

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
July 5, 2018**

**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-18-097	Construct 4th storey addition (1094 m ²) to the existing General Industrial buildings (self-storage buildings) 6910 - Meridian Street NW Project No.: 261334932-013
---	-----------	---------------	---

II	10:30 A.M.	SDAB-D-18-098	Construct a Single Detached House with rear attached Garage, front veranda, fireplace, Basement development (NOT to be used as an additional Dwelling), rear covered deck and demolition of a Single Detached House and Accessory Building (detached Garage) 6202 - 111 Avenue NW Project No.: 274040958-001
----	------------	---------------	--

III	1:30 P.M.	SDAB-D-18-099	Construct three Dwellings of Row Housing with Basement development (NOT to be used as an additional Dwelling), fireplace, veranda, 3rd floor patio and construct a detached Garage. 8510 - 83 Avenue NW Project No.: 274492456-001
-----	-----------	---------------	--

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-18-097

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 261334932-013

APPLICATION TO: Construct 4th storey addition (1094 m²) to the existing General Industrial buildings (self-storage buildings)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 5, 2018

DATE OF APPEAL: June 6, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6910 - Meridian Street NW

LEGAL DESCRIPTION: Plan 0821861 Blk 2 Lot 15

ZONE: (IL) Light Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Maple Ridge Industrial Area Structure Plan

Grounds for Appeal

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

We are constructing a self storage facility in Edmonton that consists of three distinct areas; 1) Motor Alley Vaults, 2) Maple Ridge four story office & mini storage, 3) Maple Ridge drive up mini storage. We intend to operate this facility as a typical storage rental facility with the exception that the all storage units are sold as individual condo titled units on an investment basis that can be registered as part of a rental pool.

The four story building will be 16.2m in height. This exceeds the zoning height of 14m, but does fit within the allowable 18m variance.

The reason for the need of this building to exceed the zoning height of 14m by 2m is two fold; the market demand & project viability of the unique concept of storage condo ownership within a storage facility and the roof mounted installation of solar panels.

The original concept was a three story building, but because of market interest and project viability a fourth level was added to our Development Permit application. The building is running East/West and situated within the central location of a 4 acre light industrial lot bordered by a nature reserve to the North, an industrial yard to the West, 69 Avenue to the South, and fronting Anthony Henday to the East. The additional height of 2m over the 14m zoning does not impede any of the bordering properties or roadways in the Maple Ridge Industrial area.

We are also constructing our facility under GREEN initiatives which include a geothermal borefield, two natural gas fired Co-Generation plants, Solar PV and Solar thermal. The Solar panels are included within the 16.2M overall building height.

We continue to sell storage condo units on throughout the four story building and anticipate selling out the entire building within the coming months. Marketing has just commenced on the North and South storage areas of the development.

We look forward to your favourable response to our Development Permit application that fits within the 18m building height zoning variance.

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*:

Under section 410.2(6), **General Industrial Uses** is a **Permitted Use** in the (IL) Light Industrial Zone.

Under section 7.5(3), **General Industrial Uses** means:

means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
 - i. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
 - ii. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution licensed and operating pursuant to provincial or federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

Section 410.1 states that the **General Purpose** of the (IL) **Light Industrial Zone** is:

to provide for high quality, light industrial developments that operate in such a manner that no nuisance factor is created or apparent outside an enclosed building. Limited outdoor activities (loading, service, storage, etc.) that are accessory to a principal Use may occur providing the scale of such activities does not unduly conflict with the primary purpose of this Zone or dominate the Use of the site. This Zone is intended for sites located on, or in proximity to, arterial or collector roadways within an industrial area; or wherever required to implement the objectives of a Plan or Use study.

Height

Section 410.4(5) states:

The maximum Height shall not exceed 14.0 m, except that the Development Officer may, notwithstanding Section 11.4, grant a variance to permit a greater Height for a building housing a General Industrial Use up to a maximum of 18.0 m, where this is required to facilitate the industrial development of the Use involved.

Under section 6, **Height** means “a vertical distance between two points.”

Development Officer’s Determination

1) The maximum Height shall not exceed 14.0 m, except that the Development Officer may, notwithstanding Section 11.4, grant a variance to permit a greater Height for a building housing a General Industrial Use up to a maximum of 18.0 m, where this is required to facilitate the industrial development of the Use involved (Reference Section 410.4(5)).

Proposed Height: 16.35m

Exceeds by: 2.35m

The proposed 4th storey addition is not required to facilitate the industrial development of the Use involved.

The proposed addition development does not have any unnecessary hardship or practical difficulties peculiar to the Use. (Reference Section 11.4(1)(a)) [unedited]

Parking

Section 54.2, Schedule 1(A)(27) states:

Any development within the Industrial Uses, except for Adult Mini-Theatres	1 parking space per 100.0 m ² of Floor Area provided this is not less than 3 parking spaces per tenant or establishment
--	--

Section 54.1(1) provides the following with respect to Applicability and Exceptions of Off-street Parking and Loading Regulations:

- a. When any development takes place on any Site, off-street parking and loading facilities for each building type or Use, including Accessory Uses, shall be provided and maintained in accordance with the regulations and standards of this Bylaw.

