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

	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

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	Refused
DEVELOPMENT AUTHORITY:	Kelusea
DECISION DATE:	September 20, 2017
DATE OF APPEAL:	May 18, 2018
DATE OF APPEAL: MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	May 18, 2018 12936 - 85 Street NW
MUNICIPAL DESCRIPTION	•
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	12936 - 85 Street NW
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: LEGAL DESCRIPTION:	12936 - 85 Street NW Plan 4830Q Blk 17 Lot 12
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: LEGAL DESCRIPTION: ZONE:	12936 - 85 Street NW Plan 4830Q Blk 17 Lot 12 RF4-Semi-detached Residential Zone

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;

Hearing Date: Wednesday, July 11, 2018

- (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;

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- 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.

House Development and Building Permit This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12804 Safety Codes Permit Regulation, Alberta Building Code and City of Edmonton Dylaw 15894 Safety Codes Permit Regulation, Alberta Building, Code and City of Edmonton Dylaw 15894 Safety Codes Permit Regulation, Alberta Building, Code and City of Edmonton Dylaw 15894 Safety Codes Permit Regulation, Alberta Building, Code and City of Edmonton Dylaw 15894 Safety Codes Permit Dylaw. Applicant Property Address(es) and Legal Description(s) 12936 - 85 STREET NW Building: 12936 - 85 STREET NW		Project Number: 2578655 Application Date: JUJ Printed: May 18, 2018 a Page:	L 20, 2017					
described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 15894 Safety Codes Permi Bylaw. Applicant 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 Affected Floor Area (or, ft): 646 Class of Permit Class B Front Yand (m): 529 Bar Yand (m): 529 Site Vand, (m): 191 Site Area (or, m): 611 Site Vand, (m): 192 Site Area (or, m): 611 Site Vand, (m): 192 Site Vand, (m): 191 Site Area (or, m): 62 Descling Type: Corage Suite Hour Detaily Development 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 Octails Affected Floor Area (or, ft): 646 Class of Permit: Class B Front Yand (m): 529 Site Vand, heft (m): 191 Site Area (m): 619 Site Vand, (m): 1525 Development Applicationded Overlay/Amex Area: Manue Neighbourhood Overlay JWe certufy that the above noted details are correct. Application for Garden Suite is refused for the following reasons: Total Floor Area - Maximum total floor area for a garden suite is 147.57m2 instead of 120m2 (Section 87.4). Second Storey Floor Area - Maximum second storey floor area is 66 05m2 instead of 50m2 (Section 87.4). Second Storey Floor Area - Maximum second storey floor area is 66 05m2 instead of 50m2 (Section 87.4). Design - Facades are not articulated to	House Develop	House Development and Building Permit						
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House Development and Building Permit

Issue Date: Sep 20, 2017 Development Authority: YEUNG, KENNETH Fees Amount Paid Receipt # Date Paid Fee Amount \$223.00 04309760 Electrical Fees (House) \$223.00 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 04309760 \$1,064.00 Building Permit Fee \$1,064.00 Jul 21, 2017 Electrical Safety Codes Fee Electrical Fee (Service) 04309760 04309760 04309760 \$13.42 Jul 21, 2017 \$13.42 \$79.00 \$79.00 Jul 21, 2017 \$42.56 Jul 21, 2017 Safety Codes Fee \$42.56 Development Permit Inspection Fee \$0.00 \$200.00 04309760 Jul 21, 2017 Sanitary Sewer Trunk Fund 04309760 \$693.00 \$693.00 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

JUL 20, 2017

2 of 2



Site Location

File: SDAB-D-18-085

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