

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 29, 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-15-163

Construct an addition to an existing Automotive and Recreational Vehicle Sales/Rental Use (automotive repair: 26.6m X 26.7m)

18325 - Stony Plain Road NW
Project No.: 171608692-001

II 1:30 P.M. SDAB-D-15-164

Construct exterior alterations (driveway extensions, left side 3.65m x 5.8m, and right side 0.6m x 5.8m) to an existing Single Detached House

8411 - 179 Avenue NW
Project No.: 171651193-002

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-15-163

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	171608692-001
APPLICATION TO:	Construct an addition to an existing Automotive and Recreational Vehicle Sales/Rental Use (automotive repair: 26.6m X 26.7m)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	June 22, 2015
DATE OF APPEAL:	July 6, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	18325 - Stony Plain Road NW
LEGAL DESCRIPTION:	Plan 4077KS Blk 1 Lots 14-15
ZONE:	CHY - Highway Corridor Zone
OVERLAY:	Major Commercial Corridors
STATUTORY PLAN:	N/A

DEVELOPMENT OFFICER'S DECISION

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

1) The subject property is zoned CHY (Highway Corridor Zone). The existing Automotive and Minor Recreation Vehicle Sales/Rentals Use is not listed as a neither a Permitted or Discretionary Use under the CHYzone (Reference Section 350.2 and 350.3). However, it is determined to be a Non-conforming use in accordance to Section 643(1) of the Municipal Government Act.

A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it (Reference Section 643(3) of the Municipal Government Act). A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues. (Reference Section 643(4) of the Municipal Government Act).

The proposed addition is to the Non-conforming use of an Automotive and Minor Recreation Vehicle Sales/Rentals use, contrary to Section 643(3) and Section 643(4).

2) A minimum Setback of 7.5 m shall be required where a Site abuts a public roadway (Reference Section 350.4(3)). No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback (Reference Sections 350.4(5)).

Proposed: On site parking and display is located within the required 7.5m setback abutting the property line adjacent to 184 Street, contrary to Section 350.4(5).

Notwithstanding the applicant's drawings, a review of aerial photographs indicates that vehicular parking is located within the required landscaped yards and setbacks along 184 Street, contrary to Section 350.4(5).

3) Landscaped Yards with a minimum Width of 7.5 m shall be provided adjacent to Major Arterial Roads within the Major Commercial Corridors and adjacent Arterial Roads that directly intersect such Major Arterial Roads (Reference Section 813.4(6)(a)). These Yards shall be landscaped with a minimum of five deciduous trees (with a minimum Calliper of 6 cm), three coniferous trees (with a minimum Height of 3.0 m), and 20 shrubs shall be required for each 35.0 m of lineal Yard Frontage. A continuous screen, an average of 0.75 m in Height, shall be provided within the required Yard, through a combination of berming and shrub planting. (Reference Section 813.4.6(b)). A Landscape and Content plan shall be provided in accordance to Section 55.3.

Require 44 deciduous trees with a minimum Calliper of 6 cm, 27 coniferous trees with a minimum Height of 3.0 m, 175 shrubs and a continuous screen of an average of 0.75m in height in the Yards abutting Stony Plain Road and 184 Street.

Proposed: The applicant has not provided a Landscape and Content plan, contrary to Section 55.3. Therefore, the Development Officer cannot determine compliance to the number of trees and shrubs required in accordance to Section 813.4(6)(b).

4) Every off-street parking or loading area required by this Bylaw to accommodate 30 or more vehicles at grade, shall incorporate landscaped open space within the parking area, calculated on the basis of 2.0 m² of landscaped island area per required parking and loading space (Reference Section 54.2(3(a))).

Required parking island landscaping: 12 trees, and 23 shrubs (Reference Section 55.4(7(b))).

Proposed: The applicant has not provided a Landscape and Content plan, contrary to Section 55.3.

5) A condition of the previous approval from the SDAB (project # 13488893-002, SDAB-D-02-355, condition no: 3) was, the Applicant shall have a Phase I Environmental Assessment performed on the site and submit the report to the satisfaction of the Environmental Planner. For full details on what is involved in a Phase I Environmental Assessment, contact the Environmental Planner, Garth Clyburn at 496-6209.

No environmental assessment has been done as per City records, contrary to Section 14.9.

