

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 29, 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-16-152	Construct 3 Dwellings of Row Housing with a Side Attached Garage and Demolish the existing Semi-Detached Building. 10960 - 122 Street NW Project No.: 161302339-002
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II	1:00 P.M.	SDAB-D-16-153	Construct a two storey Accessory Building (Garage Suite on Second Floor Garage on Main Floor - 9.14m x 7.92m, balcony 2.44m x 3.05m and side landing 1.20m x 1.20m) 9239 - Strathearn Drive NW Project No.: 176510801-004
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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-16-152

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

APPELLANT:

APPLICATION NO.: 161302339-002

ADDRESS OF APPELLANT: 10980 - 122 Street NW

APPLICATION TO: Construct 3 Dwellings of Row Housing with a Side Attached Garage and Demolish the existing Semi-Detached Building.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: May 16, 2016

DATE OF APPEAL: June 6, 2016

RESPONDENT: Ivyland Developments Ltd.

ADDRESS OF RESPONDENT: 10960 - 122 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10960 - 122 Street NW

LEGAL DESCRIPTION: Plan RN39B Blk 53 Lots 1-2

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

1. Placement of driveway on 122 Street
2. Building and garage do not reflect the existing house pattern along the street.
3. Buildings are suburban in flavour and vocabulary. [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.

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,

...

- (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*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.1 Class B Development

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
 - a. each assessed owner of the Site or a part of the Site of the development;
 - b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
 - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and

- d. the President of each Business Revitalization Zone Association operating within the notification boundaries described in clause (b) above.
2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
3. Within 10 days of the issuance of a Development Permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated May 16, 2016. Notice of the development was published in the Edmonton Journal on May 24, 2016. The Notice of Appeal was filed on June 6, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 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 140.2(5), **Row Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(6) states:

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 Grade. This Use Class does not include Stacked Row Housing or Blatchford Townhousing.

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.

Front Setback

Section 814.3(1) states:

1. 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 and with the general context of the blockface. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. On a Corner Site, in the (RF3) Small Scale Infill Development Zone, where Row Housing, Stacked Row Housing or Apartment Housing faces the flanking Side Lot Line, the following regulations shall apply:

- a. For Lots where the Front Setback of the Abutting Lot is 9.0 m or less, the Front Setback shall be a maximum of 6.0 m.
- b. For Lots where the Front Setback of the Abutting Lot is greater than 9.0 m and less than 11.0 m, the Front Setback shall be consistent within 3.0 m of the Front Setback of the Abutting Lot, to a maximum of 7.0 m.
- c. For Lots where the Front Setback of the Abutting Lot is 11.0 m or greater, the Front Setback shall be within 4.0 m of the Front Setback of the Abutting Lot.

Development Officer’s Determination

The Development Officer referenced Section 814.3(1) and granted the following variance:

Reduced Front Setback - The distance from the house to the property line along 122 Street (front lot line) is 6.02m. This setback is 2.25m from the front setback of the abutting lots, instead of within 1.5m (Section 814.3.1)) [unedited]

Rear Setback

Section 814.3(5) states: “The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.”

Development Officer’s Determination

The Development Officer referenced Section 814.3(5) and granted the following variance:

Reduced Rear Setback - The distance from the house to the rear property line is 11.76 m (38.6% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.5). [unedited]

Driveway

Section 814.3(10) states:

- 10. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and
 - a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;

- b. the Site Width is less than 15.5 m; or
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Development Officer's Determination

The Development Officer referenced Section 814.3(10) and granted the following variance:

Driveway - The driveway is located off of 122 Street instead of the alley (Section 814.3.10). [unedited]

Tandem Parking

Section 54.1(2)(f) states: "Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking."

Development Officer's Determination

The Development Officer referenced Section 54.1(2)(f) and granted the following variance:

Tandem Parking - Tandem parking is permitted in the garage and on the driveway. (Section 54.1.2.f) [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: **161302339-002**
Application Date: JAN 28, 2015
Printed: June 17, 2016 at 12:03 PM
Page: 1 of 5

Major Development Permit

This document is a record of a Development 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.

