

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 11, 2018**

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

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

I 9:00 A.M. SDAB-D-18-085

To construct a two-storey Accessory building (main floor Garage, 11.43 metres by 7.32 metres; second floor Garden Suite, 8.84 metres by 7.32 metres)

12936 - 85 Street NW
Project No.: 257865509-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-18-085

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:
APPLICATION NO.: 257865509-001

APPLICATION TO: Construct a two-storey Accessory building (main floor Garage, 11.43 metres by 7.32 metres; second floor Garden Suite, 8.84 metres by 7.32 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 20, 2017

DATE OF APPEAL: May 18, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12936 - 85 Street NW

LEGAL DESCRIPTION: Plan 4830Q Blk 17 Lot 12

ZONE: RF4-Semi-detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We applied with old bylaws but Development officer reviewed our application with new bylaws.

General Matters

The Subdivision and Development Appeal Board made and passed the following motion on June 13, 2018:

"That SDAB-D-18-085 be TABLED to July 11, 2018 or July 12, 2018 at the written request of the Appellant."

The decision of refusal by the Development Officer is dated September 20, 2017. The Notice of Appeal was filed on May 18, 2018.

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) **subject to clause (d), must comply with any land use bylaw in effect;**

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*

Section 150.2(2) states a **Garden Suite** is a **Permitted Use** in the **(RF4) Semi-detached Residential Zone**.

Under Section 7.2(3), **Garden Suite** means an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use Class does not include Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 150.1 states that the **General Purpose** of the **(RF4) Semi-detached Residential Zone** is to provide a zone primarily for Semi-detached Housing and Duplex Housing.

Floor Area

Section 87.4 states the maximum total Floor Area for a Garden Suite shall be 120 square metres.

Development Officer's Determination

1. Total Floor Area - Maximum total floor area for a garden suite is 147.57m² instead of 120m² (Section 87.4).

Second Storey Floor Area

Section 87.5(d) states in the RF1, RF2, RF3, RF4, RF5, RF6, RA7, RA8, and RA9 Zones, the maximum Second Storey Floor Area shall be 50 square metres.

Development Officer's Determination

2. Second Storey Floor Area - Maximum second storey floor area is 66.05m² instead of 50m² (Section 87.5.d).

Platform Structure

Section 87.15 states Platform Structures greater than 1.0 metres above Grade shall be fully contained within the rear 6.0 metres of the Site, except that they may extend along the full length of a façade facing the Side Lot Line Abutting a flanking public roadway.

Development Officer's Determination

3. Balcony Placement - Platform structure is contained within the rear 9.13m of the site instead of 6.00m (Section 87.15).

Privacy Screening

Section 87.16 states Platform Structures greater than 1.0 metres above Grade shall provide Privacy Screening to reduce overlook onto Abutting properties.

Development Officer's Determination

4. Privacy Screening - Privacy screening is not provided for platform structure (balcony) greater than 1.00m above Grade (Section 87.16).

Facades

Section 87.17 states Façades shall be articulated to the satisfaction of the Development Officer through two or more of the following:

- a. projection or recession of portions of the façade;
- b. projecting architectural features;
- c. platform structures;
- d. use of two or more exterior finishing materials;
- e. Landscaping with shrubs along building Façades, in addition to Landscaping required by Section 55 of this Bylaw;
- f. entrance features oriented toward the public roadway, including a Lane;

- g. dormers; or
- h. window trim with a minimum width of 0.075 metres.

Development Officer's Determination

5. Design - Facades are not articulated to the satisfaction of the Development Officer (Section 87.17).

Lighting

Section 87.19 states façades facing a Lane shall have exterior lighting.

Development Officer's Determination

6. Lighting - Exterior lighting is not provided on the facade facing the lane (Section 87.19).

Entrance


Section 87.20 states Garden Suites shall have a covered entrance feature over the main door.

Development Officer's Determination

7. Entrance - Covered entrance feature is not provided over the main door to the Garden Suite (Section 87.20).

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.

	Project Number: 257865509-001 Application Date: JUL 20, 2017 Printed: May 18, 2018 at 8:55 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>			
<p>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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>			
Applicant <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 12936 - 85 STREET NW Plan 4830Q Blk 17 Lot 12 Location(s) of Work Entryway: 12936A - 85 STREET NW Building: 12936A - 85 STREET NW		
Scope of Application To construct a two-Storey Accessory building (main floor Garage, 11.43m x 7.32m; second floor Garden Suite, 8.84m x 7.32m).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 646 Class of Permit: Class B Front Yard (m): 32.29 Rear Yard (m): 6.09 Side Yard, left (m): 1.91 Site Area (sq. m.): 697.13 Site Width (m): 15.25 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 6.2 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.91 Site Depth (m): 45.71 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 646 Class of Permit: Class B Front Yard (m): 32.29 Rear Yard (m): 6.09 Side Yard, left (m): 1.91 Site Area (sq. m.): 697.13 Site Width (m): 15.25	Building Height to Midpoint (m): 6.2 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.91 Site Depth (m): 45.71 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 Reason for Refusal Application for Garden Suite is refused for the following reasons: <ol style="list-style-type: none"> 1. Total Floor Area - Maximum total floor area for a garden suite is 147.57m² instead of 120m² (Section 87.4). 2. Second Storey Floor Area - Maximum second storey floor area is 66.05m² instead of 50m² (Section 87.5.d). 3. Balcony Placement - Platform structure is contained within the rear 9.13m of the site instead of 6.00m (Section 87.15). 4. Privacy Screening - Privacy screening is not provided for platform structure (balcony) greater than 1.00m above Grade (Section 87.16). 5. Design - Facades are not articulated to the satisfaction of the Development Officer (Section 87.17). 6. Lighting - Exterior lighting is not provided on the facade facing the lane (Section 87.19). 7. Entrance - Covered entrance feature is not provided over the main door to the Garden Suite (Section 87.20). 			
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.			
THIS IS NOT A PERMIT			



