

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
June 11, 2015**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-15-093	<u>TO BE RAISED</u> Construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits 1591 - 37C Avenue NW Project No.: 128697578-003
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II	10:00 A.M.	SDAB-D-15-119	Construct a two Storey Accessory Building (Garage Suite on the upper floor, Garage on the main floor, 7.32m x 7.32m) 1460 - Grant Way NW Project No.: 169896618-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED
ITEM I: 9:00 A.M.

FILE: SDAB-D-15-093

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 128697578-003

APPLICATION TO: Construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 8, 2015

DATE OF APPEAL: April 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1591 - 37C Avenue NW

LEGAL DESCRIPTION: Plan 0625347 Blk 1 Lot 52

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Meadows Area Structure Plan
Tamarack Neighbourhood Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. Section 6.1(26) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

-Other than the approved 6.1 m wide concrete front driveway, the existing concrete extension to the right side property line does not lead to an overhead garage door or parking area.

2. Section 54.2(2)(e) - Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: (i) parking spaces shall not be located within a Front Yard.

- The Front Yard of this property between the right side property line and the north wall of the front attached Garage is being used for parking. This area should be landscaped and parking is not allowed on the Front Yard.

3. Section 54.1(4) - The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have: (b) a maximum width that shall be calculated as the product of 3.1m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage. The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

Existing driveway width: 9.25m

Maximum allowed driveway width: 6.20m

Deficient by: 3.05m

- The proposed Development does not lead directly from the roadway to the required Garage, therefore it is neither a driveway, nor part thereof.

4. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

- The existing concrete extension is in the Front Yard and right Side Yard. Based on the landscaping regulations, the Front Yard and Side Yard must be landscaped. Monolithic concrete is not a form of landscaping (Reference Section 6.1(55)).

5. Section 45.1 - No person shall keep in any part of a Site in any Residential Zone: (a) any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4500 kg.

- A bobcat (commercial vehicle over 4500 Kg) is being parked on this residential site on the illegal driveway extension.

6. Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The proposed concrete extension covering the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

7. Section 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

- The hardsurfacing and landscaping conditions attached to Development Permit # 062720822-001 for the Single Detached House approval has not been fulfilled:
"All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b)."

NOTES:

Sufficient on-site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the drive for a total for 4 spaces, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

It is the opinion of the Development Authority that the concrete extension sets a negative precedent for the neighbourhood.

The Drainage and Lot Grading Department has stated there may be potential for drainage issues such as runoff (flooding) into the foundation and/or basement of the subject lot and runoff into the abutting lot.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

APPELLANT'S SUBMISSION

- Numerous houses on my street have similar extensions (pics provided)
- My sister's husband parked his trailer on my driveway before (temporarily) they have since moved out of town and no vehicles (commercial or personal) park here.
- Extension was on property before I moved in 2010.
- As it will be a fair bit of work to re-landscape we would prefer to leave it how it is as costs will be higher than may afford.
- In summer we use space as is and have flower arrangements there.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The Subdivision and Development Appeal Board at a hearing on May 13, 2015 made and passed the following motion:

“that the appeal hearing be TABLED TO June 10 or 11, 2015.”

Single Detached Housing is a Permitted Use in the RSL Residential Small Lot Zone, Section 115.2(4).

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

Under section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

The Development Officer determined the proposed development does not lead to an overhead Garage door or Parking Area.

Section 54.2(2)(e) states, except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

The Development Officer determined the Front Yard is being used for parking.

Section 54.1(4) states the Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway not including the area used as a walkway, shall:

- a. a minimum width of 3.1 metres;
- b. for a Site 10.4 metres wide or greater, have a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; and
- c. for a Site less than 10.4 metres wide, have a maximum width of 3.1 metres.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The Development Officer determined the maximum Driveway width is 6.20 metres. The proposed development provides a Driveway width of 9.25 metres, which is in excess of the maximum by 3.05 metres.

Section 55.4(1) states all open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This

requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

The Development Officer determined the concrete extension is not a form of Landscaping.

Section 45.1(a) states no person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4,500 kilograms.

The Development Officer determined a commercial vehicle over 4,500 kilograms is parked on the Driveway.

Section 11.3(1) states the Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where the proposed development would not, in his opinion:

- a. unduly interfere with the amenities of the neighbourhood; or
- b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

The Development Officer determined the concrete extension is unsightly, the Front Yard should be landscaped, and parking in the Front Yard takes away from desirable curb appeal.