Applicant 	Property Address(es) and Legal Description(s) 10960 - 122 STREET NW Plan RN39B Blk 53 Lots 1-2
	Specific Address(es) Entryway: 10960 - 122 STREET NW Entryway: 10962 - 122 STREET NW Entryway: 10964 - 122 STREET NW Building: 10960 - 122 STREET NW

Scope of Permit
To construct 3 Dwellings of Row Housing with a Side Attached Garage and Demolish the existing Semi-Detached Building.

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 307.69 New Sewer Service Required: Y Site Area (sq. m.): 721.15	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 4 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **161302339-002**
 Application Date: JAN 28, 2015
 Printed: June 17, 2016 at 12:03 PM
 Page: 2 of 5

Major Development Permit

Subject to the Following Conditions

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.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$ 440.00

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Notification Fee of \$100.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- a) cash to a value equal to 100% of the established landscaping costs;
- or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$ 4,084.00. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

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.

Screening shall be provided in the form of fencing no less than 1.22m in height, between the Private Outdoor Amenity Areas provided in the west yard of each Dwelling to ensure adequate privacy..

All planting shall be installed to the finished Grade. Where this is not practical in the opinion of the Development Officer, planters may be used. Such planters shall be of adequate design, having sufficient soil capacity and insulation to promote healthy growth.

Landscaping that extends onto or over City-owned lands shall be developed in accordance with the Traffic Bylaw 5590 and the City Design & Construction Standards.

The Development Officer may require, as a condition of Development Permit approval, a guaranteed security, from the property owner, to ensure that Landscaping is provided and maintained for two growing seasons. Only the following forms of security are acceptable:

- a. cash to a value equal to 100% of the Landscaping cost; or
- b. an irrevocable Letter of Credit in the amount of 100% of the Landscaping cost.

The projected cost of the Landscaping shall be calculated by the owner or the owner's representative and shall be based on the information provided on the Landscape Plan. If, in the opinion of the Development Officer, these projected costs are inadequate, the Development Officer may establish a higher Landscaping cost figure for the purposes of determining the value of the Landscaping security.

If cash is offered as the Landscaping security, it shall be held, by the City, without interest payable, until, by confirmation through inspection by the Development Officer, the Landscaping has been installed and successfully maintained for two growing seasons. Partial refund after installation of the Landscaping or after one growing season shall be considered upon request of the owner, at the sole discretion of the Development Officer.

If a Letter of Credit is offered as the Landscaping security, it shall be in a form satisfactory to the Development Officer. The initial

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **161302339-002**
 Application Date: JAN 28, 2015
 Printed: June 17, 2016 at 12:03 PM
 Page: 3 of 5

Major Development Permit

term of the Letter of Credit shall be one year. The Letter of Credit shall be renewed by the owner 30 days prior to expiry and delivered to the Development Officer until such time as the Landscaping has been installed and maintained for two growing seasons.

Upon application by the owner or the owner's representative, a Letter of Credit may be amended to a reduced amount, for attachment to the original Letter of Credit, at the discretion of the Development Officer, when any of the following events occur:

- the required Landscaping has been properly installed; and
- the required Landscaping has been well maintained and is in a healthy condition after one growing season.

Upon application by the owner or the owner's representative, a Letter of Credit shall be fully released if the required Landscaping has been well maintained and is in a healthy condition after two growing seasons.

Any Letter of Credit shall allow for partial draws by the City if the Landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development; or the Landscaping is not well maintained and in a healthy condition two growing seasons after completion of the Landscaping. The City may draw on a cash security or a Letter of Credit and the amount thereof shall be paid to the City for its use absolutely. All expenses incurred by the City, to renew or draw upon any Letter of Credit, shall be reimbursed by the owner to the City by payment of invoice or from the proceeds of the Letter of Credit.

