

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
June 26, 2019**

**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-19-096

To construct exterior alterations to a Single Detached House (Driveway extension 2.6 metres by 5.6 metres long).

17107 - 74 Street NW  
Project No.: 313136919-001

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II 10:30 A.M. SDAB-D-19-097

To construct a 2.24 metres high Fence in the required front and flanking side yard.

7803 - 103 Avenue NW  
Project No.: 149168726-001

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III 1:30 P.M. SDAB-D-19-098

To construct four Dwellings of Row Housing.

12603 - 115 Avenue NW  
Project No.: 303932988-001

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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-19-096

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 313136919-001

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension 2.6 metres by 5.6 metres long).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 3, 2019

DATE OF APPEAL: June 3, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17107 - 74 Street NW

LEGAL DESCRIPTION: Plan 1223878 Blk 7 Lot 74

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edmonton North Area Structure Plan  
Schonsee Neighbourhood Structure Plan

***Grounds for Appeal***

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

I understand that the City grants one parking stall per unit, but that is not reasonable because most households would have at least two vehicles to commute. I also understand that 4 parking stalls had been granted at my location, however, if we parked two cars in the garage, the driveway must be cleared in order for us to go in and out. Therefore, there are only just two parking stalls.

We have a legal basement suite that is currently rented out and my tenants and myself often find that the street parking is congested with

other vehicles on the block. My tenants expressed their concern to needing to fight for a spot on the street.

If the City grants my driveway extension, we can spare parking on the street. This will also be a bonus to my renter having their own guaranteed parking stall for their usage.

We would still provide green landscaping and proper drainage if the City grants out driveway extension. There would be grass, shrubs and other landscaping on both sides of the extension.

There are more than 2 dozen houses around the neighbourhood that have extended their driveways, please see the photographs enclosed.

As proud Edmontonians, we don't want to break the bylaws and rules that the City has imprinted. We want to work with the City because we love Edmonton and this is our home.

<i>General Matters</i>
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**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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, [...]

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

**General Provisions from the *Edmonton Zoning Bylaw*:**

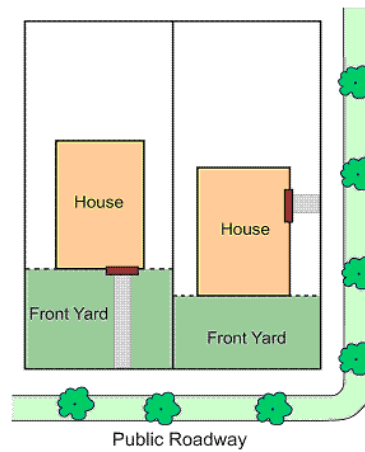
Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **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, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Under section 6.1, **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.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of (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 and Garden Suites.

***Off-street Parking and Loading Regulations***

Section 54.1(4) states:

The Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. **lead directly from the roadway to the Garage or Parking Area;**
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. **For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and**
- d. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 4.3 m.

**Development Officer's Determination**

**1. The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Reference Section 54.1(4)(a))**

**The proposed Driveway extension leads to the front of the house not to a Garage or Parking Area.**

**2. The width of the Driveway shall not exceed the width of the Garage. (Reference Section 54.1(4)(c))**

**The width of the proposed Driveway and Driveway extension is 2.6 m greater than the width of the Garage. [unedited]**

***Location of Vehicular Parking Facilities***

Section 54.2(2) states:

...

- e. Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard in a Residential Zone;**

...

**Development Officer's Determination**

- 3. Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.2.2.e.(i))  
The proposed Driveway extension will create parking spaces in the Front Yard in a Residential Zone. [unedited]**


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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.