NOTES:

1) There is a rezoning application in progress to rezone the property from CHY to CB2 (Project # 1098168-001, ZB/02-0113).

ADVISEMENTS:

a) Automotive and Minor Recreation Vehicle Sales/Rentals means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4 000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6 000 kg or a length of more than 6.7 m.

This use class falls under the Commercial Use Classes of Section 7.4.

b) Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site (reference Section 6.1(2))

APPELLANT'S SUBMISSION

The interpretation of the bylaw for this development is not clear. We are adding an addition onto the existing car dealership as per 350.3 Discretionary uses item 2. Automotive and Equipment repair shops. The existing car dealership has been approved for about 30 years with a business permit renewed every year to operate their business. The City of Edmonton states that it is in non-conformance which has been approved many many years ago. The use is not changing and was at some point in time approved by the City of Edmonton. There has been a number of renovations to the car dealership over the past ten years. None of these required rezoning. We are not changing the use as it has been previously approved by the City of Edmonton.

We are simply adding a Discretionary use 'Automotive and Equipment Repair shops' to an Existing building that is currently operating with current 'Automotive and Equipment Repair shops'.

We would like to request to revise the result as soon as possible.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 687(3) of the *Municipal Government Act* states in determining an appeal, the subdivision and development appeal board

- (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.

Automotive and Minor Recreation Vehicle Sales/Rentals is not a Use listed in the Highway Corridor Zone, Section 350.

Under Section 7.4(5), **Automotive and Minor Recreation Vehicle Sales/Rentals** means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4000 kilogram or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6000 kilogram or a length of more than 6.7 metres.

Section 643 of the *Municipal Government Act*, Chapter M-26, states the following:

- (1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.
- (2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- (5) ...
- (6) ...
- (7) ...

The Development Officer determined the existing Automotive Minor Recreation Vehicle Sales/Rentals Use is listed as neither a Permitted nor Discretionary Use under the CHY Zone. However it is determined to be a non-conforming use in accordance to Section 643(1) of the *Municipal Government Act*.

The Development Officer determined a non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it (Reference 643(3) of the *Municipal Government Act*). A non-conforming Use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues Reference 643(4) of

the *Municipal Government Act*). The Development Officer determined the proposed addition contravenes Section 643(3) and 643(4) of the *Municipal Government Act*.

Section 350.4(3) states a minimum Setback of 7.5 metres shall be required where a Site abuts a public roadway including a Lane that serves a Residential Zone, or where a Site abuts the lot line of a Site zoned Residential.

Section 350.4(5) states no parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a Setback. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent Sites, public roadways or Light Rail Transit lines in accordance with provisions of subsection 55.4 of the Bylaw. If the rear or sides of a Site are used for parking, an outdoor service or display area or both, and abut a Residential Zone or a Lane servicing a Residential Zone, such areas shall be screened in accordance with the provisions of subsection 55.4 of this Bylaw.

The Development Officer determined on-site parking is located within the required 7.5 metres Setback abutting the property line adjacent to 184 Street which is contrary to Section 350.4(5).

The Development Officer determined notwithstanding the applicant's drawings, a review of aerial photographs indicate that vehicular parking is located within the required landscaped yards and Setbacks along 184 Street, which is contrary to Section 350.4(5).

Section 813.4(6)(a) states Setbacks with a minimum Width of 7.5 metres shall be provided adjacent to Major Arterial Roads within the Major Commercial Corridors and adjacent Arterial Roads that directly intersect such Major Arterial Roads. However, the Development Officer may use variance power to reduce this Setback requirement to a minimum Width of 4.5 metres, provided that:

- i. the average Width of the Setback is not less than 6.0 metres; and
- ii. this Setback width relaxation is required to allow for a more efficient utilization of the Site and the relaxation shall result in an articulation of the Setback width that shall enhance the overall appearance of the Site.

Section 813.4(6)(b) states within the Setback areas specified above, a minimum of five deciduous trees (with a minimum Caliper of centimeters), three coniferous trees (with a minimum Height of 3.0 metres), and 20 shrubs shall be required for each 35.0 metres of lineal Yard Frontage. A continuous screen, an average of 0.75 metres in Height, shall be provided within the required Setback, through a combination of berming and shrub planting.

