

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 14, 2017**

**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-17-103	Add (1) additional Dwelling to an existing Apartment Housing building (increase from 17 to 18 Dwellings by conversion of storage unit) and to construct interior alterations 11827 - 105 Street NW Project No.: 057424718-014
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II	10:30 A.M.	SDAB-D-17-104	Construct an addition (1.83m x 9.7m rear addition) and a rear uncovered deck (1.52m x 4.32m @ 0.9m in height), to a Single Detached House 11143 - 81 Avenue NW Project No.: 243176086-001
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WITHDRAWN

NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-103

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 057424718-014

APPLICATION TO: Add (1) additional Dwelling to an existing Apartment Housing building (increase from 17 to 18 Dwellings by conversion of storage unit) and to construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 10, 2017

DATE OF APPEAL: May 15, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11827 - 105 Street NW

LEGAL DESCRIPTION: Plan 0622797 Blk 4 Lot 7A, Condo Common Area (Plan 0727442)

ZONE: (RA7) Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

- 1) Stacked w/d units where installed in each unit, therefore the room next to the boiler room can and will be used as an amenities area.
- 2) The majority of tenants are NAIT students, so turn over is high, and congregating areas are not necessary due to close relationships being unlikely.

- 3) Being students not all have vehicles as indicated by the parking justification.

<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.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

Hearing and Decision

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

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

...

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

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 210.2(1), **Apartment Housing** is a **Permitted Use** in the (RA7) Low Rise Apartment Zone.

Under section 7.2(1), **Apartment Housing** means:

development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Under section 6.1(30), **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.

Section 210.1 states that the **General Purpose** of the **(RA7) Low Rise Apartment Zone** is:

to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Density

Section 210.4(1) states “The maximum Density shall be 125 Dwellings/ha.”

Under section 6.1(24), **Density** means, “when used in reference to Residential and Residential-Related development, the number of Dwellings on a Site expressed as Dwellings per hectare.”

Development Officer’s Determination

1. The proposed additional Dwelling will increase the total number of Dwellings to 18. The maximum Density allowed is 125 Dwellings/ha, the proposed addition will have a Density of $18/0.13935\text{ha} = 129.17/\text{ha}$. This exceeds the maximum Density requirement. - The Development Officer does not have the authority to vary Density regulations. (Reference Section 11.3(1)(b))
[unedited]

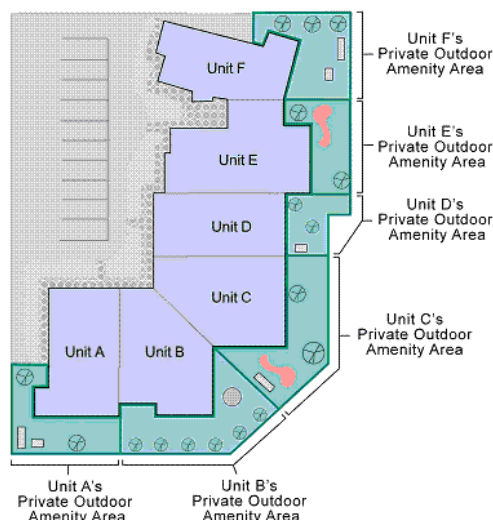
Private Outdoor Amenity Area

Section 823.3(3)(a) states:

A minimum Private Outdoor Amenity Area of 7.5 m^2 shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 m^2 of Private Outdoor Amenity Area shall be provided.

Under section 6.1(84), **Private Outdoor Amenity Area** means:

required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve.



Development Officer's Determination

2. The proposed additional Dwelling is required to have a minimum of 7.5 sm Private Outdoor Amenity Area. (Reference Section 823.3(3)(a))

- Amenity Area is not provided in this application.

[unedited]

Amenity Area

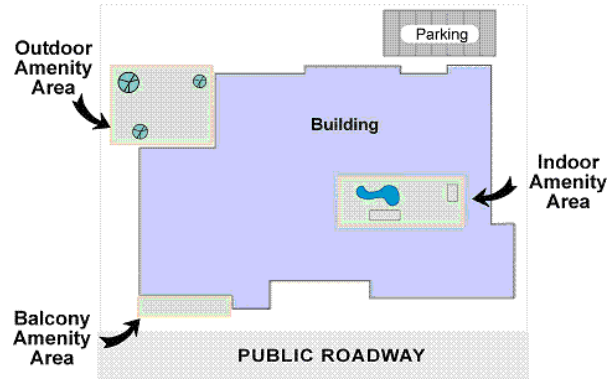
Section 823.3(3)(c) states:

Development containing ten (10) to nineteen (19) Apartment Housing Dwellings shall provide a minimum of 2.5 m² of common Amenity Area per Dwelling in addition to the 7.5 m of Private Outdoor Amenity Area required under Section 823.3(3)(a). Common Amenity Area shall be designed to facilitate active or passive recreational activities and shall:

- i. be located outdoors at ground level,
- ii. be aggregated into areas of not less than 25.0 m²,
- iii. have a minimum width and length of 4.0 m,
- iv. have access to sunlight,
- v. include seating and artificial lighting, and
- vi. be directly accessible from the building.

