

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

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

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-087

Construct exterior alterations (To Leave as Built Single Detached House, Built over maximum allowed Height)

7640 - 91 Avenue NW
Project No.: 386480207-003

II 9:00 A.M. SDAB-D-21-088

Construct exterior alterations (To Leave as Built Single Detached House, Built over maximum allowed Height)

7642 - 91 Avenue NW
Project No.: 386481207-003

III 10:30 A.M. SDAB-D-21-089

Construct a rear addition to a Single Detached House (Sunroom - 7.32 metres by 3.66 metres)

15812 - 75 Avenue NW
Project No.: 376494296-002

TO BE RAISED

IV 1:30 P.M. SDAB-D-21-072

Construct a Single Detached House with front attached Garage, front veranda (with pergola), front balcony, rear uncovered deck (5.28 metres by 8.03 metres), rear balcony with privacy wall at 6 feet in Height), fireplace, and to develop a Secondary Suite in the basement

8412 - 118 Street NW
Project No.: 384557668-002

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

ITEM I and II: 9:00 A.M.

FILE: SDAB-D-21-087

SDAB-D-21-088

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 386480207-003
386481207-003

APPLICATION TO: Construct exterior alterations (To Leave as Built Single Detached House, Built over maximum allowed Height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 7, 2021

DATE OF APPEAL: May 16, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7640 - 91 Avenue NW
7642 - 91 Avenue NW

LEGAL DESCRIPTION: Plan 1922159 Blk 24 Lot 10A
Plan 1922159 Blk 24 Lot 10B

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

SDAB-D-21-087

I am in the process of collecting information and documents to support my appeal.

I will submit (email) these documents in a few days, before the appeal hearing date. Please allow me to submit these documents in a few days time.

SDAB-D-21-088

I will submit the documents in a few days, I am in the process of collecting documents and the information to support my appeal.

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,

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- (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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

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

development consisting of a building containing 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.

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, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Height

Section 814.3(5) states “The maximum Height shall not exceed 10.0 m in the RF5 Zone and 8.9 m in all other Zones.”

Under section 6.1, **Height** means “a vertical distance between two points.”

Development Officer’s Determination

SDAB-D-21-087 (386480207-003)

Height - The Height is 9.27m instead of the maximum of 8.9m (Section 814.3.5).

SDAB-D-21-088 (386481207-003)

Height - The Height is 9.31m instead of the maximum of 8.9m (Section 814.3.5).

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to


approve the Development Permit Application in accordance with Sections 11.3 and 11.4.


Section 814.5(2) states:

