

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 6, 2016**

**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-16-158

To operate a Major Home Based Business
(construction contractor - VINNY LAM
CONSTRUCTION LTD.)

12418 - 85 Street NW
Project No.: 219149376-001

II 10:30 A.M. SDAB-D-16-159

To install (2) Fascia On-premises Signs (Pizza
Hut)

13317 - 115 Avenue NW
Project No.: 189279570-001

III 1:30 P.M. SDAB-D-16-160

To construct a Single Detached House with a
front veranda, fireplace, and Basement
development (NOT to be used as an additional
Dwelling)

11657 - 73 Avenue NW
Project No.: 189089318-001

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-16-158

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 219149376-001

ADDRESS OF APPELLANT: 12418 - 85 Street NW

APPLICATION TO: Operate a Major Home Based Business
(construction contractor - VINNY LAM
CONSTRUCTION LTD.)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 27, 2016

DATE OF APPEAL: June 13, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12418 - 85 Street NW

LEGAL DESCRIPTION: Plan 8148AC Blk 44 Lots 24-25

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:

- 1- I am a small home base business contractor I apologize for the mess in the jar but I have clean up my yard and I will get rid of the cube van.
- 2- I would like to have re-inspection and a re-assessment of my home base business.

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 within 14 days,
- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

Decision

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

The Board is advised that the decision of refusal by the Development Officer is dated May 27, 2016. The Notice of Appeal was filed on June 13, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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, and including Secondary Suites under certain conditions.

Under Section 140.3(7), **Major Home Based Business** is a **Discretionary Use** in the RF3 Small Scale Infill Development Zone.

Section 7.3(7) states:

... **Major Home Based Business** means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 814.1 states that the **General 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.

General Contractor Service / Not a Listed Use

Section 140.2 and 140.3 state:

140.2 Permitted Uses

1. [Apartment Housing](#)
2. [Duplex Housing](#)
3. [Limited Group Homes](#)
4. [Minor Home Based Business](#)
5. [Row Housing](#)
6. [Stacked Row Housing](#)
7. [Secondary Suites](#)
8. [Semi-detached Housing](#)
9. [Single Detached Housing](#)
10. [Urban Gardens](#)
11. [Fascia On-premises Signs](#)

140.3 Discretionary Uses

1. [Lodging Houses](#)
2. [Child Care Services](#)
3. [Fraternity and Sorority Housing](#)
4. [Garage Suites](#)
5. [Garden Suites](#)
6. [Group Homes](#)
7. [Major Home Based Business](#)
8. [Religious Assembly](#)
9. [Residential Sales Centre](#)
10. [Urban Outdoor Farms](#)
11. [Freestanding On-premises Signs](#)
12. [Temporary On-premises Signs](#)

Development Officer's Determination

1. Section 140 - The Development Authority determines this use to be a General Contractor Service, which is neither a Permitted nor a Discretionary Use in the RF3 Small Scale Infill Development Zone.

The proposed use should be considered a General Contractor Service, as this business will provide building construction services which require on-site storage space for materials, construction equipment and vehicles normally associated with the contractor service.

[unedited]

Compatibility with Residential Character of Area

Section 75(9) states:

A [Major Home Based Business](#) shall comply with the following regulations:

...

9. the [Major Home Based Business](#) shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Development Officer's Determination

2. Section 75(9) - the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a

Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Since the proposed use should be classified as a General Contractor Service and the proposed Major Home Based Business does not meet the outdoor storage and commercial vehicle regulations of the Zoning Bylaw, the proposed Major Home Based Business is more appropriately located in an Industrial Zone.

[unedited]

No Outdoor Business Activity

Section 75(5) states:

A [Major Home Based Business](#) shall comply with the following regulations:

...

5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;

Development Officer's Determination

3. Section 75(5) - there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business.

An inspection on April 25, 2016 found excessive amounts of outdoor storage of HVAC ducts, lumber, plumbing pipes, ladders and a cube truck with a GVW of 6300 kg stored in the rear yard of this property.

[unedited]

Commercial Vehicle Exceeding 4600 kg

Section 45(1) states:

1. No person shall keep in any part of a Site in any Residential Zone:
 - a. any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding [4 600 kg](#);
 - b. more than one commercial vehicle having a maximum gross vehicle weight (G.V.W.R.) of [4 600 kg](#) or less, for longer than reasonably necessary while loading or unloading such vehicle.

