area when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways

7. The property does not have a rear lane access, so s. 45(3) of Bylaw 12800, which came into effect in 2011, addresses the parking of RV's on front yards:

3. No person shall keep, in the Front Yard in any Residential Zone, or in the case of a corner Site, in the Front Yard or the required flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle.

4. Notwithstanding subsection 45.3, from April 1 through October 31 inclusive, on a residential Site with no rear Lane, large Recreational Vehicles may be parked to within 2.0 m of the interior edge of the sidewalk, or within 2.0 m of the curb if there is no sidewalk:

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

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

When the 5th wheel is parked on the property it meets more than the required 2.0m setback.

s. 45(3) states:

- that a Recreational Vehicle can be stored in the front yard.

- that “notwithstanding” or “in spite of” what s. 45.3 says regarding front and side yards, during the period April 1 through October 31 inclusive, on a residential site with no rear lane
  - s. 45 (4) does not state the recreational vehicle must be parked on a driveway. The definition of front yard and side yard are not relevant in this situation as the property does not have backyard access so falls under s. 45(4). Section 45 (4) does not state where the recreational vehicle can be parked ie. front yard, side yard, driveway, etc. as it was written for these types of situations. The definitions of front yard and side yard came into effect in 2011 after the property was built
  - S. 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.
  - Is it possible that s. 45(4) was written for properties such as the one at 7353 Singer Way, that does not have access to the back yard, all access is through the “front” of the property.
8. Traffic and Parking Congestion in the area is a problem. The location of the property is at the narrowest point of access to and from the neighborhood.
- The area of Singer Way where the house is located is very congested. There is a sharp turn as well as 8 lots leading into the neighborhood with no available on street parking, next to our son’s, so the parking is very congested. Vehicle traffic at the sharp corner (point of entry to neighborhood) is congested and visibility an issue.
  - Parking the RV or truck on the street further adds to the congestion of the street. Congestion on the street is caused by:
    - point of entry into and out of the neighborhood – high volume of traffic
    - a sharp corner
    - 8 houses that appear to be a cul de sac but without the cul de sac where there is no street parking
    - the narrowness of the street at the corner point
    - on street parking is always at a maximum at the sharp turn, which creates a “blind corner”
    - our son’s property is the 2nd house from the sharp corner

- Parking our son's RV and his truck on the driveway extension in front of the house assists in mitigating the congestion on the street as residents are coming and going in the neighborhood due to the location of his lot.
  - When our son purchased the home he spoke to his neighbours prior to parking the RV. They indicated it was not a problem. A few neighbors have agreed to write letters of support which will be provided at the hearing.
  - Please see the document entitled "Singer Way Neighborhood Map" attached which assists in explaining the congestion.
  - The property is well maintained and pride of ownership is apparent. The extension is identical and contiguous with the driveway and looks neat and tidy, which enhances the curb appeal of the property.
9. The refusal indicates approval of this development would set a negative precedent for the neighborhood. We view the approval of the development permit as a positive for the neighborhood. RV's are very popular, with their use continuing to increase by all age groups. In working with COE through this process, it has become apparent that residential parking and RV parking are challenges within the city. It was mentioned that City Council made this a priority for 2015. Would it make sense for COE to assist RV owners where possible? Lot sizes in Edmonton do not accommodate driveways long enough for RV's or the trucks to tow them with. Some helpful approaches to consider in future would be to plan for residential lots with RV parking pads next to the garage, so the RV is parked on the lot on a pad like the City of Camrose does. Because RV's are so popular, COE could attract residents by "supporting" RV owners. This would be a win/win for RV owners and for the COE as larger lots would provide higher property taxes.
10. It is our position that 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 properties.
11. We have attached a document entitled "Photo Submission" which is a collection of photos of the neighborhood that demonstrates traffic and parking challenges for residents on this portion of Singer Way.

We have been working with the city and have been compliant while we await a decision. We look forward to resolving this issue in a positive way giving regard to what the bylaws read at the time the landscaping was done originally and the parking and traffic congestion challenges in the neighborhood.