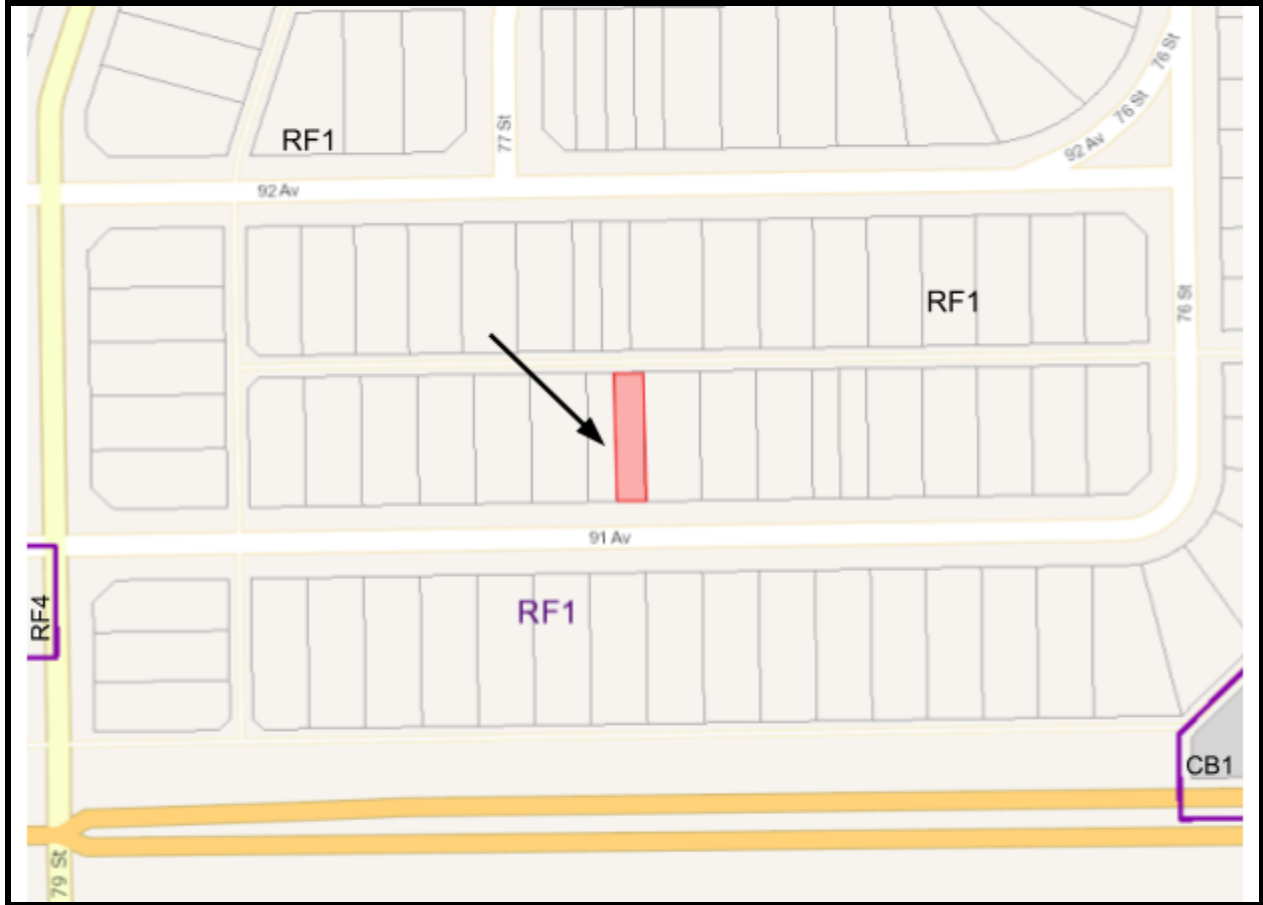
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) – Height

