

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 15, 2015**

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

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

TO BE RAISED

I 9:00 A.M. SDAB-D-15-125 To construct an uncovered deck (1.95m x 4.90m @ 1.10m in height), existing without permits

15012 - 109 Avenue NW
Project No.: 170465146-003

II 11:00 A.M. SDAB-D-15-150 To construct an Accessory Building (detached Garage 7.32m x 7.62m)

9756 - 80 Avenue NW
Project No.: 170098691-009

III 1:30 P.M. SDAB-D-15-155 To construct an Accessory Building (detached Garage, 6.71m x 7.32m) existing without permits

9351 - 90 Street NW
Project No.: 167822014-001

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-125

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

APPELLANT:

APPLICATION NO.: 170465146-003

APPLICATION TO: Construct an uncovered deck (1.95m x 4.90m @ 1.10m in height), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 13, 2015

DATE OF APPEAL: May 24, 2015

NOTIFICATION PERIOD: May 19, 2015 through June 1, 2015

RESPONDENT: R. Vallee Holdings Inc.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15012 - 109 Avenue NW

LEGAL DESCRIPTION: Plan 2028AO Blk 51 Lot 22

ZONE: RF1 Single Detached Residential Zone
Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: None

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit authorizes the development of an uncovered deck (1.95m x 4.90m @ 1.10m in height), existing without permits. The development shall be constructed in accordance with the stamped and approved drawings.

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

Notes:

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

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

VARIANCE:

In the opinion of the Development Officer, the variances granted in this application and noted below will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. (Section 11.3)

Subject to the right of appeal. (Reference Section 21.(1).)

Section 44.3(b) Platform Structures provided such projections do not exceed 0.60 m for Setbacks or Separation Spaces with a depth of less than 4.0 m

Existing Projection into Side Setback: 1.02m
Allowable Projection into Side Setback: 0.60m
Exceeds by: 0.42m

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

APPELLANT'S SUBMISSION

The neighbour's non-conforming deck has a projection of 1.95m which is also the entirety of the 1.95m Side Setback of the neighbouring duplex, resulting in a projection variance of 1.35m.

The Development Officer in his "Notice to Property Owners" dated May 13th, has mistakenly stated the existing projection as being only 1.02m and therefore miscalculated the exceedance as being 0.42m. This materially incorrect noticing leads me to question whether the Development Officer has actually visited the two adjacent lots or even bothered to look at them in Google Street View.

The Development Officer's opinion that this variance does not unduly interfere with the neighbourhood, my enjoyment of my property, and the value of my property is not well founded:

1. The deck, stairs, and railings of are of poor quality in terms of materials, design, construction, and maintenance, and in summary are a shabby eye-sore visible from the street, my yard, and my kitchen window.

2. The deck, deck railings, stairs, and stair railings obviously do NOT meet Alberta Building Codes and are a present and future hazard to all occupants and visitors to the duplex.
3. The complete blockage of ground-level access by this deck prevents proper weed control and grass trimming, resulting in an unkempt side yard and an even larger eyesore.

Granting this development permit so that this structure continues to exist seems ill-advised and not in-keeping with sustainable development.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The Subdivision and Development Appeal Board at a hearing on June 18, 2015 made and passed the following motion:

“that the appeal hearing be postponed to July 15 or 16, 2015, at the written request of the Respondent and in agreement with the Appellant.”

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

Section 814.3(2) states where the Site Width is less than 18.3 metres, the Side Setback requirements of the underlying Residential Zone shall apply.

Section 110.4(10)(a) states Side Setbacks shall total at least 20 percent of the Site Width, with a minimum Side Setback of 1.2 metres on each side.

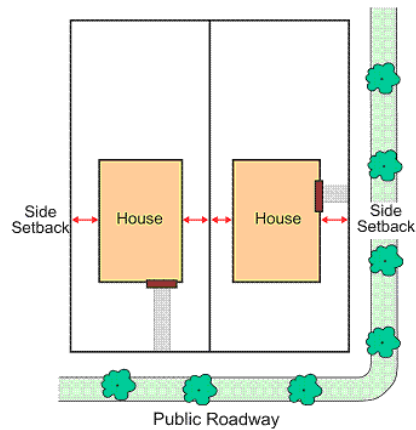
Section 44.3(b) states Platform Structures may project into a required Setback or Separation Space provided such projections do not exceed 0.60 metres for Setbacks or Separation Spaces with a depth of less than 4.0 metres.