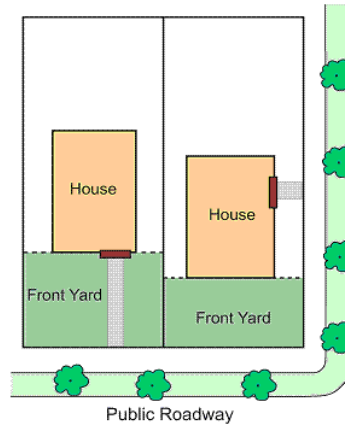
Section 17.1(1)(a) states when an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

Development Permit 062720822-001 for the Single Detached House contains the following condition:

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

The Development Officer determined the above Hardsurfacing and Landscaping condition has not been fulfilled.

Under Section 6.1(39), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under 6.1(55), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

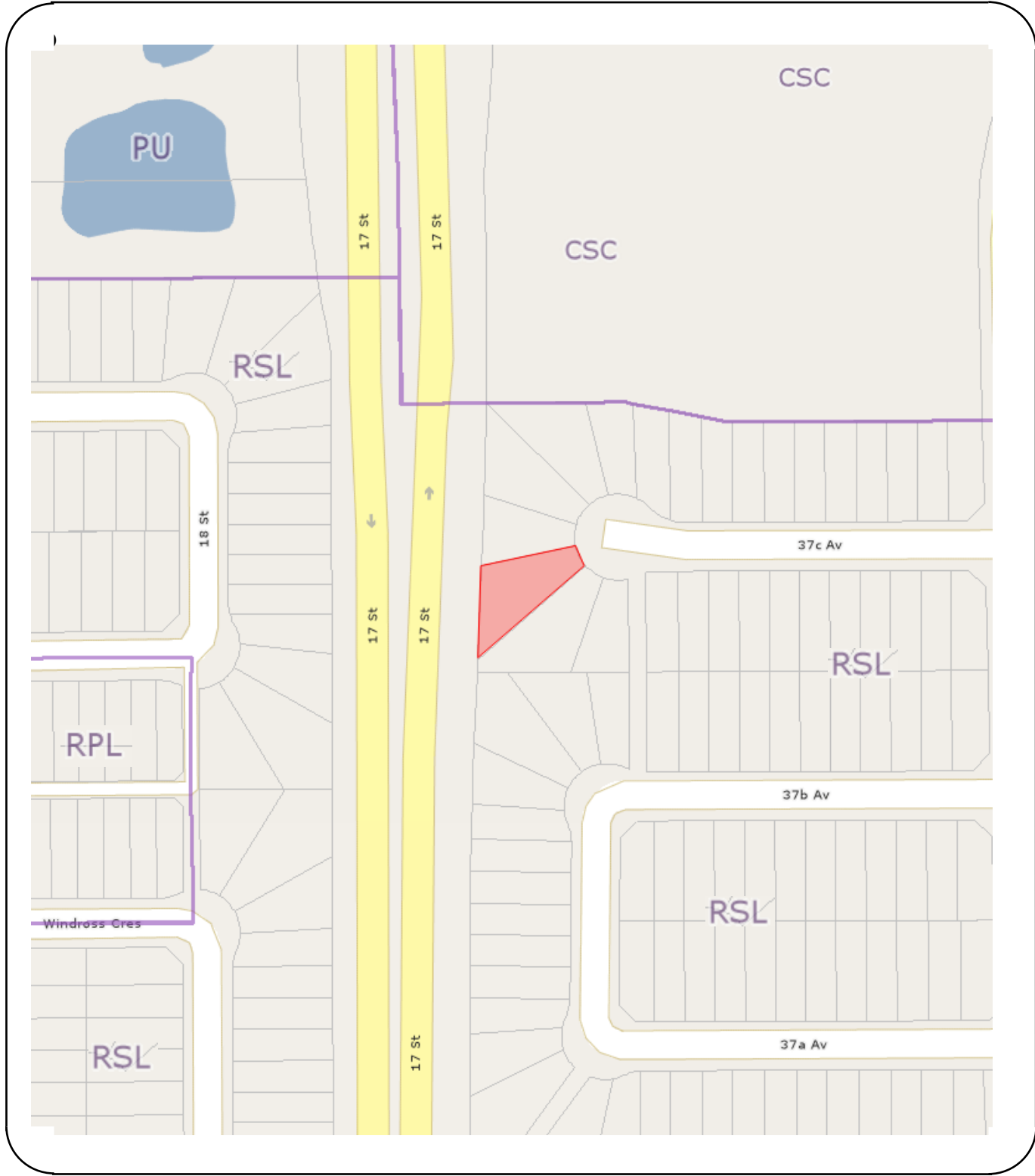
- a. soft landscaping elements such as trees, shrubs, plants, lawns, and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls, and sculpture.

