

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 24, 2015**

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

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

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I	9:00 A.M.	SDAB-D-15-131	Erect a fence higher than 1.2m in the Front and flanking Side Yard (1.83m).  10212 - 66 Street NW Project No.: 170767785-001
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II	11:00 A.M.	SDAB-D-15-132	Construct exterior alterations to a Single Detached House (decorative hardsurfaced area in the Front Yard, 6.05m x 6.79m) existing without permits  13604 - 160 Avenue NW Project No.: 170972405-001
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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-15-131

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

APPELLANT:

APPLICATION NO.: 170767785-001

APPLICATION TO: Erect a fence higher than 1.2m in the Front and flanking Side Yard (1.83m).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: May 11, 2015

DATE OF APPEAL: May 27, 2015

NOTIFICATION PERIOD: May 14, 2015 through May 27, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10212 - 66 Street NW

LEGAL DESCRIPTION: Plan 1841KS Blk 15 Lot 1

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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DEVELOPMENT OFFICER'S DECISION

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

This Development Permit authorizes to erect an overheight fence in the front yard and flanking yard (height at 1.82m). The development shall be constructed in accordance with the stamped and approved drawings.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of an overheight fence (front yard @ 1.82m in height) only. The development shall be constructed in accordance with the stamped and approved drawings;

- The fence shall be installed entirely on private property.
- The fence shall not impede any sightlines for vehicular or pedestrian traffic
- The fence shall not exceed 1.85m in height as approved in this permit.
- The materials of the fence shall be similar to, or better than, the standard of surrounding development.

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.

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

**VARIANCE:**

Section 49(4(a)): relaxed - the maximum height of a fence from 1.2 m to 1.824 m. (Edmonton Zoning Bylaw 12800, Section 49(4(a)))

Note: 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.

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**APPELLANT'S SUBMISSION**

A six foot fence will be unsightly and may even diminish property values. It may constitute a traffic hazard. There are better, cheaper, simpler solutions to provide a child-safe play area.

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**SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS**

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 49.4(a) states a fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.2 metres in Height for the portion of the fence, wall or gate that extends beyond the foremost portion or portions of the principal building on the Site, into the Front Yard.

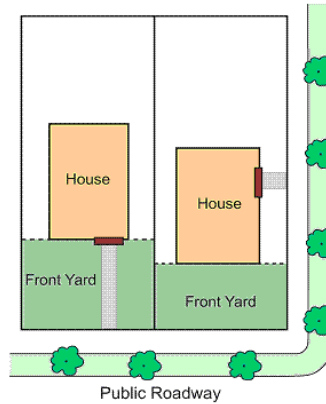
**The Development Officer determined the maximum Height of a fence is 1.2 metres. The proposed development provides a fence with a Height of 1.82 metres and a relaxation of 0.62 metres was granted.**

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 6515 - 102a Avenue.

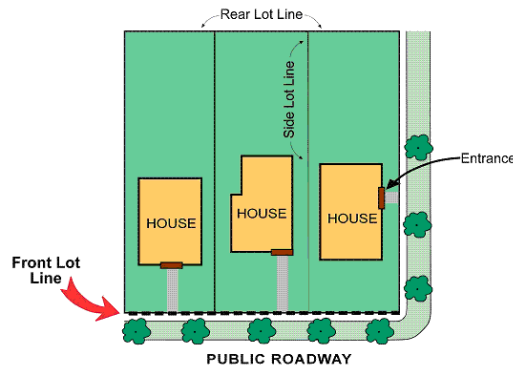
Section 49 provides the following with regard to Fences, Walls and Gates in Residential Zones:

1. The regulations contained within Section 49 of this Bylaw apply to:
  - a. the Height of the material used in the construction of a fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as but not limited to lattice.
2. Notwithstanding subsection 49(1), the regulations for fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the fence, wall, or gate.
3. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 metres in Height, measured from the general ground level 0.5 metres back of the property line of the Site on which the fence, wall, or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting:
  - a. the Front Yard, or
  - b. Side Yard abutting a public roadway other than a Lane.
4. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.2 metres in Height for the portion of the fence, wall, or gate that extends beyond the foremost portion or portions of the principal building on the Site, into:
  - a. ..., or
  - b. a Side Yard abutting a public roadway other than a Lane, provided that the Development Officer may vary the Height of the fence, wall, or gate to a maximum of 1.85 metres.
5. In the case of Double Fronting Sites, the Development Officer may grant a variance to allow a fence, wall, or gate of up to 1.85 metres in Height in one of the Front Yards, having regard to the location of fences, walls, and gates in the surrounding area and the requirement for screening.
6. Notwithstanding 11.3 of this Bylaw, the Development Officer may vary the Height of the fence, wall, or gate to a maximum of 2.44 metres in order to provide additional screening form public roadways or incompatible adjacent land uses.

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 Section 6.1(37), **Front Lot Line** means the property line separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line;