Under section 6.1(5), **Amenity Area** means:

- a. with respect to Residential Uses, space provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw; and
- b. with respect to non-Residential Uses, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development, subject to the regulations of this Bylaw.



Development Officer’s Determination

3. It is required that Common Amenity Area shall provide a minimum of 2.5 sm of common Amenity Area per Dwelling in addition to the 7.5 m of Private Outdoor Amenity Area. (Reference Section 823.3(3)(c))
- This is not provided in this application.
 [unedited]

Parking

Section 54.2, Schedule 1(A)(1) states the following with respect to the minimum number of Parking Spaces or Garage Spaces required for Apartment Housing:

	Minimum	Maximum	TOD minimum	TOD maximum
Bed Sitting Room	1	N/A	0.7	1
Bachelor Suite	1	N/A	0.7	1
1 Bedroom Dwelling	1	N/A	0.8	1
2 Bedroom Dwelling	1.5	N/A	1	1.5
3 or more Bedroom Dwelling	1.7	N/A	1.25	1.75
Visitor Parking	1 per 7 Dwellings	N/A	1 per 7 Dwellings	N/A

Where such Uses contain three or more dwelling units (or where Semi-Detached Housing, Duplex Housing, or Apartment Housing consisting of fewer than three dwelling units, comprise part of a Multi-Unit Project Development) and are located within 400 metres of an existing LRT station or a future LRT station with a Council-approved Concept Plan, within 400 metres of an existing Transit Centre or a future Transit Centre with a Council-approved Concept Plan, or within 100 metres of a Transit Avenue, the following minimum parking requirements and maximum parking requirements shall apply.

The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.


The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.

Development Officer's Determination

- 4. The additional Dwelling will require 1 additional parking space. Based on the previously approved permit, the 17 Dwellings already have deficiency of 2 parking spaces. (Reference Section 54.2 Schedule 1)**
- **This proposed additional one bedroom Dwelling will increase the deficiency to 3 parking spaces.**
- [unedited].

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 57424718-014 Application Date: FEB 03, 2017 Printed: May 10, 2017 at 4:23 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Major Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 11827 - 105 STREET NW Plan 0622797 Blk 4 Lot 7A 11827 - 105 STREET NW Condo Common Area (Plan 0727442)
	Specific Address(es) Entryway: 11827 - 105 STREET NW Building: 11827 - 105 STREET NW
Scope of Application To add (1) additional Dwelling to an existing Apartment Housing building (increase from 17 to 18 Dwellings by conversion of storage unit) and to construct interior alterations.	
Permit Details	
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. The proposed additional Dwelling will increase the total number of Dwellings to 18. The maximum Density allowed is 125 Dwellings/ha, the proposed addition will have a Density of 18/0.13935ha= 129.17/ha. This exceeds the maximum Density requirement. - The Development Officer does not have the authority to vary Density regulations. (Reference Section 11.3(1)(b)) 2. The proposed additional Dwelling is required to have a minimum of 7.5 sm Private Outdoor Amenity Area. (Reference Section 823.3(3)(a)) - Amenity Area is not provided in this application. 3. It is required that Common Amenity Area shall provide a minimum of 2.5 sm of common Amenity Area per Dwelling in addition to the 7.5 m of Private Outdoor Amenity Area. (Reference Section 823.3(3)(c)) - This is not provided in this application. 4. The additional Dwelling will require 1 additional parking space. Based on the previously approved permit, the 17 Dwellings already have deficiency of 2 parking spaces. (Reference Section 54.2 Schedule 1) - This proposed additional one bedroom Dwelling will increase the deficiency to 3 parking spaces. Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.	
Issue Date: May 10, 2017 Development Authority: ANGELES, JOSELITO Signature: _____	
THIS IS NOT A PERMIT	