- b. Notwithstanding the above, the regulations contained within this Section shall not apply to buildings or Uses existing at the time of the adoption of this Bylaw, except that:
 - i. where any building or structure undergoes an increase in Floor Area due to addition or external renovation, off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or Use as modified in size:
 - ii. where any building or Use undergoes a change of Use, intensity of Use or capacity and the change results in an increase in the parking requirements, the off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or Use as modified in use; and
 - iii. where off-street parking facilities or loading facilities are provided when not required, the location, design and operation of such facilities shall comply with all the regulations of this Bylaw.
- c. All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the building or Use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.

Under section 6.1, **Floor Area** means:

the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Development Officer's Determination

2) Off-Street Parking shall be in accordance with Section 54.1(1).

Required parking: 114 spaces


Proposed parking: 21 spaces

Deficient by: 93 spaces

Note: A parking variance was given for 84 parking spaces deficiency under Development Permit - 261334932-001. Proposed 4th storey addition requires additional 9 parking spaces as per Edmonton Zoning Bylaw. [unedited]

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.

	Project Number: 261334932-013 Application Date: MAY 04, 2018 Printed: June 5, 2018 at 11:07 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Major Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 6910 - MERIDIAN STREET NW Plan 0821861 Blk 2 Lot 15 Specific Address(es) Entryway: 6910 - MERIDIAN STREET NW Building: 6910 - MERIDIAN STREET NW
Scope of Application To construct 4th storey addition (1094m ²) to the existing General Industrial buildings (self-storage buildings).	
Permit Details	
Class of Permit: Gross Floor Area (sq.m.): 1094 New Sewer Service Required: N Site Area (sq. m.): 16265	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: _____	
Development Application Decision Refused Reason for Refusal 1) The maximum Height shall not exceed 14.0 m, except that the Development Officer may, notwithstanding Section 11.4, grant a variance to permit a greater Height for a building housing a General Industrial Use up to a maximum of 18.0 m, where this is required to facilitate the industrial development of the Use involved (Reference Section 410.4(5)). Proposed Height: 16.35m Exceeds by: 2.35m The proposed 4th storey addition is not required to facilitate the industrial development of the Use involved. The proposed addition development does not have any unnecessary hardship or practical difficulties peculiar to the Use. (Reference Section 11.4(1)(a)) 2) Off-Street Parking shall be in accordance with Section 54.1(1). Required parking: 114 spaces Proposed parking: 21 spaces Deficient by: 93 spaces Note: A parking variance was given for 84 parking spaces deficiency under Development Permit - 261334932-001. Proposed 4th storey addition requires additional 9 parking spaces as per Edmonton Zoning Bylaw. Rights of Appeal 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.	
THIS IS NOT A PERMIT	



Application for Major Development Permit

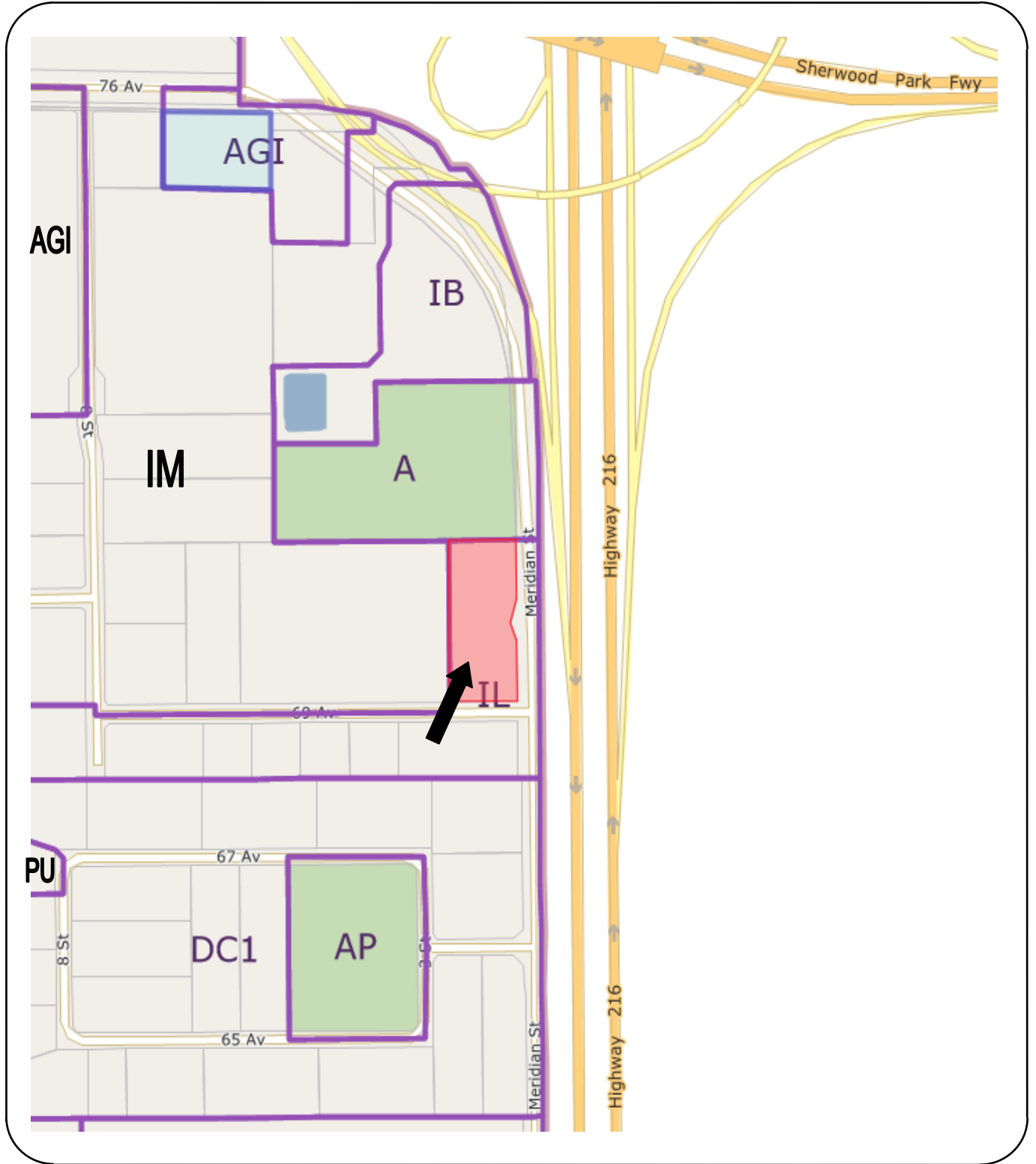
Project Number: **261334932-013**
Application Date: MAY 04, 2018
Printed: June 5, 2018 at 11:07 AM
Page: 2 of 2