Section 55.3 provides the requirements for Landscape Plan and Content as follows:

1. Every application for a development listed in subsection 55.2 shall include a Landscape Plan, drawn at a scale of 1 300 or larger, which clearly indicates and accurately identifies the following:
 - a. a key plan with a north arrow;
 - b. the property lines and dimensions of the Site;
 - c. the approximate or estimated location of land uses, building perimeters, and Landscaping on adjacent Sites;

- d. adjacent public area features, such as streets, Lanes, driveways, vehicular entrances, street furniture and boulevard trees;
 - e. overhead, surface and underground utilities, and limits of easements;
 - f. outlines of all Site structures to include the building footprints at Grade, location and type of underground structures and overhangs within the first two Storeys;
 - g. building entrances, porches, decks, steps, walkways, other hardsurfacing or hard landscaping features, parking areas, curbs, lighting, fencing, walls, screens, recreational facilities and garbage collection areas. Materials, colours and patterns shall be indicated;
 - h. existing and final Site grading, including the established lot boundaries, elevations, berming shown in half-metre contours, direction of Site drainage, proposed catch basin rim elevations, top and bottom of retaining wall elevations and existing elevations of plant material to be retained;
 - i. the height and materials of all fencing, screens and walls;
 - j. existing trees and shrubs labelled by common name, botanical name, size, and condition of health. The sizes shall be graphically illustrated by the spread or canopy. In addition, the Caliper of tree trunks shall be identified. The Landscape Plan shall graphically illustrate the spread of the trees to be removed or relocated by the proposed construction;
 - k. proposed trees, shrubs, flower beds and ground covers labelled by common name, cross-referenced with a plant list identifying botanical name, quantity, size and method of planting; and
 - l. the method of watering the proposed Landscaping.
2. The Development Officer may consider an application for a Development Permit that does not provide all the information required by subsection 55.3(1) if, in the opinion of the Development Officer, the information provided is sufficient to show the Landscaping provisions of the Bylaw shall be met.
 3. The Development Officer shall approve the Landscape Plan as a condition of the Development Permit approval. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

The Development Officer determined the proposed development requires 44 deciduous trees with a minimum Caliper of 6 centimeters, 27 coniferous trees with a minimum Height of 3.0 metres, 175 shrubs and a continuous screen of an average 0.75 metres in Height in the Yards abutting Stony Plain Road and 184 Street.

The Development Officer determined the applicant has not provided a Landscape and Content Plan which is contrary to Section 55.3. Therefore, the Development Officer cannot determine compliance to the number of trees and shrubs required in accordance to Section 813.4(6)(b).

Section 54.2(3)(a) states every off-street parking or loading area required by this Bylaw to accommodate 30 or more vehicles at Grade, shall incorporate landscaped open space within the parking area, calculated on the basis of 2.0 square metres of landscaped island area per required parking and loading space. This shall be Landscaped in accordance with this Bylaw.

Section 55.4(7)(b) states for development consisting of Non-residential Use Classes, one tree shall be provided for each 20 square metres and one shrub shall be provided for each

10 square metres of required parking area islands. In no case there shall be less than one tree per required parking area island.

The Development Officer determined 12 trees and 23 shrubs shall be provided for required parking island landscaping. The Development Officer determined the applicant has not provided a Landscape and Content Plan which is contrary to Section 55.3.

Section 14.9(1) states the Development Officer may require an applicant for a Development Permit to submit any information, including but not limited to environmental site assessments, risk assessment studies and risk management plans and/or exposure control plans that, in the opinion of the Development Officer, is required to determined that the Site is suitable for the full range of uses contemplated in the Development Permit Application.

The Development Officer has determined Condition No.3 of a previous approval (project # 13488893-002, SDAB-02-355) from the Subdivision Development Appeal Board, which states the Applicant shall have a Phase I Environmental Assessment performed on the Site and submit the report to the satisfaction of the Environment Planner, has not been satisfied. The Development Officer has determined no environmental assessment has been done as per City records, which is contrary to Section 14.9(1).

