

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
July 2, 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-15-140	Construct exterior alterations to a Single Detached House (concrete driveway in front yard and new access off of 65 Street) 10695 - 65 Street NW Project No.: 155438279-002
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BREAK – 10:45 A.M. TO 11:00 A.M.

II	11:00 A.M.	SDAB-D-15-141	Construct a rear uncovered deck (3.10m x 6.4m @ 4.3m in Height) 52 - Sylvancroft Lane NW Project No.: 145296516-016
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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-15-140

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	155438279-002
APPLICATION TO:	Construct exterior alterations to a Single Detached House (concrete driveway in front yard and new access off of 65 Street)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	May 22, 2015
DATE OF APPEAL:	June 4, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10695 - 65 STREET NW
LEGAL DESCRIPTION:	Plan 1997KS Blk 44 Lot 3
ZONE:	RF1-Single Detached Residential Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	NA

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 proposed hardsurfaced area on the front of this property 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 proposed hardsurfaced driveway 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 proposed hardsurfaced driveway will be used for parking. This area should be landscaped and parking is also not allowed within these yards.

4. Section 814.3(10): Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Front access garage/driveways are not allowed under the Mature Neighbourhood Overlay. Where a rear lane exists, all vehicular access must be from the lane.

5. 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.

The proposed driveway does not lead directly from a garage or parking area.

6. 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 in the front yard is unsightly. The entire front yard must be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

NOTES:

Sufficient onsite parking is provided through the provision of a rear detached garage, parking on the front yard can create negative impact to the site and the surrounding neighbourhood.

Runoff may drain onto neighbouring properties creating a negative impact.

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

APPELLANT'S SUBMISSION

I intend to appeal for the following reasons in response to the denial;

1. The proposed area will lead to the car port that is currently built next to my house and was done so under a permit.
2. The rest of my front yard will be landscaped.
3. I do not intend to park on the driveway. The driveway will be used to access the current carport.
4. There is a precedence in my neighborhood for houses that have both front access and back lane access. Including the two houses to the north of me.
5. The proposed driveway will lead directly to the current permitted carport.
6. I do not intend to park on the driveway. The driveway will be used to access the current carport.

Additional information: I would like to demolish my current garage and build a new garage with suite/living accommodations above it in the near future. By allowing me to have additional parking in the current carport it would put less of a burden in the neighborhood for parking.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Single Detached Housing is a Permitted Use in the RF1 Single Detached Residential Zone, Section 110.2(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.

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 proposed hardsurfaced area 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 hardsurfaced Driveway 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.

The Development Officer determined the proposed hardsurfaced Driveway will be used for parking. This area 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 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.

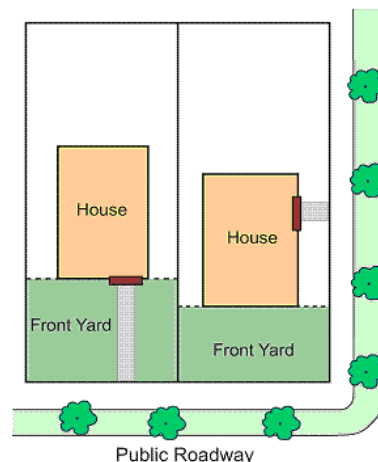
The Development Officer determined that the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties. The proposed concrete in the Front Yard is unsightly. The entire Front Yard must be landscaped. Parking on areas that should be landscaped takes away from desirable curb appeal.

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:

- 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(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.