In the event the owner does not complete the required Landscaping, or fails to maintain the Landscaping in a healthy condition for the specified periods of time, and the cash or the proceeds from the Letter of Credit are insufficient for the City to complete the required work, should it elect to do so, then the owner shall pay such deficiency to the City immediately upon being invoiced. The City shall provide an accounting to the owner indicating how the proceeds of the Letter of Credit were applied, within 60 days of completing or maintaining the landscaping.

Upon receipt of a written request from the parties involved in the development, including but not limited to the property owner, condominium association or the issuer of the Letter of Credit, an inspection of the finished Landscaping shall be completed by the Development Officer. Inspections shall be made during the normal growing season, between May 01 and September 30. All reasonable effort shall be made by the Development Officer to perform the inspection within 20 working days of receipt of the inspection request.

All plant materials shall meet the horticultural standards of the most current edition of the "Guide Specifications for Nursery Stock", produced by the Canadian Nursery Trade Association.

There are existing boulevard trees adjacent to the proposed access that must be protected during construction. A minimum clearance of 2.0 m must be maintained between the proposed access and the trunk of the trees (J and K), as shown on the Enclosure. A Forestry representative must be present during construction of the access. The owner/applicant must contact Bonnie Fermanuk of Citizen Services (780-496-4960) prior to construction. The costs for any required hoarding and/or root-cutting shall be borne by the owner/applicant.

Due to the required clearances from boulevard trees described above, the access to 122 Street that was originally proposed as 9 m in width must be reduced to 6.5 m (approximately). The proposed 6.5 m residential access to 122 Street located approximately 4.5 m from the north property line is acceptable to Sustainable Transportation and must be constructed as a private crossing access to current City of Edmonton standards, as shown on the Enclosure. The owner/applicant must obtain a crossing permit, available from the Development and Zoning Services Branch, 5th Floor, 10250 101 Street.

A temporary construction access will be granted to 122 Street. An OSCAM permit will be required to authorize this temporary/construction access for a period of up to 1 year with the potential to reassess and extend the term of the permit based on the operation of the access at that time. For further information on the OSCAM permit, the applicant is to contact Dale Blacklock (780-944-5649) of Transportation Operations.

The proposed connector sidewalk (1 total), from the east property line of the subject site to tie into the City sidewalk on the east side of 122 Street, as shown on the Enclosure, is acceptable to Urban Transportation.

There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **161302339-002**
 Application Date: JAN 28, 2015
 Printed: June 17, 2016 at 12:03 PM
 Page: 4 of 5

Major Development Permit

utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

Upon Parks approval of the plan, a site meeting with Forestry will be required to review construction plans and tree protection during construction conflicts (construction work within 5 meters). This meeting will need to be scheduled a minimum 4 weeks in advance of the construction start date. Please be advised that all costs associated with the removal, replacement or transplanting of trees shall be covered by the Proponent as per the Corporate Tree Management Policy (C456A). Forestry will schedule and carry out all required tree work involved with this project. Please contact Bonnie Fermanuik (780-496-4960) to arrange this meeting.

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

Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Sustainable Transportation, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Sustainable Transportation prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

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

WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)

ADVISEMENTS

Currently, the property immediately west of the subject site takes access from 109A Avenue to an unpaved parking driveway located on the east side of the structure located on that property. It appears that vehicles associated with that residence are driving over the property line and a portion of the subject site to access the parking area. If the applicant for the subject site wishes to construct a fence between their property and the property to the west, access to the neighbouring parking area will be affected but it is the right of the applicant to fence their property should they want.

As part of the Westmount Neighbourhood Renewal, 122 Street and 109A Avenue are scheduled for reconstruction in 2016. For more information and to potentially coordinate concrete work related to the access, we recommend the applicant contact Felix Lam (780-944-7695) of Transportation Infrastructure.

Variances

Reduced Front Setback - The distance from the house to the property line along 122 Street (front lot line) is 6.02m. This setback is 2.25m from the front setback of the abutting lots, instead of within 1.5m (Section 814.3.1)

Reduced Rear Setback - The distance from the house to the rear property line is 11.76 m (38.6% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.5).

