

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 22, 2015**

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

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

I	9:00 A.M.	SDAB-D-15-156	Construct exterior alterations to a Single Detached House (Driveway extension 9.40m x 15.24m - existing without permits) 3722 - 28A Street NW Project No.: 162843124-002
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II	10:30 A.M.	SDAB-D-15-157	Construct exterior alterations to a Single Detached House (concrete Driveway extension 13.20m x 11.92m) 7523 - 168 Avenue NW Project No.: 138379212-002
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III	1:00 P.M.	SDAB-D-15-158	Construct exterior alterations to an existing Single Detached House, existing without permits (driveway extension, 2.98m X 10.36m) 17928 - 93 Avenue NW Project No.: 152747801-002
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IV	2:30 P.M.	SDAB-D-15-159	Construct an addition to an existing rear uncovered deck (irregular, 6.12m x 3.96m @ 1.83m in Height) 744 - Welsh Drive SW Project No.: 092482817-027
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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-15-156

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 162843124-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension 9.40m x 15.24m - existing without permits)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 17, 2015

DATE OF APPEAL: June 30, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3722 - 28A Street NW

LEGAL DESCRIPTION: Plan 9823743 Blk 39 Lot 38

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Meadows Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

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

Other than the approved 6.1 m wide concrete front driveway, the existing concrete extension left side property line does not lead to an overhead garage door or parking area. (Section 6.1(26)).

2. 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 of the property. Based on the landscaping regulations, Front Yards/Front Setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 55.4(1)) (Section 6.1(55))

3. Section 54.2(2(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: parking spaces shall not be located within a Front Yard.

The Front Yard of this property between the left side property line and the south wall of the front attached garage, will be used for parking. This area should be landscaped and parking is also not allowed within these yards.

4. Section 54.1(4): The Front Yard of any at-grade Dwelling unit in any Residential Zone may include a maximum of one Driveway. The area hardsurfaced for a Driveway shall have:

- a minimum width of 3.1 m; and
- 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.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

Allowed Width: 6.2m

Existing Width: 9.4m

Exceeds By: 3.2m

The existing Driveway extension does not lead directly from a Garage or Parking Area.

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.

The proposed concrete covering the entire Front Yard is unsightly. Other than areas designated for Driveway, the rest of the Front Yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

6. Section 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The hardsurfacing and landscaping conditions attached to Development Permit # 1039575-001 for the Single Detached House approval has not been fulfilled:

- "All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b)."

- "The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800."

- "Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800."

NOTES:

This Development Permit application "To construct exterior alterations to an existing single detached house (extension to front concrete driveway 9.40m x 12.2m)" originated as a Development Compliance Complaint.

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

Runoff may drain onto neighbouring properties creating a negative impact.

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.

APPELLANT'S SUBMISSION

I did the construction of driveway as done by other owners in the neighbourhood. Also for my childrens' safety, I did the construction.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Under Section 110.2(4) of the *Edmonton Zoning Bylaw*, **Single Detached Housing** is a Permitted Use in the RF1 Single Detached Residential Zone.

The *Edmonton Zoning Bylaw* states the following with respect to the **Location of Vehicular Parking Facilities**:

54.2(2)(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; and
- ii. ...

The Development Officer determined that the Front Yard of the subject property between the left side property line and the south wall of the front attached garage, will be used for parking. This area should be landscaped and parking is also not allowed within these yards.

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

The Development Officer determined that other than the approved 6.1 m wide concrete front driveway, the existing concrete extension left side property line does not lead to an overhead garage door or parking area as required under Section 6.1(26) of the Bylaw.

The *Edmonton Zoning Bylaw* states the following with respect to **Off-street Parking and Loading Regulations**:

- 54.1(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. a minimum width of 3.1 m; and
 - 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 ; and
 - c. for a Site less than 10.4 m wide, have a maximum width of 3.1 m.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The Development Officer determined that the subject property does not conform to the requirements of Section 54.1(4) of the *Edmonton Zoning Bylaw* as the Allowed Width is 6.2m, whereas the Existing Width of the subject property is 9.4m, exceeding the Allowed Width by 3.2m. As well, the existing Driveway extension does not lead directly from a Garage or Parking Area.