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 Alterations Permit</h2>	Project Number: 386480207-003 Application Date: FEB 12, 2021 Printed: May 7, 2021 at 9:56 AM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
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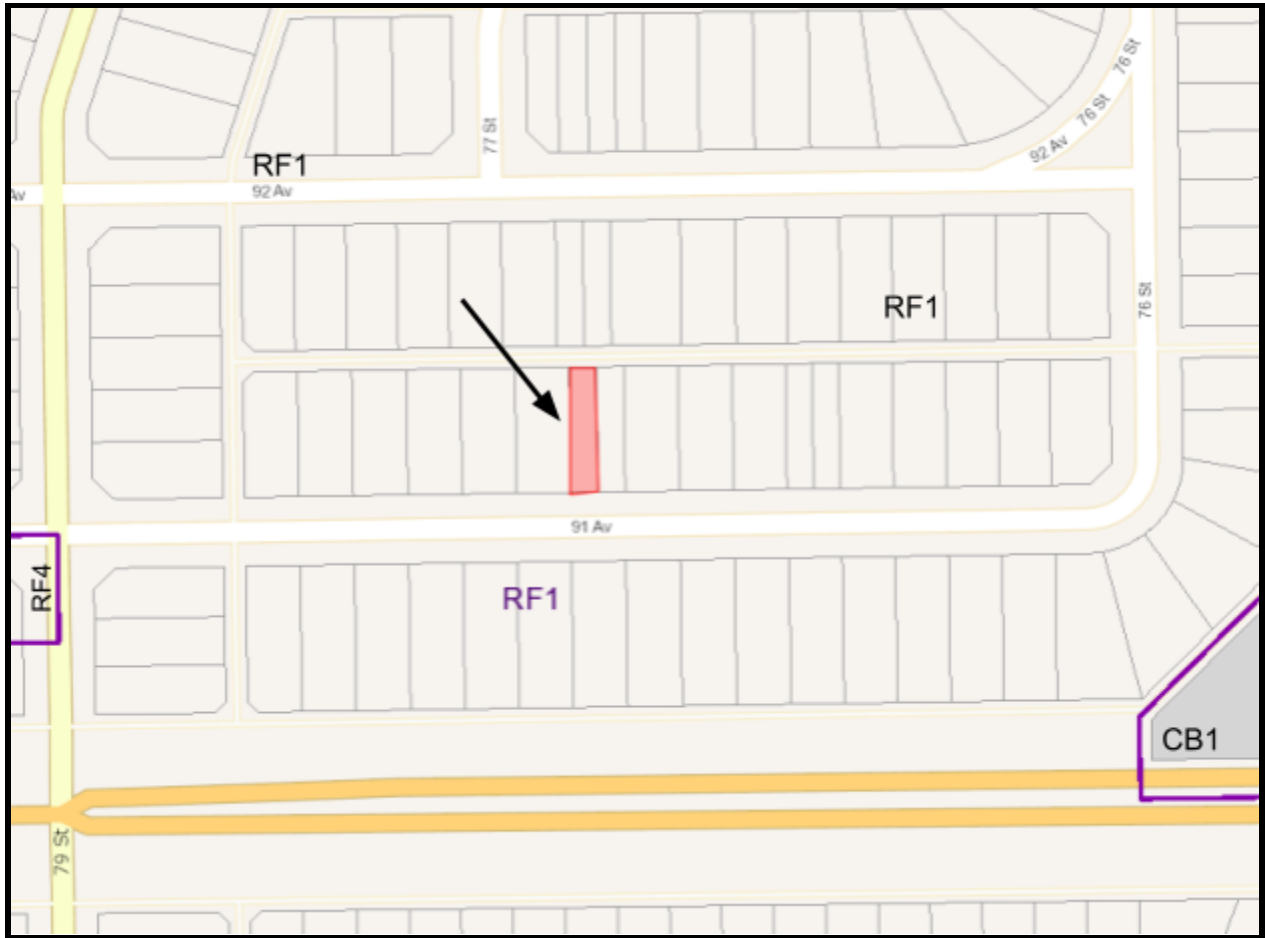


SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-087

▲
N



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-21-088

ITEM III: 10:30 A.M.

FILE: SDAB-D-21-089

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 376494296-002

APPLICATION TO: Construct a rear addition to a Single Detached House
(Sunroom - 7.32 metres by 3.66 metres)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 5, 2021

DATE OF APPEAL: May 11, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15812 - 75 Avenue NW

LEGAL DESCRIPTION: Plan 4959TR Blk 2A Lot 5

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We are writing to provide you with the reasoning behind our appeal of the Development Refusal for Project Number 376494296-002 on May 5, 2021.

We are a family of four with children aged 9 and 11 (soon to be 10 and 12) and we feel that we have a very unique property in the city as our entire rear yard is

natural and backs onto the ravine that connects Patricia Heights to Westridge. Our plan is to live here as long as we possibly can and we have no plans to move. Our goal is to enjoy our property and maintain the look of the neighbourhood while garnering additional living space to accommodate our family as we age.

We proposed to construct an unheated 3 Season Room that extends into our rear yard off our main floor (our home is a bungalow with a walk-out basement into our rear yard). We had an existing uncovered deck that extended 1.2m (4'-0") into our rear yard and was 7.3m (24'-0") in length along the rear of the house. Our plan was to remove our existing 1.2m x 7.3m uncovered deck and replace it with a 3.6m x 7.3m (12' x 24') deck and enclose it in a professionally constructed 3 Season room (by Suncoast Enclosures). Our reason for coming off our main floor is because all our main living spaces (kitchen, dining room and living room) are on our main floor with an existing set of patio doors onto our uncovered deck. Our basement is where our utility/laundry room is located and our bedrooms. We spend 90% of our time awake on our main floor, which is why proposing to come off our main floor was chosen.

We explored a few options to increase our living space and enjoy our property over the past 5 years. These included:

1. Creating a 3 Season Room off our main floor to enjoy our rear year more than we currently do (our selected option for our development permit application).
2. Adding an uncovered deck with the identical dimension to our proposed 3 Season Room and placing a gazebo or pergola on the uncovered deck.
3. Adding additional living space by renovating the east side of our home and attached garage area, which would require us to increase the height of our home with the addition of a second story. This would change the look and feel of our home compared to our neighbours. We were provided with a proposed plan from the previous homeowners as they had architectural plans completed for this type of renovation.
4. Knockdown our home and rebuild a new home similar to ours as a walkout bungalow. We worked with a home builder and had a draft floor plans completed for a new home.