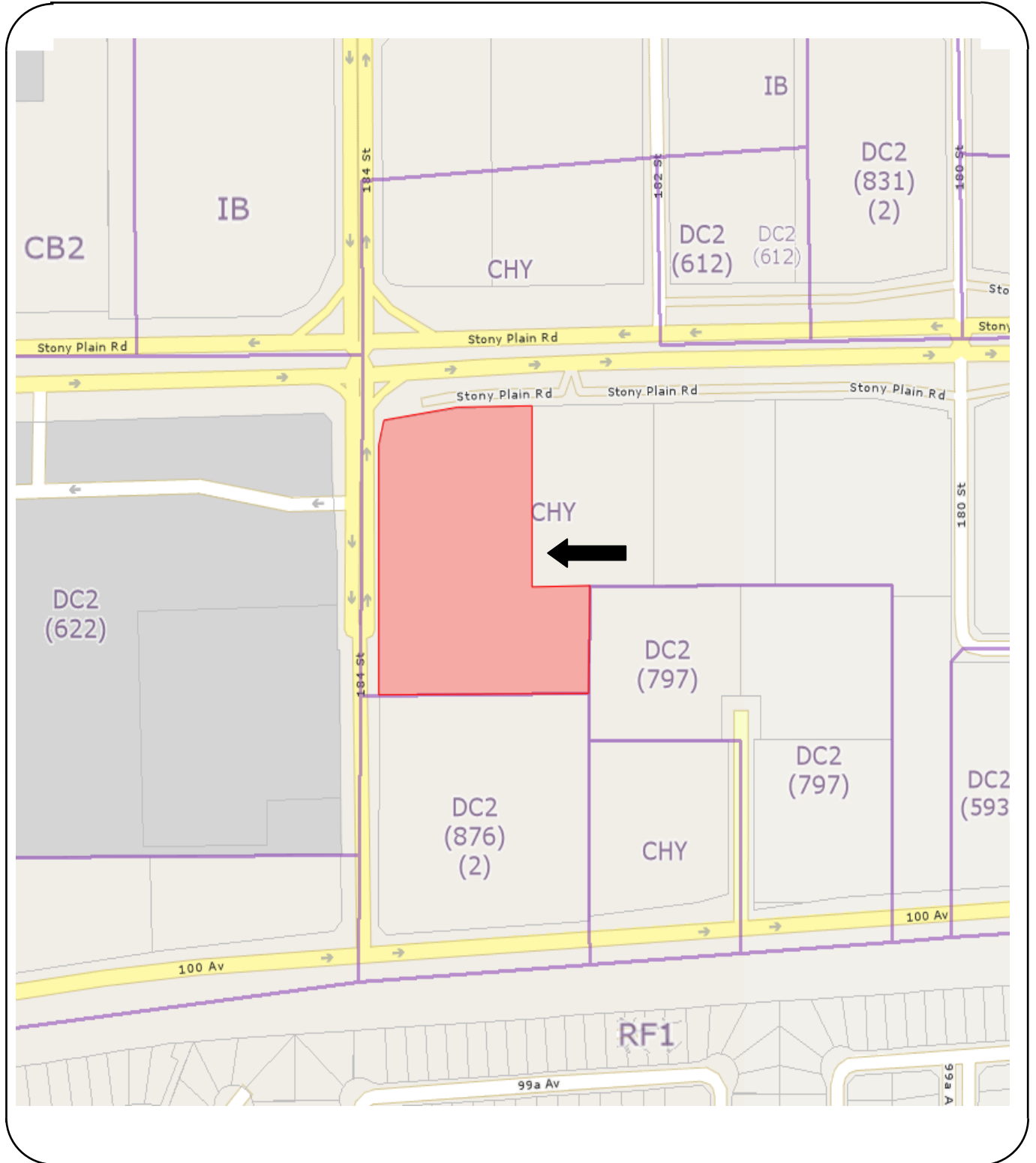
Under Section 6.1(55), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- 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.

Under Section 6.1(88), **Setback** means the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.

Section 813.1 states the Major Commercial Corridors Overlay states the purpose of this Overlay is to ensure that development along Major Commercial Corridors is visually attractive and that due consideration is given to pedestrian and traffic safety.

Section 350.1 states the purpose of CHY Highway Corridor Zone is to provide for high quality commercial development along these public roadways, which serve as entrance routes to the City of along limited access public roadways intended to provide a connection to entrance routes.



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-163



ITEM II: 1:30 P.M.

