

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
July 4, 2018**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I	9:00 A.M.	SDAB-D-18-094	Construct a Semi-Detached House with Unenclosed Front Porch, fireplace, rear uncovered deck, Basement development (NOT to be used as an additional Dwelling), and to demolish the existing Single Detached House and Accessory building (rear detached Garage)  10973 - 132 Street NW Project No.: 279658672-001
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II	1:30 P.M.	SDAB-D-18-096	Continue to Operate a Residential Sales Centre (West Block) for one year  14302 / 04 / 14 - Stony Plain Road NW, Project No.: 187211303-010
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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-18-094

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 279658672-001

APPLICATION TO: Construct a Semi-Detached House with Unenclosed Front Porch, fireplace, rear uncovered deck, Basement development (NOT to be used as an additional Dwelling), and to demolish the existing Single Detached House and Accessory building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 6, 2018

DATE OF APPEAL: June 12, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10973 - 132 Street NW

LEGAL DESCRIPTION: Plan RN60 Blk 21 Lot 17

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

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*Grounds for Appeal*

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Although semi-detached designs/proposals on RF1 lots are left up to the discretion of the development officer, our application was ultimately refused based on the lack of semi-detached homes on 132 Street. However, semi-detached designs are prevalent throughout Westmount, and we have taken considerable and extensive efforts to ensure that our proposed exterior design would be an appropriate addition to the street, rather than affecting it

adversely. Our semi-detached home is designed to appear as one large single family home, and made to echo the best of Westmount's history and longstanding sentiment toward heritage/character homes. A rendering of our home will provide greater proof of this.

***General Matters***

**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the decision is made under section 642, [...]

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Section 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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

<b><i>Discretionary Use</i></b>
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Under section 110.3(8) **Semi-detached Housing** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(7), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to ground level. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes.

**Development Officer's Determination**

Discretionary Use - Semi-detached house is refused as a Discretionary Use (Section 110.3.8).

***Locational Criteria***

Section 110.4(4) states Semi-detached Housing and Duplex Housing shall only be located:

- a. on Corner Sites;
- b. on Sites abutting an arterial or service road;
- c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or
- d. where a minimum of one Side Lot Line:
  - i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use, or
  - ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 metres wide.

**Development Officer's Determination**

Location Criteria - Semi-detached house does not meet the location requirement. It shall only be located:


- (a) on corner sites;
- (b) on Sites abutting an arterial or service road;
- (c) where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or
- (d) where a minimum of one Side Lot Line:
  - i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use, or
  - ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide.

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**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.

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	Project Number: <b>279658672-001</b> Application Date: APR 16, 2018 Printed: June 6, 2018 at 4:20 PM Page: 1 of 2																				
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 10973 - 132 STREET NW Plan RN60 Blk 21 Lot 17  <b>Specific Address(es)</b> Suite: 10973 - 132 STREET NW Entryway: 10973 - 132 STREET NW Building: 10973 - 132 STREET NW																				
<b>Scope of Application</b> To construct a Semi-Detached House with Unenclosed Front Porch, fireplace, rear uncovered deck, Basement development (NOT to be used as an additional Dwelling), and to demolish the existing Single Detached House and Accessory building (rear detached Garage).																					
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     # of Dwelling Units Add/Remove: 2                      Client File Reference Number:                      Minor Dev. Application Fee: Semi-Detached House                      Secondary Suite Included?: N                 </td> <td style="width: 50%; border: none;">                     Class of Permit: Class B                      Lot Grading Needed?: Y                      New Sewer Service Required: Y                      Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table>		# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																		
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I/We certify that the above noted details are correct.  Applicant signature: _____																					
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> Discretionary Use - Semi-detached house is refused as a Discretionary Use (Section 110.3.8).  Location Criteria - Semi-detached house does not meet the location requirement. It shall only be located: (a) on corner sites; (b) on Sites abutting an arterial or service road; (c) where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or (d) where a minimum of one Side Lot Line: i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use, or ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide.																					
<b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																					
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## Application for Minor Development Permit

Project Number: **279658672-001**  
Application Date: APR 16, 2018  
Printed: June 6, 2018 at 4:20 PM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sanitary Sewer Trunk Fund	\$1,629.00	\$1,629.00	04942966	Apr 16, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,604.00	\$2,604.00		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-094



ITEM II: 1:30 P.M.