Development Officer's Determination

4. Section 45(1) - No person shall keep in any part of a Site in any Residential Zone, any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg.

An inspection on April 25, 2016 found a cube truck with a GVWR of 6300 kg stored in the rear yard of this property.

[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. 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.



Project Number: 219149376-001
Application Date: APR 08, 2016
Printed: June 22, 2016 at 11:33 AM
Page: 1 of 2

Application for Home Occupation

This document is a Development Permit Decision for the development application described below.

Applicant <div style="border: 1px solid black; width: 200px; height: 30px; margin: 10px 0;"></div>	Property Address(es) and Legal Description(s) 12418 - 85 STREET NW Plan 8148AC Blk 44 Lots 24-25
	Specific Address(es) Suite: 12418 - 85 STREET NW Entryway: 12418 - 85 STREET NW Building: 12418 - 85 STREET NW

Scope of Application
To operate a Major Home Based Business (construction contractor - VINNY LAM CONSTRUCTION LTD).

Permit Details	
# of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: Y	# of vehicles at one time: 1 Business has Trailers or Equipment?: Y Description of Business: Administration work and storage of ladders and trailer. Expiry Date:

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **219149376-001**
 Application Date: APR 08, 2016
 Printed: June 22, 2016 at 11:33 AM
 Page: 2 of 2

Application for Home Occupation

Reason for Refusal

1. Section 140 - The Development Authority determines this use to be a General Contractor Service, which is neither a Permitted nor a Discretionary Use in the RF3 Small Scale Infill Development Zone.

The proposed use should be considered a General Contractor Service, as this business will provide building construction services which requires on-site storage space for materials, construction equipment and vehicles normally associated with the contracto service.

2. Section 75(9) - the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Since the proposed use should be classified as a General Contractor Service and the proposed Major Home Based Business does not meet the outdoor storage and commercial vehicle regulations of the Zoning Bylaw, the proposed Major Home Based Business is more appropriately located in a Industrial Zone.

3. Section 75(5) - there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business.

An inspection on April 25, 2016 found excessive amounts of outdoor storage of HVAC ducts, lumber, plumbing pipes, ladders and a cube truck with a GVW of 6300 kg stored in the rear yard of this property.

4. Section 45(1) - No person shall keep in any part of a Site in any Residential Zone, any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.R.) exceeding 4 600 kg.

An inspection on April 25, 2016 found a cube truck with a GVWR of 6300 kg stored in the rear yard of this property.