Under Section 6.1(48), **Hardsurfaced** means the provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement.

Section 115.1 states the 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.

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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-093



ITEM II: 10:00 A.M.

FILE: SDAB-D-15-119

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

APPELLANT:

APPLICATION NO.: 169896618-001

APPLICATION TO: construct a two Storey Accessory Building (Garage Suite on the upper floor, Garage on the main floor, 7.32m x 7.32m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved

DECISION DATE: May 7, 2015

DATE OF APPEAL: May 19, 2015

NOTIFICATION PERIOD: May 12, 2015 through May 25, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1460 – Grant Way NW

LEGAL DESCRIPTION: Plan 9926029 Blk 12 Lot 50

ZONE: RPL Planned Lot Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): The Grange Area Structure Plan
Glastonbury Neighbourhood Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

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

This Development Permit authorizes the development of a two Storey Accessory Building (Garage Suite on the upper floor, garage on the main floor, 7.32m x 7.32m).

The development shall be constructed in accordance with the stamped, redlined, and approved drawings.

As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development. Immediately upon completion of the Accessory Building, the site shall be cleared of all debris.

The Height of the Garage containing a Garage Suite (above Grade) shall not exceed 6.5m in accordance with the height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800 (Reference Section 87.2).

Eave projections shall not exceed 0.60m into required yards or Separations spaces 1.2m or greater. (Reference Section 44.1(a))

All roof drainage shall be directed away from buildings and to a public roadway, including a Lane, or to a drainage work.

There shall be privacy screening feature(s) on the windows to obscure views into the abutting lot to the northeast.

Only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling (Reference Section 87.11).

A Garage Suite or Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business (Reference Section 87.13).

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three (Reference Section 87.12)

Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw (Reference Section 87.16).

One parking space per 2 Sleeping Units shall be provided in addition to the parking requirements for the primary Dwelling. Tandem Parking is allowed for Secondary Suites and Garage Suites. (Reference Section 54.2(2))

Proposed sleeping units: 1

Required additional parking spaces: 1

The portion of the fence that runs perpendicular to the Lane at the rear of the Site, shall be removed, to accommodate one of the required parking spaces on the Driveway.

For an on-site driveway in any Residential Zone, the area required to be hardsurfaced may be constructed on the basis of separated tire tracks, with natural soil, grass, or gravel between the tracks, but shall be constructed so that the tires of a parked or oncoming vehicle will normally remain upon the hard surface. (Reference Section 54.6.2(b))

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

One deciduous tree, one coniferous tree, and four shrubs shall be required in accordance with Section 130.4(15). The location, size, and species of landscaping shall comply with Section 55 of the Edmonton Zoning Bylaw 12800.

A minimum private yard area of 45 m² per Dwelling shall be designated on the Site Plan for the active or passive recreation use of the occupants. Neither the width nor length of such a yard shall be less than 4.0 m. This minimum private yard may be located within a required Yard, other than a Front Yard. This yard shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 130.4(8))

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

Notes:

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site. (Reference Section 5.2)

Dwelling means a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Household means: one or more persons related by blood, adoption, foster care, marriage relationship; or 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.

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

The applicant is advised to research the Land Title for this property and to be aware of any restrictions in any Restrictive Covenants registered against the legal title. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

Variance:

Class B Discretionary Development: Garage Suite is a Discretionary Use in the RPL Zone. (Reference Section 130.3(2))

Section 130.4(18) relaxed - Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw, and may be located:

- a. on corner Lots;
- b. on Lots facing a service road;
- c. on Lots backing onto a Lane adjacent to an arterial road that is separated from the Lane by a landscaped boulevard; or
- d. on Lots where a Side or Rear Lot Line abuts a Site in a Row Housing, Apartment, or Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, or is not separated from these Sites by a public roadway more than 10.0 m wide.

Proposed: The location requirement for Garage Suites in the RPL Zone to be waived for the proposed development.

APPELLANT'S SUBMISSION

I am appealing the decision made by the City of Edmonton Development Officer regarding the proposed development of a Garage Suite, Permit No: 169896618-001. I would like to emphasize that my appeal is not personal in nature against the owner(s), the permit applicant, nor the Development Officer; rather, I am trying to protect my investment in the property that I own.