The *Edmonton Zoning Bylaw* defines **Landscaping** as follows:

- 6.1(55) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;

- 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; and
- c. architectural elements such as decorative fencing, walls and sculpture;

The *Edmonton Zoning Bylaw* states the following with respect to **Landscaping**:

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, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

The Development Officer determined that the existing driveway extension is in the front of the property. Based on the landscaping regulations, Front Yards/Front Setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping under Sections 6.1(55) and 55.4(1) of the *Edmonton Zoning Bylaw*.

The *Edmonton Zoning Bylaw* states the following with respect to **Variance to Regulations**:

- 11.3 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.

The Development Officer determined that the proposed concrete covering the entire Front Yard is unsightly. Other than areas designated for Driveway, the rest of the Front Yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

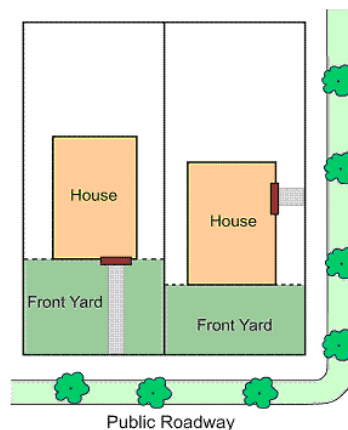
The *Edmonton Zoning Bylaw* states the following with respect to **Validity of a Development Permit**:

- 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The Development Officer determined that the subject property does not conform to Section 17.1(1)(a) of the *Edmonton Zoning Bylaw* because the hardsurfacing and landscaping conditions attached to Development Permit # 1039575-001 for the Single Detached House approval have not been fulfilled as follows:

- a) "All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b)."
- b) "The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800."
- c) "Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800."

Under Section 6.1(40), **Front Yard** is defined as "the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections."



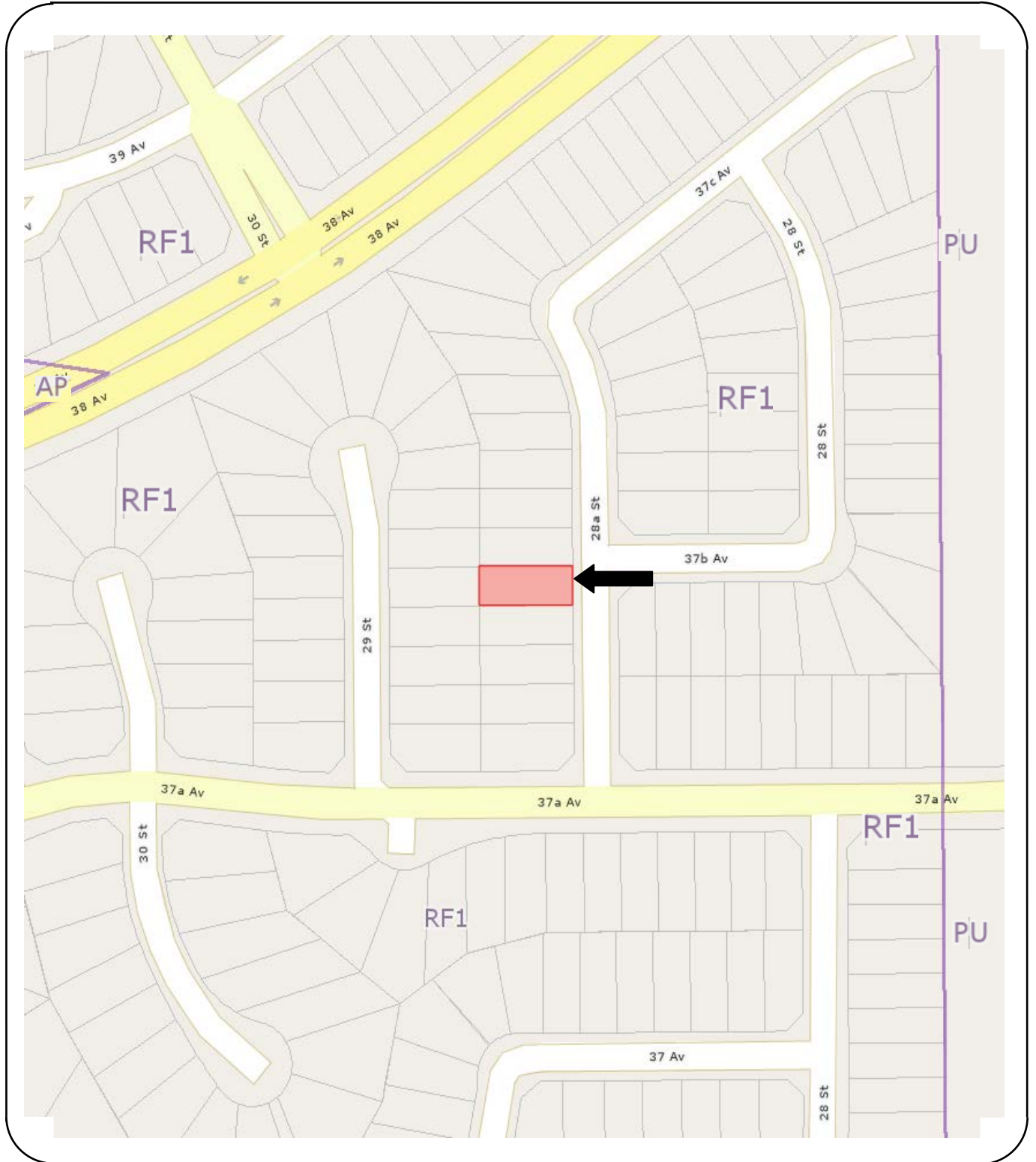
Section 6.1(41), **Garage** is defined as “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport”.