Rights of Appeal

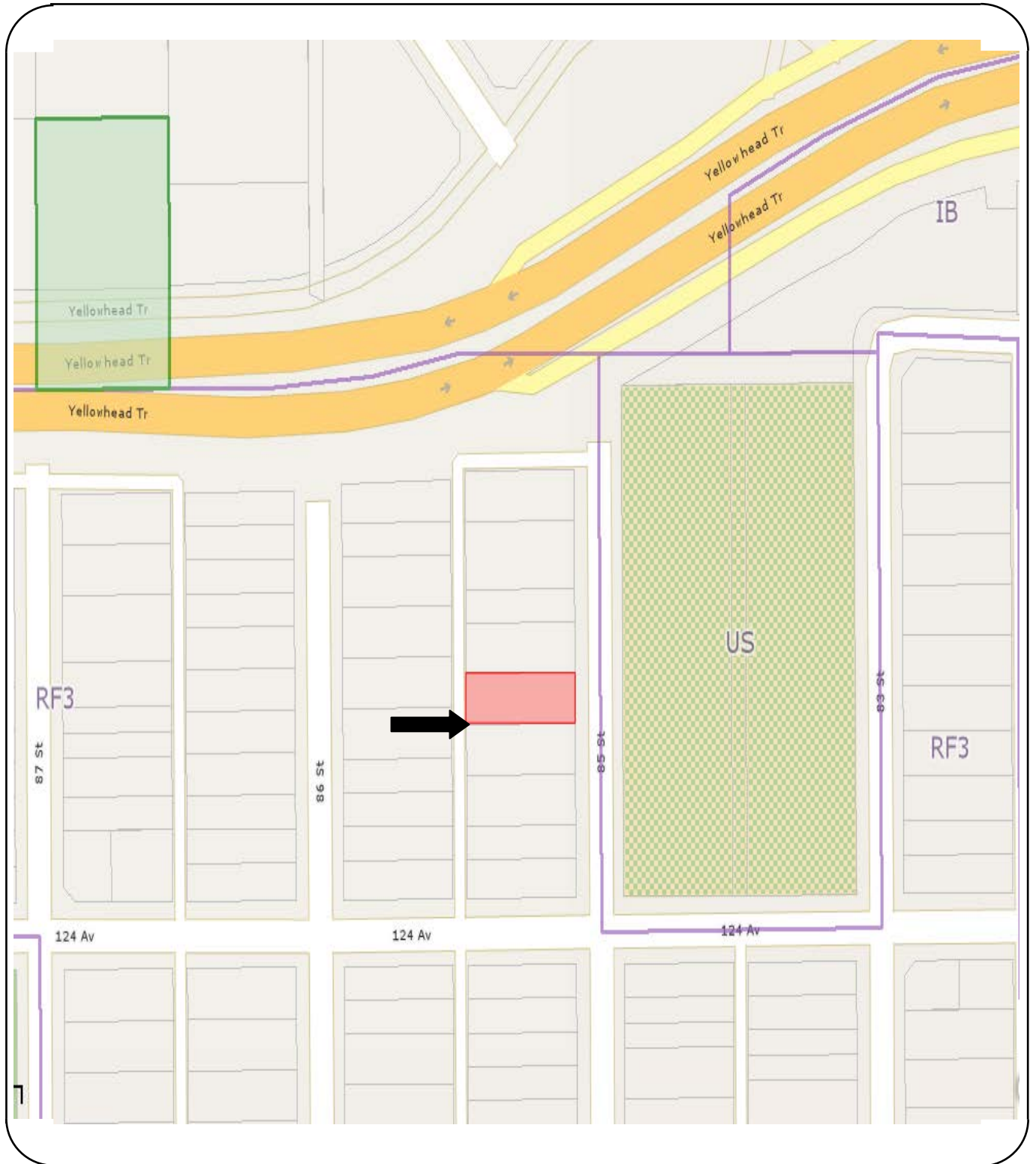
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 27, 2016 **Development Authority:** LIANG, BENNY **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03188714	Apr 08, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-158



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-159

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.:	189279570-001
ADDRESS OF APPELLANT:	13317 - 115 Avenue NW
APPLICATION TO:	Install (2) Fascia On-premises Signs (Pizza Hut)
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	June 6, 2016
DATE OF APPEAL:	June 8, 2016
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	13317 - 115 Avenue NW
LEGAL DESCRIPTION:	Plan 1322505 Blk 19 Lot 17
ZONE:	RA9 High Rise Apartment Zone
OVERLAY:	N/A
STATUTORY PLAN:	N/A

Grounds for Appeal

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

- To conform with the other commercial buildings on the square block
 - All other buildings have channel letters
 - BMO, Liquor Depot, Mac's, Rexall, DQ
- To conform with the commercial buildings in the Neighbourhood
 - Westmount signage are all large channel letter
- The newly built Rexall, the pylon sign, and Mac's/Husky sign block street view to the Pizza Hut, which will certainly have an impact on business, need larger signage in order to be seen from the main road.

- Rexall, which is 30m away, has multiple signage, which gives it an advantage over having one 3m x 3m sign
 - The design of the building with only the lower fascia signage makes it look old and outdate compared to the surrounding renovated/newly constructing buildings
 - Because the building drops back by design, the PH location cannot be seen from Groat Rd or 114 Ave as the upper fascia has an overhang, blocking the lower fascia signage.
 - Temporary location; the variance, if approved, will not last indefinitely. The site has been rezoned, and the developer plans on building seniors housing, the signage, if approved will only be up for a few years.
 - Pizza Hut currently has signage up that matches this request, the site was rezoned and the signage is no longer approved, even though the rezoning doesn't affect other businesses signage in the area.
 - All other buildings are CSC, this building was once CSC before signage permit was applied for.
- [unedited]

<p><i>General Matters</i></p>

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

Decision

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

...

- (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.