We made the decision to move forward with the 3 Season Room addition as we felt it would have the lowest impact on our property and adjacent neighbours compared to other options to increase our living space. The room was to be finished with transparent panels (walls and roof) set within dark brown aluminum supports. Our goal was to have the room professionally built with natural trim colours.

We considered building an uncovered deck with a gazebo, considered to be an accessory building and as per City of Edmonton bylaws. We felt that an enclosed room would have an identical impact compared to us building an

uncovered deck and placing a gazebo on the deck, plus the enclosed room would allow us more time throughout the year to utilize the space. This was a main factor to move forward with the 3 Season Room option.

At the time we applied for the Development Permit we were unaware of the rear setback required in the Mature Neighbourhood Overlay. We only reviewed the Edmonton Zoning Bylaw 12800 for RF1 Zoning which had a minimum rear setback of 7.5m. It wasn't until December 7, 2020, when the Development Officer informed us of the Mature Neighbourhood Overlay rear setback requirement after our application was reviewed. Once we were notified of the variance requirements, I read through the Mature Neighbourhood Overlay guidelines and informed the development officer that we would like to apply for a variance for the rear setback. Based on our property dimensions and comments from the Development Office we were required to have a rear setback of 16.79m (55'-1") and our proposed rear setback was 14.53m (47'-7"). We therefore requested a variance of 2.26m (7'-5") for our 3 Season Room.

Due to a lack of experience in residential bylaws we did not realize that additional regulations were in place for mature neighbourhoods. We admit to an error on our part. We started our construction prior to receiving development and building permits, which we want to apologize for doing so and we take full responsibility for starting without a permit. Although we did not have permission to build, our intent was to apply for both development and building permits, which we did on November 2, 2020. The reason for starting construction was to have the foundation and new deck installed prior to freezing. Based on our discussion with Suncoast Enclosures they were unable to install the finished room until late November or early December. Once we were notified by the Development Officer on December 7, 2020 of the variance required, we stopped any further construction and began the process of applying for a variance. The only additional work done was the application of the deck flooring (completed Dec. 8, 2020) and the addition of temporary handrail on the deck for safety purposes.

After understanding the Mature Neighbourhood Setback requirements, we attempted to contact our neighbours on either side to explain that we required a variance, provided them with detailed drawings of our proposed room and hopefully receive their approval. On December 8, 2020 Lasha approached our neighbour to the east Sharon and had a brief discussion with her regarding our deck. Lasha mentioned to Sharon that we were unaware of the variance requirement at the time of our application and that we would stop over providing them with drawings and letter explaining the required variance. Sharon's response was positive and asked us to bring the documents over. We drafted up a letter outlining the bylaw requirement and the variance requested. I also included all plans and drawings detailing the proposed room. We took this approach to make it as easy as possible for our neighbours to understand what we were trying to construct and to receive an approval based on Lasha's discussion with Sharon. When I brought the documents over on December 9, 2021 to the neighbors the east to review and explain what was happening. Tony

had a much different reaction than did Sharon. I explained the timeline of what happened and that I was unaware of the Mature Neighbourhood Overlay which is why I was looking for their approval for the variance. I offered him the opportunity to review my letter and drawings. He had a very quick look at them and handed them back to me as he declined to take them with him and Sharon to review in detail. He said that he would not determine what could be built and he would let the City of Edmonton make that decision. I respected his wishes and did not approach the subject with the neighbours to the east any further.

I approached my neighbour to the west Donna and provided her with the same letter and drawings as I did to the neighbours to the east. Donna reviewed the letter and drawings and provided her approval.

We also learned of the geotechnical requirements for any developments on our property on December 7, 2020. We were informed of the requirements by the Development Officer and the City of Edmonton Geotechnical Engineer. We went ahead with a full test hole and report on our property to comply with the geotechnical requirements. This part of the development permit application requirement took very long due to being completed in the winter months. In the end the report and memo prepared by LWL Engineering Ltd. indicated that the proposed development would not impact the slope stability on the abutting ravine. The geotechnical report and memo were accepted by the City of Edmonton.