Respectfully submitted,

[Name of Appellant Redacted] [unedited]

<b><i>General Matters</i></b>
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**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, or

...

The Board is advised that the Order by the Development Authority is dated December 9, 2015. The Notice of Appeal was filed on December 21, 2015.



**General Provisions from the *Edmonton Zoning Bylaw*:**

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.”

Under Section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the RSL Residential Small Lot Zone.

***Driveway Must Lead to Garage or Parking Area***

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

Section 54.1(5) states: “The Driveway shall lead directly from the roadway to the required Garage or Parking Area.”

**Development Officer’s Determination**

The Development Officer cited Sections 6.1(26) and 54.1(5), and made the following determination:

Other than the approved front Driveway, the existing extension to the south Side Lot Line does not lead to an overhead garage door. [unedited]

***Parking Spaces Prohibited Within Front Yard***

Section 54.2(2)(e)(i) states:

**54.2 Required Off-street Vehicular Accessory Parking**

2. Location of Vehicular Parking Facilities

...

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; and

ii. ...

**Development Officer's Determination**

The Development Officer cited Section 54.2(2)(e)(i), and made the following determination:

The proposed driveway extension is in the Front Yard and has been used as a driveway parking space (as documented in Development Compliance file # 173998992-001). Parking is not allowed on the Front Yard and the extension should be suitably landscaped. [unedited]

***Maximum Width***

Section 54.1(4)(b) states:

**54.1 Off-street Parking and Loading Regulations**

...

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

**Development Officer's Determination**

The Development Officer cited Section 54.1(4)(b), and made the following determination:

Proposed width of driveway and extension: 10.95m  
Maximum width of driveway: 6.20m  
Exceeds by: 4.75m [unedited]

***Landscaping***

Section 55.4(1) states:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at Grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted

pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

**Development Officer's Determination**

The Development Officer cited Section 55.4(1), and made the following determination:

The existing driveway extension is in the Front Yard and south Side Yard. The extension is identical and contiguous with the approved Driveway in Grade, colour, and materials (interlocking pavers). Therefore the Front Yard and Side Yard are not landscaped with a suitable form of decorative hardsurfacing. Based on the landscaping regulations, the Front Yard and Side Yards must be suitably landscaped. [unedited]

***Development Officer's Discretion to Vary***

Section 11.3(1) states:

The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

1. the proposed development would not, in their opinion:
  - a. unduly interfere with the amenities of the neighbourhood; or
  - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

**Development Officer's Determination**

The Development Officer cited Section 11.3(1), and made the following determination:

Other than areas approved as a Driveway, the rest of the Front Yard and Side Yard should be suitably landscaped. The proposed Driveway extension covering most of the Front Yard is unsightly.

Parking on areas that should be suitably landscaped, also takes away from desirable curb appeal. An on-street parking space has been effectively removed by the extension. [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: **176563749-002**  
Application Date: OCT 16, 2015  
Printed: January 14, 2016 at 1:25 PM  
Page: 1 of 3

## Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

**Applicant**



**Property Address(es) and Legal Description(s)**

7353 - SINGER WAY NW  
Plan 0426367 Blk 84 Lot 77

**Scope of Application**

To construct exterior alterations (Driveway extension, 4.55m x 10.59m) to a Single Detached House, existing without permits.

**Permit Details**

# of Dwelling Units Add/Remove: 0  
Client File Reference Number:  
Minor Dev. Application Fee: Exterior Alterations (Res.)  
Secondary Suite Included?: N

Class of Permit: (none)  
Lot Grading Needed?:  
New Sewer Service Required: N/A  
Stat. Plan Overlay/Annex Area: Terwillegar Towne

I/We certify that the above noted details are correct.

Applicant signature: \_\_\_\_\_

**Development Application Decision**

Refused

**THIS IS NOT A PERMIT**



Project Number: **176563749-002**  
 Application Date: OCT 16, 2015  
 Printed: January 14, 2016 at 1:25 PM  
 Page: 2 of 3

## Application for Minor Development Permit

### Reason for Refusal

1. 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(5) - The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

-Other than the approved front Driveway, the existing extension to the south Side Lot Line does not lead to an overhead garage door.