I am appealing the decision based on the following principles:

- Location does not adhere to zoning bylaw 12800, section 130.4 (18) of a suitable location for the development of a garage suite.
- Consultation process deficiencies by permit applicant.
- Loss of use and enjoyment of my own personal property.
- Decrease in value of my personal property, (which I purchased on December 23, 2014).

Zoning Bylaws

When I purchased my property on December 23, 2014, it was on the premise that the City of Edmonton would adhere to the zoning Bylaws set out. Zoning Bylaws are in place and designed to protect property owner(s) from developments that are not aligned with property owner(s) interests. I have researched the Bylaws for Garage Suites, and confirmed my understanding with personnel at the City of Edmonton offices on the afternoon of April 15, 2015, The RPL lot of 1460 Grant Way does not meet any of the four criteria for an appropriate location of a Garage Suite as per zoning Bylaw 12800 section 130,4 (18).

1. It is not a corner lot per the current zoning bylaw 12800, section 6.1(18)
2. The lot does not front onto a service road as shown in Appendix 1.
3. The lot does not backing onto a lane adjacent to an arterial road that is separated from the lane by a landscaped boulevard as shown in Appendix 1.
4. It is not a lot where a Side or Rear Lot Line abuts a Site in a Row Housing, Apartment, Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, and is not separated from these Sites by a public roadway more than 10.0 m wide. The area behind the property is zoned as a Public Utility (PU as shown in Appendix 1); where a park (AP) is not a permitted use as indicated Bylaw 12800, section 520.2.

Therefore, it is my understanding under Bylaw 12800, section 130.4(18), that the property itself is not an appropriate location for a Garage Suite. The notice to property owners (Appendix 4) indicated that the Bylaws would need to be relaxed. I do not agree with the decision to relax the Bylaws to permit a Garage Suite at 1460 Grant Way. The criteria in Bylaw 12800, section 130.4(18) should be adhered to in order to protect the neighboring property interests. Note: there was a different property, 1456 Grant Way (Appendix 1) that was also for sale in 2015 that would have adhered to the above criteria.

In addition to this, I reviewed the brochure on the City of Edmonton's website (http://www.edmonton.ca/city_government/documents/PDF/Summary_Document.pdf), and spoke with the Development Officer on May 13, 2015 to gather additional information. From this conversation I asked several questions and followed up again on May 15, 2015. I have some concerns that there are other areas of the proposed Garage Suite which do not adhere to the guidelines set out by the City of Edmonton.

1. Bylaw 12800 section 87.8 and the above document indicate that windows shall be placed and sized such that they minimize overlook into yards and windows of abutting properties/neighboring yards. In the proposed Garage Suite there are three upper level windows in the suite that face North West, and two upper level windows that face South West. These windows would enable the occupant (or future occupants) living in the proposed dwelling to look into my home through my master bedroom, living room and kitchen windows, as well as into my backyard. The window placements of the proposed Garage Suite are not placed in such a way that minimizes an occupant living in the dwelling from overlooking into my property.
2. The brochure indicates that a Garage Suite is a dwelling that is located above a detached garage with a maximum suite size of 60m². The Development Officer indicated that half of the garage on the ground floor is going to be used as a workshop. This workshop would be considered to be part of the living space and therefore the total dwelling area would then be greater than the 60m² (640 sq. ft.) allowable. It would be approximately 90m². There is no guarantee that future occupants would not convert the workshop into a living space.
3. The brochure indicates that a minimum of three on-site parking spaces are required. Based on my understanding of the conversation with Development Officer, shortest portion of driveway from the lane to the street is 2,75m, An average mid-sized car measures approximately 4.5m in length, therefore there may not be adequate parking as required.

In conclusion, from my understanding of the Bylaws and other guidance from the City of Edmonton, the proposed Garage Suite is not in accordance with the zoning Bylaws set out by the City of Edmonton. As per the City of Edmonton website, "Edmontonians are encouraged to respect and comply with municipal bylaws." The relaxation of the Bylaws with respect to the proposed Garage Suite directly contradicts this statement.