The Development Officer determined the maximum allowable projection in the required (north) Side Setback is 0.60 metres. The Development Officer determined the proposed projection is 1.02 metres into the required Side Setback which exceeds the maximum allowable by 0.42 metres.

The decision of approval by the Development Officer has been appealed by an abutting property owner to the north located at 10906 - 150 Street.

Under Section 6.1(74), **Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.

Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.

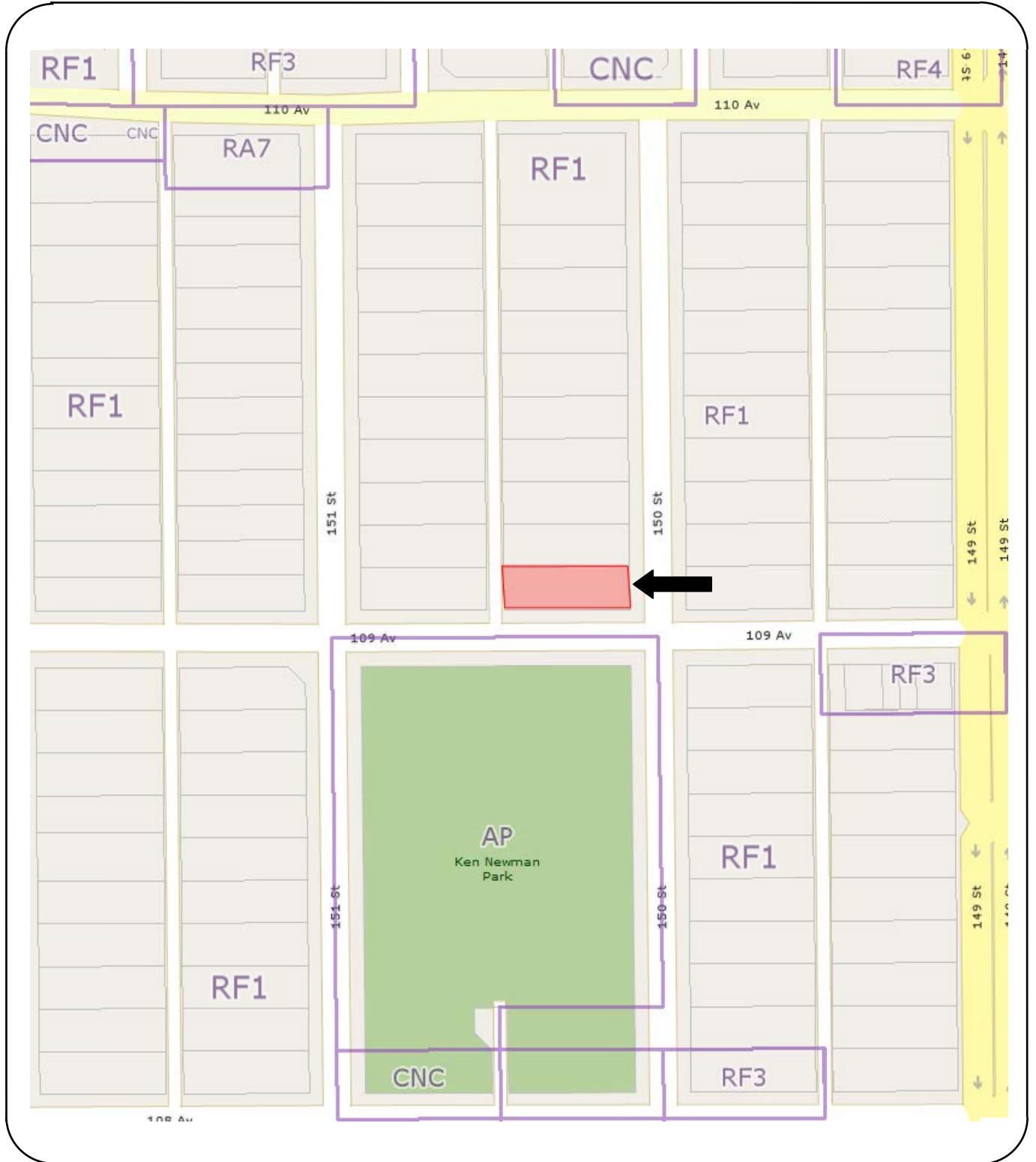


Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures 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.