The Board is advised that the decision of refusal by the Development Officer is dated June 6, 2016. The Notice of Appeal was filed on June 8, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 230.1 states that the **General Purpose** of the **RA9 High Rise Apartment Zone** is "... to provide for High Rise Apartment buildings."

Under Section 230.2(8), **Fascia On-premises Signs** is a **Permitted Use** in the RA9 High Rise Apartment Zone.

Section 230.4(10) states:

Signs shall comply with the regulations found in **Schedule 59B**.

Section 7.9(2) states:

Fascia On-premises Signs means any Sign painted on or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed. The Copy on such a Sign identifies or advertises a business, activity, service or product located on the premises or Site where the Sign is displayed.

<i>Maximum Area</i>

Section 59B.2.1(b) states:

- b. the maximum Area for any Fascia On-premises Sign shall not exceed [3 m²](#);

Development Officer's Determination

1. The subject property is zoned RA9 (High Rise Apartment Zone). Signs shall comply with the regulations found in Schedule 59B (Reference Section 230.4.10). The maximum Area for any Fascia On-premises Sign shall not exceed 3 m² (Reference Section 59B.2.1(b)).

Proposed Sign 1 (Upper): 5.69 sq.m.
Exceeds by: 2.69 sq.m.

Proposed Sign 2: (Bottom): 5.88 sq.m.
Exceeds by: 2.88 sq.m.

[unedited]

Consistency with Character of the Building

Section 59.2(6) states:

6. For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone.

Development Officer's Determination


2. For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone (Reference Section 59.2.6).

In addition to exceeding the maximum allowable size, the proposed upper Fascia On-premises Sign is inconsistent with the existing overall signage of the building, and nor within the architectural character of the building, contrary to Section 59.2.6.

[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. 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.

	Project Number: 189279570-001 Application Date: MAR 30, 2016 Printed: June 22, 2016 at 12:02 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Sign Combo Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 13317 - 115 AVENUE NW Plan 1322505 Blk 19 Lot 17 Location(s) of Work Suite: 13326 - 114 AVENUE NW Entryway: 13326 - 114 AVENUE NW Building: 13322 - 114 AVENUE NW
Scope of Application To install (2) Fascia On-premises Signs (Pizza Hut).	
Permit Details	
ASA Sticker No./Name of Engineer: Construction Value: 5000	Class of Permit: Expiry Date:
Fascia Off-premises Sign: 0 Fascia On-premises Sign: 0 Roof Off-premises Sign: 0 Roof On-premises Sign: 0 Minor Digital On-premises Sign: 0 Minor Digital Off-premises Sign: 0 Minor Digital On/Off-premises Sign: 0	Freestanding Off-premises Sign: 0 Freestanding On-premises Sign: 0 Projecting Off-premises Sign: 0 Projecting On-premises Sign: 0 Replacement Panel on Existing Sign: 0 Comprehensive Sign Design: 0 Major Digital Sign: 0
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
THIS IS NOT A PERMIT	



Project Number: **189279570-001**
 Application Date: MAR 30, 2016
 Printed: June 22, 2016 at 12:02 PM
 Page: 2 of 2

Application for Sign Combo Permit

Reason for Refusal

1. The subject property is zoned RA9 (High Rise Apartment Zone). Signs shall comply with the regulations found in Schedule 59B (Reference Section 230.4.10). The maximum Area for any Fascia On-premises Sign shall not exceed 3 m2 (Reference Section 59B.2.1(b)).

Proposed Sign 1 (Uppper): 5.69 sq.m.
 Exceeds by: 2.69 sq.m.

Proposed Sign 2: (Bottom): 5.88 sq.m.
 Exceeds by: 2.88 sq.m.

2. For all Sign Applications, the Development Officer shall have regard for the scale and architectural character of the building and the land use characteristics of surrounding development. The Development Officer shall refuse any Sign Application that may adversely impact the amenities or character of the Zone (Reference Section 59.2.6).

In addition to exceeding the maximum allowable size, the proposed upper Fascia On-premises Sign is inconsistent with the existing overall signage of the building, and nor within the architecutral character of the building, contrary to Section 59.2.6.

