

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
July 23, 2015**

**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-15-162	Increase the number of Dwellings in an existing Apartment Housing Use building from 8 to 9 Dwellings (existing without permits) 7929 - 82 Avenue NW Project No.: 174147548-001
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TO BE RAISED

II	1:00 P.M.	SDAB-S-15-006	Create two (2) Semi-detached Residential units by Bare Land Condominium 12720 - 127 Avenue NW Project No.: 165755357-001
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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-15-162

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 174147548-001

APPLICATION TO: Increase the number of Dwellings in an existing Apartment Housing Use building from 8 to 9 Dwellings (existing without permits)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 30, 2015

DATE OF APPEAL: June 30, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7929 - 82 AVENUE NW

LEGAL DESCRIPTION: Plan 5036S Blk 46 Lots 29-30

ZONE: RA7-Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

The maximum Density shall be 125 Dwelling / hectare. Reference Section 210.4(1). The proposed Density is 131 Dwellings / hectare (9 Dwellings / 0.0687ha = 131 Dwellings / ha).

The minimum number of required on-site vehicular parking stalls is 11. Reference Section 54.2, Schedule 1(A)1.

Proposed number of existing on-site vehicular parking stalls: 9

NOTE: Trash collection was not indicated on the submitted Site Plan. A site air photo indicates that there is a trash bin in the southwest corner of the Site. The applicant has not demonstrated that the onsite trash collection will not conflict with the parking stall closest to the Lane. In which case the actual number of onsite parking stalls is 8.

The minimum required drive aisle for 90-degree parking is 7m. Reference Section 54.2.4.a(vi).

The existing drive aisle between the 3 stalls perpendicular to the Lane and the 4 stalls along the west property line is deficient at 5.6m.

NOTE: The minimum length of a parking stalls is 5.5m. Therefore, by applying a 5.5m stall length to the stalls along the west property line (instead of 6.54m), the drive aisle behind these stalls is 5.6m wide.

A minimum Private Outdoor Amenity Area of 7.5sq.m. shall be provided for each Apartment House Dwelling except that for ground Storey Dwellings a minimum of 15.0sq.m. of Private Outdoor Amenity Area shall be provide. Reference Section 823.3.3(a).

No Private Outdoor Amenity Areas are provided for the basement Dwellings, and the main and second floor balconies are deficient is size (2.9sq.m.) and do not have the minimum required width (2.0m required 1.1m provided).

NOTE: It is strongly advised that the applicant meet the requirements of Section 823.3.(6) as follows:

- a) the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League.
- b) the applicant shall outline to the affected parties any requested variances to the Overlay and solicit their comments on the application;
- c) the applicant shall document any opinions or concerns expressed by the affected parties and what modifications were made to address their concerns; and
- d) the applicant shall submit this documentation as part of the Development Application.

APPELLANT'S SUBMISSION

The apartment was built as a 9 suite apartment complex in 1969. The building was sold in 1993 to Kenneth Ellsworth and Meryl Ellsworth as a 9 suite apartment (see the adjustment and schedule of rents from the lawyer), Mr. Ellsworth has been sending the tax dept. rental income for 9 suites. There are 9 parking stalls and 10 electrical plug in.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

Under Section 7.2(1), **Apartment Housing** means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Section 210.4(1) states the maximum Density shall be 125 Dwellings/ha.

The Development Officer determined the maximum allowable Density is 125 Dwellings per Hectare. The Development Officer determined the proposed development provides a density of 131 Dwellings per hectare.

Section 54.2 Schedule 1(A)(1) states for Apartment Housing the minimum number of parking spaces is as follows:

	Minimum	Maximum	TOD Minimum	TOD Maximum
Bed Sitting Room	1	N/A	0.7	1
Bachelor Suite	1	N/A	0.7	1
1 Bedroom Dwelling	1	N/A	0.8	1
2 Bedroom Dwelling	1.5	N/A	1	1.5
3 or more Bedroom Dwelling	1.7	NA	1.25	1.75
Visitor Parking	1 per 7 Dwellings	N/A	1 per 7 Dwellings	N/A

Where such Uses contain three or more dwelling units (or where Semi-Detached Housing, Duplex Housing, or Apartment Housing consisting of fewer than three dwelling units, comprise part of a Multi-Unit Project Development) and are located within 400 metres of an existing LRT station or a future LRT station with a Council-approved Concept Plan, within 400 metres of an existing Transit Centre or a future Transit Centre with a Council-approved Concept Plan, or within 100 metres of a Transit Avenue, the following minimum parking requirements and maximum parking requirements shall apply.

The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.

The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.

The Development Officer determined the required number of required on-site vehicular parking spaces is 11. The Development Officer determined the proposed number of existing on-site vehicular parking spaces is 9. The Development Officer determined the actual number of on-site parking spaces is 8.

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

The Development Officer determined the minimum required drive aisle width is 7.0 metres for 90° parking. The Development Officer determined the existing drive aisle between the 3 stalls perpendicular to the Lane and the 4 stalls along the west property line is deficient at 5.6 meters.

