

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**June 18, 2015**

**Hearing Room No. 3**  
**Churchill Building,**  
**10019 - 103 Avenue NW,**  
**Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I	9:00 A.M.	SDAB-D-15-130	Construct a Single Detached House with a covered front and side veranda, upper front covered balcony (2.44 m x 4.723 m), upper side covered balcony (1.83 m x 1.83 m), partially covered rear deck with a hot tub (7.21m x 5.48m) basement development (not to be used as an additional Dwelling) and to demolish a Single Detached House and rear Detached Garage
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7320 - Ada Boulevard NW

Project No.: 153614664-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-130

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

APPELLANT:

APPLICATION NO.: 153614664-001

APPLICATION TO: Construct a Single Detached House with a covered front and side veranda, upper front covered balcony (2.44 m x 4.723 m), upper side covered balcony (1.83 m x 1.83 m), partially covered rear deck with a hot tub (7.21m x 5.48m) basement development (not to be used as an additional Dwelling) and to demolish a Single Detached House and rear Detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 6, 2014

DATE OF APPEAL: July 17, 2014

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7320 - Ada Boulevard NW

LEGAL DESCRIPTION: Plan 8073ET Blk 1 Lot 12

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Stadium Station Area Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

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

The height of the principal building shall not exceed 8.6 m nor 2 1/2 Storeys as per the height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

Immediately upon demolition of the buildings, the site shall be cleared of all debris.

Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.

Any future deck enclosure or cover requires a separate development and building permit approval.

NOTE: The applicant should be advised that there may be complications in obtaining a Development Permit for future development because this lot is developed to full site coverage.

The proposed basement development shall not be used as an additional dwelling unit. Secondary suites require additional permits.

The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.

Except for the hard surfacing 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 12800.

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 driveway access must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities.

The subject property fronts onto Ada Boulevard which extends along the top of bank of the North Saskatchewan River valley slopes, with inherent geotechnical risk. Owing to the presence of Ada Boulevard along the top of bank in front of the subject property, it is expected that the City would likely be required undertake remedial measures should slope instability arise, with the intent to minimize any adverse impacts to this roadway or other City infrastructure. Therefore, it would not be recommended that a geotechnical report must be provided for this site in order to meet the intent of Section 14.1 and 811 of the Zoning Bylaw. Nonetheless, the owner is encouraged to obtain the recommendations of a geotechnical engineer to better define and manage the risk to their property and development.

Restrictions on water features to be adhered to should development at this site be permitted, as follows.

- No 'Swimming Pool' shall be constructed or installed, where 'Swimming Pool' refers to a swimming pool, ornamental pond, or other water retention structure.
- No permanent sprinkler or irrigation systems shall be constructed or installed.

Where the construction or installation of a swimming pool or other significant water retention structure is proposed, supporting geotechnical information should be provided to the City for review and approval as part of a development application.

The proposed hot tub at the rear of the property would be deemed acceptable, providing that measures are taken to ensure leakage detection and containment, and to provide for discharge to the storm sewer system. Good local construction techniques and practices must be employed during installation, and this amenity must be well maintained over the long term.

The developer and owner should also be aware that site-specific geotechnical investigation and inspections by qualified geotechnical personnel would reduce uncertainty and risk relative to the proposed development and the design and construction of the foundations for the proposed structure.

Should development be approved to proceed, the applicant must be aware that they are fully responsible to mitigate all geotechnical risks to surrounding properties and structures. Notably, all design and construction measures, including retaining structures and temporary shoring to support the basement excavation must suitably protect neighbouring properties, structures and infrastructure from any adverse impacts during construction.

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.

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#### APPELLANT'S SUBMISSION

The Appellants respectfully appeal the decision of the Development Officer approving the development permit at 7320 Ada Boulevard (Lot 12, Block 1, Plan 8073ET) on the following grounds:

- (a) No notice was provided to adjacent property owners with respect to the proposed development.
- (b) The hole was dug for the foundation between July 12 and 14, 2014, and it was at this time the Appellants determined/discovered that variances appear to have been granted relating to the side and rear yards.
- (c) The Appellants submit that the proposed development is contrary to the provisions of the Mature Neighbourhood Overlay (s. 814, Edmonton Zoning Bylaw) and the Medium Scale Residential Infill Overlay (s 823, Edmonton Zoning Bylaw).
- (d) The proposed side and rear yards will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

- (e) The Appellants are concerned about lost sunlight and decreased property value.
- (f) Further, it is respectfully submitted that the use, enjoyment and value of the Appellants' property and the amenities of the neighbourhood will be negatively affected by the proposed development.
- (g) Such further and other reasons as may be presented at the hearing of this matter.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 686(1)(b) of the *Municipal Government Act* states "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, in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw."

Section 685(2) of the *Municipal Government Act* states "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."

The decision of approval by the Development Officer is dated June 6, 2014 and the Notice of Appeal was filed on July 17, 2014.

**Single Detached Housing** is a Permitted Use in the RF1 Single Detached Residential Zone, Section 110.2(4).

Under Section 7.2(9), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Under Section 685(3) of the *Municipal Government Act*, "no appeal lies in respect of the issuance of a development permit for a Permitted Use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted."

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

The decision of approval by the Development Officer has been appealed by adjacent property owners immediately east, located at 7314 – Ada Boulevard.

The submitted Plot Plan, Hagen Surveys (1982) Ltd., dated January 28, 2014 (revised February 3, 2014) shows that the subject site has a (north) Site Width of 15.24 metres, a (south) Site Width of 15.33 metres, a (west) Site depth of 47.24 metres, and an (east) Site depth of 48.93 metres. The Single Detached House is located 8.62 metres to the (south) Front Lot Line, 21.11 metres from the (north) Rear Lot Line, 2.00 metres from the (west) Side Lot Line, and 1.25 metres from the (east) Side Lot Line.

Section 814.1 states that the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is

sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Section 110.1 states the purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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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.

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### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-130





***BUSINESS LAID OVER***

SDAB-D-15-114	An appeal by <u>Ogilvie LLP</u> to Construct a Freestanding Minor Digital On-premises Off-premises Sign <b><i>July 2, 2015</i></b>
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***APPEAL HEARINGS TO BE SCHEDULED***

170327437-001	An appeal by <u>Permit Solutions</u> to install (1) Freestanding Off-premises Sign (West Granville Centre). <b><i>June 24 or 25, 2015</i></b>
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. <b><i>July 2, 2015</i></b>
152684111-003	An appeal by <u>MBD Management Inc.</u> to increase the height of an approved Fascia Minor Digital On-premises Off-premises Sign <b><i>July 8 or 9, 2015</i></b>