Issue Date: Jun 05, 2018 **Development Authority:** SHAH, NIKHIL

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$948.00	\$948.00	05007878	May 10, 2018
Dev. Application Fee for GFA	\$576.00	\$576.00		
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,524.00</u>	<u>\$1,524.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-097



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-098

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 274040958-001

APPLICATION TO: Construct a Single Detached House with rear attached Garage, front veranda, fireplace, Basement development (NOT to be used as an additional Dwelling), rear covered deck and demolition of a Single Detached House and Accessory Building (detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 11, 2018

DATE OF APPEAL: June 12, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6202 - 111 Avenue NW

LEGAL DESCRIPTION: Plan 4065AE Blk 8 Lot 13

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Our proposed development is consistent with a large number of neighbouring properties and properties throughout the community. The house design is specifically meant to fit the character of the neighbourhood. The presence of an attached garage is consistent with houses around it. This feature is also intended to assist our elderly parents access to our home and as a support to my wife and I as we age in place. We have lived in the neighbourhood for 30 years and hope to spend our remaining years in this community.

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*:

Under section 110.2(5), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this 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.

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.

Rear Attached Garage

Section 814.3(19) states "Rear attached Garages shall not be allowed."

Under section 6, **Garage** means "an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport."

Development Officer's Determination

Attached Garage - The rear garage is proposed to be attached, instead of detached (Section 814.3.19) [unedited]

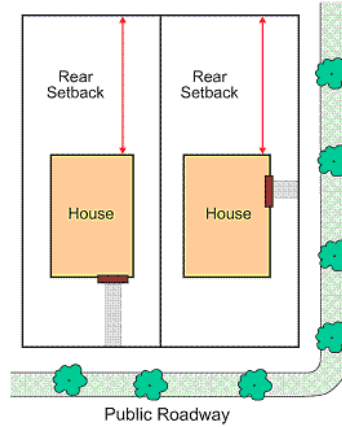
Rear Setback

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

Under section 6, **Site Depth** means "the distance between the mid-points of the Front Lot Line and the mid-points of the Rear Lot Line."

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.



Development Officer’s Determination

Rear Setback - The distance from the House to the rear property line is 3.27m (8.07% of site depth) instead of 16.20m (40% of site depth). (Section 814.3.4) [unedited]

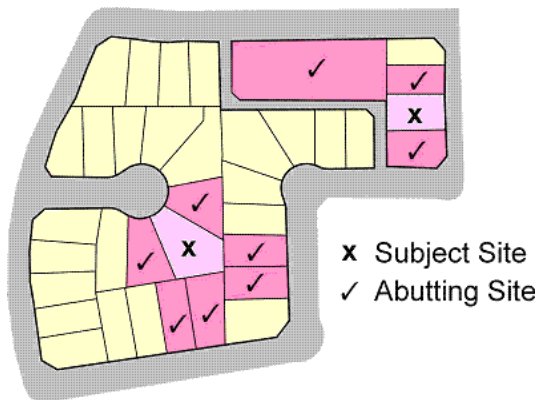
Front Setback

Section 814.3(1) states:

The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots, to a maximum of 20% of Site Depth. Where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot.