Section 110.1 states the 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.

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-125



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-150

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 170098691-009

APPLICATION TO: Construct an Accessory Building
(detached Garage 7.32m x 7.62m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 4, 2015

DATE OF APPEAL: June 23, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9756 - 80 Avenue NW

LEGAL DESCRIPTION: Plan 2700R Blk 55 Lot 36

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Neighbourhood Improvement Plan
/ Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

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

After reviewing your garage application, the following deficiencies were identified:
Section 44.1.b - eaves may project into a required Setback on Accessory Buildings provided that such projections do not exceed 0.46 m for Setbacks of less than 1.2 m
The eave along the east property line projects too far into the required setback.

Solutions:

- 1) reduce the size of the eaves on the structure to 1' 6" (0.46m); or
- 2) leave the eaves as proposed and shift the garage closer to the west property line by 0.10m

Section 50.3.2 - an Accessory building or structure shall not exceed 4.3 m nor one Storey in Height

Proposed Height: 5.94 m

Proposed number of Storeys: 2 Storeys

As noted in our previous phone conversations, I am unable to vary Height. Therefore, the application must be refused (based on the submitted drawings) and you can appeal the refusal to the Subdivision and Development Appeal Board and hopefully obtain approval through them.

Section 50.3.53.a - the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building

RF3 - Section 130.4.13.b - on a Corner Site where the building faces the Front Lot Line, the minimum Side Setback flanking the roadway shall be 20% of the Width of the Lot flanking the roadway, to a maximum of 4.5 m.

Site Width 10.06m

20%: 2.01m

Section 140.3.10.a - Maximum Site Coverage for an Accessory building on a Site greater than 300 m² shall be 12%; Maximum total: 40%

Site Area: 404.89

Site Coverage - Accessory building: 13.77%

Site Coverage - Total: 41.31%

Reducing the Site Coverage of the garage and the total Site Coverage may be advisable due to the Height of the structure. The excess Site Coverage in conjunction with the overheight garage may not be looked upon by the Subdivision and Development Appeal Board favorably.

Additionally, it appears that the exterior finishing materials for the garage do not match the changes made to the exterior finishing materials used on the principal dwelling. It would be advisable to match the use of exterior finishing materials on the garage and the house (ie: use of hardieboard planks and shakes, and vertical trim boards in the gable ends)

VARIANCES:

1) Section 50.3.2 - an Accessory building or structure shall not exceed 4.3 m nor one Storey in Height

Proposed Height: 5.94 m

Proposed number of Storeys: 2 Storeys

Exceeds by: 1.64 m; 1 Storey

2) Section 50.3.5.a - Accessory buildings and structures shall be located on a corner Site as follows: the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building

- Required flanking Side Setback for principal building: 2.01 m (Reference Section 130.4.13.b)

- Note: a variance was granted to reduce the flanking Side Setback of the principal building from 2.01 m to 1.22 m
Proposed flanking Side Setback: 1.79 m
Deficient by: 0.22 m

3) Section 140.3.10.a - Maximum Site Coverage for an Accessory building on a Site greater than 300 m² shall be 12%; Total Site Coverage shall not exceed: 40%
Site Area: 404.89
Site Coverage - Accessory building: 13.77%
Site Coverage - Total: 41.31%
Exceeds by: Accessory building: 1.77% (7.17 m²); Total: 1.31% (5.30 m²)

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

APPELLANT'S SUBMISSION

We appeal the refusal based on the following:

Height: There are currently numerous two Storey Accessory Buildings in the immediate area.

Side Setback and Site Coverage: The proposed garage is required for a full size pickup truck as well as a regular size car. It will also be required to store lawn and snow maintenance equipment. Since the garage has a second Storey, the stairs take up some of the space

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 686(1)(a)(i) of the *Municipal Government Act* states "a development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days...after the date on which the person is notified of the order or decision or the issuance of the development permit."

The decision of refusal by the Development Officer is dated June 4, 2015. Fourteen days from the decision date is June 18, 2015 and the Notice of Appeal was filed on June 23, 2015.

