

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Tuesday, 9:00 A.M.  
July 7, 2015**

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

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

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I	9:00 A.M.	SDAB-D-15-122	Construct a Semi-Detached House with front verandas, fireplaces, Basement developments (NOT to be used as additional Dwellings) and to demolish an existing Single Detached House and Accessory Building (detached Garage)  9614 - 72 Avenue NW Project No.: 169949883-001
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**NOTE:**            *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-122

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

APPLICATION NO.:	169949883-001
APPLICATION TO:	Construct a Semi-detached House with front verandas, fireplaces, Basement developments (NOT to be used as additional Dwellings) and to demolish an existing Single Detached House and Accessory Building (detached Garage)
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with conditions
DECISION DATE:	May 6, 2015
DATE OF APPEAL:	May 25, 2015
NOTIFICATION PERIOD:	May 12, 2015 through May 25, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	9614 - 72 Avenue NW
LEGAL DESCRIPTION:	Plan 426HW Blk 29 Lot N
ZONE:	RF3 Small Scale Infill Development Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	Ritchie Neighbourhood Improvement / Area Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit authorizes the development of a Semi-Detached House with front verandas, fireplaces, Basement developments (NOT to be used as additional Dwellings) and the demolition of an existing Single Detached House and Accessory Building (detached Garage). The development shall be constructed in accordance with the stamped and approved drawings.

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

The height of the principal building shall not exceed 8.6 m nor 2 1/2 Storeys as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.

Any future deck enclosure or cover requires a separate development and building permit approval.

The proposed Basement development(s) shall NOT be used as additional Dwelling(s). An additional Dwelling shall require a new Development Permit application.

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.

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.

The maximum number of Dwellings per lot and applicable density regulations shall be as follows: Where Semi-detached Housing and Duplex Housing are allowed in this Zone, a maximum of two Dwellings per lot or and where Single Detached Housing is developed in this Zone, a maximum of one Dwelling per Site, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite shall be allowed. Reference Section 140.4 (17)(b)

Semi-detached Housing requires 2 on-site parking spaces per Dwelling and may be in tandem to the attached garage. (Reference Section: 54.2(3))

Except for the hardsurfacing 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.

Notwithstanding 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 replace vegetation removed during construction or to reinforce an established Landscaping context in the area. (Reference Section 140.4(16))

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 140.4(15))

Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the facade, porches or entrance features, building materials, or other treatments. (Reference Section 140.4(18))

Note: Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Note: The development of a Secondary Suite(s) in a Semi Detached House is prohibited by the Edmonton Zoning Bylaw 12800. There may be an inspection in the future to ensure that no illegal suite has been developed.

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

**VARIANCES:**

1. Section 140.4(3)(b) relaxed - the minimum Site Width from 13.4 m to 12.48 m.
2. 140.4(13)(a) Side Setbacks shall total at least 20% of the Site Width.  
Total side setbacks required: 2.50 m  
Total side setbacks proposed: 2.42 m  
Deficient by: 0.08 m

**Notes:**

A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

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

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**APPELLANT'S SUBMISSION**

For the reasons following I wish to appeal the conditions of development of the property at 9614 - 72 Avenue: there has been approval of relaxation of section 140.4(3)(b) - minimum site width and section 140.4(13)(a) site setbacks shall total at least 20% of the site width.

As it currently stands the property that has been approved will be build closer than standards allow to neighboring dwellings. This poses a major fire hazard. In the event of a house fire the neighboring dwellings are now closer together and do not have an adequate buffer zone, putting both dwellings at risk.

Furthermore, emergency personal will have limited space to move in between homes in the event of an emergency. The lack of adequate spacing also means that noise will be more easily heard between dwellings. Also in-fills typically produce grading issues between dwellings. The closer the dwellings are the more likely that neighboring properties will be exposed to water in their basements due to grading issues.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

Under Section 7.2(8), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variances:

Section 140.4(3)(b) states Site regulations for Semi-detached Housing on a non-Corner Lot, the minimum Site Width shall be 13.4 metres, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10 metres.

**The Development Officer determined the minimum Site Width shall be 13.4 metres. The proposed development provides a Site Width of 12.48 metres and a relaxation of 0.92 metres was granted.**

Section 814.3(2) states where the Site Width is less than 18.3 metres, the Side Setback requirements of the underlying Residential Zone shall apply.

Section 140.4(13)(a) states Side Setbacks shall total at least 20% of the Site Width to a maximum total of 6.0 metres, with a minimum Side Setback of 1.2 metres on each side.

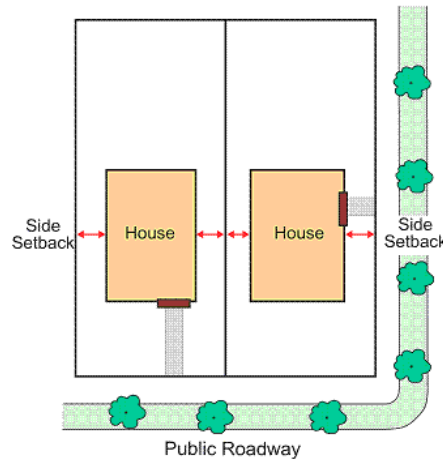
**The Development Officer determined the total Side Setbacks required is 2.50 metres. The proposed development provides a Side Setback total of 2.42 metres and a relaxation of 0.08 metres was granted.**

The decision of approval by the Development Officer has been appealed by an adjacent property owner at 9619 - 73 Avenue.