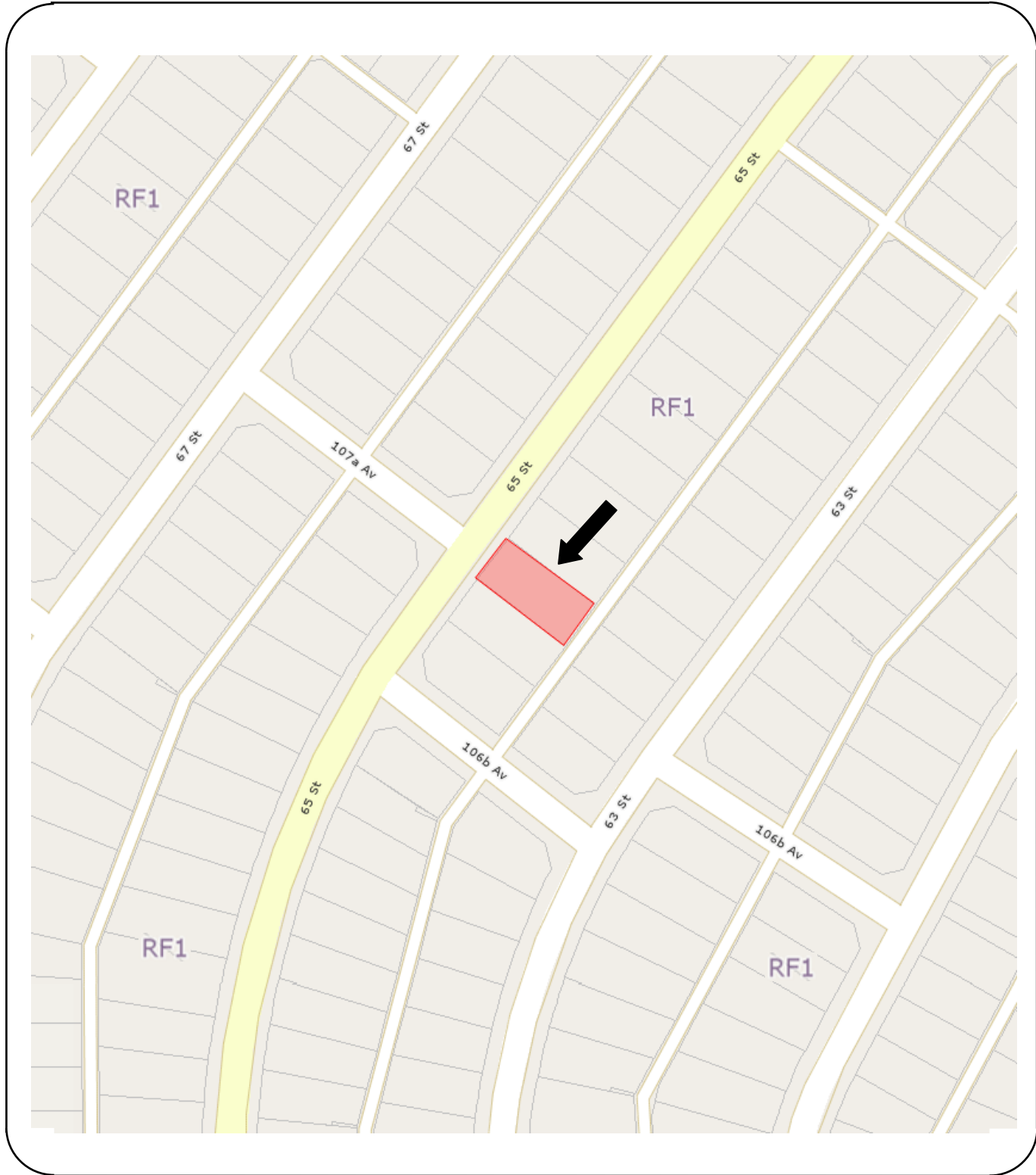


Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 110.1 states the purpose of this 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-15-140



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-141

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	145296516-016
APPLICATION TO:	Construct a rear uncovered deck (3.10m x 6.4m @ 4.3m in Height)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	June 4, 2015
DATE OF APPEAL:	June 5, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	52 - Sylvanecroft Lane NW
LEGAL DESCRIPTION:	Plan 1324395 Unit 11
ZONE:	RF3-Small Scale Infill Development Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	N/A

DEVELOPMENT OFFICER'S DECISION

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

1. Section 44.3(a) - The minimum Rear Setback to the platform structure is 14.00 m.

Proposed: 12.5 m

Exceeds by: 1.50 m

2. Section 140.4(10)(d) - The maximum Site Coverage for Semi-detached Housing with a Site area less than 600 sq m shall be 42%.

Proposed: 42.76%

Exceeds by: 0.76% or 2.45 sq m.

Notes:

Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bylaw 12800.

APPELLANT'S SUBMISSION

We were required by the City development office to apply for a rear balcony permit which we believed to have been already approved as part of a house construction permit - see attached, balcony circled. The reason for this, they claimed, was that "scope of permit" carried the meaning of scope of application. We were told this in April, 2015, fourteen months after the development permit was issued. The new application has been refused.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Semi-detached Housing is a Permitted Use in the RF3 Small Scale Infill Residential Zone, Section 140.2(8).

Section 44.3(a) states Platform Structures may project into a required Setback or Separation Space provided such projections do not exceed 2.0 metres for Setbacks or Separation Spaces with a depth of at least 4.0 metres.

Section 814.3(5) states the minimum Rear Setback shall be 40% of Site depth.

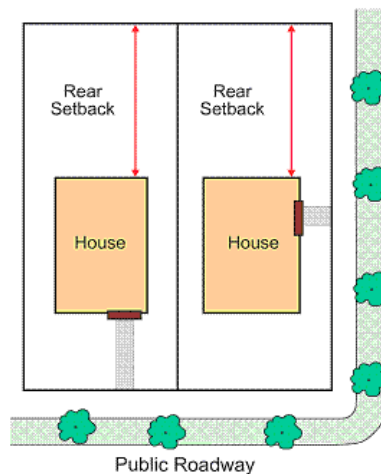
The Development Officer determined the minimum Rear Setback to the Platform Structure is 14.0 metres. The Development Officer determined the proposed development provides a Rear Setback of 12.5 metres which is in excess of the minimum required Rear Setback by 1.5 metres.

Section 140.4(10)(d) states the maximum Site Coverage for a Semi-detached Housing with a Site area less than 600 square metres, the total Site Coverage shall not exceed 42 percent.

The Development Officer determined the maximum allowable Site Coverage is 42 percent. The proposed development provides a Site Coverage of 42.76 percent and exceeds the maximum allowable Site Coverage by 2.45 square metres (0.76 percent).

Under Section 6.1(74), **Platform Structures** means 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.

Under Section 6.1(82), **Rear Setback** means the distance that a development or a specified portion of it, must be setback from a Rear Lot Line. A Rear Setback is not a Rear Yard Amenity Space or Separation Space.



Under Section 6.1(93), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metre 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 extend 1.0 metre or more above grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metre above grade.

Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 140.1 states the purpose of the zone is to provide for Single Detached Housing and Semi-detached Housing while allowing small scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites 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-15-141



BUSINESS LAID OVER

SDAB-D-15-136	An appeal by <u>David Johnson VS Urbanage Homes</u> to construct and operate a Residential Sales Centre <i>July 15 or 16, 2015</i>
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APPEAL HEARINGS TO BE SCHEDULED

152684111-003	An appeal by <u>MBD Management Inc.</u> to increase the height of an approved Fascia Minor Digital On-premises Off-premises Sign <i>July 8 or 9, 2015</i>
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