Rights of Appeal

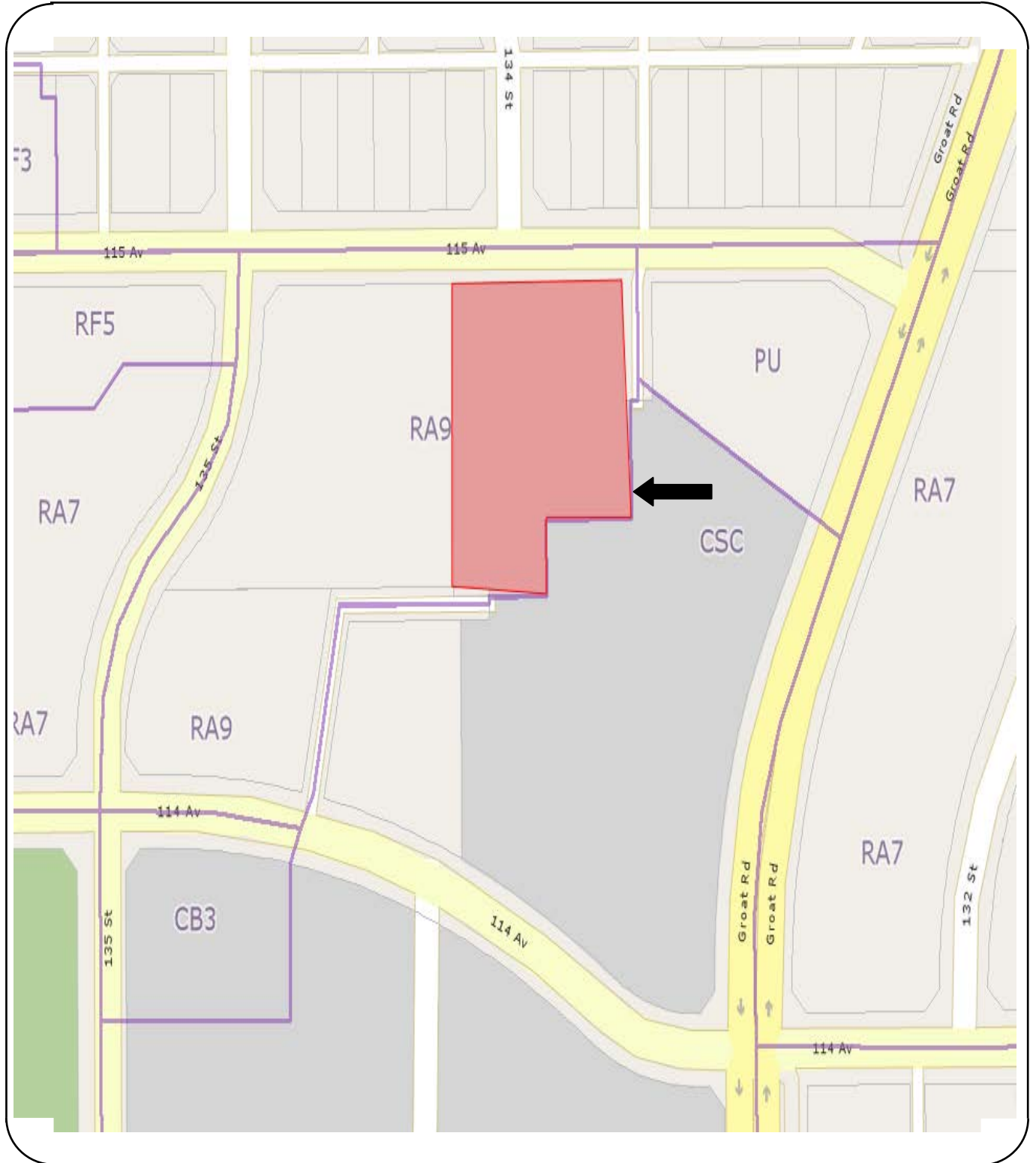
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jun 06, 2016 **Development Authority:** LEE, RACHEL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$5.96	\$5.96	03161541	Mar 30, 2016
Sign Building Permit Fee	\$149.00	\$149.00	03161541	Mar 30, 2016
Sign Development Application Fee	\$174.00	\$174.00	03161541	Mar 30, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$328.96	\$328.96		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-159



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-160

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 189089318-001

ADDRESS OF APPELLANT: 11419 - 73 Avenue NW

APPLICATION TO: Construct a Single Detached House with a front veranda, fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 20, 2016

DATE OF APPEAL: June 9, 2016

NOTIFICATION PERIOD: May 31, 2016 through Jun 13, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 11657 - 73 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11657 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 1621345 Blk 10 Lot 74

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station ARP

Grounds for Appeal

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

11657 - 73 Avenue NW Plan 1621345 Blk 10 Lot 74

#44 2.b) of zoning bylaw 12800 states “where a cantilevered projection as specified in subsection 44(2)(a) above is proposed in a Side Setback, the length of any one projection shall not exceed a wall opening length of 3.1 m. In the case of more than one projection, the aggregate total shall not exceed one third of the length of that house side wall excluding attached Garage walls.”