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	Project Number: <b>313136919-001</b> Application Date: MAY 08, 2019 Printed: June 3, 2019 at 11:19 AM Page: 1 of 2										
<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>											
This document is a Development Permit Decision for the development application described below.											
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 17107 - 74 STREET NW Plan 1223878 Blk 7 Lot 74  <b>Location(s) of Work</b> Suite: 17107 - 74 STREET NW Suite: BSMT, 17107 - 74 STREET NW Entryway: 17107 - 74 STREET NW Building: 17107 - 74 STREET NW										
<b>Scope of Application</b> To construct exterior alterations to a Single Detached House (Driveway extension 2.6 m x 5.6 m long).											
<b>Permit Details</b>											
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 366.28										
I/We certify that the above noted details are correct.  Applicant signature: _____											
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> Jun 03, 2019 <b>Development Authority:</b> FOLKMAN, JEREMY  <b>Reason for Refusal</b> <ol style="list-style-type: none"> <li>1. The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Reference Section 54.1(4)(a)) The proposed Driveway extension leads to the front of the house not to a Garage or Parking Area.</li> <li>2. The width of the Driveway shall not exceed the width of the Garage. (Reference Section 54.1(4)(c)) The width of the proposed Driveway and Driveway extension is 2.6 m greater than the width of the Garage.</li> <li>3. Parking spaces shall not be located within a Front Yard in a Residential Zone. (Section 54.2.2.e.(i)) The proposed Driveway extension will create parking spaces in the Front Yard in a Residential Zone.</li> </ol> <b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.											
<b>Building Permit Decision</b> Refused											
<b>Fees</b> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$173.00</td> <td style="text-align: right;">\$173.00</td> <td>83493709693S001</td> <td style="text-align: right;">May 08, 2019</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$173.00	\$173.00	83493709693S001	May 08, 2019
	Fee Amount	Amount Paid	Receipt #	Date Paid							
Development Application Fee	\$173.00	\$173.00	83493709693S001	May 08, 2019							
<b>THIS IS NOT A PERMIT</b>											



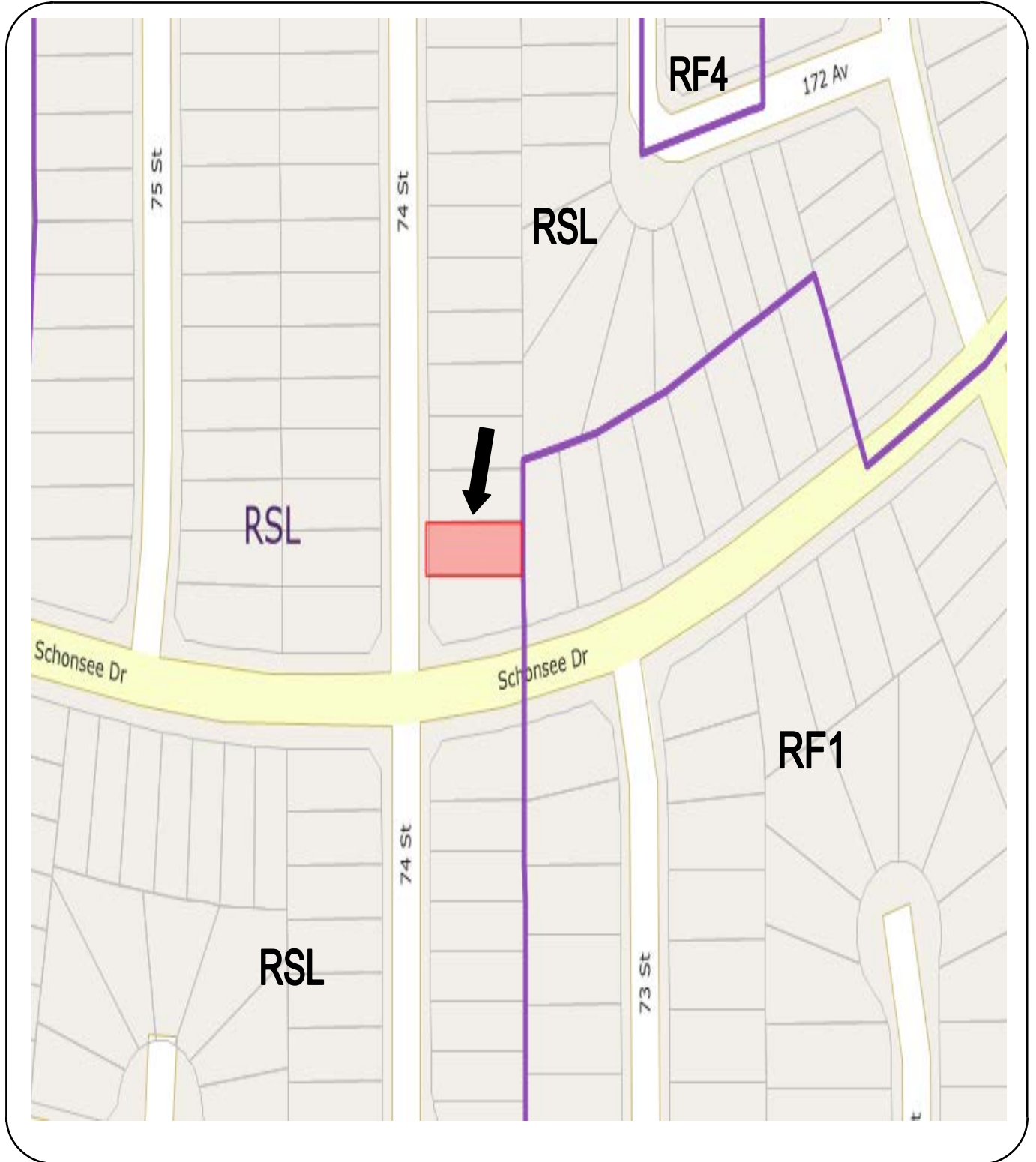
## Application for Driveway Extension Permit