Section 6.1(69), **Parking Area** is defined as “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”.

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** “is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.”

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-15-156



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-157

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 138379212-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (concrete Driveway extension 13.20m x 11.92m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 17, 2015

DATE OF APPEAL: June 30, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7523 - 168 Avenue NW

LEGAL DESCRIPTION: Plan 0521874 Blk 4 Lot 5

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Edmonton North Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

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

Other than the approved 6.72 m wide concrete front Driveway, the existing concrete extension on both the West and East side of the approved Driveway do not lead to an overhead Garage door or Parking Area. (Section 6.1(26)).

2. 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 of the property. Based on the landscaping regulations, Front Yards/Front Setbacks must be landscaped. Monolithic concrete is not considered a form of Landscaping. (Section 55.4(1)) (Section 6.1(55))

3. Section 54.2(2(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: parking spaces shall not be located within a Front Yard.

The concrete driveway extension on the Front Yard of this property that is nearly abutting both West and East property lines, may be used for parking. This area should be landscaped and parking also not allowed within these Yards.

4. Section 54.1(4): A Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The existing driveway extension does NOT lead directly from a Garage or Parking Area.

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.

The proposed concrete covering the entire Front Yard is unsightly. Other than areas designated for driveway, the rest of the Front Yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

6. Section 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The hardsurfacing and landscaping conditions attached to Development Permit # 48222072-001 for the Single Detached House approval has not been fulfilled:

- "All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b)."

NOTES:

This Development Permit application "To construct an exterior alteration to a Single Detached House (Concrete driveway extension 13.2 m X 11.92 m wide)" originated as a Development Compliance Complaint.

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

Runoff may drain onto neighbouring properties creating a negative impact.

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.

APPELLANT'S SUBMISSION

I was not aware a permit was needed. The driveway helps with me not to do as much yard work. The driveway was used for additional parking when my children lived with me.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Under Section 110.2(4) of the *Edmonton Zoning Bylaw*, **Single Detached Housing** is a Permitted Use in the RF1 Single Detached Residential Zone.

The *Edmonton Zoning Bylaw* states the following with respect to the **Location of Vehicular Parking Facilities**:

54.2(2)(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; and
- ii. ...

The Development Officer determined that the concrete driveway extension on the Front Yard of the subject property that is nearly abutting both West and East property lines, may be used for parking. This area should be landscaped and parking is also not allowed within these yards.

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

The Development Officer determined that other than the approved 6.72 m wide concrete front driveway, the existing concrete extension on both the West and East side of the approved Driveway do not lead to an overhead garage door or parking area as required under Section 6.1(26) of the Bylaw.

The *Edmonton Zoning Bylaw* states the following with respect to **Off-street Parking and Loading Regulations**:

- 54.1(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. a minimum width of 3.1 m; and
 - 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 ; and
 - c. for a Site less than 10.4 m wide, have a maximum width of 3.1 m.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The Development Officer determined that the subject property does not conform to the requirements of Section 54.1(4) of the *Edmonton Zoning Bylaw* as the existing Driveway extension does not lead directly from a Garage or Parking Area.