Driveway - The driveway is located off of 122 Street instead of the alley (Section 814.3.10).

Tandem Parking - Tandem parking is permitted in the garage and on the driveway. (Section 54.1.2.f)

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: 161302339-002
Application Date: JAN 28, 2015
Printed: June 17, 2016 at 12:03 PM
Page: 5 of 5

Major Development Permit

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 16, 2016 **Development Authority:** HARRISON, MARK

Signature: _____

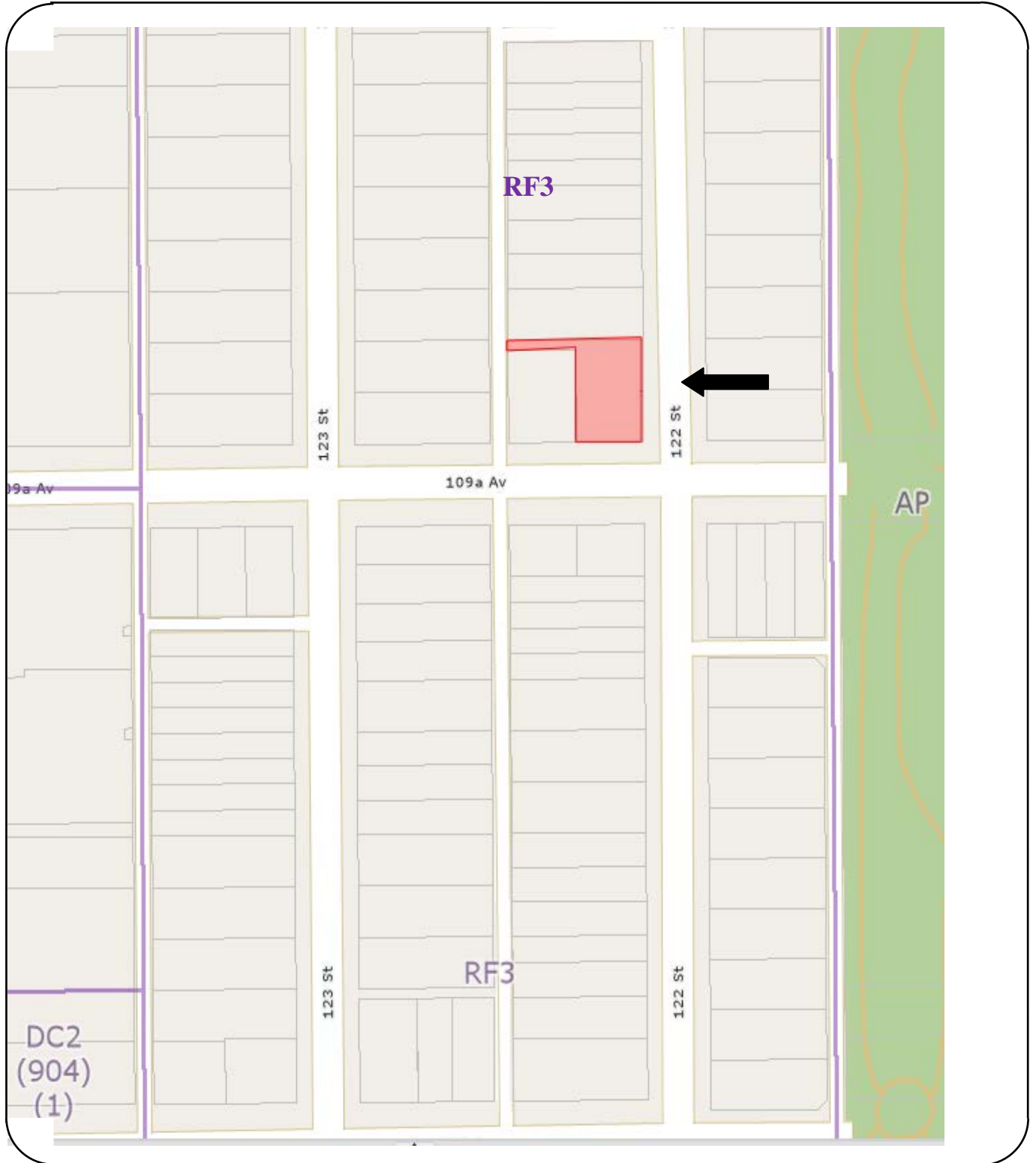
Notice Period Begins: May 24, 2016

Ends: Jun 06, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$440.00			
Sanitary Sewer Trunk Fund 2012+	\$4,084.00			
Major Dev. Application Fee	\$770.00	\$770.00	02199847	Jan 28, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,394.00	\$770.00		
(\$4,624.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-152



N

ITEM II: 1:00 P.M.

FILE: SDAB-D-16-153

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 176510801-004

ADDRESS OF APPELLANT: 9239 Strathearn Drive NW

APPLICATION TO: Construct a two storey Accessory Building (Garage Suite on Second Floor Garage on Main Floor - 9.14m x 7.92m, balcony 2.44m x 3.05m and side landing 1.20m x 1.20m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 1, 2016

DATE OF APPEAL: June 7, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9239 Strathearn Drive NW

LEGAL DESCRIPTION: Plan 8296ET Blk 2 Lot 10

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Southeast Area Structure Plan

Grounds for Appeal

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

DEVELOPMENT APPEAL SUBMISSION RE GARAGE SUITE

Maximum coverage: Bylaw: accessory buildings can cover 12%.

- The garage / suite proposal would cover 13.3% of the lot
- The house covers 23.91% of the lot, which is less than the 28% allowed per Bylaw 12800. The total lot coverage including the garage as proposed totals 37.21% of the lot, which is below the 40% total allowance.