Project Number: **257865509-001**
 Application Date: JUL 20, 2017
 Printed: May 18, 2018 at 8:55 AM
 Page: 2 of 2

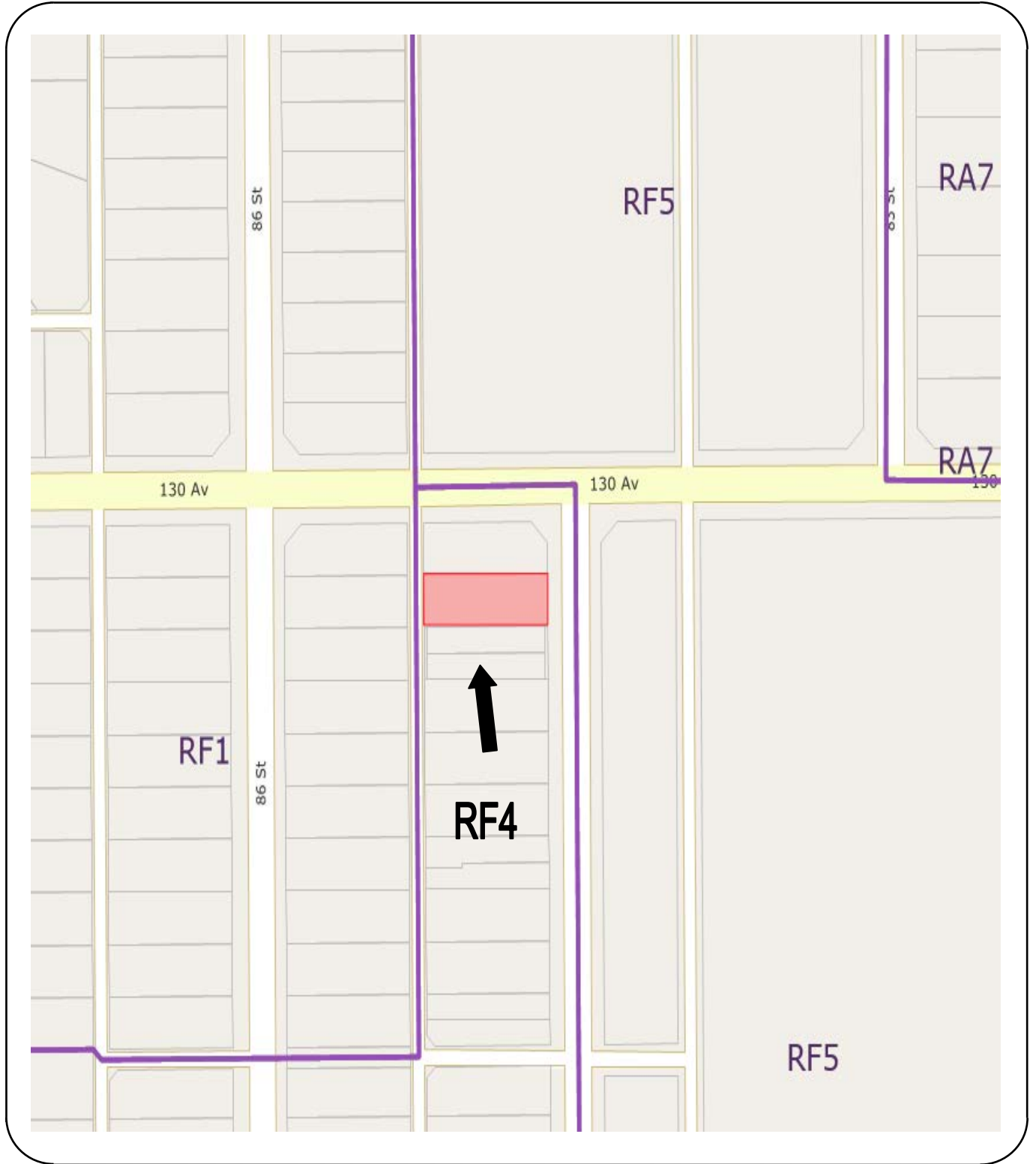
Application for House Development and Building Permit

Issue Date: Sep 20, 2017 **Development Authority:** YEUNG, KENNETH

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$223.00	\$223.00	04309760	Jul 21, 2017
Water Usage Fee	\$25.41	\$25.41	04309760	Jul 21, 2017
Lot Grading Fee	\$140.00	\$140.00	04309760	Jul 21, 2017
Building Permit Fee	\$1,064.00	\$1,064.00	04309760	Jul 21, 2017
Electrical Safety Codes Fee	\$13.42	\$13.42	04309760	Jul 21, 2017
Electrical Fee (Service)	\$79.00	\$79.00	04309760	Jul 21, 2017
Safety Codes Fee	\$42.56	\$42.56	04309760	Jul 21, 2017
Development Permit Inspection Fee	\$0.00	\$200.00	04309760	Jul 21, 2017
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	04309760	Jul 21, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,280.39	\$2,480.39		
(overpaid by (\$200.00))				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-085