This application calls for two cantilevers one of which is 3.6 meters instead of the 3.1, and between the two of them they cover 40.1% of the side of the building instead of 33%. These cantilevers will result in only 1.2 meters of separation which is according to the bylaw 12800 (section 44 1.a) The house next door is of similar design.

This appears to be a way of getting around the bylaw which limits the size of the footprint of the house on the first floor and which somewhat limits the additional space acquired through the use of cantilevers. These cantilevers will create a dark tunnel between the two houses which is not good for safety. Also I firmly believe that once variances are allowed for cantilevers that they will be standard on both sides of these skinny houses which are indeed very narrow, but that is another problem. It is against the spirit of the bylaw to allow these huge cantilevers and the BCL cannot support the variances applied for. These houses will begin to look like mushrooms. At the very least the cantilevers should comply with the bylaw.

I don't understand how there can be a requirement for a 2.4 meter separation at grade and only 1.2 meters on the second story. The issue of fire safety must surely be the same on the second story. If more space is needed then the option of a duplex should have been chosen rather than two skinny houses.

[unedited]

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.

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a

development authority 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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,or

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Decision

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

...

- (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.

The Board is advised that the decision of approval by the Development Officer is dated May 20, 2016. The Notice of Appeal was filed on June 9, 2016.

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, Semi-detached Housing and Duplex Housing under certain conditions.”

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Section 7.2(9) states:

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 Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to [Section 78](#) of this Bylaw.

Section 814.1 states that the **General 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.

<p><i>Projection Width Variance</i></p>

Section 44.2 states:

The following features may project into a required Setback or Separation Space as provided for below:

...

2. a) windows, or cantilevered projections without windows, provided that such projections do not exceed [0.6 m](#) in the case of Setbacks or Separation Spaces. In all cases, a minimum distance of [0.6 m](#) from the property line to the outside wall of such projection and all other portions of a Dwelling, including eaves, shall be maintained; and
- b) where a cantilevered projection as specified in subsection 44(2)(a) above is proposed in a Side Setback, the length of any one projection shall not exceed a wall opening length of [3.1 m](#). In the case of more than one projection, the aggregate total shall not exceed one third of the length of that house side wall excluding attached Garage walls. In the case of a Corner Lot, this restriction is applicable only to the interior Side Setback and not the flanking Side Setback. This restriction shall not apply to projections into the Front or Rear Setback.

Development Officer's Determination

1. Projection - The total width of cantilevers of the house wall facing 11655-73 Avenue NW is 5.49m (40.9% of the length of the house wall), instead of 4.43m (33%) (Section 44.2).

[unedited]

Projection Length Variance

Section 44.2 states:

The following features may project into a required Setback or Separation Space as provided for below:

...

2. a) windows, or cantilevered projections without windows, provided that such projections do not exceed [0.6 m](#) in the case of Setbacks or Separation Spaces. In all cases, a minimum distance of [0.6 m](#) from the property line to the outside wall of such projection and all other portions of a Dwelling, including eaves, shall be maintained; and
- b) where a cantilevered projection as specified in subsection 44(2)(a) above is proposed in a Side Setback, the length of any one projection shall not exceed a wall opening length of [3.1 m](#). In the case of more than one projection, the aggregate total shall not exceed one third of the length of that house side wall excluding attached Garage walls. In the case of a Corner Lot, this restriction is applicable only to the interior Side Setback and not the flanking Side Setback. This restriction shall not apply to projections into the Front or Rear Setback.

Development Officer's Determination

2. Projection – A cantilevered portion of the house wall facing 11655-73 Avenue NW is 3.66m long, instead of 3.1m (Section 44.2).

[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. 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.