FILE: SDAB-D-15-164

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	171651193-002
APPLICATION TO:	Construct exterior alterations (driveway extensions, left side 3.65m x 5.8m, and right side 0.6m x 5.8m) to an existing Single Detached House
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	July 2, 2015
DATE OF APPEAL:	July 2, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	8411 - 179 Avenue NW
LEGAL DESCRIPTION:	Plan 0625264 Blk 20 Lot 100
ZONE:	RSL-Residential Small Lot 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 6.1 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 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 north-east wall of the front attached garage, are being used for parking. These areas 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 extensive concrete which will cover the majority of 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. This proposed driveway extension is not in keeping with the character of the neighbourhood.

NOTES:

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

This Development Permit application "To construct exterior alterations (driveway extensions, left side 3.65m x 5.8m, and right side 0.6m x 5.8m) to an existing Single Detached House" originated as a Development Compliance Complaint.

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

1. We phone called the city last year and we were told that we did not need a permit. Obviously, in hindsight, we should have went to the City for face to face contact.

2. We contracted 3 Better Business Bureau endorsed companies for quotes. All companies stated we did not need a permit and quoted the City website. Specifically, the City website cites "A development permit approves the use of a site, as well as the size and location of any buildings or structures. Development permit approvals must be obtained for new construction, renovations, businesses, and changes of use to existing buildings". I also looked at this definition and it is vague. It DOES NOT specifically state driveways nor is driveway installation applicable to the definition as we are not making changes to an existing building, nor is it a structure. Further, driveway installation nor the by-laws quoted are readily accessible within the City website or search engine. Thus, the thought was, not specifically addressed in the definition or search engine?no permit required. After all, put pool or fence in the search engine, and BINGO, you need a permit. Not the same results with driveway, there are No results.
3. We have already installed the \$8000 driveway.
4. We understand from submitting the permit application that it is our right to appeal.
5. Many of our neighbours complimented us on the driveway, and asked for the company name so that they may extend their driveways. All that spoke to us were surprised that we were told to remove. Further they stated that they had no problem with the driveway, and would support us should that be required.
6. Upon receipt of the letter indicating we had to remove the driveway, we canvassed our neighbourhood. Many, many people have installed a third parking space in front of their home entrance; including someone on this very street. We do not understand why one resident is allowed to extend their driveway while another is not. Please consider explaining how this is possible.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Single Detached Housing is a Permitted Use in the RSL Residential Small Lot Zone, Section 115.2(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.

Under 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 Development Officer determined that other than the approved 6.1 metres wide concrete front Driveway, the existing concrete extension beside the left property line does not lead to an overhead Garage door or Parking Area.

Section 55.4(1) states 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. This

requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

The Development Officer determined the proposed Driveway extension is in the front of the property. Based on Landscaping regulations, Front Yard/Front Setbacks must be Landscaped. Monolithic concrete is not considered a form of Landscaping.

Section 54.2(2)(e) states, 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:

- i. parking spaces shall not be located within a Front Yard; and
- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

Section 54.1(4) states 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 Driveway, not including the area used as a walkway, shall:

- a. a minimum width of 3.1 metres;
- b. for a Site 10.4 metres wide or greater, have a maximum width that shall be calculated as the product of 3.1 metres 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 metres wide, have a maximum width of 3.1 metres.

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

The Development Officer determined the Front Yard of this property between the left side property line and the north-east wall of the front attached Garage, are being used for parking. These areas should be Landscaped and parking is not allowed within these Yards.

Section 11.3(1) states 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 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.

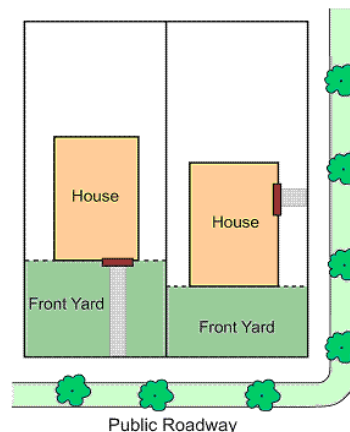
The Development Officer determined the extensive concrete which will cover the majority of the Front Yard is unsightly. Other than areas designated for Driveway, the rest of the Front Yard should be Landscaped. Parking on areas that should be Landscaped also takes away the desirable curb appeal. This proposed Driveway extension is not in keeping with the character of the neighbourhood.

Under Section 6.1(69), **Parking Area** means 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.