Project Number: **313136919-001**  
Application Date: MAY 08, 2019  
Printed: June 3, 2019 at 11:19 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$173.00</u>	<u>\$173.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-096



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-097

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 149168726-001

APPLICATION TO: Construct a 2.24 metres high Fence in the required front and flanking side yard.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 17, 2019

DATE OF APPEAL: May 31, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7803 - 103 Avenue NW

LEGAL DESCRIPTION: Plan 5515AE Blk 23 Lot 16

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

The fence has been on the property for over five years. We have three children and the fence was built for their protection. We have had no complaints in the five years that it has been in place.

***General Matters***

**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

### **Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

### **Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, [...]

### **Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

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

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

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 140.2(10), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

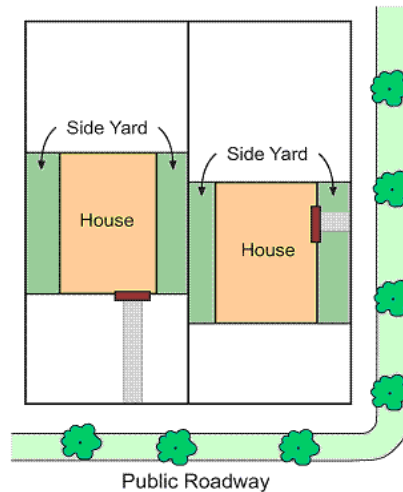
Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under section 6.1, **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

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

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

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

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

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

***Fences, Walls, Gates, and Privacy Screening in Residential Zones***

Section 49.1 states the following with respect to *Fences, walls and gates*:

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
  - i. 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.
- b. Notwithstanding subsection 49(1)(a), 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.

- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:
  - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
  - ii. 1.85 m in all other Yards.
- e. **On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:**
  - i. **1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,**
  - ii. **1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and**
  - iii. 1.85 m in all other Yards.
- f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- g. In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, 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 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.

**Development Officer's Determination**

**Section 49.1(e)(i) - 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard**

**Section 49.1(e)(ii) - On a Corner Site, the Height of a Fence, wall, or gate shall not exceed 1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side**



**Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line.**


**The existing fence is 2.24m instead of 1.2m. [unedited]**

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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.