The *Edmonton Zoning Bylaw* defines **Landscaping** as follows:

- 6.1(55) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
 - 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; and
 - c. architectural elements such as decorative fencing, walls and sculpture;

The *Edmonton Zoning Bylaw* states the following with respect to **Landscaping**:

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, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

The Development Officer determined that the existing driveway extension is in the front of the property. Based on the landscaping regulations, Front Yards/Front Setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping under Sections 6.1(55) and 55.4(1) of the *Edmonton Zoning Bylaw*.

The *Edmonton Zoning Bylaw* states the following with respect to **Variance to Regulations**:

11.3 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.

The Development Officer determined that the proposed concrete covering the entire Front Yard is unsightly. Other than areas designated for driveway, the rest of the Front Yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

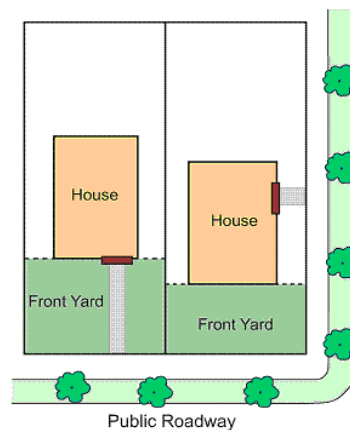
The *Edmonton Zoning Bylaw* states the following with respect to **Validity of a Development Permit**:

17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The Development Officer determined that the subject property does not conform to Section 17.1(1)(a) of the *Edmonton Zoning Bylaw* because the hardsurfacing and landscaping conditions attached to Development Permit # 48222072-001 for the Single Detached House approval have not been fulfilled as follows:

- a) "All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b)."

Under Section 6.1(40), **Front Yard** is defined as "the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections."



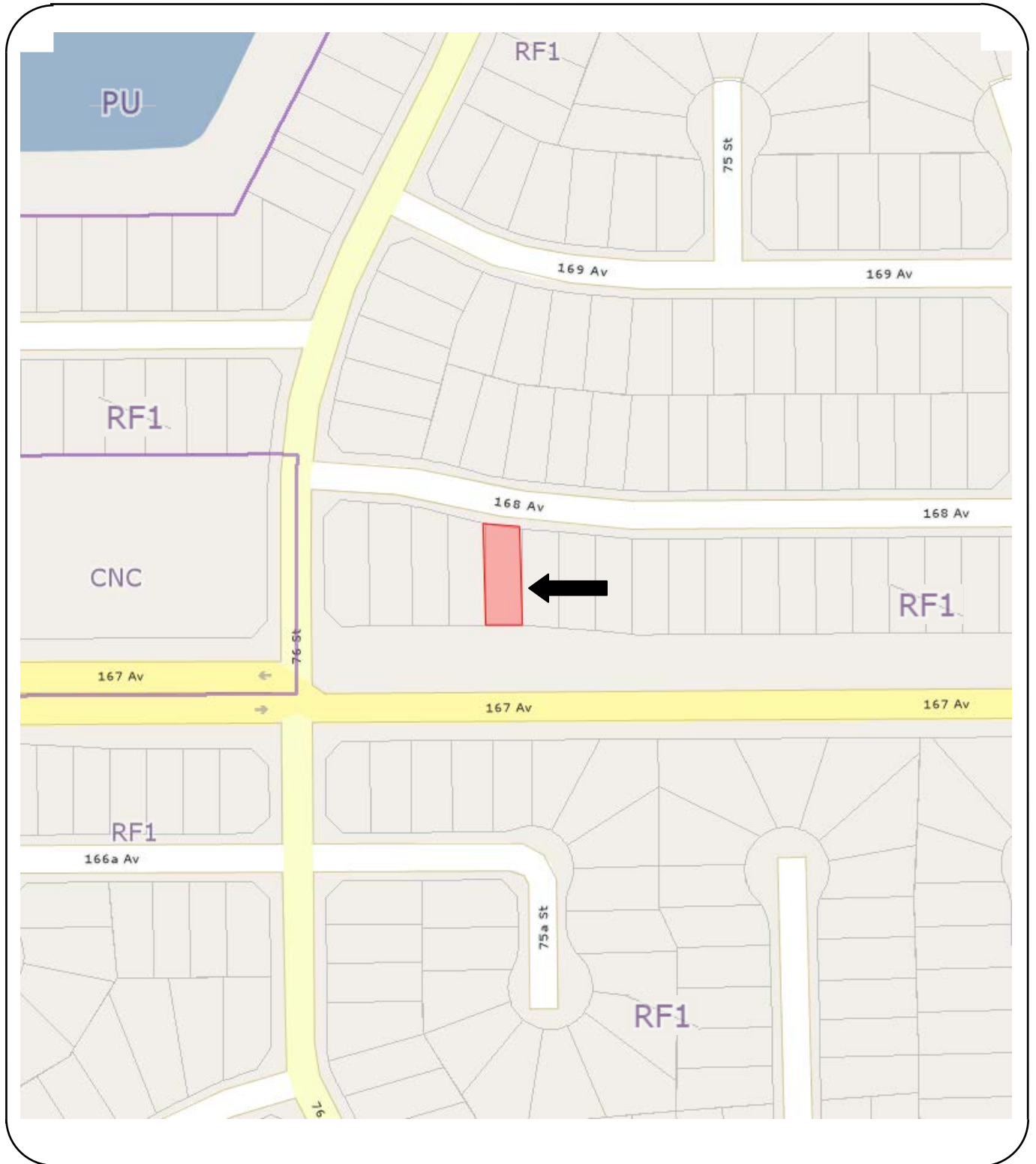
Section 6.1(41) defines **Garage** as "an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport".