2. Section 54.2(2)(e)(i) - Except for Driveways, parking spaces shall not be located within a Front Yard.

- The proposed driveway extension is in the Front Yard and has been used as a driveway parking space (as documented in Development Compliance file # 173998992-001). Parking is not allowed on the Front Yard and the extension should be suitably landscaped.

3. Section 54.1(4) - 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 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

Proposed width of driveway and extension: 10.95m

Maximum width of driveway: 6.20m

Exceeds by: 4.75m

4. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

- The existing driveway extension is in the Front Yard and south Side Yard. The extension is identical and contiguous with the approved Driveway in Grade, colour, and materials (interlocking pavers). Therefore the Front Yard and Side Yard are not landscaped with a suitable form of decorative hardsurfacing. Based on the landscaping regulations, the Front Yard and Side Yards must be suitably landscaped.

5. Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

- Other than areas approved as a Driveway, the rest of the Front Yard and Side Yard should be suitably landscaped. The proposed Driveway extension covering most of the Front Yard is unsightly. Parking on areas that should be suitably landscaped, also takes away from desirable curb appeal. An on-street parking space has been effectively removed by the extension.

### NOTES:

Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the approved Driveway for a total for 4 spaces, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

It is the opinion of the Development Authority that the extension sets a negative precedent for the neighbourhood.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

**THIS IS NOT A PERMIT**



Project Number: **176563749-002**  
Application Date: OCT 16, 2015  
Printed: January 14, 2016 at 1:25 PM  
Page: 3 of 3

## Application for Minor Development Permit

**Rights of Appeal**

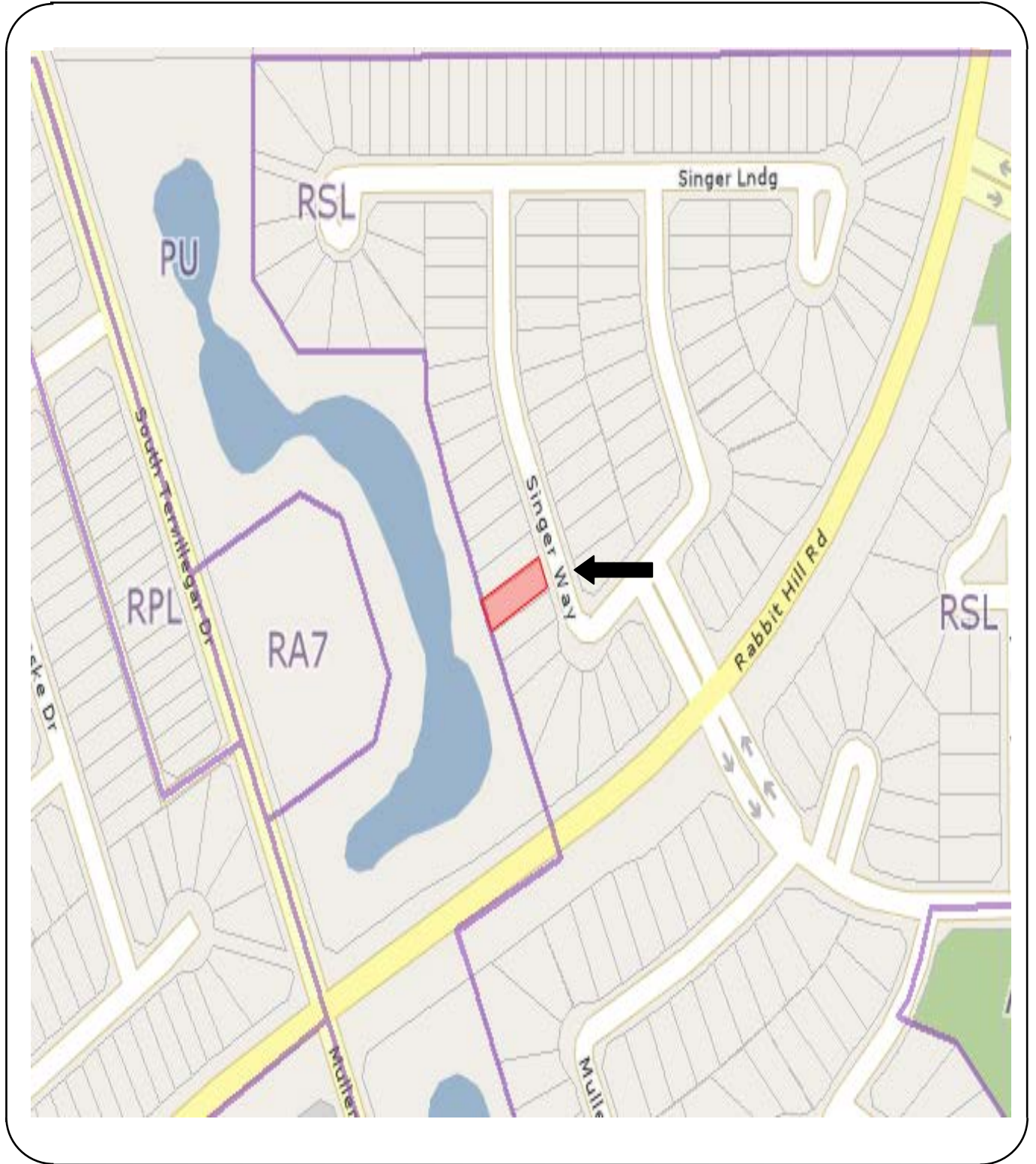
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** Dec 09, 2015    **Development Authority:** XIE, JASON    **Signature:** \_\_\_\_\_