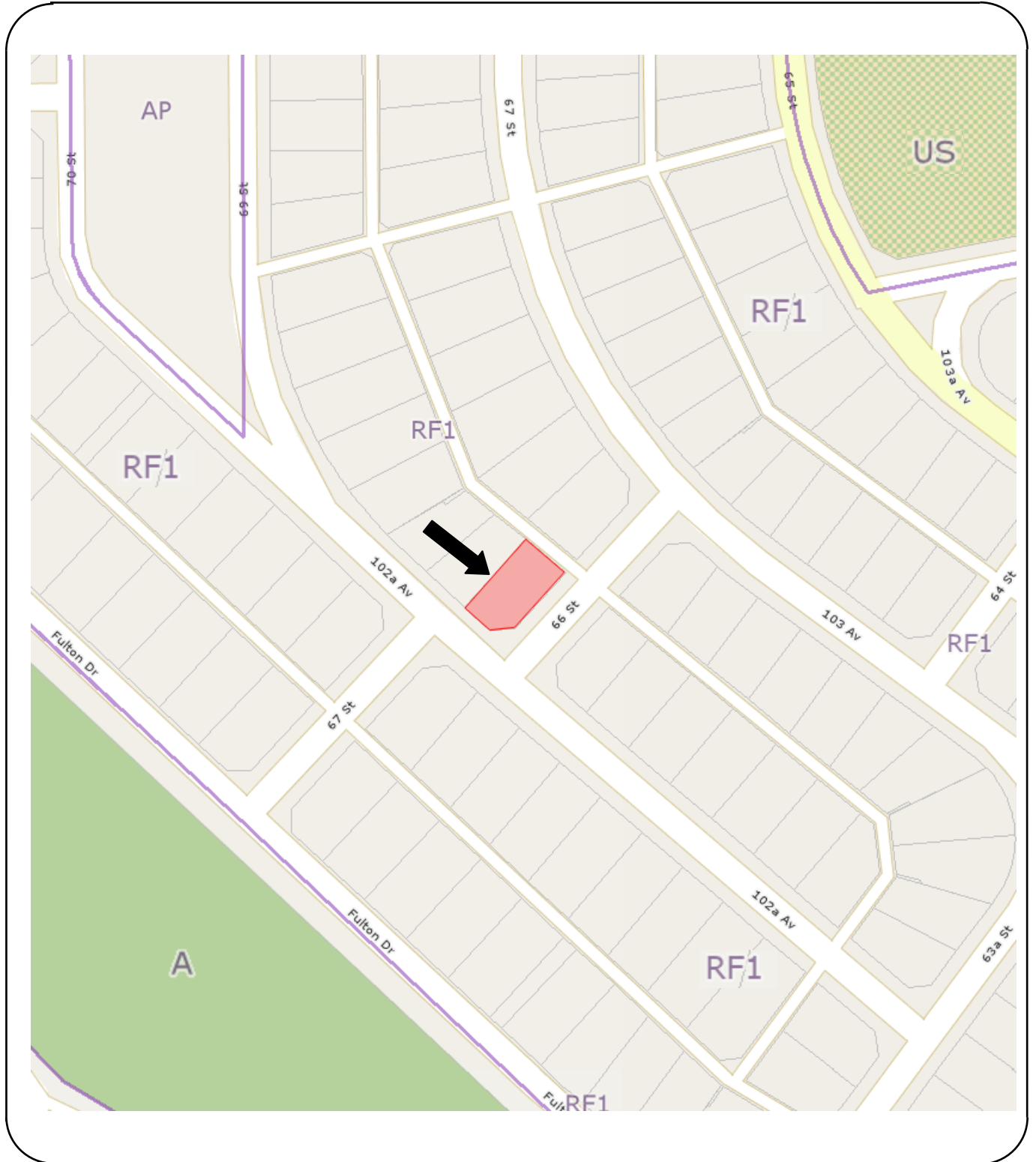
Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures 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 that the purpose of the Single Detached 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.

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-15-131





ITEM II: 11:00 A.M.

FILE: SDAB-D-15-132

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 170972405-001

APPLICATION TO: Construct exterior alterations to a Single Detached House (decorative hardsurfaced area in the Front Yard, 6.05m x 6.79m) existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 20, 2015

DATE OF APPEAL: May 27, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13604 - 160 Avenue NW

LEGAL DESCRIPTION: Plan 0720564 Blk 58 Lot 3

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Palisades Area Structure Plan  
Carlton Neighbourhood Structure Plan

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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.

Section 54.1(4) - The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

-Other than the approved concrete front driveway, the existing decorative hardsurfaced area (6.79m x 6.05m) to the west of the Garage overhead doors, 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 west property line and where the overhead doors of Garage) is being used for parking. Parking is not allowed on the Front Yard.

3. 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 decorative hardsurfaced area is not suitable as it provides an area for parking in the Front Yard other than a driveway.

NOTES:

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 # 065626048-001 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)."

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

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APPELLANT'S SUBMISSION

- I did this more than four years ago as an alternative decorative to green landscaping.
  - I had parked there years before but now I don't park anymore since I got the City notice.
  - There are many houses around my area with concrete in their font yard and they even park on it.
  - Landscape decorated with patio bricks and flower planters.
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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

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 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 existing decorative hardsurfaced area 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. ....

**The Development Officer determined parking is not allowed on the Front Yard and the Front Yard is being used for parking.**

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.

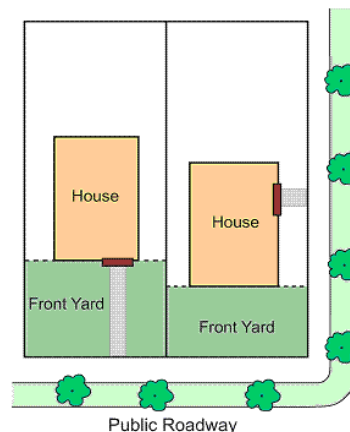
**The Development Officer determined the existing decorative hardsurfaced area is not suitable as it provides an area for parking in the Front Yard other than a Driveway.**

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.

**The Development Officer determined the Landscaping condition attached to Development Permit #065626048-001 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 months (18) consecutive months of the issuance of an Occupancy Certificated for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).”**

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 Section 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(69), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

Section 110.1 states the 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, Semi-detached Housing and Duplex Housing under certain conditions.

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-132



**BUSINESS LAID OVER**

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

<b>168696143-001</b>	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>
<b>152684111-003</b>	An appeal by <u>MBD Management Inc.</u> to increase the height of an approved Fascia Minor Digital On-premises Off-premises Sign <i>July 8 or 9, 2015</i>