Consultation Process Deficiencies

I disagree with the permit applicant's consultation process. Information was not transparent, nor forthcoming. There were two points of contact, one on Monday February 2, 2015 between approximately 4:30 and 6:00 pm, and one on Sunday March 14, 2015 between approximately 2:00 and 3:00 pm. John (assumed to be the permit applicant, John Warner) carried a clipboard with addresses on it. The deficiencies in the consultation process are as follows:

- No map was ever shown of where the property was located with respect to mine.
- On February 2, 2015 John indicated that his daughter and son-in-law were going to purchase the property. Therefore, my expectation would be that they would have also participated in his consultation process with their neighbors as the property owners. They did not.
- John pointed to South East of my property when describing where the location of the proposed Garage Suite would be on February 2, 2015, however 1460 Grant Way is located North East and is visible from my front door where John was standing both times he came to my home. The same situation occurred with my neighbor at 3660 Goodridge Crescent.
- When I asked the address of the property on March 14, 2015, John pronounced it 1416 Grant Way and I had to confirm the individual numbers (1-4-6-0) and address a few times.
- Most of my neighbors are at work until 6:00/7:00 pm and run errands during the day on the weekend. I feel that the times chosen were not optimal for true consultation to occur. At least 2 of my neighbors directly impacted were never contacted (3662 and 3658 Goodridge Crescent).
- The letter in Appendix 2 reads as though the development was going to proceed. There is minimal indication that those within 60m may appeal. The City of Edmonton did not "poll" me, I have to directly appeal.
- There are no measurements on the diagram of Appendix 3 to show the proposed height of the Garage Suite, and the drawing does not appear to be to scale.
 - Appendix 2 & 3 were provided only after I had indicated I would appeal the decision in our conversation on March 14, 2015. No other documents were provided. As John left my property he indicated that my property may not fall within 60m.
- The height is omitted from the website zoning map in Appendix 1 under the Applications section. It is also omitted from the Notice from the City of Edmonton in Appendix 4. The Development Officer acknowledged the height probably should have been included. On February 2, 2015, John indicated the structure would be 24 feet high.
- The Notice in Appendix 4 and the zoning map in Appendix 1 (under Applications) indicate that the main floor will be a garage; however the Development Officer indicated that half of the main floor will be a workshop. Again, no one can control what future occupants do with the space.

- The Development Officer indicated that one neighbor (1458 Grant Way —see Appendix 1) provided a letter of consent. Note: no second level windows from the living space face 1458 Grant Way.
- The Development Officer indicated that the Grange Home Owners Association (HOA) had spoken with some people and the HOA had no objections; however there is no evidence of their survey. More importantly, the HOA "was created to provide a means to uphold the aesthetic standard for [their] community...through the development and maintenance of common areas" as indicated on the Grange HOA website. The proposed Garage Suite is not in a common area, therefore the HOA support would be irrelevant. Granville does not have an HOA.
- There is no evidence of support from the Glastonbury/Granville Community League.
- The Development Officer indicated that the applicant had specified that those who lived across the walking path (the residents of Goodridge Crescent) had some objections.

I feel that insufficient information was provided and there are significant deficiencies in the consultation process with regards to the proposed Garage Suite. I had to ask several questions to understand the magnitude of this proposed Garage Suite. If the information was forthcoming and presented immediately, this would have allowed myself and the residents of Goodridge Crescent to voice their concerns before John's daughter and son-in-law purchased their property. Effective consultation could have enabled them to choose a different property that met the Bylaws.

Loss of Privacy, Use and Enjoyment of My Property

When I purchased my property (3664 Goodridge Crescent) on December 23, 2014, one of the main reasons that I purchased my home, was that it had a significant amount of space between my property and the houses of Grant Way. This allowed me to maximize my privacy and enjoyment of use of my own property. I paid a premium for this specific feature and expected City of Edmonton Bylaws would be upheld.

If the proposed Garage Suite proceeds, I will lose privacy and enjoyment of use of my property. My career as a postsecondary educator affords a significant amount of vacation time, which for the most part, is spent in my home and backyard. I purchased the property for the privacy that it affords with the significant distance between the houses of Grant Way. The windows of the proposed Garage Suite face North West and South West, which would face my master bedroom, kitchen and living room windows, as well as my yard. I would constantly need to keep my blinds closed for privacy if the proposed Garage Suite were to proceed. This takes away from the use and enjoyment of my property, both inside my property and outside in my back yard, because the proposed Garage Suite and windows, as shown in Appendix 3, would also face my property.

The Development Officer indicated that he based his decision on aerial satellite photos only and did not consider the negative visual impact from my property.