Maximum height: 5.5 M or up to 1.5M higher than the house

The garage proposal would have a height of 6.34M, which is .84M higher than allowance.

- Given the design of the roof on the house, it is desirable to build the garage and suite with a compatible roof line.
- The house as built blocks the view of the garage with suite from the front street.
- There is a tree approximately 12.192M (40 feet) on the boulevard directly in front of the house which blocks the view from across Strathearn Drive to the house
- There are no houses on Strathearn Drive across from the property

Maximum floor space allowance: 60 M²

The garage and suite proposal would cover 73.95M², an overage of 13.95 M², including the stair landing.

The garage suite covers 72.46 M² (780 square feet on a 26 X 30 footprint).

- The stair landing covers 1.44 M²
- Bylaw 12800 item 3c states: Notwithstanding 3(a) the maximum floor area may be increased by up to 7.5M² only where this additional floor area comprises the area of the platform structure associated with the garage suite. The balcony covers 7.432M² (80 square feet).
- If the total allowance is 67.5M², we seek a 9.5% allowance of 6.4M².

Platform structures, including balconies, are allowed only if they face the adjoining laneway.

The end of the balcony abuts the property next door at 9243 Strathearn Drive

- Although the end rail of the balcony abuts the neighbor's property, it overlooks the garage and driveway and not the amenity area.
- A lattice or other type privacy screen can be erected at that end of the balcony.

Appeal Board Considerations:

The proposed development does not unduly interfere with the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment or value of neighboring parcels of land:

The view from Strathearn Drive across to downtown is one of the prettiest in the City of Edmonton. It is hard to imagine that a laneway garage suite would interfere with such an amenity for other homeowners on the street.