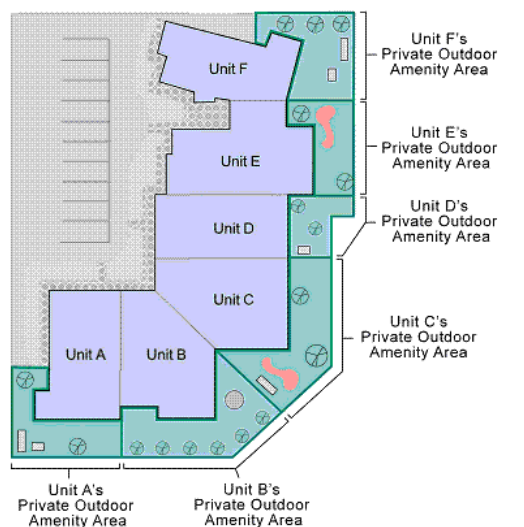
Section 823.3(a) states a minimum Private Outdoor Amenity Area of 7.5 square metres shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15 square metres of Private Outdoor Amenity Area shall be provided.

Section 823.3(b) states notwithstanding Section 47 of this Bylaw, the Private Outdoor Amenity Area for Apartment Housing Dwellings shall have a minimum width and length of 2.0 metres and may be located within a Front Setback provided that a minimum Setback of 1.0 metres is maintained between the property line and the Private Outdoor Amenity Area.

The Development Officer determined no Private Outdoor Amenity Area are provided for the basement Dwellings, and the main and second floor balconies are deficient in size and do not have the minimum required width of 2.0 metres (1.1 metres was provided).

Under Section 6.1(23), **Density** means, when used in reference to Residential and Residential-Related development, the number of Dwellings on a Site expressed as Dwellings per hectare.

Under Section 6.1(78), **Private Outdoor Amenity Area** means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve.



Section 823.1 states the general purpose of the Medium Scale Residential Infill Overlay is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Section 210.1 states the general purpose of the RA7 Low Rise Apartment Zone is to provide a Zone for Low Rise Apartments.

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-15-162



TO BE RAISED
ITEM II: 1:00 P.M.

FILE: SDAB-S-15-006

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 165755357-001

APPLICATION TO: Create two (2) Semi-detached Residential units by Bare Land Condominium

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: May 29, 2015

DATE OF APPEAL: June 8, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12720 - 127 Avenue NW

LEGAL DESCRIPTION: Plan 2090AH Blk 46 Lot 34

ZONE: RF4 Semi-detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

SUMMARY

The proposed subdivision by Bare Land Condominium is REFUSED on May 29, 2015, for the following reason(s):

1. The proposed subdivision does not comply with the minimum Development Regulations identified in Section 150 of the City of Edmonton Zoning Bylaw. The minimum site depth identified in the RF4 (Semi-detached Residential) Zone for permitted and discretionary uses is 30.0 metres. The proposed lot depths are 15.98 metres each and therefore significantly deficient in depth by 14.02 metres, or 46%.

The proposal will result in site depths, and ultimately lot sizes, that are uncharacteristically small when compared to properties on the block face. For example, the site depths on the block face range between 34.7 and 37.8 metres. As stated, the proposed lot depths are 15.98 metres each, which are significantly smaller than those of other properties characteristic to the block face.

APPELLANT'S SUBMISSION

I would like to appeal the decision to refuse granting me the bareland condominium for Lot 34 Blk 46 Plan 2090 AH. I was told to change my plans to from a single car garage to double car garage and that will be okay to get the bareland condo plan registered. Now I am being told about all these deficiencies.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 60 provides development regulations for Bare Land Condominium as follows:

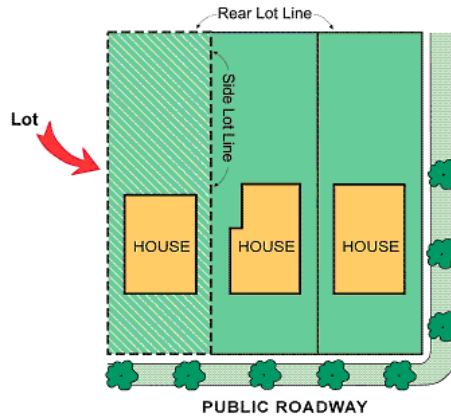
1. A Bare Land Condominium project must comply with all the general regulations of this Bylaw and with the regulations of the applicable Zone such that each Bare Land Condominium Unit is to be treated in the same respect as a lot.
2. An application for a Bare Land Condominium project shall include a comprehensive Site plan, in accordance with Section 13.5 of this Bylaw.
3. In the case where a Bare Land Condominium subdivision is served by a private roadway, the following shall apply:
 - a. a private roadway includes a Lot, Bare Land Condominium Unit, Common Property or portion of Common Property that may be created pursuant to the Condominium Property Act, RSA 2000, c. C-22, created for the purpose of vehicular access and circulation throughout the subdivision or development, including a bridge and any structure incidental to the roadway;
 - b. for the sole purpose of applying the regulations of this Bylaw, a private roadway, as described in Section 60(3)(a), shall be deemed to be the same as a "public roadway";
 - c. the private roadway must allow for the safe and efficient movement of emergency vehicles and be designed to a standard acceptable to the Development Authority or Subdivision Authority;
 - d. where the physical parameters of the private roadway exceed the legally prescribed boundary of private roadway, the boundary of the private roadway shall be deemed to be the edge of the carriageway or sidewalk parallel with the carriageway.