I attempted to address my concerns of the window placement for the proposed Garage Suite as directed by the City of Edmonton personnel. I discussed the proposed Garage Suite with a different Development officer on April 15, 2015 at the City of Edmonton offices. They had indicated that a Development Officer had not yet been assigned and

to call back in a week to determine the status, development officer and voice my concerns. I called back on April 21, 2015, and provided City personnel with the permit no, indicating I would like to know the status, and would like to speak with a Development Officer about my concerns. I provided my contact information. My call was never returned.

In conclusion, I feel the use and enjoyment of my own property was not considered, nor was the visual impact considered, when the Bylaws were relaxed for the proposed Garage Suite.

Decrease in Property Value

When I purchased my property on December 23, 2014, I purchased it at a premium for the location, and on the premise that the Bylaws of the City of Edmonton would be upheld to prevent unnecessary developments. If the proposed Garage Suite were to be constructed, it would decrease the value of my property significantly. My property, which is in the neighborhood of Granville (where homes are on RSL lots with front attached garages as shown in Appendix 1), would back on to the proposed Garage Suite. The proposed Garage Suite is in a different neighborhood, Glastonbury, (on RPL lots with detached garages as shown in Appendix 1).

As indicated above, my master bedroom, kitchen and living room windows would all face the proposed Garage Suite. This will significantly decrease the resale and property value of my home. There is significant monetary and personal value in owning a home with significant space between the homes it backs on to. It affords myself and any future prospective buyer(s) privacy, which increases my resale and property value. I purchased this property specifically because it did not have the "fishbowl effect" that realtors refer to.

If the proposed Garage Suite were built, it would create this "fishbowl effect", which would in effect be the same as if I purchased a house that backs onto another house with yards in between. I did not desire that type of property, and therefore I purchased 3664 Goodridge Crescent (which was purchased at a premium for the lot location) because it affords privacy in both my home and in my yard. I have included an e-mail from an independent realtor in Appendix 5, indicating the decrease in value of my property if the proposed Garage Suite were to proceed.

If the proposed Garage Suite were to proceed, the costs associated with the decrease in value of my property, commissions and legal fees associated with selling my home and moving expenses, would result in a significant financial loss for me. I don't feel that one person should benefit, while several others would incur a loss for a structure that I feel to be an unnecessary development.

Conclusion and Recommendation

In conclusion, given the above points, I am appealing the decision by the City of Edmonton Development Officer for Permit No: 169896618-001 and am requesting that the Members of the Edmonton Subdivision and Development Appeal Board rule that the development not proceed as previously approved.

I would recommend that the permit applicant develop a Secondary Basement Suite. Based on my review of the MLS listing for 1460 Grant Way, it indicated that the

basement of 1460 Grant Way is undeveloped. I feel that this is a reasonable compromise between the permit applicant, myself, my neighbors of Goodridge Crescent, the Development Officer and the Members of the Edmonton Subdivision and Development Appeal Board. This reasonable solution would provide the applicant with a sufficient living space required as indicated in his letter in Appendix 2, while adhering to the zoning Bylaws (since it is a Permitted Use). It would also maintain my property value, and protect the enjoyment, use and privacy of my property and for myself. Alternatively, the City of Edmonton has recently approved other zones for this type of structure, so perhaps a different property is also an option for the permit applicant.

Again, I would like to reiterate that this is not personal, I am simply protecting my investment in my home and the use and enjoyment of my home. I would like to thank the Members of the Edmonton Subdivision and Development Appeal Board for their time and consideration.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Garage Suite** is a Discretionary Use in the RPL Planned Lot Residential Zone, Section 130.3(2).

Under Section 7.2(3), **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 Secondary Suites or Garden Suites.

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

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

Section 130.4(18) states that Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw. In addition, Garage Suites and Garden Suites shall only be located:

- a. on Corner Sites;
- b. on Lots facing a service road;
- c. on Lots backing onto a Lane adjacent to an arterial road that is separated from the Lane by a landscaped boulevard; or
- d. on Lots where a Side or Rear Lot Line abuts a Site in Row Housing, Apartment or Community Services Zone, or any Site in a Zone where Public Parks are a Permitted Use, and is not separated from these Sites by a public roadway, including a Lane, more than 10.0 metres wide.

The Development Officer determined the proposed development does not meet the location criteria as set out in Section 130.4(18) and granted a relaxation to the location criteria.

The decision of approval by the Development Officer has been appealed by a neighbouring property owner located at 3664 - Goodridge Crescent.

The submitted plans show that the proposed Suite is located on the second floor of the Garage and consists of one bedroom, one bathroom, a kitchen, a dining area, and a great room. Access to the proposed Garage Suite is from an interior staircase and a separate entrance, located at the (west) elevation of the Garage.