Project Number: **189089318-001**
Application Date: MAR 24, 2016
Printed: June 10, 2016 at 9:22 AM
Page: 1 of 3

Application for House Development and Building Permit

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 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant



Property Address(es) and Legal Description(s)

11657 - 73 AVENUE NW
Plan 1621345 Blk 10 Lot 74

Scope of Application

To construct a Single Detached House with a front veranda, fireplace, and Basement development (NOT to be used as an additional Dwelling).

Permit Details

Affected Floor Area (sq. ft.): 1828
Class of Permit: Class B
Front Yard (m): 7.05
Rear Yard (m): 17.05
Side Yard, left (m): 1.25
Site Area (sq. m.): 320.73
Site Width (m): 8

Building Height to Midpoint (m): 7.74
Dwelling Type: Single Detached House
Home Design Type:
Secondary Suite Included?: N
Side Yard, right (m): 1.26
Site Depth (m): 39.91
Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

THIS IS NOT A PERMIT



Project Number: **189089318-001**
 Application Date: MAR 24, 2016
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 Page: 2 of 3

Application for House Development and Building Permit

Subject to the Following Conditions

NOTE: This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of a Single Detached House with a front veranda, fireplace, and Basement development (NOT to be used as an additional Dwelling). The development shall be constructed in accordance with the stamped and approved drawings.

The Height of the principal building shall not exceed 8.6 m (Reference Sections 6.1(49) and 52).

The proposed Basement development(s) shall NOT be used as an additional Dwelling. A Secondary Suite shall require a new development permit application.

Frosted or opaque glass treatment shall be used on windows as indicated on the west elevation to minimize overlook into adjacent properties (Reference Section 814.3(4)).

All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.

Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.

All access locations and curb crossings shall have the approval of the City Transportation prior to the start of construction (Reference Section 53(1)). Site access is restricted to the rear lane only.

For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 47)

Any component of a stationary mechanical system that emits noise or is designed to emit noise outside of a building that is audible on any Abutting Site in a residential Zone shall be located in a Rear Yard (Reference Section 45.8).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$102.00

ADVISEMENTS:

- i.) The applicant is advised that there may be complications in obtaining a Development Permit for a future covered or uncovered deck because of excess in Site Coverage.
- ii.) Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Planning and Engineering at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.
- iii.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
- iv.) Any future deck enclosure or cover requires a separate development and building permit approval.
- v.) The driveway access must maintain a minimum clearance of 1.5m from all surface utilities.

vi.) Any building or construction taking place on a road right of way requires an OSCAM (On-Street Construction and

THIS IS NOT A PERMIT



Project Number: **189089318-001**
 Application Date: MAR 24, 2016
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Application for House Development and Building Permit

vi.) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx

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

viii.) An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site.

Variations

1. Projection - The total width of cantilevers of the house wall facing 11655-73 Avenue NW is 5.49m (40.9% of the length of the house wall), instead of 4.43m (33%) (Section 44.2).
2. Projection - A cantilevered portion of the house wall facing 11655-73 Avenue NW is 3.66m long, instead of 3.1m (Section 44.2).

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 20, 2016 **Development Authority:** ROBINSON, GEORGE

