

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.
June 23, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-21-056

Construct exterior alterations (Driveway extension, irregular shape (3.6m x 8.0m))

3650 - Westcliff Way SW
Project No.: 379875196-002

II 10:30 A.M. SDAB-D-21-096

Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear uncovered deck (3.66m x 3.05m) and Basement development (NOT to be used as an additional Dwelling)

2104 - 160 Street SW
Project No.: 387823106-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-056

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 379875196-002

APPLICATION TO: Construct exterior alterations (Driveway extension, irregular shape (3.6m x 8.0m))

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 3, 2021

DATE OF APPEAL: March 16, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3650 - Westcliff Way SW

LEGAL DESCRIPTION: Plan 1224748 Blk 2 Lot 165

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Windermere Area Structure Plan
Windermere Neighbourhood Structure Plan

Grounds for Appeal

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

The development permit for the extension of the driveway was declined as per the response from the city for being compliant with section 54.3.3c .

Section 54 states: The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site,

either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway.

The subject property is an inside cul-de-sac and therefore similar to a corner site. Because of the irregular shape of the lot, the driveway would have to accommodate the shape for a few reasons such as the approach to the garage and the sidewalk to the entry of the home. Also, because the narrow shape of the front (as it widens to the back) it limits the number of vehicles and the way the vehicles must park when guest is attending the homeowners home. So not block off the street or create any obstruction on the main road they will be forced to use the driveway.

If the garage was an L-shaped garage this section of the bylaw would not be applicable as the driveway would far exceed the multiple of 3.7m.

Beautiful landscaping of trees, shrubs and rocks will be on both sides of the driveway/sidewalk with beautiful lanterns on either side creating a beautiful site for the neighbors and area for this estate home.

<i>General Matters</i>

Appeal Information:

The Subdivision and Development Appeal Board (the “Board”) made and passed the following motion on April 14, 2021:

“That the appeal hearing be rescheduled to June 23 or June 24, 2021 at the request of the Appellant.”

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.

(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,

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis

licence and distances between those premises and other premises;

...

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

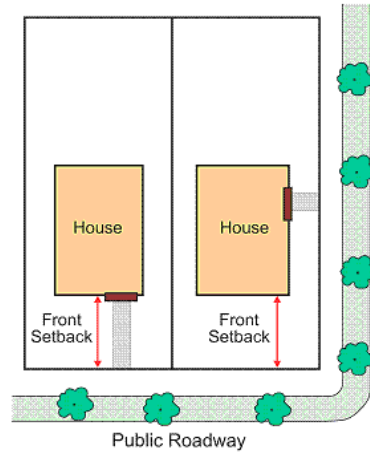
Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front Setback** means:

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



Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of the **(RSL) Residential Small Lot Zone** is “to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.”

Vehicle Parking Design for Low-density Residential

Section 54.3(3) states:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- ...
- c. for a Garage or Parking Area with two or more Vehicle Parking spaces, the width of the garage or parking area or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less; and
- ...

Development Officer's Determination

The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a).

Proposed: The proposed Driveway extension does not lead directly to the Garage.


The Driveway shall be the width of the garage or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less. (Section 54.3.3.c)