Section 6.1(69) defines **Parking Area** as "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".

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** "is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions."

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-15-157



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-158

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 152747801-002

APPLICATION TO: Construct exterior alterations to an existing Single Detached House, existing without permits (driveway extension, 2.98m X 10.36m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 17, 2015

DATE OF APPEAL: June 30, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17928 - 93 Avenue NW

LEGAL DESCRIPTION: Plan 7521610 Blk 40 Lot 13

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

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

The existing 3.0 m wide concrete driveway extension abutting the right side property line does not lead to an overhead garage door or parking area. (Section 6.1(26)).

2. 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 of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. The definition of Landscaping specifically excludes monolithic concrete. (Section 55.4(1)) (Section 6.1(55)(b)).

3. Section 54.2(2(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: parking spaces shall not be located within a Front Yard.

The Front yard of this property between the right side property line and the east wall of the front attached garage, is being used for parking. This area should be landscaped and parking is also not allowed within these yards.

4. 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.

The existing concrete driveway extension in the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

NOTES:

This Development Permit application "To construct exterior alterations to an existing single detached house (extension to front concrete driveway 2.98 m x 10.36 m)" originated as a Development Compliance Complaint.

Runoff may drain onto the neighbouring property creating a negative impact.

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.

APPELLANT'S SUBMISSION

The driveway extension existed when we moved to this property. The driveway was cracked and we replaced it as it was. Our house is located across the street from a school and the school puts no parking signs along our street. The additional parking helps during this time.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Under Section 110.2(4) of the *Edmonton Zoning Bylaw*, **Single Detached Housing** is a Permitted Use in the RF1 Single Detached Residential Zone.

The *Edmonton Zoning Bylaw* states the following with respect to the **Location of Vehicular Parking Facilities**:

54.2(2)(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; and
- ii. ...

The Development Officer determined that the Front Yard of this property between the right side property line and the east wall of the front attached garage, is being used for parking. This area should be landscaped and parking is also not allowed within these yards.

Section 6.1(26) of the *Edmonton Zoning Bylaw* defines **Driveway** as “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area”.

The Development Officer determined that the existing 3.0 m wide concrete driveway extension abutting the right side property line does not lead to an overhead garage door or parking area as required under Section 6.1(26) of the Bylaw.

The *Edmonton Zoning Bylaw* defines **Landscaping** as follows:

- 6.1(55) Landscaping means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:
- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
 - 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; and
 - c. architectural elements such as decorative fencing, walls and sculpture;

The *Edmonton Zoning Bylaw* states the following with respect to **Landscaping**:

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, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

The Development Officer determined that the existing driveway extension is in the front of the property. Based on the landscaping regulations, Front Yards/Front Setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping under Sections 6.1(55) and 55.4(1) of the *Edmonton Zoning Bylaw*. The definition of Landscaping specifically excludes monolithic concrete.