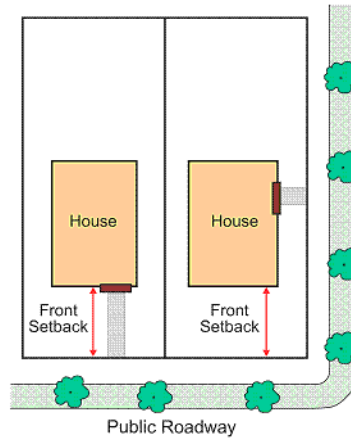
Under section 6, **Abut** or **abutting** means:

immediately contiguous to or physically touching, and when used with respect to a lot or Site, means that the lot or Site physically touches upon another lot, Site, or piece of land, and shares a property line or boundary line with it;



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

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



Development Officer’s Determination

Reduced Front Setback - The distance from the House to the property line along 111 Avenue (front lot line) is 7m, instead of 8.10m (Section 814.3.1) [unedited]

Projection

Section 814.3(10) states:

Platform Structures or single Storey Unenclosed Front Porches may project from the first Storey of a Dwelling a maximum of 2.5 m into a required Front Setback, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure or Unenclosed Front Porch.

Under section 6, **Unenclosed Front Porch** means:

an entrance structure typically located at the front or sides of a residential Dwelling at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure remain open to the outside elements. This structure is commonly referred to as a veranda.

Development Officer’s Determination

Projection - The distance from the front veranda to the property line along 111 Avenue (front lot line) is 5m, instead of 5.60m (Section 814.3.10) [unedited]

<i>Community Consultation</i>

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:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(1) – Front Setback

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 814.3(19) – Rear Attached Garage
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(8) – Side Setbacks and Privacy 814.3(10) Platform Structures (Front Yard)

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 House Development and Building Permit</h2>	Project Number: 274040958-001 Application Date: FEB 05, 2018 Printed: June 12, 2018 at 1:52 PM Page: 1 of 2
<p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>		
Applicant	Property Address(es) and Legal Description(s) 6202 - 111 AVENUE NW Plan 4065AE Blk 8 Lot 13	
	Location(s) of Work Suite: 6202 - 111 AVENUE NW Entryway: 6202 - 111 AVENUE NW Building: 6202 - 111 AVENUE NW	
Scope of Application To construct a Single Detached House with rear attached garage, front veranda, fireplace, Basement development (NOT to be used as an additional Dwelling), rear covered deck and demolition of a Single Detached House and Accessory Building (detached Garage)		
Permit Details		
Affected Floor Area (sq. ft.): 2007 Class of Permit: Class B Front Yard (m): 7 Rear Yard (m): 3.27 Side Yard, left (m): 2 Site Area (sq. m): 785.02 Site Width (m): 19.5	Building Height to Midpoint (m): 6.46 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 3.92 Site Depth (m): 40.5 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Reason for Refusal Attached Garage - The rear garage is proposed to be attached, instead of detached (Section 814.3.19) Rear Setback - The distance from the House to the rear property line is 3.27m (8.07% of site depth) instead of 16.20m (40% of site depth). (Section 814.3.4) Reduced Front Setback - The distance from the House to the property line along 111 Avenue (front lot line) is 7m, instead of 8.10m (Section 814.3.1) Projection - The distance from the front veranda to the property line along 111 Avenue (front lot line) is 5m, instead of 5.60m (Section 814.3.10) Rights of Appeal 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.		
Issue Date: Jun 11, 2018 Development Authority: LANGILLE, BRANDON		
THIS IS NOT A PERMIT		



Project Number: **274040958-001**
 Application Date: FEB 05, 2018
 Printed: June 12, 2018 at 1:52 PM
 Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$73.80	\$73.80	04782036	Feb 05, 2018
Electrical Safety Codes Fee	\$16.02	\$16.02	04782036	Feb 05, 2018
Lot Grading Fee	\$143.00	\$143.00	04782036	Feb 05, 2018
Building Permit Fee	\$1,845.00	\$1,845.00	04782036	Feb 05, 2018
Water Usage Fee	\$49.61	\$49.61	04782036	Feb 05, 2018
Electrical Fees (House)	\$288.00	\$288.00	04782036	Feb 05, 2018
Electrical Fee (Service)	\$81.00	\$81.00	04782036	Feb 05, 2018
Development Permit Inspection Fee	\$0.00	\$204.00	04782036	Feb 05, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,496.43	\$2,700.43		
(overpaid by (\$204.00))				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-098



N

ITEM III: 1:30 P.M.

FILE: SDAB-D-18-099

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 274492456-001

APPLICATION TO: Construct three Dwellings of Row Housing with Basement development (NOT to be used as an additional Dwelling), fireplace, veranda, 3rd floor patio and construct a detached Garage.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 25, 2018

DATE OF APPEAL: June 12, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8510 - 83 Avenue NW

LEGAL DESCRIPTION: Plan 1389HW Blk 30 Lot 15

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I would like to thank the Honourable Chairman and members of the appeal board for their time and the opportunity for me to present the characteristics and advantages of my submitted plan of the property at 8510 83 Avenue.

The existing house at the above address (for this project) is around 70 year old home which was built in 1950 and has been poorly maintained. The costs required for renovation could not be recovered and I believe the home must be demolished.