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	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: <b>149168726-001</b> Application Date: JAN 31, 2014 Printed: May 21, 2019 at 9:56 AM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.				
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 7803 - 103 AVENUE NW Plan 5515AE Blk 23 Lot 16			
	<b>Specific Address(es)</b> Suite: 7803 - 103 AVENUE NW Entryway: 7803 - 103 AVENUE NW Building: 7803 - 103 AVENUE NW			
<b>Scope of Application</b> To construct a 2.24m high Fence in the required front and flanking side yard.				
<b>Permit Details</b>				
# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class A Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay			
I/We certify that the above noted details are correct.  Applicant signature: _____				
<b>Development Application Decision</b> Refused  <b>Issue Date:</b> May 17, 2019 <b>Development Authority:</b> ALEXANDER, GLENN  <b>Reason for Refusal</b> Section 49.1(e)(i) - 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard  Section 49.1(e)(ii) - On a Corner Site, the Height of a Fence, wall, or gate shall not exceed 1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line.  The existing fence is 2.24m instead of 1.2m.				
<b>Rights of Appeal</b> The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
<b>Fees</b>				
	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Dev. Application Fee	\$161.00	\$161.00	01445652	Jan 31, 2014
<b>THIS IS NOT A PERMIT</b>				



## Application for Minor Development Permit

Project Number: **149168726-001**  
Application Date: JAN 31, 2014  
Printed: May 21, 2019 at 9:56 AM  
Page: 2 of 2

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$161.00</u>	<u>\$161.00</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-097



ITEM III: 1:30 P.M.

FILE: SDAB-D-19-098

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

APPELLANT:	D. Kroening
APPLICATION NO.:	303932988-001
APPLICATION TO:	Construct four Dwellings of Row Housing
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with conditions
DECISION DATE:	May 15, 2019
DATE OF APPEAL:	June 1, 2019
NOTIFICATION PERIOD:	May 23, 2019 through June 13, 2019
RESPONDENT:	Equity Built Homes
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	12603 - 115 Avenue NW
LEGAL DESCRIPTION:	Plan RN46 Blk 19 Lot 10
ZONE:	(RF3) Small Scale Infill Development Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	West Ingle Area Redevelopment Plan

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***Grounds for Appeal***

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

In my opinion, a fourplex exceeds the density acceptable to neighboring property owners.

The Inglewood community has seen numerous duplex and skinny type in-fills, including my own home, that have stretched the density of the community to it tolerable limit. I do not believe that zoning should allow for tri or fourplex housing in the residential neighborhoods of the Inglewood community.

For this reason, I am opposed to allowing a fourplex to be built at 12603-115 Ave. NW.

***General Matters***

**Appeal Information:**

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

**Appeals**

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
  - (i) with respect to an application for a development permit,
    - (A) within 21 days after the date on which the written decision is given under section 642, or
    - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
  - or
  - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (i) the proposed development would not
    - (A) unduly interfere with the amenities of the neighbourhood, or
    - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 140.2(6), **Row Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(5), **Row Housing** means:

development consisting of a building containing a row of three or more principal Dwellings joined in whole or in part at the side only with none of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This Use does not include Stacked Row Housing or Blatchford Townhousing.

Section 140.1 states that the **General Purpose** of **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

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

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

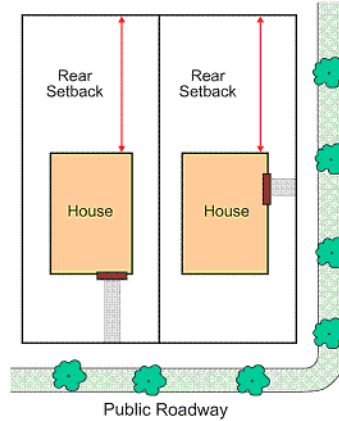
***Rear Setback***

Section 814.3(4) states "The minimum Rear Setback shall be 40% of Site Depth."