FILE: SDAB-D-18-096

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 187211303-010

APPLICATION TO: Continue to Operate a Residential Sales Centre (West Block) for one year

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 22, 2018

DATE OF APPEAL: June 7, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14304 - Stony Plain Road NW  
14302 - Stony Plain Road NW  
14314 - Stony Plain Road NW

LEGAL DESCRIPTION: Plan 1653Z Blk C Lot 8, Plan 1653Z Blk C Lot 9, Plan 1653Z Blk C Lots 6-7

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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*Grounds for Appeal*

The Appellant provided the following reasons for appealing the decision of the Development Authority:

We are solicitors for 1807061 Alberta Ltd. (c/o Inhouse by Beaverbrook), the Applicant in the above noted matter. Our clients' Development Permit Application to renew their current Permit has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The proposed development, a Residential Sales Centre, is a discretionary use in the CB-2 District.

2. The subject Sales Centre has been in place for two years and a request is made to extend the duration to facilitate the sale of the remaining units in our clients' West Block development at 142<sup>n</sup>d Street and Stony Plain Road. The required variances as otherwise raised in the Development Officer's refusal were addressed by the Board in SDAB-D-16-110.
3. In response to concerns raised by the owners of the townhouses to the north of the site, the Appellants will, as further conditions of the requested extension:
  - (a) remove all copy from the north face of the temporary building, and replace the same with a muted, monochromatic finish; and
  - (b) redirect the security lighting on the north side of the temporary building to lessen any impact on the neighbouring properties across the lane.
4. The proposed development remains temporary in nature and is essential to the success of the development it is intended to support. The taking over of that formerly stagnant project by the Appellants was and is of great benefit to the community at large, and the requested extension has become necessary in the face of the current downtrend in the housing market. Notwithstanding, the Appellants confirm that no further extensions will be sought.

<i>General Matters</i>
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**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,

- (A) within 21 days after the date on which the decision is made under section 642, [...]

**Hearing and Decision**

**687(3)** In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw 12800*:**

Under section 140.3(7), a **Residential Sales Centre** is a **Discretionary Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.3(9), **Residential Sales Centre** means “a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential land or buildings.”

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development 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 under certain conditions, and including Secondary Suites and Garden Suites.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

#### **Development Officer's Determination**

**Discretionary Use - Residential Sales Centre is refused as a Discretionary Use (Section 140.3.7).** [unedited]

<b><i>Height</i></b>
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Under section 6, **Height** means "a vertical distance between two points."

Section 82.3(b) states:

the siting and development of Residential Sales Centre buildings shall comply with the regulations of the Land Use Zone applying to the Site except that:

- b. in the case of a temporary structure, the Height of the building including any hoardings or false fronts shall not exceed one Storey or 4.0 m; [...]

#### **Development Officer's Determination**

**Height - Maximum height (to midpoint) is 5.5m instead of 4.0m (Section 82.3.b).** [unedited]

Section 52.2(c) states:

In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:

- c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not

extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

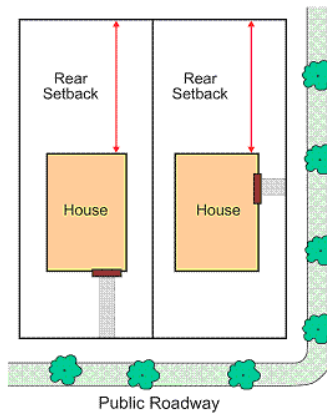
**Development Officer’s Determination**

**Height - Maximum height (to peak) is 5.9m instead of 4.4m (Section 52.2.c).** [unedited]

***Rear Setback***

Under section 6, **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth.”