If I were to build a single detached house, it would possibly have the same deficiencies as the plan that I have submitted to you. However, the plan that I have submitted has many advantages compared to a single detached house, including:

- a. It has the same benefits as the city of Edmonton affordable housing program that are likely quite obvious to most of you. It is affordable because the cost of building a single house is high.
 - b. Our neighbours would be happy to look at a new building instead of seeing an old and poorly designed and maintained building. Unfortunately some characters of old building cause usually tenants be addicted and sellers of drugs that produce many problems for neighbours.
1. Regarding item number 1 of refusal, I would like to say that average site width on this block is 12.5 m and a 4-plex (8514-83 Ave) next to this project already exist with the same width (please see attached picture). Furthermore, 2 lots further on east of this lot another 4-plex (8304, 8306, 8308, 8310 — 85 street) with the same site width is existed. All these existed 4-plex are recent developments.
 - a. Minimum site width of 17.4 meters is for projects that their 3 row houses are on sites abutting an arterial or service road; the design of our project is different, because our row houses are not on sites abutting an arterial or service road.
 2. Regarding item 2, we have explained in the previous paragraph that these other row houses are only in this block which are not on a corner lot and are on an interior lot:
 - a. 8514-83 Ave: Next to this lot, it is not a corner lot and it is the same lot area and dimension
 - b. 8304, 8306, 8308, 8310 85 St: Four-plex corner lot, but it is the same dimension as our plan
 - c. 8518, 8820, 8822, 8824-83 Ave: Four-plex that is not a corner lot
8511, 8511A - 83 Ave: Four-plex that is not a corner lot
 3. Regarding item 3, the 4-plex next to this lot has the same design as ours; the entrance doors are not facing the public roadway (please see attached picture).
 4. Regarding item 4, I have readjusted the windows on the plan and considered a design that reduces overlook into amenity of the abutting properties; windows will also be frosted/ translucent. However, the plan was submitted after we received the refusal letter (please see attached new plan).

- a. My architect is also here to explain the changes
5. Regarding item 5, it has been some changes to satisfy the Development officer and my architect is here to explain refinement of this deficiency.
6. Regarding items 6, 7, 8 and 9, our architect has prepared a landscaping plan and he has adjusted all efficiencies noted by the City Development Officer; he will explain all the changes in the meeting.
 - a. I am also willing to guarantee to complete the landscaping based on recommended by city Development officer.
 - i. We can leave a retainer for this guarantee
 - ii. We would agree that the \$ value of this retainer be assigned/ recommended by the appeal board.
7. Regarding item 10, we can adjust the height of the fence and our architect is here to explain the changes.

Finally, according to two volume books (A Pattern Language, Towns. Buildings Construction) which published after a ten-year studies by Professor Christopher Alexander and his colleagues at the Centre for Environmental Structure New York Oxford University Press, "it is shown there, that towns and building will not be able to become alive, unless they are made by all the people in society, and the people share a common pattern language, within which to make these buildings, and unless this common pattern language is alive itself.

Finally: With this small project, I will create a job for some construction traders, workers, and myself. Furthermore, this location is very close to LRT at Bonnie Doon (Bonnie Doon LRT Station). The objectives and Policies of the City of Edmonton are to integrate higher density development with transit; goal is a minimum 25% housing unit growth as infill.

Thus, allowing the build of more units in close proximity to LRT Stations would further the goals established in **Section 4.4.1.1 of the Municipal Development Plan.**

Again, thank you for your time and I hope you consider my variances and issue the **development permit.**

I would like to end my presentation with a passage of the city of Edmonton which says:

"Importance of affordable housing: Housing provides stability, both economically and socially and is integral to human well-being.

Affordable, safe and suitable housing for individuals and for families is integral to supporting the lives of all Edmontonians.”

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*:

Under section 140.2(6), **Row Housing** is a **Permitted Use** in the (RF3) Small Scale Infill Development Zone.

Under section 7.2(5), **Row Housing** means:

development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to ground level. This Use does not include Stacked Row Housing or Blatchford Townhousing.

Under section 6, **Dwelling** means:

a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Section 140.4(19)(c) states “where Apartment Housing, Stacked Row Housing, or Row Housing are allowed in this Zone, a maximum of four Dwellings per Site shall be allowed.”

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.

Site Width

Section 140.4(4)(b) provides the following with respect to Row Housing:

on a non-Corner Site the minimum Site Width shall be equal to the sum of:

- i. m for each end Dwelling, plus
- ii. 5.0 m for each internal Dwelling.

Under section 6, **Site Width** means “the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.”

Development Officer's Determination

- 1.) **Section 140.4.4.b- The minimum Site Width shall be 17.4 m.**
- **Proposed: 12.5 m. Deficient** [unedited]

Location

Section 140.4(6) states Row Housing shall be located:

- a. on Corner Sites,
- b. on Sites Abutting an arterial or service road, or

- c. where a minimum of one Side Lot Line Abuts a Site where a Commercial Use, or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

Development Officer's Determination

2.) Section: 140.4.6- Row Housing required location as shown below were not met:

a. on Corner Sites

- Property is an interior lot.

b. on Sites Abutting an arterial or service road

- Property does not abut arterial or service road.

c. where a minimum of one Side Lot Line Abuts a Site where a Commercial Use, or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use

- The abutting property on the left side is a Row Housing. [unedited]

Orientation

Section 140.4(23) states:

Except for Garden Suites and Secondary Suites, each Dwelling that has direct access at ground level shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line. However, Row Housing and Stacked Row Housing shall orient a minimum of one entrance door or entrance feature towards each adjacent public roadway, other than a Lane. Sliding patio doors shall not serve as the entrance door or entrance feature.