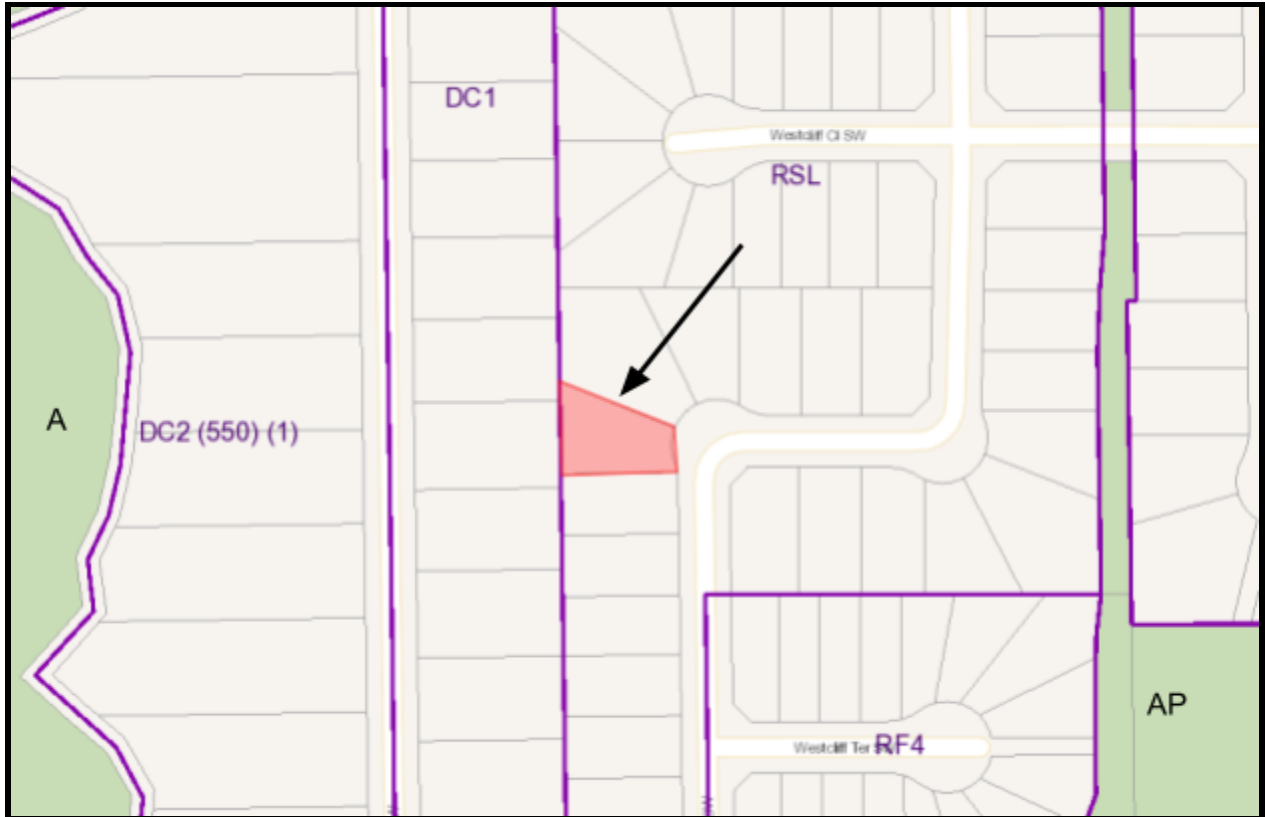
Proposed: 13.97m

Exceeds by: 2.87m.

Notice to Applicant/Appellant

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

	<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>	Project Number: 379875196-002 Application Date: DEC 02, 2020 Printed: March 3, 2021 at 3:08 PM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
Applicant	Property Address(es) and Legal Description(s) 3650 - WESTCLIFF WAY SW Plan 1224748 Blk 2 Lot 165																					
Scope of Application To construct exterior alterations (Driveway extension, irregular shape (3.6m x 8.0m)).																						
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class Of Permit: Stat. Plan Overlay/Annex Area: </td> <td style="width: 50%; border: none;"> Site Area (sq. m.): 844.95 </td> </tr> </table>			Class Of Permit: Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 844.95																		
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Development Application Decision Refused Issue Date: Mar 03, 2021 Development Authority: BERNUY, MICHELLE Reason for Refusal The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a). Proposed: The proposed Driveway extension does not lead directly to the Garage. The Driveway shall be the width of the garage or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less. (Section 54.3.3.c) Proposed: 13.97m Exceeds by: 2.87m. Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																						
Building Permit Decision No decision has yet been made.																						
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">0321520538610010</td> <td style="text-align: right;">Dec 02, 2020</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$176.00</td> <td style="text-align: right; border-top: 1px solid black;">\$176.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$176.00	\$176.00	0321520538610010	Dec 02, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$176.00	\$176.00		
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THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-056

▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-21-096

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 387823106-002

APPLICATION TO: Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear uncovered deck (3.66m x 3.05m) and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 10, 2021

DATE OF APPEAL: May 25, 2021

NOTIFICATION PERIOD: May 18, 2021 through June 8, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2104 - 160 Street SW

LEGAL DESCRIPTION: Plan 1723622 Blk 13 Lot 1

ZONE: DC1 - Direct Development Control Provision (Charter Bylaw 18769)

OVERLAY: N/A

STATUTORY PLAN(S): Glenriding Ravine Neighbourhood Structure Plan
Windermere Area Structure Plan

Grounds for Appeal

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

The property is narrow and not enough room for another house to be built. Fence is closed in from the back making the property too narrow. Worried my house will devalue and will be very crowded

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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the DC1 - Direct Development Control Provision (Charter Bylaw 18769) ("DC1"):

Under section 3(f), **Single Detached Housing** is a **Listed Use** in the **DC1**.