**Development Officer’s Determination**

**Reduced Rear Setback - The distance from the Residential Sales Centre to the rear property line is 8.25m (22% of site depth) instead of 15.25m (40% of site depth) (Section 814.3.5).** [unedited]

***Community Consultation***

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does

not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

<b>Tier #</b>	<b>Recipient Parties</b>	<b>Affected Parties</b>	<b>Regulation of this Overlay to be Varied</b>
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback

***Residential Sales Centre regulations***

Section 82 states the following regulations shall apply to all Residential Sales Centres except those developments provided for in subsections 12.2(1)(i) and 12.2(1)(p) of this Bylaw:

- 1. Sites containing Residential Sales Centres shall be located and developed such that their impacts on local roadways and surrounding residential development are minimized. In deciding upon an application, the Development Officer shall take into consideration the scale of the Residential Sales Centre, its proximity to arterial or

neighbourhood collector roadways, and to occupied residential development;

2. where Sites are located within 60.0 m of existing development, the applicant shall demonstrate that sufficient parking is available on or adjacent to the Site so that parking congestion shall not develop on that portion of local streets serving existing development in the vicinity of the Residential Sales Centre. The Development Officer shall determine the adequacy of parking based on a requirement of 1 parking space per 20 m<sup>2</sup> of Floor Area of the Residential Sales Centre;
3. the siting and development of Residential Sales Centre buildings shall comply with the regulations of the Land Use Zone applying to the Site except that:
  - a. the Development Officer may attach conditions requiring additional setbacks to minimize any adverse impacts on adjacent development;
  - b. ...
  - c. all curb crossings and access points shall be designed and located so as to minimize on-site and off-site traffic impacts and, in consultation with Transportation Services;
4. where a Site is located within a Residential Zone or is visible from residential development located within 60.0 m of the Site, the colour and material of the exterior finish of the temporary structure and hoardings or false fronts, excluding advertising Copy, shall be compatible with those commonly found in Residential Zones;
5. any exterior lighting shall be developed in accordance with Section 51 of this Bylaw;
6. notwithstanding Section 55, Landscaping shall not be required for a Residential Sales Centre;
7. a Development Application for a Residential Sales Centre shall be accompanied by the following information in addition to the information required by subsection 13.3 of this Bylaw:
  - a. a context plan identifying the nature of the Uses and development within a 60.0 m radius of the proposed Site;
  - b. a description of the exterior finish materials and colours for any temporary sales structure including any proposed hoardings or false fronts;




- c. drawings showing the location, area, Height, construction material, colour and method of support for any proposed on-site identification and advertising Signs, including any advertising or supergraphics that shall be displayed on a hoarding or false front; and
- d. drawings showing the area, Height, construction materials and method of support for any proposed off-site Directional Signs that shall exceed 1.0 m<sup>2</sup> in area 1.5 m in Height, and a description of the proposed location for the Signs; and
- 8. the Development Permit for a Residential Sales Centre shall be valid for such a period of time as specified by the Development Officer having regard for the amount of land or development being marketed, but in no case shall the time period exceed two years.

***Previous Subdivision and Development Appeal Board Decision***

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
SDAB-D-16-110	To construct a Residential Sales Centre (West Block).	May 19, 2016; The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development permit, to expire on May 19, 2018, is GRANTED as applied for to the Development Authority, subject to conditions and variances.

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.

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: <b>187211303-010</b> Application Date: APR 20, 2018 Printed: June 8, 2018 at 7:46 AM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 14304 - STONY PLAIN ROAD NW Plan 1653Z Blk C Lot 8 14302 - STONY PLAIN ROAD NW Plan 1653Z Blk C Lot 9 14314 - STONY PLAIN ROAD NW Plan 1653Z Blk C Lots 6-7																					
<b>Scope of Application</b> To continue to Operate a Residential Sales Centre (West Block) for one year.																						
<b>Permit Details</b>																						
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)																					
I/We certify that the above noted details are correct.  Applicant signature: _____																						
<b>Development Application Decision</b> Refused <b>Reason for Refusal</b> Discretionary Use - Residential Sales Centre is refused as a Discretionary Use (Section 140.3.7).  Height - Maximum height (to midpoint) is 5.5m instead of 4.0m (Section 82.3.b).  Height - Maximum height (to peak) is 5.9m instead of 4.4m (Section 52.2.c).  Reduced Rear Setback - The distance from the Residential Sales Centre to the rear property line is 8.25m (22% of site depth) instead of 15.25m (40% of site depth) (Section 814.3.5).  <b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																						
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<b>THIS IS NOT A PERMIT</b>																						



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-18-095