Development Officer's Determination

3.) Section 140.4.23- Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane.

- 2 Dwellings are not facing the public road. [unedited]

Side Setback

Section 814.3(8) states where an Interior Side Setback is less than 2.0m,

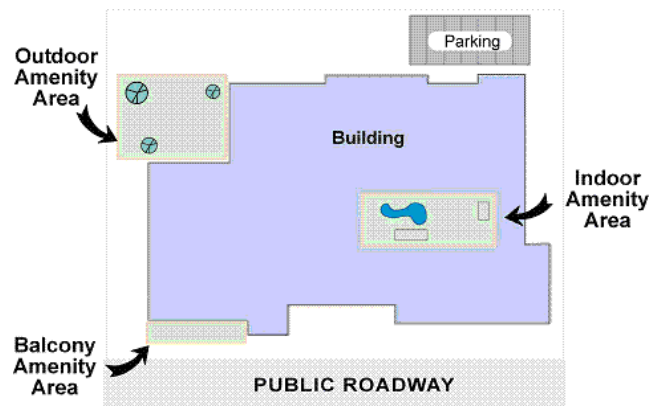
- a. the applicant shall provide information regarding the location of side windows of the Dwellings on the Abutting properties and Amenity Areas on Abutting properties;

- b. the side windows of the proposed Dwelling shall be located to reduce overlook into Amenity Areas of the Abutting properties; and
- c. the proposed Dwelling shall incorporate design techniques, such as, but not limited to, translucent window treatment, window location, raised windows, or Privacy Screening, to reduce direct line of sight into the windows of the Dwelling on the Abutting property.

Under section 6, **Amenity Area** means:

- a. with respect to Residential Uses, space outside a Dwelling or Sleeping Unit provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw;
- b. with respect to non-Residential Uses, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development, subject to the regulations of this Bylaw; and
- c. with respect to both Residential and non-Residential Uses, may include indoor or outdoor space, Platform Structures, Rooftop Terraces, and Accessory structures.

The following is an example provided for illustrative purposes only:

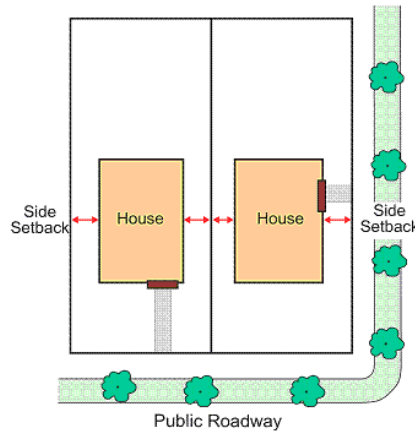


Under section 6, **Privacy Screening** means:

a feature that obscures direct and otherwise unimpeded sightlines. Common examples include: vegetative screening, such as shrubs and trees, lattice, masonry or wooden walls, parapet walls, translucent glass or any combination of these or like features. Privacy Screening does not include a balustrade railing or similar railing system.

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

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



Development Officer’s Determination

- 4.) Section 814.3.8 - Where an interior Side Setback is less than 2.0 m, (on right side, there’s only 1.53 m):
 - a. the applicant shall provide information regarding the location of side windows of the Dwellings on the Abutting properties and Amenity Areas on Abutting properties
 - No information provided
 - b. the side windows of the proposed Dwelling shall be located to reduce overlook into Amenity Areas of the Abutting properties
 - No information provided
 - c. the proposed Dwelling shall incorporate design techniques, such as, but not limited to, translucent window treatment, window location, raised windows, or Privacy Screening, to reduce direct line of sight into the windows of the Dwelling on the Abutting property.
 - No information provided [unedited]

Platform Structures

Section 814.3(9) states:

Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties.

Under section 6, **Platform Structure** means:

an elevated structure intended for use as outdoor Amenity Area that may project and/or be recessed from the wall of a building, may be surrounded by guardrails, parapet walls or similar features. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Development Officer's Determination

5.) Section 814.3.9- Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties.

- As per calculation, the finished floor line is 1.2 m from the ground. Privacy screen is required for the side verandas. No information provided. [unedited]

Landscape Plan and Content

Section 140.4(18) states:

In addition to the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to:

- a. replace vegetation removed during construction;
- b. reinforce an established Landscaping context in the area;
- c. soften edges and transitions between the street and the structure; and
- d. for Row Housing, Stacked Row Housing and Apartment Housing screen the portion of the building facing an interior Side Lot Line.

Section 55.4(1)(c), (d) and (j) states:

Every application for a development listed in Section 55.3 shall include a Landscape Plan, drawn at a scale of 1:300 or larger, which clearly indicates and accurately identifies the following:

...