Section 1 states that the **General Purpose** of the **DC1** is:

to provide for Single Detached Housing with attached Garages in a suburban setting that provides smaller Lot sizes with reduced Site Widths, allowing for more efficient utilization of land through increased Density.

General Provisions from the Edmonton Zoning Bylaw:

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

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Double Fronting Site

Schedule 43.3 states:

Double Fronting Sites shall have two Front Yards. The Development Officer may exercise their variance powers under Sections 11.3 and 11.4 to allow only one Front Yard on a Double Fronting Site, but may allow fewer than one Front Yard.

Under section 6.1, **Double Fronting Site** means “a Site which abuts two public roadways, not including Lanes as defined in the Highway Traffic Act, which are parallel or nearly parallel in the vicinity of the Site.”

Development Officer’s Determination


You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.


Front Property Line - The property line abutting 160 Street SW is deemed to be the front property line (Section 43.3).


[unedited]

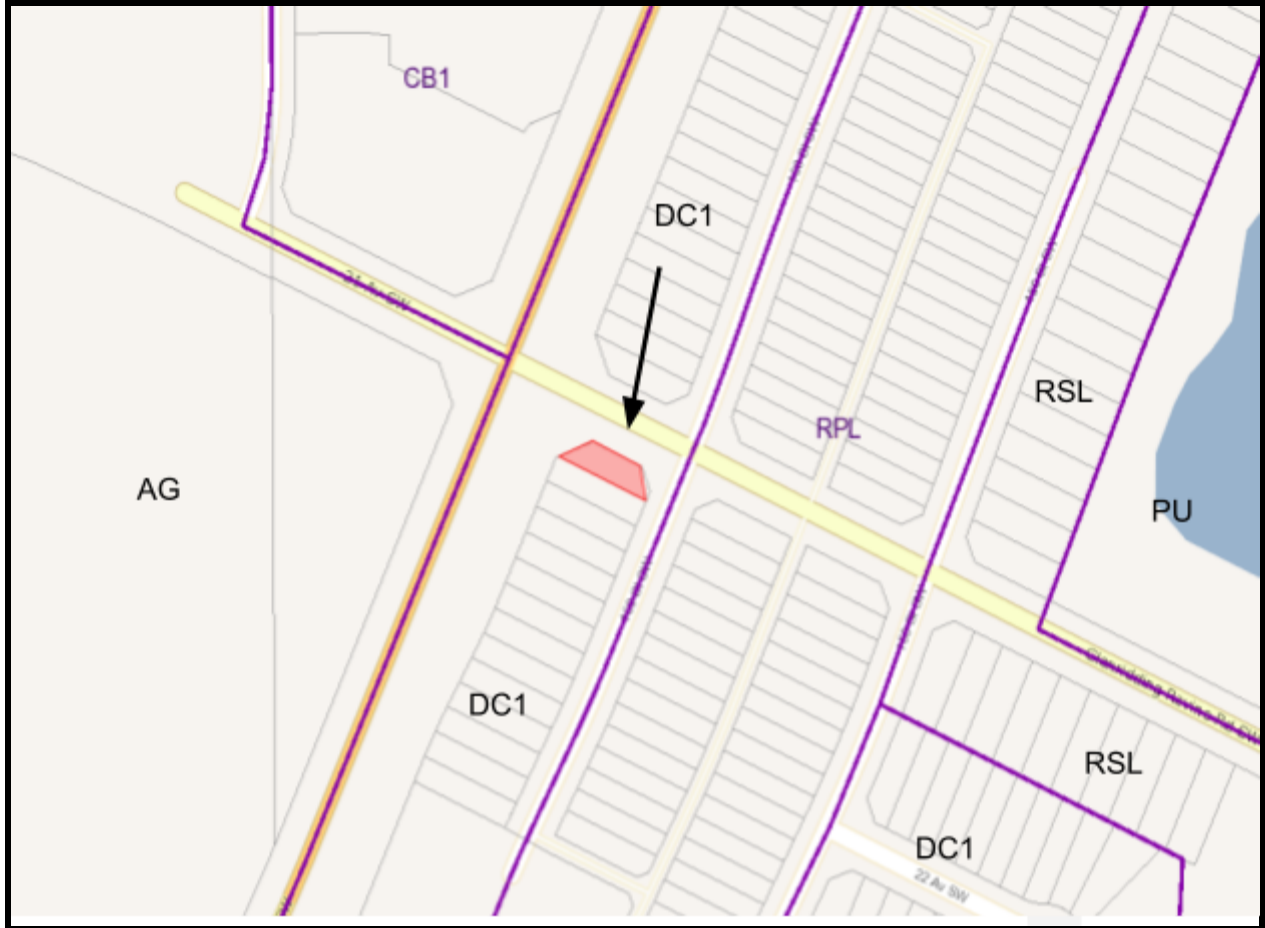
Notice to Applicant/Appellant

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

	Project Number: 387823106-002 Application Date: FEB 28, 2021 Printed: May 26, 2021 at 7:40 AM Page: 1 of 3		
<h2>Minor Development Permit</h2>			
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) 2104 - 160 STREET SW Plan 1723622 Blk 13 Lot 1		
Scope of Permit To construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear uncovered deck (3.66m x 3.05m) and Basement development (NOT to be used as an additional Dwelling).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Asses Area: (none) </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Asses Area: (none)
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Development Permit Decision Approved Issue Date: May 10, 2021 Development Authority: TESSERA, HERAN			

	Project Number: 387823106-002 Application Date: FEB 28, 2021 Printed: May 26, 2021 at 7:41 AM Page: 2 of 3
<h2>Minor Development Permit</h2>	
<p>Subject to the Following Conditions</p>	
<p>This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1)</p>	
<p>This Development Permit authorizes the development of a development of a Single Detached House with front attached Garage, Unenclosed Front Porch, rear uncovered deck (1.52m x 2.74m) and Basement development (NOT to be used as an additional Dwelling).</p>	
<p>The development shall be constructed in accordance with the stamped and approved drawings.</p>	
<p>Any future deck enclosure or cover requires a separate development and building permit approval.</p>	
<p>Landscaping shall comply with Section 55 of the Edmonton Zoning Bylaw 12800.</p>	
<p>The left wall shall be a blank wall and a maintenance and encroachment easement to be caveated against the title of Lot 2, Block 13, Plan 172 3622, before issuance of a building permit. (Section DC1.18769.4.b.x.B.)</p>	