Section 87 states Garage and Garden Suites shall be developed in accordance with the following regulations:

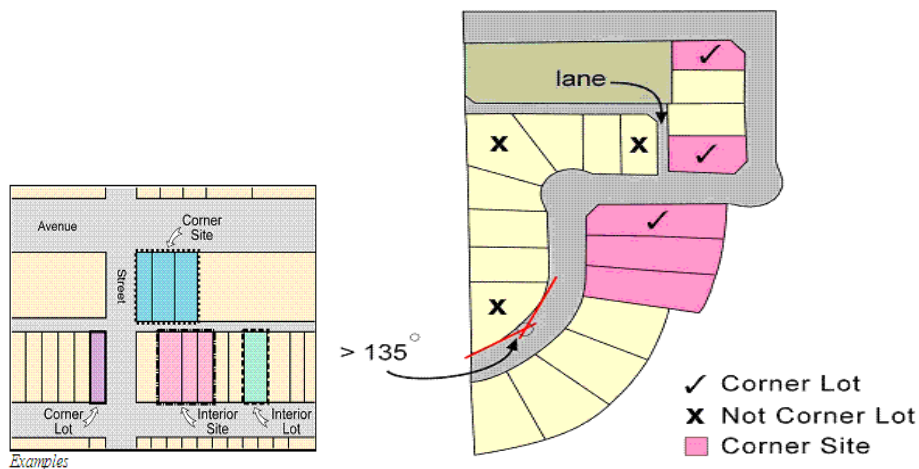
1. The minimum Site Area shall be as follows:
 - a. Garage Suite (above Grade): the minimum Site area shall be 400 square metres, except in the RR Zone, where it shall be 1.0 ha, the GLD and GLG Zones, where it shall be 370 square metres, and the TSLR Zone, where it shall be 412 square metres.
 - b. Garden Suite and Garage Suite (at Grade): the minimum Site area shall be 400 m² except in the RR Zone, where it shall be 1.0 ha.
2. the maximum Height shall be as follows:
 - a. Garage containing a Garage Suite (above Grade):
 - i. 6.5 metres or up to 1.5 metres 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 4/12 (18.4°) or greater.
 - ii. 5.5 metres or up to 1.5 metres 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°).
 - iii. notwithstanding (i) and (ii) above, in the case of the TSDR, TSLR and the GLG zones, the maximum height shall be 7.5metres.
 - b. Garden Suite and Garage Suite (at Grade): the maximum height shall be 4.3 metres.
3. the maximum Floor Area shall be:
 - a. 60 square metres for a Garage Suite (above Grade).
 - b. 50 square metres for a Garden Suite and for a Garage Suite (at Grade).
 - c. notwithstanding (a) and (b) above, the maximum Floor Area may be increased by up to 7.5 square metres, only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.
4. the minimum Floor Area of a Garage Suite or Garden Suite shall be 30 square metres.
5. the minimum Site Width for a Garage Suite or Garden Suite shall be the same as the minimum Site Width for the Zone.
6. the minimum Side Setback shall be:
 - a. for that portion of a detached Garage that contains a Garage Suite, the same as that for the principal Dwelling in the applicable Zone.

- b. for a Garden Suite, the same as that for the principal Dwelling in the applicable Zone.
 - c. on a corner Site where a Garage Suite or Garden Suite abuts a flanking public roadway, other than a Lane, the minimum Side Setback shall not be less than that provided for the principal structure.
7. the minimum distance between a detached Garage containing a Garage Suite, and a Garden Suite and the principal Dwelling on the same Site, shall be 4 metres.
8. windows contained within the Garage Suite portion of the detached Garage or the Garden Suite shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
 - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garage Suite or Garden Suite window on an abutting Site;
 - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any Side Yard abutting another property.
9. no decks on Garage Suite or Garden Suite roofs shall be allowed.
10. 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.
11. only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
12. notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three.
13. a Garage Suite or Garden Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.
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, Grade 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.
15. a Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
16. Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw.
17. notwithstanding Garage Suites and Garden Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton- Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay in Section 822 of this Bylaw.