Proposed use: 1 or 2 person apartment

Massing effect: None

Siting of development:	A garage suite at the back of the lot will not create interference or have a negative effect on use or enjoyment of their property by other homeowners.
Sun shadowing effect:	Negligible, even in winter.
Streetscape:	No interference with the primary front view streetscape.
Compatibility:	The garage and suite are compatible both with the new house and with the unique and varied house designs of the neighborhood.
Pedestrian or vehicular traffic:	Vehicular traffic down the laneway is mostly homeowners accessing their garages; pedestrian traffic is minimal, as the front street is preferred.
Noise:	No anticipated increase in noise

Bylaw 17277, July 6, 2015

Garage or garden suites are discretionary within the applicable zone with the Development Officer exercising discretion regarding:

- (a) Compatibility of the use with siting, geodetic elevations, height, roof slopes, and building types and materials characteristic of surrounding low density ground-oriented housing and development.
 - Surrounding housing is mostly new development on Strathearn Drive with several dwellings of unique design, size and height.
- (b) Effect on privacy of adjacent properties:
 - We have taken care in our design that windows facing adjacent properties have their lowest point 6 feet above the floor of the suite except in the case of the deck window, which is 8 feet back from the edge of the deck. The garage itself is positioned at the back of the lot, so the suite does not overlook the amenity area of either adjacent yard, but overlooks the garage and driveway of the adjacent lots.
 - The residence directly across the laneway faces Donnell Road has a front attached garage. The rear perimeter of that property is lined with mature evergreen trees, which make a natural privacy screen for that property.

It is the goal of the Corner Stone Program, to which we intend to apply, to increase the supply of long term affordable housing. We believe this structure is in keeping with that stated goal.

Our desire is to build a structure which is of a liveable size for 2 people that is in keeping with the modern streetscape of Strathearn Drive. [content unedited; formatting altered for clarity]

Board Officer Comments

The Appellant references Bylaw 17277, which was passed by City Council on July 6, 2015. Bylaw 17277 amended portions of Section 14 of the *Edmonton Zoning Bylaw* with respect to Special Information Requirements. The amended provisions included:

- Section 14.2 Wind Impact Statement and Study;
- Section 14.3 Sun Shadow Impact Study;
- Section 14.4 Floodplain Information;
- Section 14.10 Drainage Information; and
- Section 87.14(a), replacement of the term, “Grade elevation” with “geodetic elevation”.

Section 87(14)(a) provides as follows:

Garage and Garden Suites shall be developed in accordance with the following regulations:

...

14. where Garage Suites or Garden Suites are Discretionary within the applicable Zone, the Development Officer may exercise discretion in considering a Garage Suite having regard to:
 - a. compatibility of the Use with the siting, geodetic elevations, Height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
 - b. the effect on the privacy of adjacent properties;
 - c. the policies and guidelines for Garage Suites and Garden Suites contained in a Statutory Plan for the area.

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, or
 - ...

The decision of the Development Officer is dated June 1, 2016. The Notice of Appeal was filed on June 7, 2016.

Determining an Appeal

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.3(3), **Garage Suite** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.2(3) states:

Garage Suite means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

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.

<i>Maximum Site Coverage</i>

Section 110.4(7)(a) states:

- 7. Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. a.Single Detached Housing - Site greater than 300 m2	28%	12%	40%	40%

Development Officer’s Determination

1. Maximum Site Coverage for an Accessory Building on a Site greater than 300m2 shall be 12% (Section 110.4(7)(a)).

Proposed: 13.60%
Over by: 1.60% [unedited]

Maximum Height

Section 87(2)(a)(ii) states:

Garage and Garden Suites shall be developed in accordance with the following regulations:

...

2. the maximum Height shall be as follows:

a. Garage containing a Garage Suite (above Grade):

...

ii. 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°).

Development Officer’s Determination

2. The maximum Height for a Garage containing a Garage Suite: 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4). (Section 87.2(a)(ii)).

Proposed: 6.34m
Over by: 0.84m [unedited]

Maximum Floor Area

Section 87(3)(a) states that “the maximum Floor Area shall be... 60 m² for a Garage Suite (above Grade).”

Development Officer’s Determination

3. Maximum Floor Area for a Garage Suite (above Grade) shall be 60m² (Section 87.3(a)).

Proposed: 73.95m²

Overby: 13.95m² [unedited]

Platform Structures

Section 87(10) states: “Platform Structures, including balconies, shall be allowed as part of a Garage Suite developed above a detached Garage only where the balcony faces the lane or a flanking roadway.”