<p>No roof leader discharge shall be directed to the maintenance easement. (Section DC1.18769.4.b.x.D.)</p>	
<p>ADVISEMENTS:</p>	
<p>The proposed Basement development(s) shall NOT be used as an additional Dwelling. An additional Dwelling shall require a new Development Permit application.</p>	
<p>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 suitable for permanent residence for a single Household (Section 6.1).</p>	
<p>Household means: (i) one or more persons related by blood, adoption, foster care, marriage relationship; or (ii) a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative (Section 6.1).</p>	
<p>This development permit shall be revoked if the conditions of this permit are not met.</p>	
<p>Due to the roll face curb construction at this property, there are no requirements for a separate curb crossing permit under Section 1210 and 1211 of Traffic Bylaw No. 5590. Approval is given for the access under this Development Permit.</p>	
<p>Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot_grading@edmonton.ca for lot grading inspection inquiries.</p>	
<p>The driveway access must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities.</p>	
<p>Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.</p>	
<p>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. (Reference Section 5.2)</p>	
<p>A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.</p>	

	Project Number: 387823106-002 Application Date: FEB 28, 2021 Printed: May 26, 2021 at 7:41 AM Page: 3 of 3																														
Minor Development Permit																															
<p>Variations You are receiving this notice because a Development Permit has been issued on a Direct Control Zone, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.</p> <p>Front Property Line - The property line abutting 160 Street SW is deemed to be the front property line (Section 43.3).</p> <p>Rights of Appeal This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.</p> <p>Notice Period Begins: May 18, 2021 Ends: Jun 08, 2021</p>																															
<p>Fees</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 20%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$1,748.00</td> <td style="text-align: right;">\$1,748.00</td> <td>0729590456310010</td> <td>Mar 16, 2021</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$502.00</td> <td style="text-align: right;">\$502.00</td> <td>0729590456310010</td> <td>Mar 16, 2021</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$148.00</td> <td style="text-align: right;">\$148.00</td> <td>0729590456310010</td> <td>Mar 16, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$2,396.00</td> <td style="text-align: right; border-top: 1px solid black;">\$2,396.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Sanitary Sewer Trunk Fund	\$1,748.00	\$1,748.00	0729590456310010	Mar 16, 2021	Dev. Application Fee	\$502.00	\$502.00	0729590456310010	Mar 16, 2021	Lot Grading Fee	\$148.00	\$148.00	0729590456310010	Mar 16, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$2,396.00	\$2,396.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-096