Sustainable Development has submitted to the SDAB a Canada Post Registered Mail Delivery, dated June 18, 2015 that confirms the notice of refusal was delivered on June 13, 2015. **A copy of the Canada Post Registered Mail Delivery is on file.**

Single Detached Housing is a Permitted Use in the RF3 Small Scale Infill Development Zone, Section 140.2(9).

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

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

- a. as provided in the RPLt, RF4t, RF5t, TSDR, TSLR, BRH, BLMR, and BMR Zones, where the maximum Garage Height shall not exceed 5.0 m;
- b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the Height shall be in accordance with Section 87.
- c. in the case of a Garage containing a Blatchford Lane Suite, where the Height shall be in accordance with Section 997; and
- d. as provided in subsections 50.4, 50.5.

The Development Officer determined the maximum allowable Height for the proposed development is 4.3 metres and 1 Storey. The Development Officer determined the proposed development provides a Height of 5.94 metres and 2 Storey and exceeds the maximum allowable by 1.64 in metres and 1 Storey.

Section 50.3(5)(a) states Accessory buildings and structures shall be located on a corner Site as follows: in addition to the provisions of subsection 50.3(4)(b), and subject to subsection 50.3(5)(b), the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building.

The Development Officer determined the required flanking Side Setback for the Principal building is 2.01 metres. The Development Officer determined the proposed development provides a flanking Side Setback of 1.79 metres which is deficient by 0.22 metres.

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

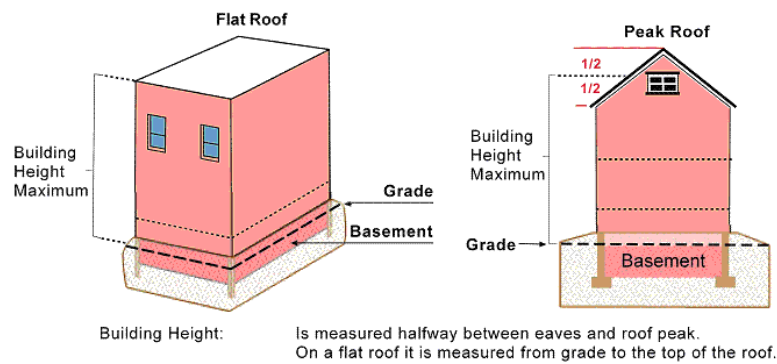
Section 140.4(10)(a) states maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached Housing - Site area 300 square metres or greater	28 percent	12 percent	40 percent	40 percent

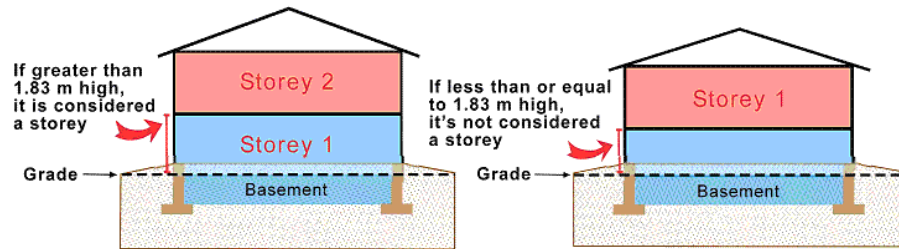
The Development Officer determined the Accessory building provides a Site Coverage of 55.71 square metres (13.77 percent) which exceeds the maximum allowable by 7.17 square metres (1.77 percent). Further, the Development Officer determined the proposed total Site Coverage is 167.16 square metres (41.31 percent) which exceeds the maximum allowable by 5.30 square metres or 1.31 percent.

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

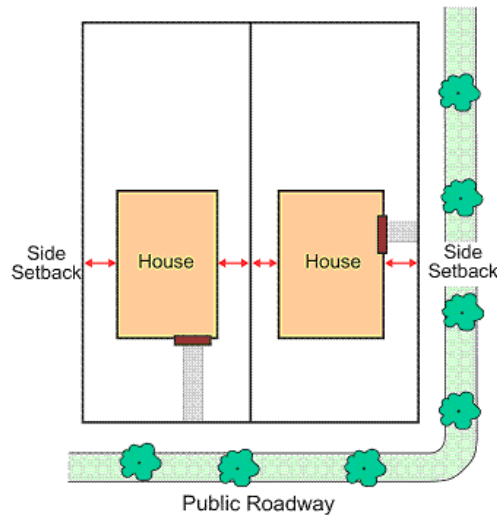
- a. the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- b. the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that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



Under Section 6.1(98), **Storey** means that portion of a building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a Basement is more than 1.83 metres above grade, such Basement shall be considered a Storey for the purpose of this Bylaw;



Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Section 814.1 states the 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.