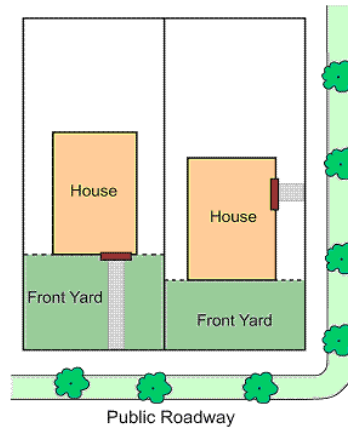
The *Edmonton Zoning Bylaw* states the following with respect to **Variance to Regulations**:

11.3 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.

The Development Officer determined that the existing concrete driveway extension in the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

Under Section 6.1(40), **Front Yard** is defined as “means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.”



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

Section 6.1(69) defines **Parking Area** as “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”.

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** “is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.”

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-15-158



ITEM IV: 2:30 P.M.

FILE: SDAB-D-15-159

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

APPELLANT:

APPLICATION NO.: 092482817-027

APPLICATION TO: Construct an addition to an existing rear uncovered deck (irregular, 6.12m x 3.96m @ 1.83m in Height)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: June 9, 2015

DATE OF APPEAL: June 26, 2015

NOTIFICATION PERIOD: Jun 16, 2015 through Jun 29, 2015

RESPONDENT: Jagdish Masiwal

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 744 - Welsh Drive SW

LEGAL DESCRIPTION: Plan 0820678 Blk 1 Lot 24A

ZONE: RF5 Row Housing Zone

OVERLAY: N/A

STATUTORY PLAN: Southeast Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals

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

Immediately upon completion of the exterior alterations, the site shall be cleared of all debris.

As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development.

Privacy screening to prevent visual intrusion onto abutting properties shall be provided to the satisfaction of the Development Officer.

The Outdoor Amenity Area shall be permanently retained as open space, unencumbered by an Accessory building or future additions. (Reference Section 160.4(9)(b))

Maintenance and/or drainage and utility easement(s) may be required between abutting buildings and/or through private yards of one or more Dwellings to ensure adequate access for property, drainage and utility maintenance. (Reference Section 160.4(12))

ADVISEMENTS:

i.) Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

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

iii.) 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.

VARIANCES:

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).)

1. Section 160.4(4)(b) Relax the requirement that Maximum Site Coverage shall be 28% to allow 30.60%.

Maximum Site Coverage: 77.99m² (28%)

Proposed: 85.24m² (30.60%)

Relaxation: 7.25m²

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

APPELLANT’S SUBMISSION

Appeal the relaxation of bylaw maximum site coverage of 28% to 30.6% that is required for this expansion of the desired deck. Bylaws are in place for a reason so that ALL homeowners are on the same page to how much can be placed on a city lot. This would decrease the overall value of my home and the homes around me for relaxing this Bylaw for one homeowner and not all in this City would then not justify the added cost of the bigger properties. This property in question already has a bylaw/ building code relaxation for the garage that was built on the property since it was built way to close to the back property line and back lane. I believe Bylaws are there for everyone to follow and not bend or brake them for their own require or desired purpose.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS

Row Housing is a Permitted Use in the RF5 Row Housing Zone under Section 160.2(3) of the *Edmonton Zoning Bylaw*.

Under Section 7.2(6) of the *Edmonton Zoning Bylaw*, **Row Housing** “means development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade. This Use Class does not include Stacked Row Housing or Blatchford Townhousing.”

Section 160.4(4)(b) of the *Edmonton Zoning Bylaw* states:

The maximum total **Site Coverage** shall be:

- a. ...
- b. for lots not part of a Multi-unit Project Development, maximum Site Coverage shall be in accordance with Table 160.4(4)(b):

Table 160.4(4) Maximum Site Coverage - Individual Lots			
	Principal Dwelling/ building	Accessory building	Principal building with attached Garage or where parking is provided underground
(b) Row Housing - end Dwelling	28%	17%	45%

The Development Officer determined that the Maximum Site Coverage is 77.99 metres squared or 28%. The Proposed Site Coverage is 85.25 metres squared or 30.60%. The Development Officer therefore granted a relaxation of 7.25 metres squared or 2.6%.

The *Edmonton Zoning Bylaw* states the following with respect to **Variance to Regulations**:

11.3 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.