The submitted Plot Plan created by Alberta Geomatics Inc., dated May 5, 2015 shows that the subject site has a Site Width of 12.48 metres and a Site depth of 40.29 metres.

The proposed Semi-detached House is located 5.29 metres from the (south) Front Lot Line, 1.21 metres from both the (east and west) Side Lot Lines, and 19.41 metres from the (north) Rear Lot Line.

Under Section 6.1(90), **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.



Under Section 6.1(94), **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.

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

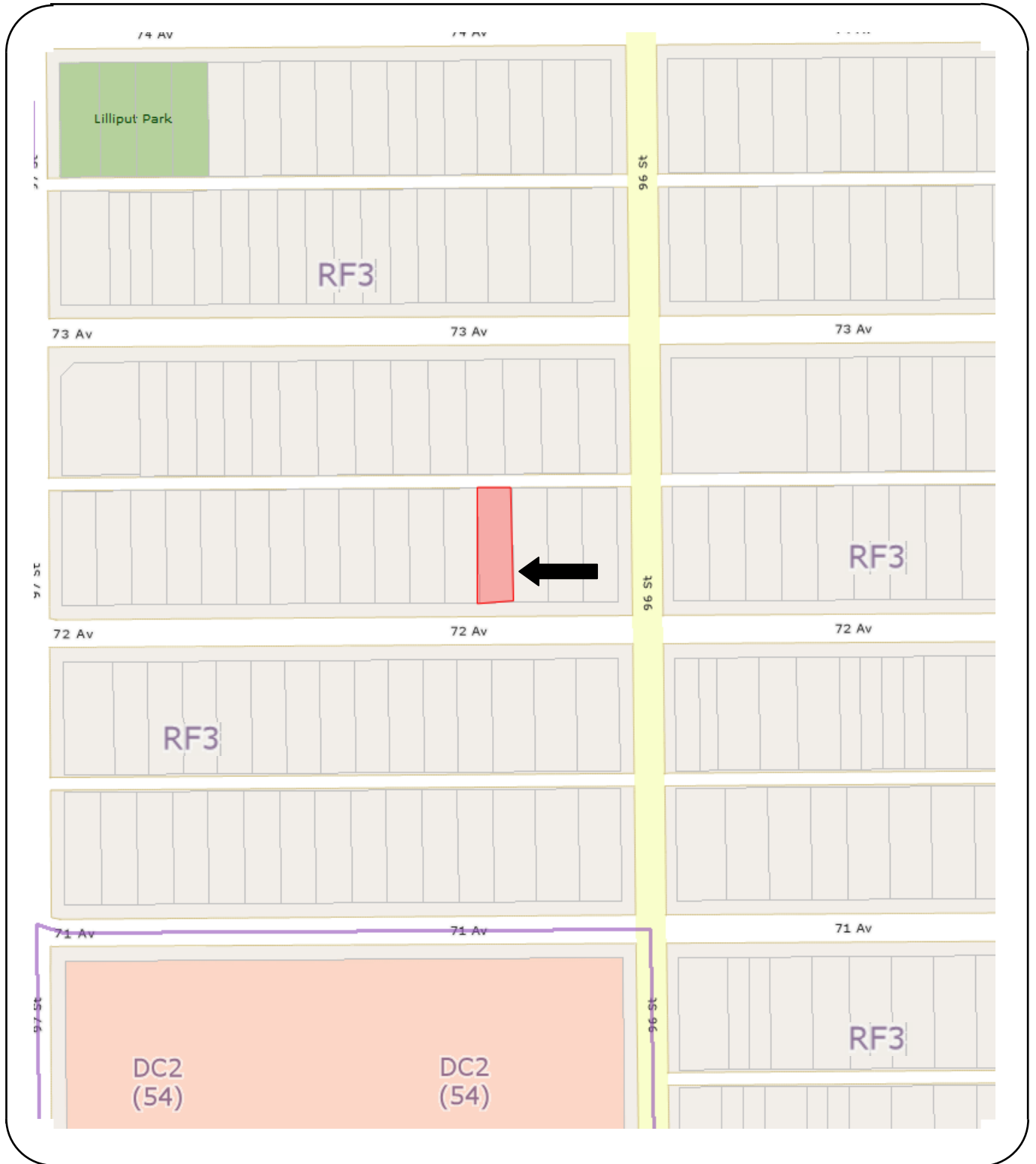
Section 140.1 states the purpose of the zone is to provide for Single Detached Housing and Semi-detached Housing while allowing small scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

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NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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.

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### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-122





**BUSINESS LAID OVER**

<b>SDAB-D-15-136</b>	An appeal to construct and operate a Residential Sales Centre <i>July 15 or 16, 2015</i>
<b>SDAB-D-15-125</b>	An appeal to construct an uncovered deck (1.95m x 4.90m at 1.10m in height), existing without permits <i>July 15 or 16, 2015</i>
<b>SDAB-S-15-006</b>	An to create two (2) semi-detached residential units by Bard Land Condominium <i>July 15 or 16, 2015</i>
<b>SDAB-D-15-138</b>	An appeal to develop a Secondary Suite in an existing Single Detached House <i>August 5 or 6, 2015</i>

**APPEAL HEARINGS TO BE SCHEDULED**

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