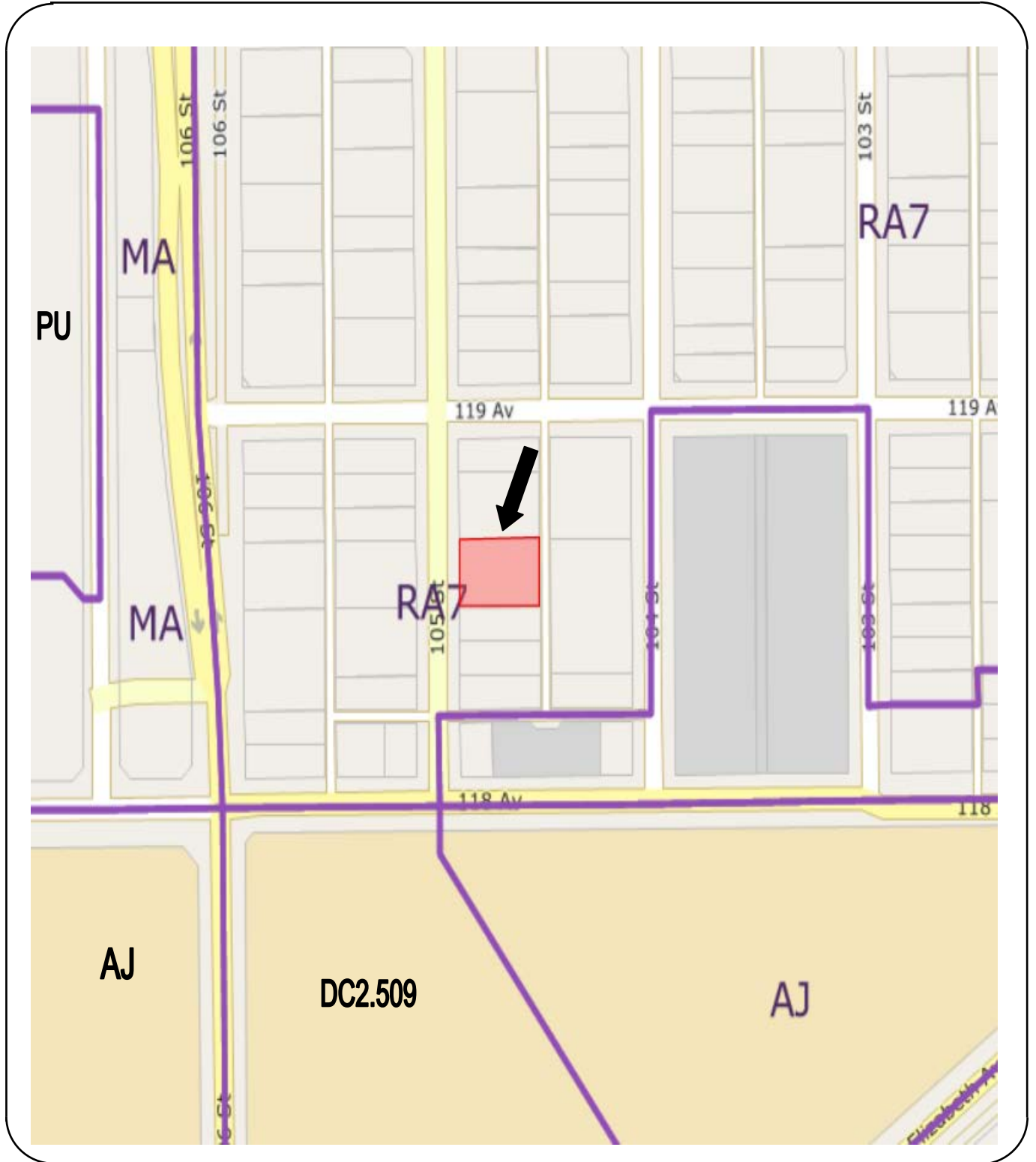
Project Number: **57424718-014**
Application Date: FEB 03, 2017
Printed: May 10, 2017 at 4:23 PM
Page: 2 of 2

Application for Major Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$271.00	\$271.00	03902866	Feb 03, 2017
Sanitary Sewer Trunk Fund 2012+	\$1,118.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,389.00</u>	<u>\$271.00</u>		
(\$1,118.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-103



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-104

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

APPELLANT:

APPLICATION NO.: 243176086-001

APPLICATION TO: Construct an addition (1.83m x 9.7m rear addition) and a rear uncovered deck (1.52m x 4.32m @ 0.9m in height), to a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 15, 2017

DATE OF APPEAL: May 19, 2017

NOTIFICATION PERIOD: May 23, 2017 through June 6, 2017

RESPONDENT: (Plumbing & Gas) J. Van Builders Inc.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11143 - 81 Avenue NW

LEGAL DESCRIPTION: Plan I19 Blk 154 Lot 22

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan