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$155.00	\$155.00	02825381	Oct 16, 2015
Total GST Amount:	<u>\$0.00</u>	<u>          </u>		
Totals for Permit:	\$155.00	\$155.00		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-035





ITEM IV: 2:30 P.M.

FILE: SDAB-D-16-036

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 181205357-004

ADDRESS OF APPELLANT: 10620 - 126 Street NW

APPLICATION TO: Leave as built a rear detached Garage  
(9.24m x 6.17m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 1, 2015

DATE OF APPEAL: December 24, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10620 - 126 Street NW

LEGAL DESCRIPTION: Plan RN22B Blk 49 Lot 11

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

The reason for refusal was stated as run off was possible but when building new gutters were installed and hardscape was placed below to control water. Prior to submitting original application I spoke with building permit officer and with additional fire proofing and water control they were not concerned about but these items. [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, or

...

The Board is advised that the Order by the Development Authority is dated December 1 2015. The Notice of Appeal was filed on December 24, 2015.

**General Provisions from the *Edmonton Zoning Bylaw*:**

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, and including Secondary Suites under certain conditions.”

Under Section 7.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(9) states:

**Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 6.1(2) states: “**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 6.1(41) states: “**Garage** means an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport”.

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

...to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

<i>Side Setback</i>
---------------------

Section 50.3(4)(b) states:

**50.3 Accessory Buildings in Residential Zones**

In a Residential Zone:

...

4. Accessory buildings and structures shall be located on an Interior Site as follows:

...

- b. an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line, except where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer, or where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone, or where the Accessory building does

not exceed the permitted fence Height or in the case of Garage Suites, where the minimum Side Setback shall be in accordance with Section 87

**Development Officer's Determination**

The Development Officer cited Section 50.3(4)(b), and made the following determination:

Proposed: 0.5m

Deficient: 0.4m

Note: Original SDAB approval was for a 0.76m side setback. The current proposal is a further 0.26m from the original approval. [unedited]

***Projections onto Side Setbacks***

Section 44(1)(b) states:

**44. Projection into Setbacks and Separation Spaces**

The following features may project into a required Setback or Separation Space as provided for below:

1. a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade; and
- b) eaves or similar architectural features on Accessory buildings provided that such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater, and 0.46 m for Setbacks or Separation Spaces of less than 1.2 m.

**Development Officer's Determination**

The Development Officer cited Section 44(1)(b), and made the following determination:

Proposed projection into side setback: 0.65m

Over by: 0.21m

Note: Condition of the SDAB was that the eaves could project no more than 0.46m into the side yard. [unedited]

***Accessory Building Site Coverage***

Section 140.4(10)(a) states:

Maximum Site Coverage shall be as follows:

	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached and Duplex Housing - Site area 300 m <sup>2</sup> or greater	12%	40%	40%

**Development Officer’s Determination**

The Development Officer cited 140.4(10)(a), and made the following determination:

Proposed: 16.36%  
Over by: 4.36%

Note: Original SDAB approval noted a garage at the dimensions 9.14m x 6.1m. The original proposed Garage was slightly smaller, and covered 16%, a difference of 0.36% from the current proposal. [unedited]

***Accessory Building Site Coverage***

Section 814.3(20) states: “A rear detached Garage shall be fully contained within the rear 12.8 m of the Site.”

**Development Officer’s Determination**

The Development Officer cited Section 814.3(20), and made the following determination:

Proposed: 13m  
Over by: 0.2m

Note:  
Runoff from the roof may drain onto neighbouring properties creating a negative impact. [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: **181205357-004**  
Application Date: OCT 26, 2015  
Printed: January 14, 2016 at 2:39 PM  
Page: 1 of 2

## Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

<b>Applicant</b>  	<b>Property Address(es) and Legal Description(s)</b> 10620 - 126 STREET NW Plan RN22B Blk 49 Lot 11  <b>Specific Address(es)</b> Suite: 10620 - 126 STREET NW Entryway: 10620 - 126 STREET NW Building: 10620 - 126 STREET NW
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**Scope of Application**  
To leave as built a rear detached Garage (9.24m x 6.17m).

<b>Permit Details</b>  # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built (Accessory Bldg.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N 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

**THIS IS NOT A PERMIT**



Project Number: **181205357-004**  
 Application Date: OCT 26, 2015  
 Printed: January 14, 2016 at 2:39 PM  
 Page: 2 of 2

## Application for Minor Development Permit

**Reason for Refusal**

1.) Section 50.3(4)(b): an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line.  
 Proposed: 0.5m  
 Deficient: 0.4m

Note: Original SDAB approval was for a 0.76m side setback. The current proposal is a further 0.26m from the original approval.

2.) Section 44.1(b):the Development Officer may exercise variance power to allow projections of eaves or similar architectural features on Accessory buildings provided that such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater, and 0.46 m for Setbacks or Separation Spaces of less than 1.2 m.

Proposed projection into side setback: 0.65m  
 Over by: 0.21m

Note: Condition of the SDAB was that the eaves could project no more than 0.46m into the side yard.

3.) Section 140.4(10)(a): Maximum Site Coverage for an Accessory Building shall not exceed 12%  
 Proposed: 16.36%  
 Over by: 4.36%

Note: Original SDAB approval noted a garage at the dimensions 9.14m x 6.1m. The original proposed Garage was slightly smaller, and covered 16%, a difference of 0.36% from the current proposal.

4.) Section 814.3(20): A rear detached Garage shall be fully contained within the rear 12.8 m of the Site.  
 Proposed: 13m  
 Over by: 0.2m

Note:  
 Runoff from the roof may drain onto neighbouring properties creating a negative impact.