Development Officer’s Determination

The Development Officer referenced Section 87(10) and determined the following:



Portion of proposed Balcony faces abutting lot, located at 9243 Strathearn Drive [unedited]

Discretionary Use

The Development Officer noted that Garage Suites are a Discretionary Use in the RF1 Single Detached Residential Zone.

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: 176510801-004 Application Date: JUL 27, 2015 Printed: June 22, 2016 at 4:29 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for</h2> <h1 style="margin: 0;">House Development and Building Permit</h1>			
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) 9239 - STRATHEARN DRIVE NW Plan 8296ET Blk 2 Lot 10 Location(s) of Work Suite: 9239 - STRATHEARN DRIVE NW Entryway: 9239 - STRATHEARN DRIVE NW Building: 9239 - STRATHEARN DRIVE NW		
Scope of Application To construct a two storey Accessory Building (Garage Suite on Second Floor Garage on Main Floor - 9.14m x 7.92m, balcony 2.44m x 3.05m and side landing 1.20m x 1.20m).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 700 Class of Permit: Front Yard (m): Rear Yard (m): 4.6 Side Yard, left (m): 1.47 Site Area (sq. m): 541.8 Site Width (m): 14.5 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 6.43 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.93 Site Depth (m): 39.74 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 700 Class of Permit: Front Yard (m): Rear Yard (m): 4.6 Side Yard, left (m): 1.47 Site Area (sq. m): 541.8 Site Width (m): 14.5	Building Height to Midpoint (m): 6.43 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.93 Site Depth (m): 39.74 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused			
THIS IS NOT A PERMIT			



Project Number: **176510801-004**
 Application Date: JUL 27, 2015
 Printed: June 22, 2016 at 4:29 PM
 Page: 2 of 2

Application for House Development and Building Permit

Reason for Refusal

1. Maximum Site Coverage for an Accessory Building on a Site greater than 300m² shall be 12% (Section 110.4(7)(a)).

Proposed: 13.60%
 Over by: 1.60%

2. The maximum Height for a Garage containing a Garage Suite: 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4). (Section 87.2(a)(ii)).

Proposed: 6.34m
 Over by: 0.84m

3. Maximum Floor Area for a Garage Suite (above Grade) shall be 60m² (Section 87.3(a)).

Proposed: 73.95m²
 Overby: 13.95m²

4. Platform Structures, including balconies, shall be allowed as part of a Garage Suite developed above a detached Garage only where the balcony faces the lane or a flanking roadway. (Section 87.10)