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

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





**Development Officer’s Determination**

**Reduced Rear Setback - The distance from the house to the rear property line is 16.8m (37% of site depth) instead of 18.3m (40% of site depth) (Section 814.3.4). [unedited]**

***Projection into Setbacks***

Section 44.2(a) states:

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

- a) windows, or cantilevered projections without windows, provided that such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces. In all cases, a minimum distance of 0.6 m from the property line to the outside wall of such projection and all other portions of a Dwelling, including eaves, shall be maintained; and
- b) ...

**Development Officer’s Determination**

**Projection - The distance from the cantilever to the back property line (rear lot line) is 16.2m, instead of 17.7m (Section 44.2). [unedited]**

***Community Consultation***

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

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or

receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:


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

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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.

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	Project Number: <b>303932988-001</b> Application Date: JAN 31, 2019 Printed: June 3, 2019 at 8:53 AM Page: 1 of 3
<h2 style="margin: 0;">Minor Development Permit</h2>	
This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.	
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12603 - 115 AVENUE NW Plan RN46 Blk 19 Lot 10  <b>Specific Address(es)</b> Entryway: 1, 12603 - 115 AVENUE NW Entryway: 2, 12603 - 115 AVENUE NW Entryway: 3, 12603 - 115 AVENUE NW Entryway: 4, 12603 - 115 AVENUE NW Building: 1, 12603 - 115 AVENUE NW
<b>Scope of Permit</b> To construct 4 Dwellings of Row House.	
<b>Permit Details</b>	
# of Dwelling Units Add/Remove: 3 # of Secondary Suite Dwelling Units To Construct: 0 Client File Reference Number: Minor Dev. Application Fee: Row House up to 4 dwellings Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 4 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y  Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
I/We certify that the above noted details are correct. Applicant signature: _____	
<b>Development Permit Decision</b> Approved  <b>Issue Date:</b> May 15, 2019 <b>Development Authority:</b> YEUNG, KENNETH	
(Empty space for additional notes or comments)	



Project Number: **303932988-001**  
 Application Date: JAN 31, 2019  
 Printed: June 3, 2019 at 8:53 AM  
 Page: 2 of 3

## Minor Development Permit

### Subject to the Following Conditions

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 4 Dwellings of Row House.

WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)

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

The maximum Height shall not exceed 8.9m, in accordance with Section 52 of the Edmonton Zoning Bylaw 12800.

Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties. (Reference Section 814.3(9))

Landscaping shall be installed and maintained in accordance with Section 55.

Frosted or opaque glass treatment shall be used on windows to minimize overlook into adjacent properties (Reference Section 814.3 (8)).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$1,186.00 per Dwelling. The SSTC charge is quoted at year 2019 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. The final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor, Edmonton Tower, 10111 104 Avenue NW, Edmonton AB T5J 0J4.

### LANDSCAPING CONDITIONS:

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$518.00 (This can be paid by phone with a credit card - 780-442-5054).

Landscaping shall be in accordance with the approved landscaping plan and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.

Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.

Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.

A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.

### ADVISEMENT:

Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.

Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.



Project Number: **303932988-001**  
 Application Date: JAN 31, 2019  
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 Page: 3 of 3

## Minor Development Permit

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.

Any future basement development requires development and building permit approvals.

Any future additional dwelling such as Secondary Suite shall require a separate development permit application.

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

Lot grades must match the Edmonton Drainage Bylaw 16200 and/or comply with the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.

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

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site.

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

**Variations**

Reduced Rear Setback - The distance from the house to the rear property line is 16.8m (37% of site depth) instead of 18.3m (40% of site depth) (Section 814.3.4).

Projection - The distance from the cantilever to the back property line (rear lot line) is 16.2m, instead of 17.7m (Section 44.2).