On May 5, 2021 our development permit application was refused. The Development Officer provided us with the information to appeal the decision with the Subdivision and Development Appeal Board.

We are making a formal appeal to the development refusal decision. Our main reason for the appeal is that the proposed 3 Season Room will have similar or less of an impact on our property, neighbours and the neighbourhood overall compared to:

- a. An uncovered deck with a gazebo
- b. A home addition that involves increasing the overall height of our home
- c. A new home constructed
- d. Addition of an accessory building
- e. Addition of a garden suite

We approached our neighbours on May 9, 2021 to be transparent with our intentions to move forward with the appeal, to try and understand their perspective in more detail, and provide options to respect their property and privacy, beyond our proposed development. We offered to provide them an opportunity to review our proposal design and drawings again in detail, and they declined. We offered to provide them with a sun study to show the effects of any shadowing on their property, and they declined. We offered to show them the impacts of our other options to increase the use of our property (renovations, new home, accessory buildings), and they declined. We also made it very clear

that we respected their rights to oppose the development and no matter what happens with the proposed development, we were going to be friendly, cordial neighbours.

We would like to move forward with the appeal. We are willing to move forward with any privacy screening that would further respect their privacy. We will be providing further documents including a sun study as well as the impact assessments other options may have on their property.

It is for these reasons that we are appealing the decision.

<i>General Matters</i>

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,
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(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,

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Hearing and Decision

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

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

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

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

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

(i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

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

development consisting of a building containing 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.

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, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

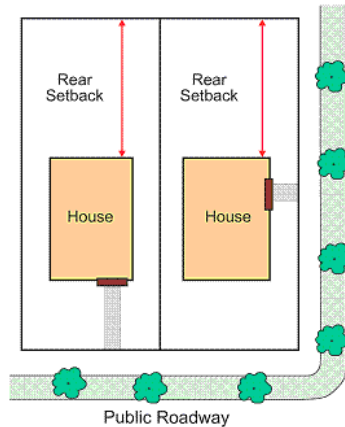
to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

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

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



Development Officer's Determination

Reduced Rear Setback - The distance from the Single Detached House with attached sunroom to the rear property line is 14.53, instead of 16.79m. (Section 814.3.4)