Portion of proposed Balcony faces abutting lot, located at 9243 Strathearn Drive

5. Garage Suite is a Discretionary Use in the RF1 Zone (Section 140.3(4)).

Rights of Appeal

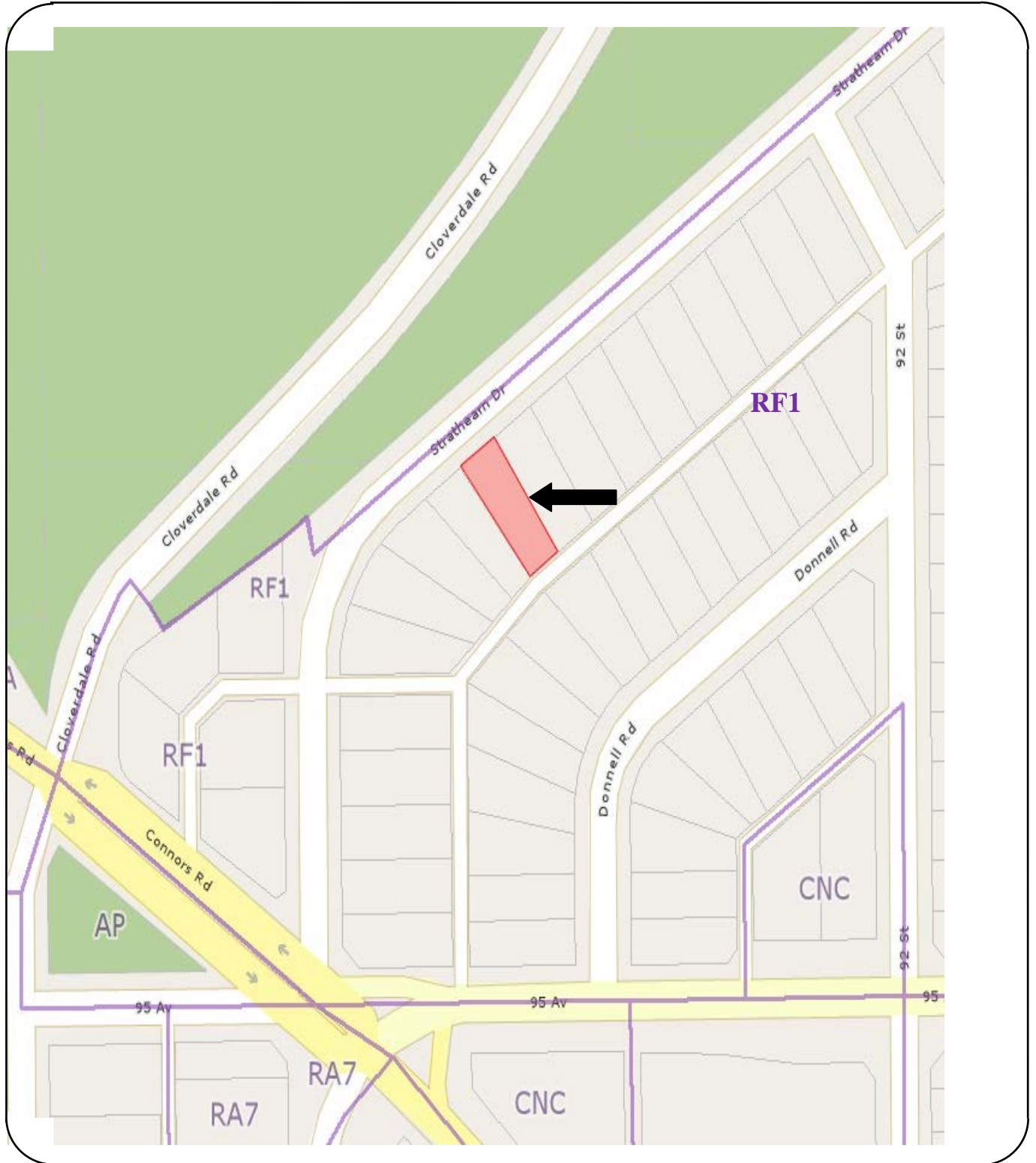
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jun 01, 2016 **Development Authority:** HAMILTON, FIONA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$75.00	\$75.00	02617223	Jul 27, 2015
Lot Grading Fee	\$135.00	\$135.00	02617223	Jul 27, 2015
Safety Codes Fee	\$40.88	\$40.88	02617223	Jul 27, 2015
Sanitary Sewer Trunk Fund	\$633.00	\$633.00	02617223	Jul 27, 2015
Electrical Safety Codes Fee	\$13.02	\$13.02	02617223	Jul 27, 2015
Water Usage Fee	\$25.41	\$25.41	02617223	Jul 27, 2015
Building Permit Fee	\$1,022.00	\$1,022.00	02617223	Jul 27, 2015
Electrical Fees (House)	\$213.00	\$213.00	02617223	Jul 27, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,157.31	\$2,157.31		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-153



N

BUSINESS LAID OVER

SDAB-D-16-162	An appeal by <u>A. Cotton</u> vs. <u>Y. Noel and A. Hurtarte</u> 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 by <u>The House Company</u> 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 by <u>Bill Co. Incorporated</u> 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 by <u>Kiewit Energy Canada Corp</u> 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 by <u>1043389 Alta. Ltd.</u> regarding a Stop Order issued for the property located at 6520 – 8 Street NW. <i>July 13, 2016</i>
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