The Development Officer determined that the variances granted in this application 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 6.1(74) defines **Platform Structures** as “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.”

Section 6.1(93) states the following:

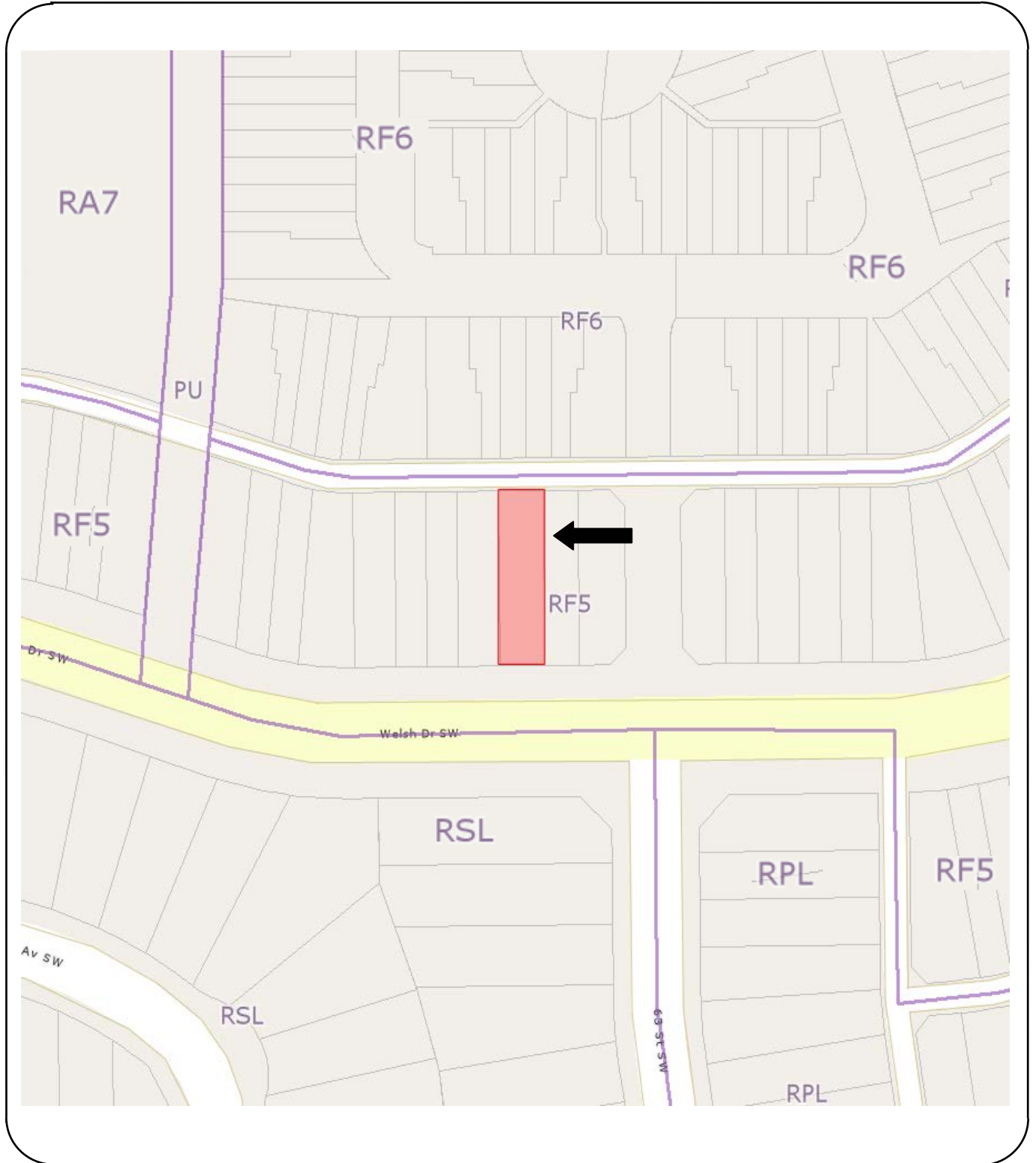
Site Coverage means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade;

Section 160.1 states that the **General Purpose** of the **RF5 Row Housing Zone** “is to provide for relatively low to medium density housing, generally referred to as Row Housing.”

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-15-159



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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