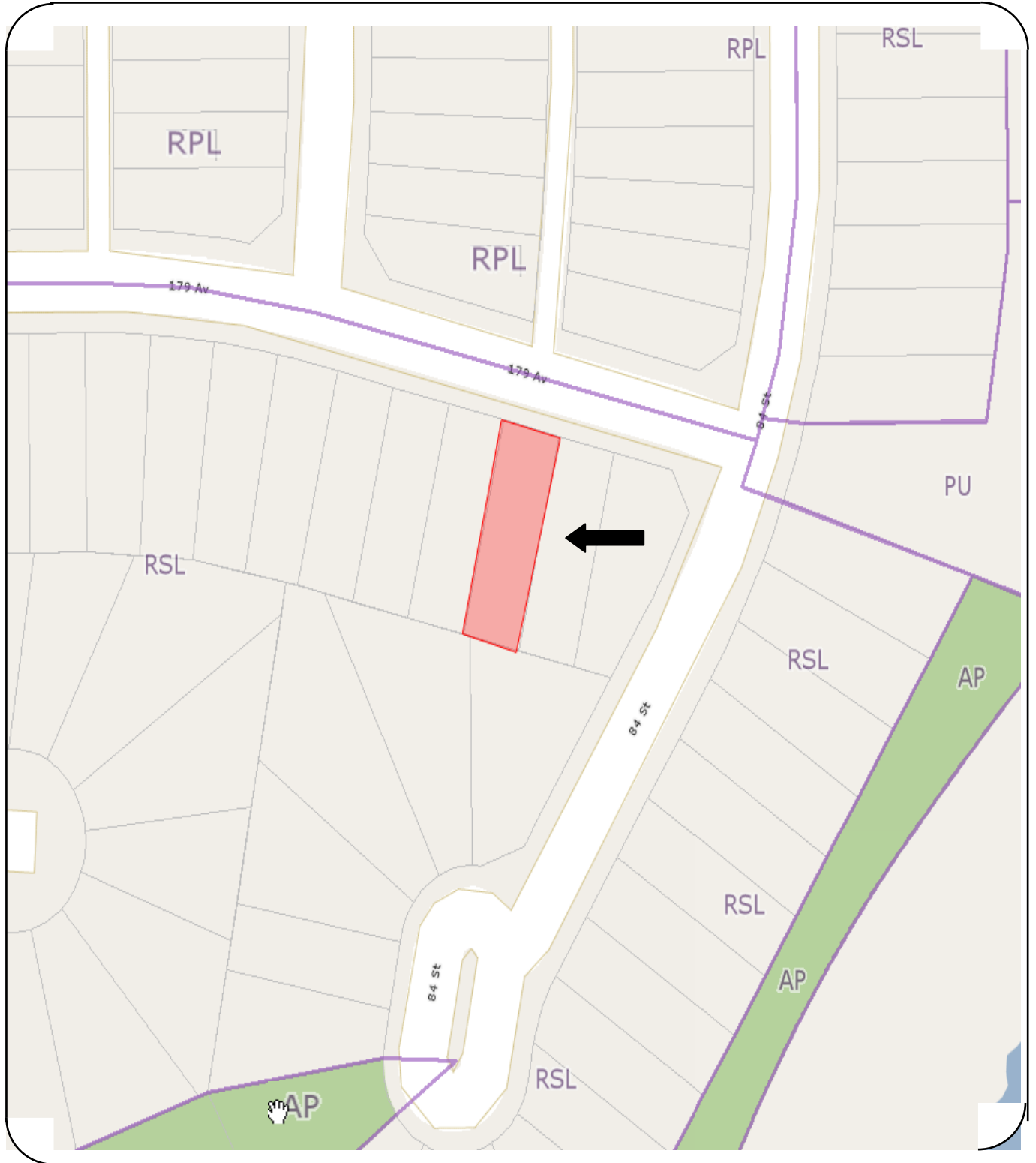
Under Section 6.1(55), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- soft landscaping elements such as trees, shrubs, plants, lawns, and ornamental plantings;
- 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
- architectural elements such as decorative fencing, walls, and sculpture.

Under Section 6.1(39), **Front Yard** 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 115.1 states the purpose of this zone is to provide for Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the efficient utilization of undeveloped suburban areas and includes the opportunity Secondary Suites.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-164



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>

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.