- c. the approximate or estimated location of 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;
- ...
- j. trees and shrubs proposed for preservation;

Under section 6, **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.

Development Officer's Determination

- 6.) Section 55.4.1.b- Approximate or estimated location of uses, building perimeters, and landscaping on adjacent sites.**
 - Insufficient information provided.
 - Plant symbols must be representative of their mature spread.
 - Provide all billable quantities for completion of this landscape plan within the legend or other easily referenced form on the landscape plan. This includes (but is not limited to) site furniture, m2 of sod/planting bed construction/other surface area treatments, etc. [unedited]
- 7.) Section 55.4.1.c- Adjacent public area features, such as boulevard trees.**
 - No information provided. [unedited]
- 9.) Section 55.3.1.j. Trees and shrubs proposed for preservation.**
 - Provide tree and shrub planting details and a hoarding detail accurate to CoE Design and Construction Standards [unedited]

Trees and Shrubs

Section 55.3(1) states unless otherwise specified in this Bylaw, Landscaping shall be provided in accordance with the following:

- a. for new Multi-unit Project Development consisting of Single Detached Housing, Semi-detached Housing, Duplex Housing, Row Housing, Stacked Row Housing and Apartment Housing or for new Mobile Homes when developed as part of a Mobile Home Park, the number of trees and shrubs shall be determined on the basis of the following:
 - i. one tree for each 35 m² and one shrub for each 15 m² of Setback;

Development Officer’s Determination

8.) Section 55.3.1.a.i. The the number of trees and shrubs shall be determined on the based on one tree for each 35 m² and one shrub for each 15 m² of Setback.

- Proposed trees are deficient by 2. [unedited]

Fences

Section 49.1(d) states on an Interior Site, the Height of a Fence, wall, or gate shall not exceed:

- i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
- ii. 1.85 m in all other Yards.

Under section 6, **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

Development Officer’s Determination

10.) Section 49.d.ii. On an Interior Site, the Height of a Fence shall not exceed 1.85 m in the sideyard.

- Portions of fence on the side property lines are 2.4 m high.) [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:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(8) – Side Setbacks and Privacy 814.3(9) – Privacy Screening on Platform Structures

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 Minor Development Permit</h2>	Project Number: 274492456-001 Application Date: FEB 09, 2018 Printed: May 25, 2018 at 12:23 PM Page: 1 of 3
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 8510 - 83 AVENUE NW Plan 1389HW Blk 30 Lot 15	
	Specific Address(es) Suite: 8510 - 83 AVENUE NW Entryway: 8510 - 83 AVENUE NW Building: 8510 - 83 AVENUE NW	
Scope of Application To construct 3 Dwellings of Row Housing with Basement development (NOT to be used as an additional Dwelling), fireplace, veranda, 3rd floor patio and construct a detached Garage.		
Permit Details		
# of Dwelling Units Add/Remove: 3 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused		
THIS IS NOT A PERMIT		



Application for Minor Development Permit

Project Number: **274492456-001**
 Application Date: FEB 09, 2018
 Printed: May 25, 2018 at 12:23 PM
 Page: 2 of 3

Reason for Refusal

Reasons for Refusal:

- 1.) Section 140.4.4.b- The minimum Site Width shall be 17.4 m.
 - Proposed: 12.5 m. Deficient

- 2.) Section: 140.4.6- Row Housing required location as shown below were not met:
 - a. on Corner Sites
 - Property is an interior lot.
 - b. on Sites Abutting an arterial or service road
 - Property does not abut arterial or service road.
 - c. where a minimum of one Side Lot Line Abuts a Site where a Commercial Use, or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use
 - The abutting property on the left side is a Row Housing.

- 3.) Section 140.4.23- Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane.
 - 2 Dwellings are not facing the public road.

- 4.) Section 814.3.8 - Where an interior Side Setback is less than 2.0 m, (on right side, there's only 1.53 m):
 - a. the applicant shall provide information regarding the location of side windows of the Dwellings on the Abutting properties and Amenity Areas on Abutting properties
 - No information provided
 - b. the side windows of the proposed Dwelling shall be located to reduce overlook into Amenity Areas of the Abutting properties
 - No information provided
 - c. the proposed Dwelling shall incorporate design techniques, such as, but not limited to, translucent window treatment, window location, raised windows, or Privacy Screening, to reduce direct line of sight into the windows of the Dwelling on the Abutting property.
 - No information provided

- 5.) Section 814.3.9- Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties.
 - As per calculation, the finished floor line is 1.2 m from the ground. Privacy screen is required for the side verandas. No information provided.

- 6.) Section 55.4.1.b- Approximate or estimated location of uses, building perimeters, and landscaping on adjacent sites.
 - Insufficient information provided.
 - Plant symbols must be representative of their mature spread.
 - Provide all billable quantities for completion of this landscape plan within the legend or other easily referenced form on the landscape plan. This includes (but is not limited to) site furniture, m2 of sod/planting bed construction/other surface area treatments, etc.

- 7.) Section 55.4.1.c- Adjacent public area features, such as boulevard trees.
 - No information provided.