Section 150.4(2) provides the following with regard to Site regulations for Semi-detached Housing and Duplex Housing:

- a. the minimum Site area shall be 442.2 square metres;
- b. the minimum Site Width shall be 13.4 metres; where a Lane exists;
- c. the minimum Site Width shall be 15.0 metres, where no Lane exists; and
- d. the minimum Site depth shall be 30.0 metres.

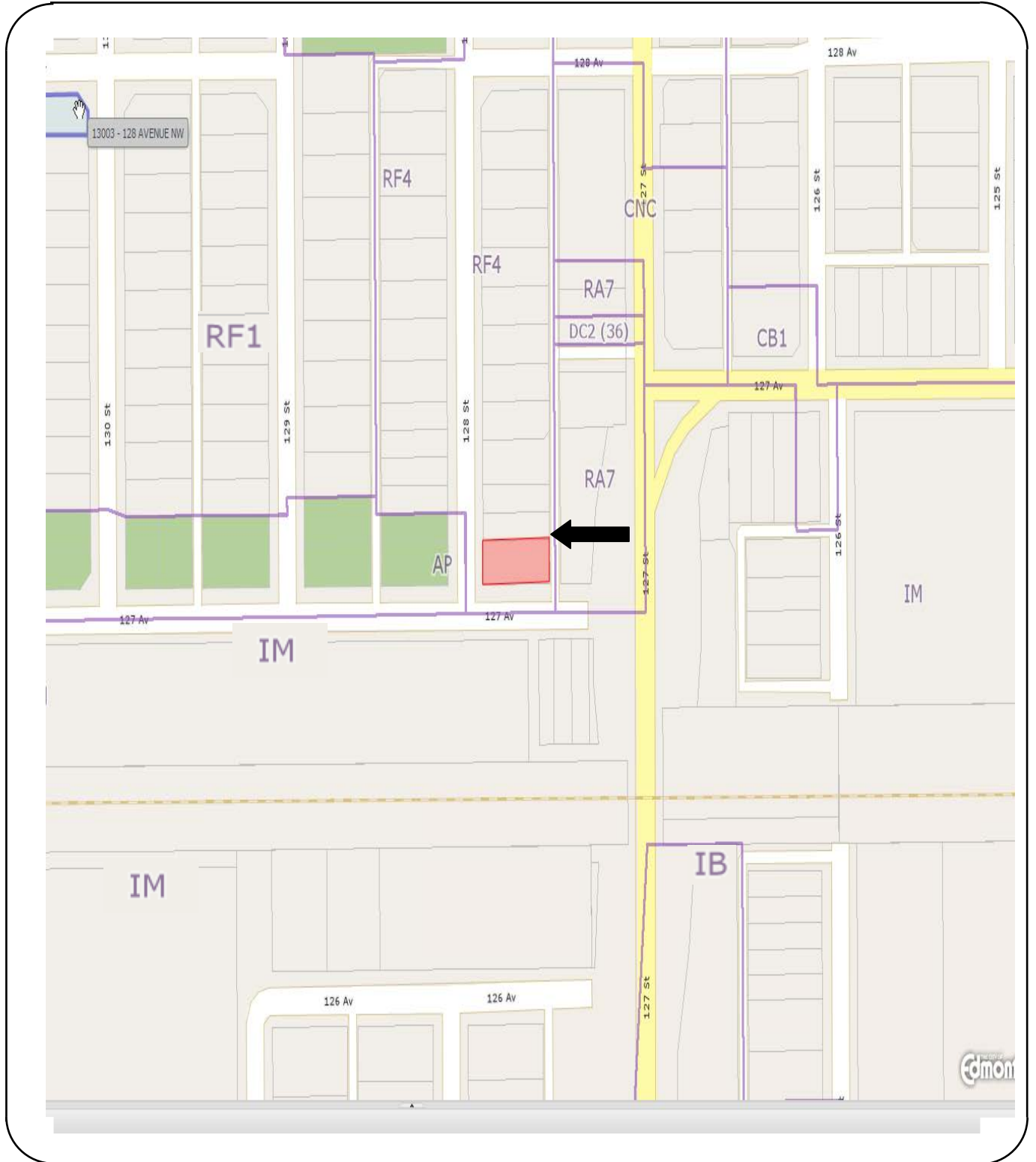
Under Section 6.1(92), **Site** means an area of land consisting of one or more abutting Lots.

Under Section 6.1(58), **Lot** means 'lot' as defined under Part 17 of the *Municipal Government Act*:



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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-S-15-006



BUSINESS LAID OVER

SDAB-D-15-136	An appeal by 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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