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

**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.

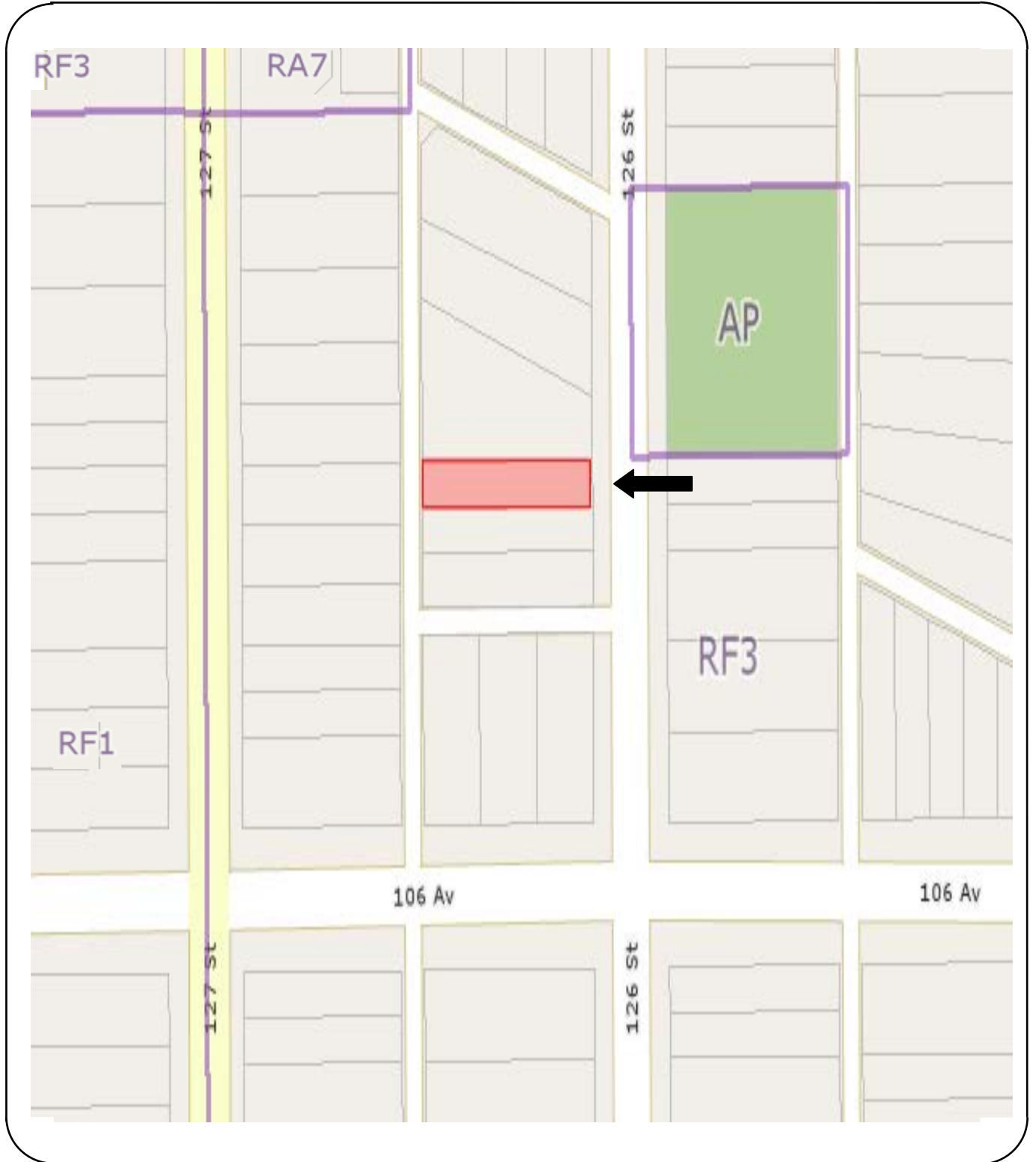
**Issue Date:** Dec 01, 2015    **Development Authority:** HEIMDAHL, KENDALL    **Signature:** \_\_\_\_\_

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$100.00	\$100.00	02849441	Oct 26, 2015
DP Notification Fee	\$40.00	\$40.00	02849441	Oct 26, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$140.00	\$140.00		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-16-036



***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. <b><i>February 4, 2016</i></b>
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). <b><i>February 10 or 11, 2016</i></b>
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. <b><i>February 17 or 18, 2016</i></b>
SDAB-D-16-022	An appeal by <u>Dentons Canada</u> to operate a Minor Alcohol Sales Use and to construct interior alterations. <b><i>February 19, 2016</i></b>
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 <b><i>March 2 or 3, 2016</i></b>
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). <b><i>March 9 or 10, 2016</i></b>

***APPEAL HEARINGS TO BE SCHEDULED***

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