Signature: _____

Notice Period Begins: May 31, 2016

Ends: Jun 13, 2016

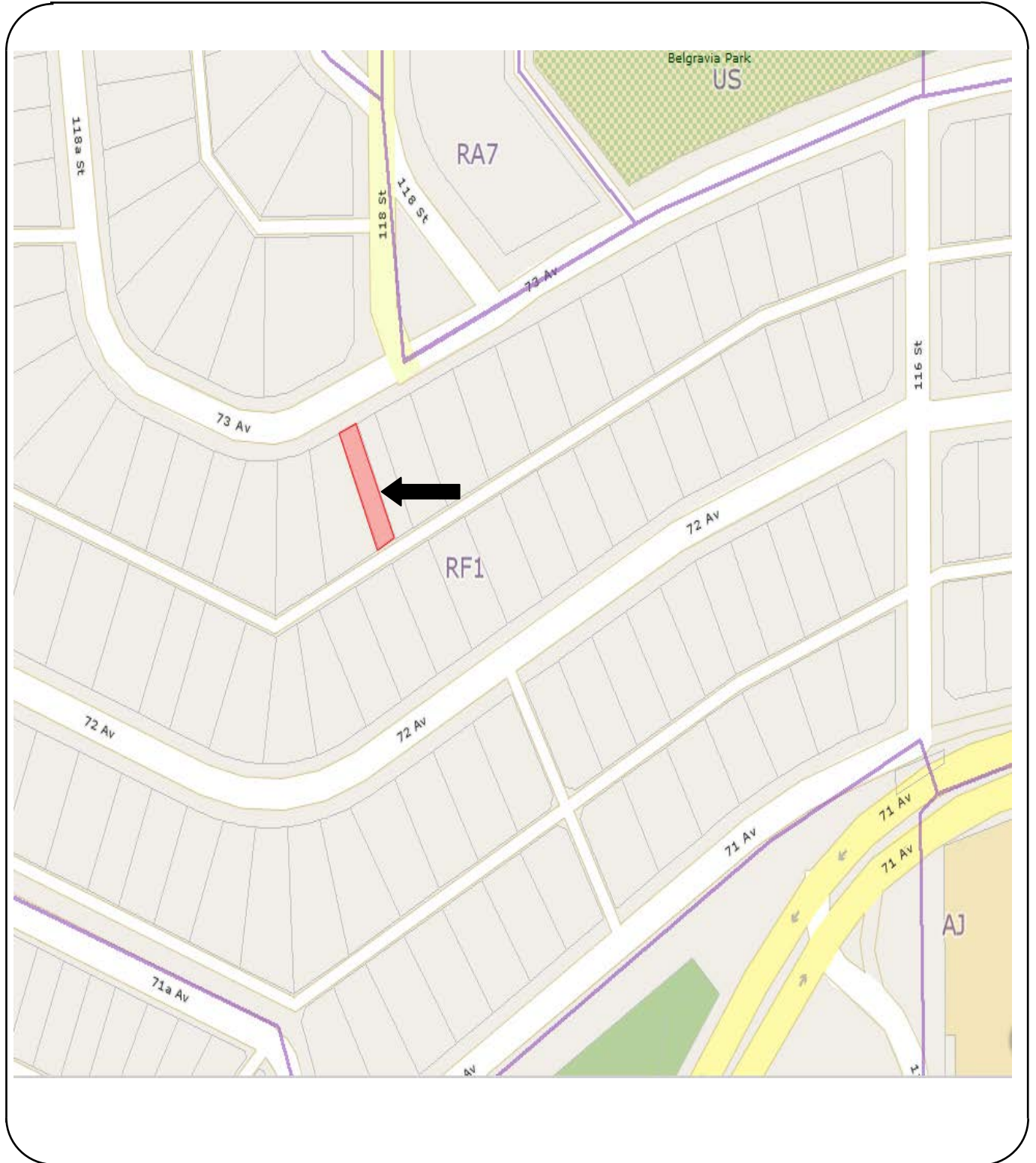
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$77.00	\$77.00	03150611	Mar 24, 2016
Lot Grading Fee	\$135.00	\$135.00	03150611	Mar 24, 2016
Safety Codes Fee	\$64.40	\$64.40	03150611	Mar 24, 2016
Electrical Safety Codes Fee	\$15.10	\$15.10	03150611	Mar 24, 2016
Water Usage Fee	\$44.77	\$44.77	03150611	Mar 24, 2016
Building Permit Fee	\$1,610.00	\$1,610.00	03150611	Mar 24, 2016
Electrical Fees (House)	\$265.00	\$265.00	03150611	Mar 24, 2016
DP Notification Fee	\$102.00	\$102.00	03300249	May 24, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,313.27	\$2,313.27		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-160



BUSINESS LAID OVER

SDAB-D-16-162	An appeal to develop a Secondary Suite in the Basement and to construct exterior alterations (install a side entrance on the main floor) to an existing Single Detached House <i>July 13, 2016</i>
SDAB-D-16-120	An appeal to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 metres by 2.22 metres) and Basement development (NOT to be used as an additional Dwelling) <i>August 3, 2016</i>
SDAB-D-16-136	An appeal to extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South) <i>August 17 or 18, 2016</i>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

99312099-004	An appeal regarding a Stop Order issued for the property located at 6520 – 8 Street NW. <i>July 13, 2016</i>
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