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
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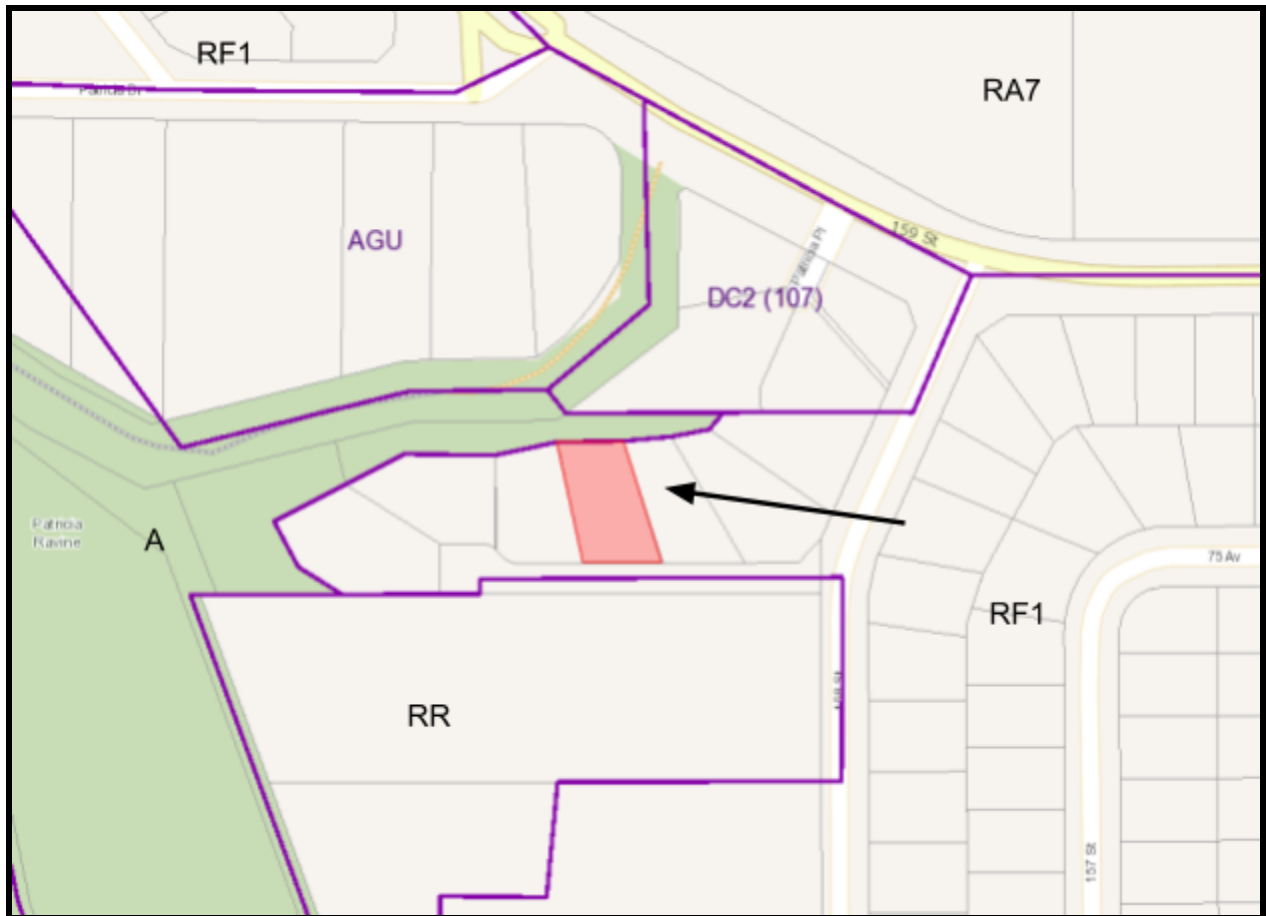
Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback

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 Addition Permit</h2>	Project Number: 376494296-002 Application Date: NOV 02, 2020 Printed: May 5, 2021 at 12:03 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) 15812 - 75 AVENUE NW Plan 4959TR, Blk 2A Lot 5																															
	Location(s) of Work Suite: 15812 - 75 AVENUE NW Entryway: 15812 - 75 AVENUE NW Building: 15812 - 75 AVENUE NW																															
Scope of Application To construct a rear addition to a Single Detached House (Sunroom - 7.32m x 3.66m).																																
Permit Details																																
Class Of Permit: Stat. Plan Overlay/Annex Area:	Site Area (sq. m.): 1010.26																															
Development Application Decision Refused Issue Date: May 05, 2021 Development Authority: LANGILLE, BRANDON Reason for Refusal Reduced Rear Setback - The distance from the Single Detached House with attached sunroom to the rear property line is 14.53, instead of 16.79m. (Section 814.3.4) Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																																
Building Permit Decision No decision has yet been made.																																
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></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: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Building Permit Fee (Construction Value)</td> <td style="text-align: right;">\$513.00</td> <td style="text-align: right;">\$513.00</td> <td>0198220240410010</td> <td>Nov 02, 2020</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$20.52</td> <td style="text-align: right;">\$20.52</td> <td>0198220240410010</td> <td>Nov 02, 2020</td> </tr> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$433.00</td> <td style="text-align: right;">\$433.00</td> <td>0198220240410010</td> <td>Nov 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;">\$966.52</td> <td style="text-align: right; border-top: 1px solid black;">\$966.52</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Building Permit Fee (Construction Value)	\$513.00	\$513.00	0198220240410010	Nov 02, 2020	Safety Codes Fee	\$20.52	\$20.52	0198220240410010	Nov 02, 2020	Development Application Fee	\$433.00	\$433.00	0198220240410010	Nov 02, 2020	Total GST Amount:	\$0.00				Totals for Permit:	\$966.52	\$966.52		
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THIS IS NOT A PERMIT																																



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-089

▲
N

TO BE RAISED

ITEM IV: 1:30 P.M.