Section 140.1 states the purpose of 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.

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-150



ITEM III: 1:30 P.M.

FILE: SDAB-D-15-155

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 167822014-001

APPLICATION TO: Construct an Accessory Building
(detached Garage, 6.71m x 7.32m)
existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 30, 2015

DATE OF APPEAL: June 15, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9351 - 90 Street NW

LEGAL DESCRIPTION: Plan 1982HW Blk 1 Lot D

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: None

DEVELOPMENT OFFICER'S DECISION

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

Section 50.3(5)(a) - the distance between an Accessory Building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building.

Required: 2.44m
Proposed: 0.61m
Deficient by: 1.83m

Section 54.2(4)(a)(vi) - aisles shall be a minimum of 7.0 m wide for 90 degree parking.

Proposed aisle width: 4.88m
Deficient by: 2.12m

APPELLANT'S SUBMISSION

To place the garage on the property to have south facing overhead door 90 degree to make a lane access. Current lot elevation makes the lane access inaccessible. Too great of a slope exists that would make the vehicles bottom out trying to get up driveway/apron. This positioning of the garage is the same as the original garage that existed on the property years ago according to several of the elderly neighbours.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 686(1)(a)(i) of the *Municipal Government Act* states "a development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days....after the date on which the person is notified of the order or decision or the issuance of the development permit."

The decision of refusal by the Development Officer is dated April 30, 2015. Fourteen days from the decision date is May 14, 2015 and the Notice of Appeal was filed on June 15, 2015.

Single Detached Housing is a Permitted Use in the RF1 Single Detached Residential Zone, Section 110.2(4).

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

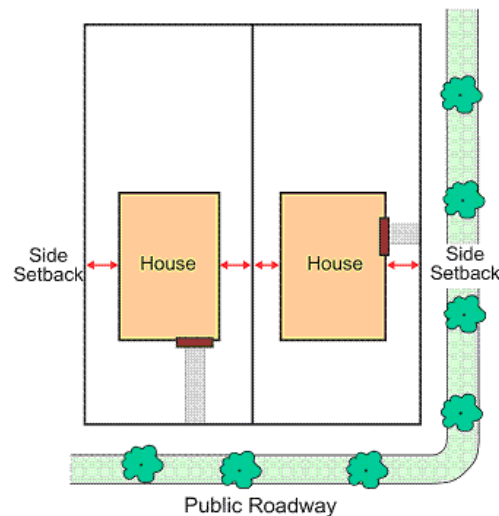
Section 50.3(5)(a) states Accessory buildings and structures shall be located on a corner Site as follows: in addition to the provisions of subsection 50.3(4)(b), and subject to subsection 50.3(5)(b), the distance between an Accessory building and the lot line running parallel to any flanking public roadway, other than a Lane, shall not be less than the Side Setback required for the principal building.

The Development Officer determined the minimum required Side Setback is 2.44 metres. The Development Officer determined the proposed development provides a flanking Side Setback of 0.61 metres which is deficient by 1.83 metres.

Section 54.2(4)(a)(vi) states aisles shall be a minimum of 7.0 metres wide for 90° parking, 5.5 metres wide for 60° parking, and 3.6 metres wide for 45° parking and parallel parking.

The Development Officer determined the minimum required aisle width is 7.0 metres. The Development Officer determined the proposed development provides an aisle width of 4.88 metres which is deficient by 2.12 metres.

Under Section 6.1(90), Side Setback means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Section 814.1 states the 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.

Section 110.1 of the Bylaw states the 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.

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-155



BUSINESS LAID OVER

SDAB-D-15-136	An appeal to construct and operate a Residential Sales Centre <i>July 30, 2015</i>
SDAB-D-15-138	An appeal to develop a Secondary Suite in an existing Single Detached House <i>August 5 or 6, 2015</i>
SDAB-D-15-145	An appeal to change the Use from a General Industrial Use to a Personal Service Shop operating as a Body Rub Centre <i>August 5, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

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