Under Section 6.1(18), **Corner Lot** means

- a. a Lot located at the intersection of two public roadways, other than Lanes; or
- b. a Lot located abutting a public roadway, other than a Lane, which changes direction at any point where it abuts the lot;

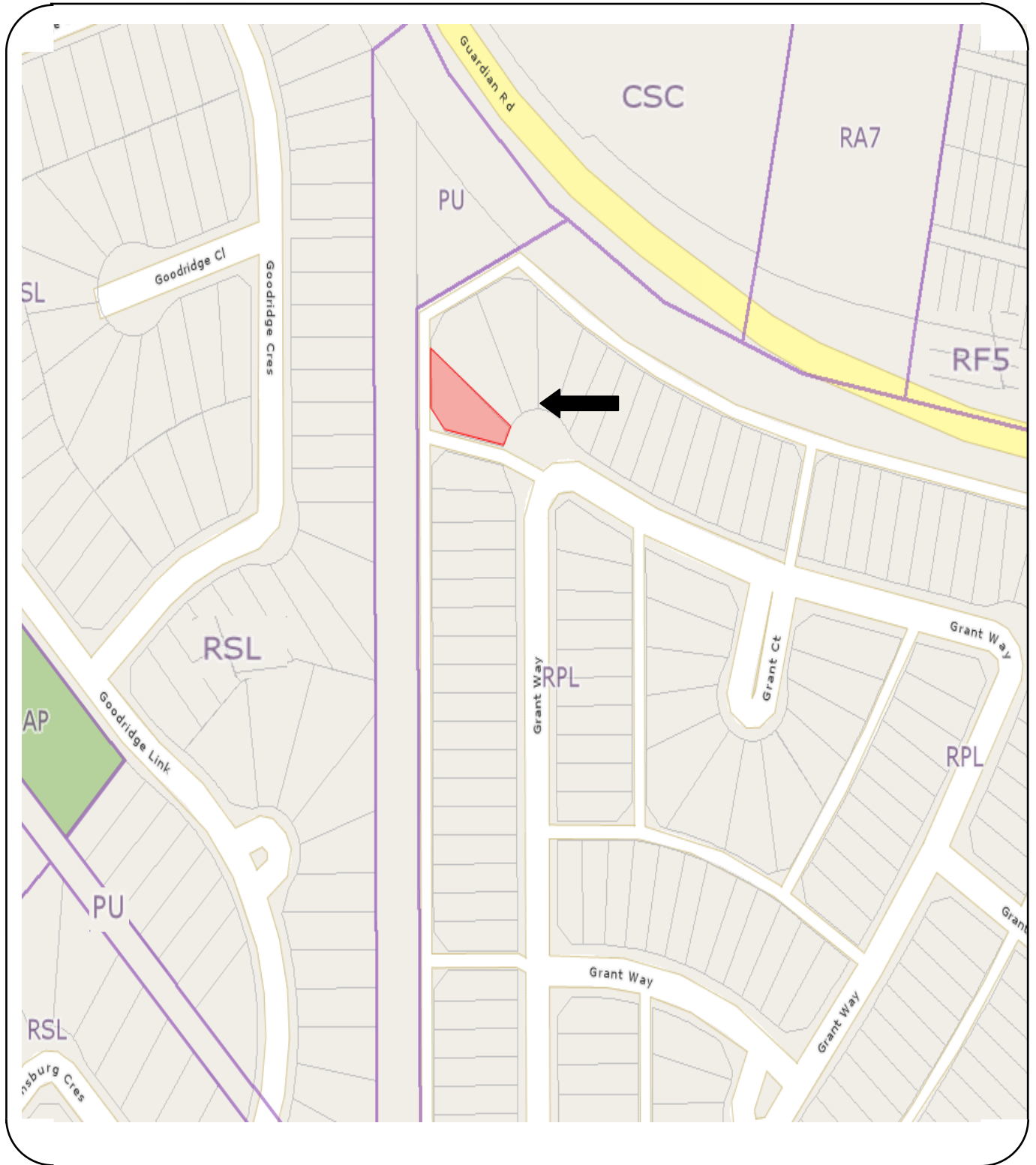
provided that in both cases the Lot shall not be considered a Corner Lot where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Lot shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.



Section 130.1 states the purpose of this Zone is to provide for small lot Single Detached Housing, serviced by both a Public Roadway and a Lane that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-119



BUSINESS LAID OVER

APPEAL HEARINGS TO BE SCHEDULED

168696143-001	An appeal by <u>127 Avenue Developments Inc.</u> to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <i>July 2, 2015</i>
170327437-001	An appeal by <u>Permit Solutions</u> to install (1) Freestanding Off-premises Sign (West Granville Centre). <i>June 24 or 25, 2015</i>