- 8.) Section 55.3.1.a.i. The the number of trees and shrubs shall be determined on the based on one tree for each 35 m2 and one shrub for each 15 m2 of Setback.
 - Proposed trees are deficient by 2.

- 9.) Section 55.3.1.j. Trees and shrubs proposed for preservation.
 - Provide tree and shrub planting details and a hoarding detail accurate to CoE Design and Construction Standards

- 10.) Section 49.d.ii. On an Interior Site, the Height of a Fence shall not exceed 1.85 m in the sideyard.
 - Portions of fence on the side property lines are 2.4 m high.

THIS IS NOT A PERMIT



Project Number: 274492456-001
Application Date: FEB 09, 2018
Printed: May 25, 2018 at 12:23 PM
Page: 3 of 3

Application for Minor Development Permit

Rights of Appeal

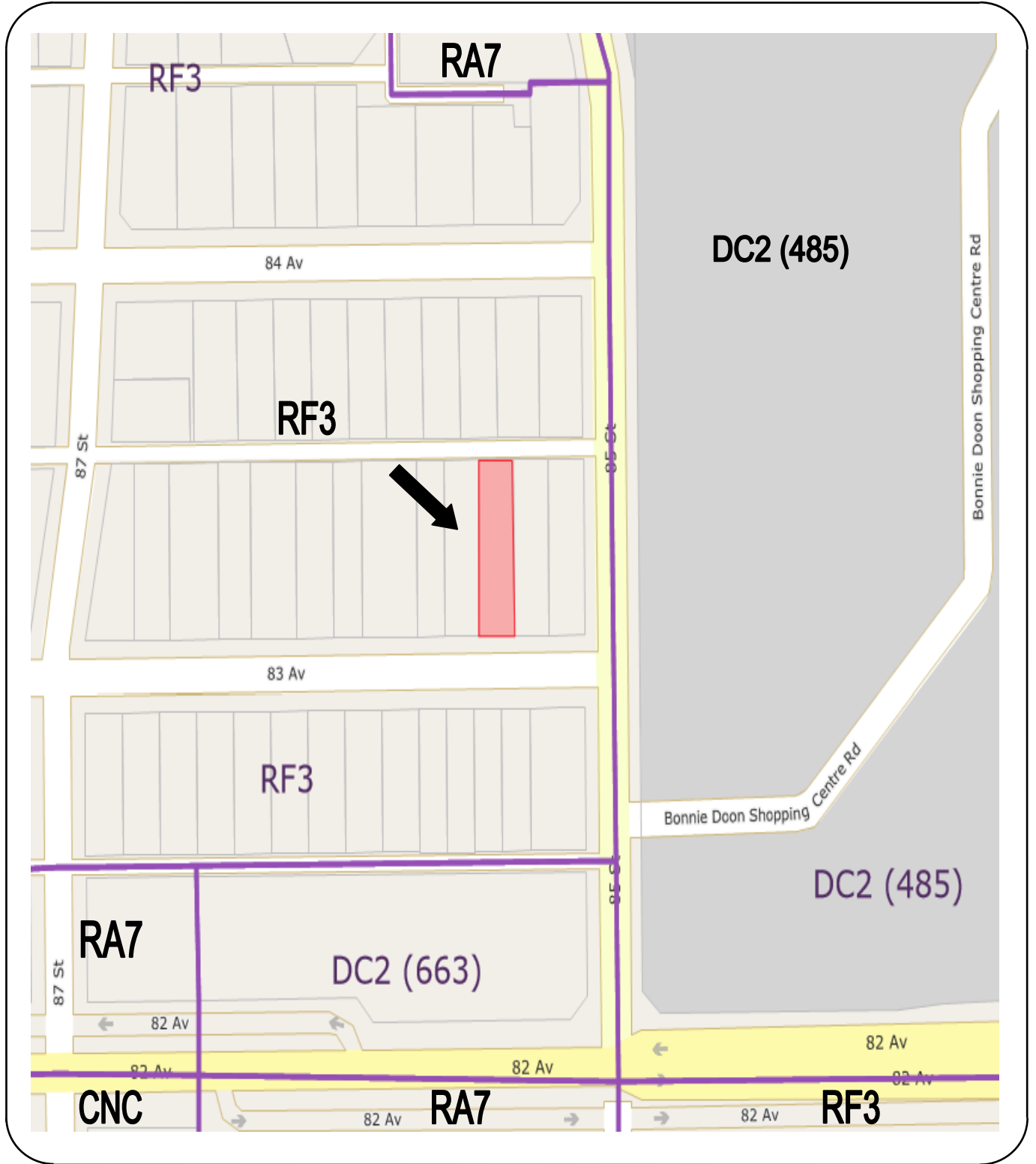
The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.

Issue Date: May 25, 2018 **Development Authority:** ANGELES, JOSELITO

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$2,326.00	\$2,326.00	04791039	Feb 09, 2018
Dev. Application Fee	\$835.00	\$835.00	04791039	Feb 09, 2018
Development Permit Inspection Fee	\$500.00	\$500.00	04791039	Feb 09, 2018
Lot Grading Fee	\$406.00	\$406.00	04791039	Feb 09, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$4,067.00	\$4,067.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-099