FILE: SDAB-D-21-072

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 384557668-002

APPLICATION TO: Construct a Single Detached House with front attached Garage, front veranda (with pergola), front balcony, rear uncovered deck (5.28 metres by 8.03 metres), rear balcony with privacy wall at 6 feet in Height), fireplace, and to develop a Secondary Suite in the basement

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 15, 2021

DATE OF APPEAL: April 15, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8412 - 118 Street NW

LEGAL DESCRIPTION: Plan 1822240 Blk 13 Lot 27B

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Current existing house 8412-118 St has attach front garage, We are applying for new built for the same. Some of the Neighbors have attached front garage, our house is in a crescent facing green island, there there minimum traffics in the driving lane. There are new developments in the

neighborhood are approved for attached front garage. This is a big investment for us, we are seeking for fairness, and encouragement for our infill project which the City is supporting. Thank you!

<i>General Matters</i>

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.

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 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 110.2(5), **Secondary Suites**, where developed within Single Detached Housing, Semi-Detached Housing or Duplex Housing, is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

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

development consisting of a building containing 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.

Under section 7.2(6), **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Dwelling is in a building that is in the form of Single Detached Housing, Semi-detached Housing, Duplex Housing, or Multi-unit Housing that is built in the form of Row Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from outside the structure. This Use Class includes the Development or Conversion of Basement space or space above ground level to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Dwelling. A Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision. This Use Class does not include Garden Suites, Lodging Houses, or Blatchford Lane Suites.

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, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding

development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Driveway Access

Section 814.3(17) states “Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue.”

Development Officers Determination

1. Driveway - The driveway is located off of 118 Street NW (front) instead of the alley (Section 814.3.17).

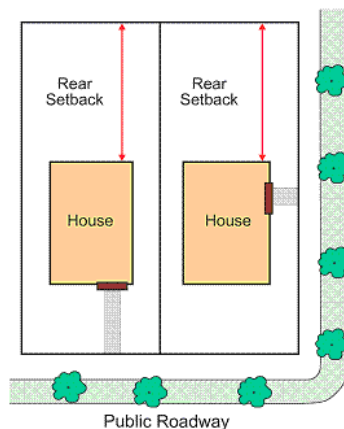
[unedited]

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

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

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



Development Officers Determination

2. Reduced Rear Setback - The distance from the house to the rear property line is 12.12m instead of 15.42m (40% of site depth) (Section 814.3.4)

[unedited]

Projection into Setbacks

Section 44.1(a) states:

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

- 1(a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks, such steps shall not exceed a Height of 1.0 m.

Development Officers Determination

3. Projection - The distance from the house eaves to the back property line (rear lot line) is 11.52m, instead of 14.82m (Section 44.1)

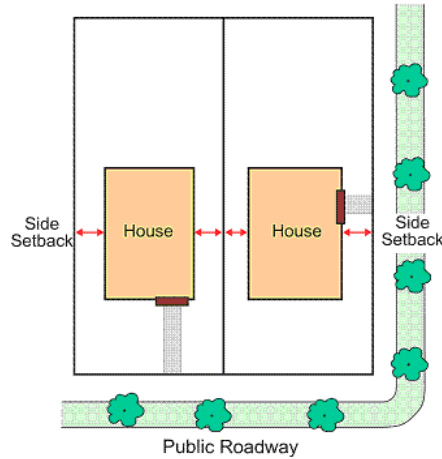
[unedited]

Cantilevers in Side Setbacks

Section 814.3(12) states “On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey.”

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

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



Development Officers Determination

4. Obstructed Side Setback - On an Interior Site, a minimum distance of 1.2 m shall be maintained from one Side Lot Line to the outside wall of all projections from the first Storey. The proposed house has both side setbacks obstructed (Section 814.3.12).