**Rights of Appeal**

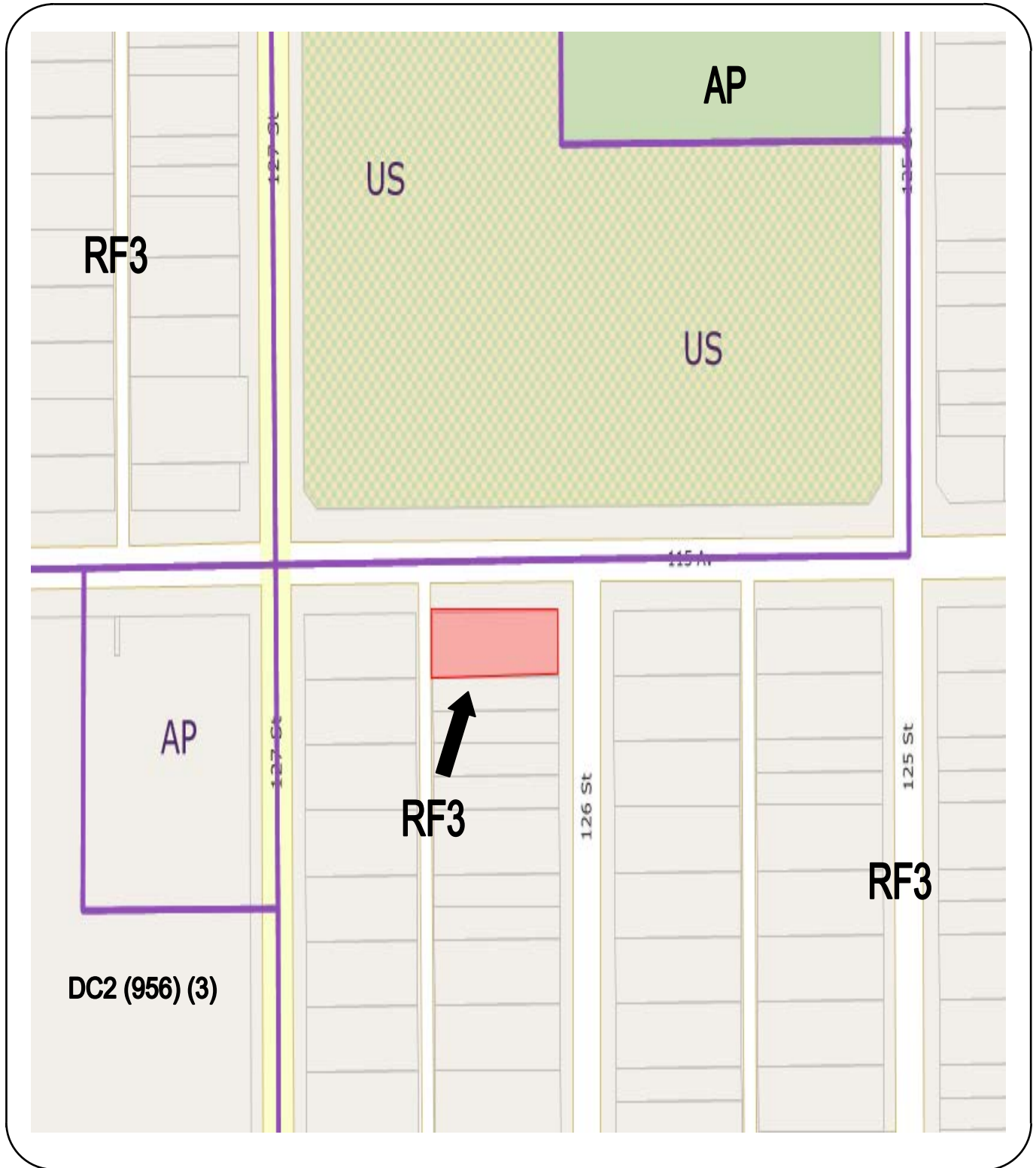
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Notice Period Begins:** May 23, 2019

**Ends:** Jun 13, 2019

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$3,558.00	\$3,558.00	05876044	May 27, 2019
Dev. Application Fee	\$848.00	\$848.00	05643596	Feb 11, 2019
Development Permit Inspection Fee	\$518.00	\$518.00	05643596	Feb 11, 2019
Lot Grading Fee	\$468.00	\$468.00	05643596	Feb 11, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$5,392.00	\$5,392.00		



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-19-098