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and


- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) - Driveway Access
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) - Rear Setback
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(12) - Cantilevers in Side Setbacks

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: 384557668-002 Application Date: JAN 23, 2021 Printed: April 15, 2021 at 11:07 AM Page: 1 of 2													
<h2 style="margin: 0;">Application for Minor Development Permit</h2>														
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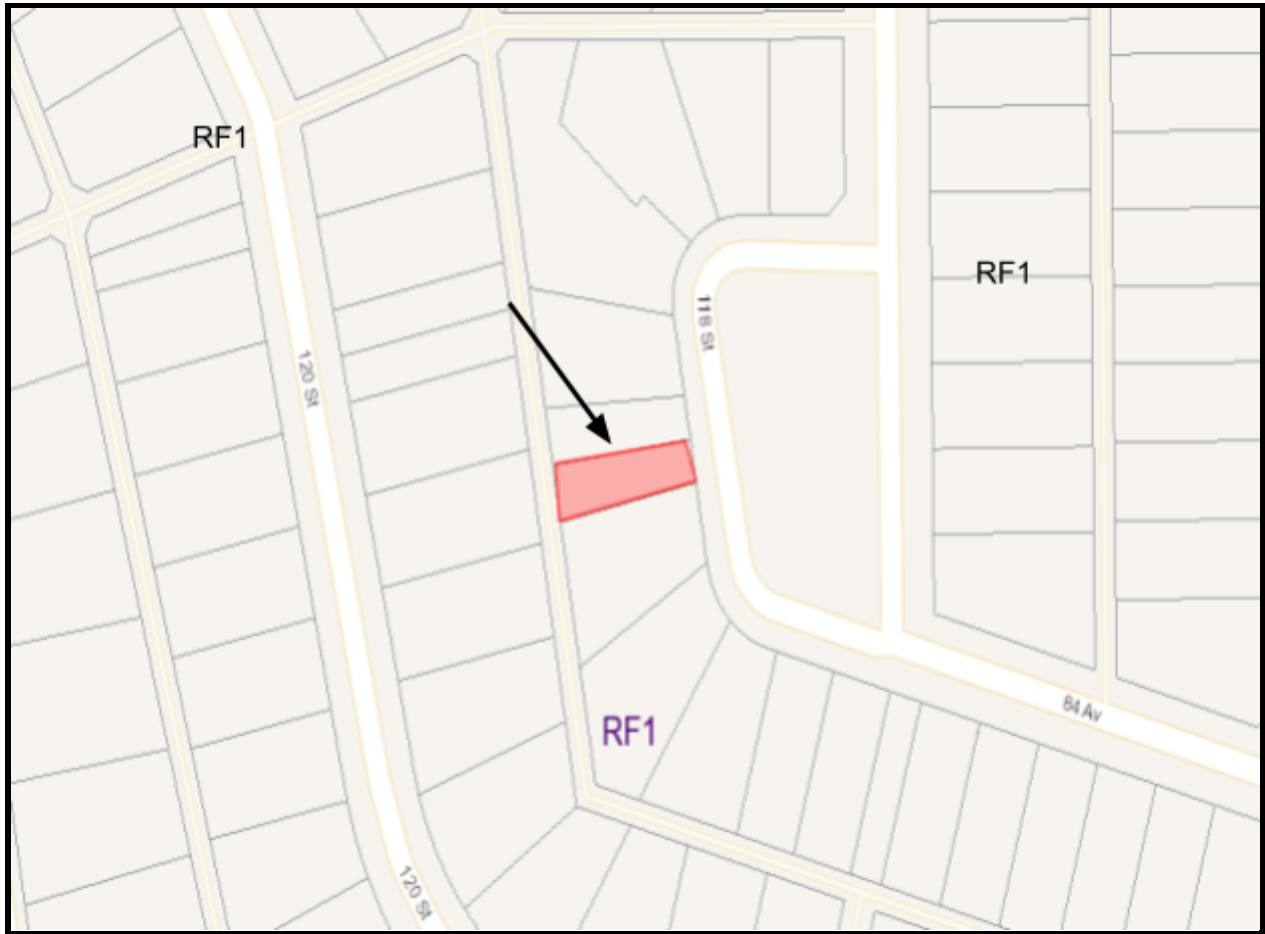
Project Number: **384557668-002**
Application Date: JAN 23, 2021
Printed: April 15, 2021 at 11:07 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$502.00	\$502.00	05203904594G001	Jan 23, 2021
Development Permit Inspection Fee	\$211.00	\$211.00	05203904594G001	Jan 23, 2021
Lot Grading Fee	\$148.00	\$148.00	05203904594G001	Jan 23, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,634.00</u>	<u>\$1,634.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-072** ▲
N