

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
June 3, 2015**

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

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

I 9:00 A.M. SDAB-D-15-110

To construct an addition (side covered deck 2.85m x 13.4m) to a Single Detached House, existing without permits

3119 - 112 Avenue NW
Project No.: 166949164-002

II 10:30 A.M. SDAB-D-15-111

To park a Commercial Vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4500 kg in the rear of a residential property.

12124 - 141 Street NW
Project No.: 167654749-003

LUNCH BREAK – 12:30 P.M. TO 1:30 P.M.

III 1:30 P.M. SDAB-D-15-112

To leave as built a Single Detached House

9511 - 99B Street NW
Project No.: 168250159-002

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-15-110

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.: 166949164-002

APPLICATION TO: Construct an addition (side covered deck 2.85m x 13.4m) to a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 30, 2015

DATE OF APPEAL: May 11, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3119 - 112 Avenue NW

LEGAL DESCRIPTION: Plan 1904NY Blk 5 Lot 17

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

1. Section 110.4(10)(a) - The minimum Side Setback shall be 1.2 m.
Proposed: 0.91 m
Deficient by: 0.29 m
2. Section 44.1(a) - Eaves may project into a required Setback provided such projections do not exceed 0.6 m in the case of Setbacks of 1.2 m or greater.
Proposed eaves project 0.9 m into the required Side Setback.
Exceeds by: 0.3 m

Note:

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

APPELLANT'S SUBMISSION

The covered deck has been in existence since 2012 with no complaints from the neighbors. It provides added value to the property. It provides us with an additional space to enjoy summer and winter. Because of the covered deck, there is less snow to shovel in the winter which is a great convenience to Patty Franklin, a disabled veteran. We were not made aware of the restrictions regarding the setback for the eaves by the contractor.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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.

The submitted Site Plan shows the subject site has a (north) Site Width of 15.24 metres, a (south) Site Width of 15.29 metres, a (west) Site depth of 44.63 metres, and an (east) Site depth of 45.94 metres. The existing House with the proposed addition is located 6.1 metres from the (north) Front Lot Line, and 0.91 metres from the (east) Side Lot Line.

Section 814.3(2) states where the Site Width is less than 18.3 metres, the Side Setback requirements of the underlying Residential Zone shall apply.

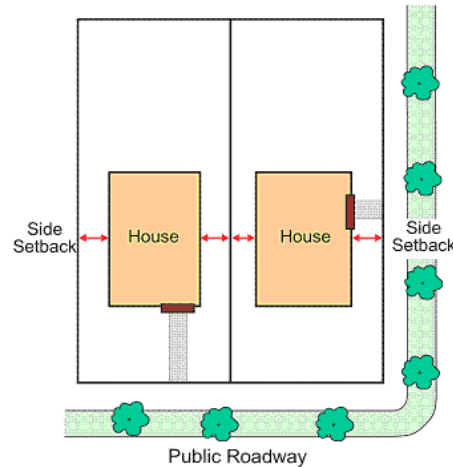
Section 110.4(10)(a) states Side Setbacks shall total at least 20 percent of Site Width, with a minimum Side Setback of 1.2 metres on each side.

The Development Officer determined the minimum Side Setback is 1.2 metres. The proposed development provides an (east) Side Setback of 0.91 metres, which is deficient by 0.29 metres.

Section 44.1(a) states verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character may project into a required Setback or Separation Space provided such projections do not exceed 0.6 metres in the case of Setbacks or Separation Spaces of 1.2 metres or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 metres above Grade.

The Development Officer determined the eaves may project 0.6 metres into the Side Setback. The proposed development provides an eave projection of 0.9 metres, which is in excess of the maximum by 0.3 metres.

Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.

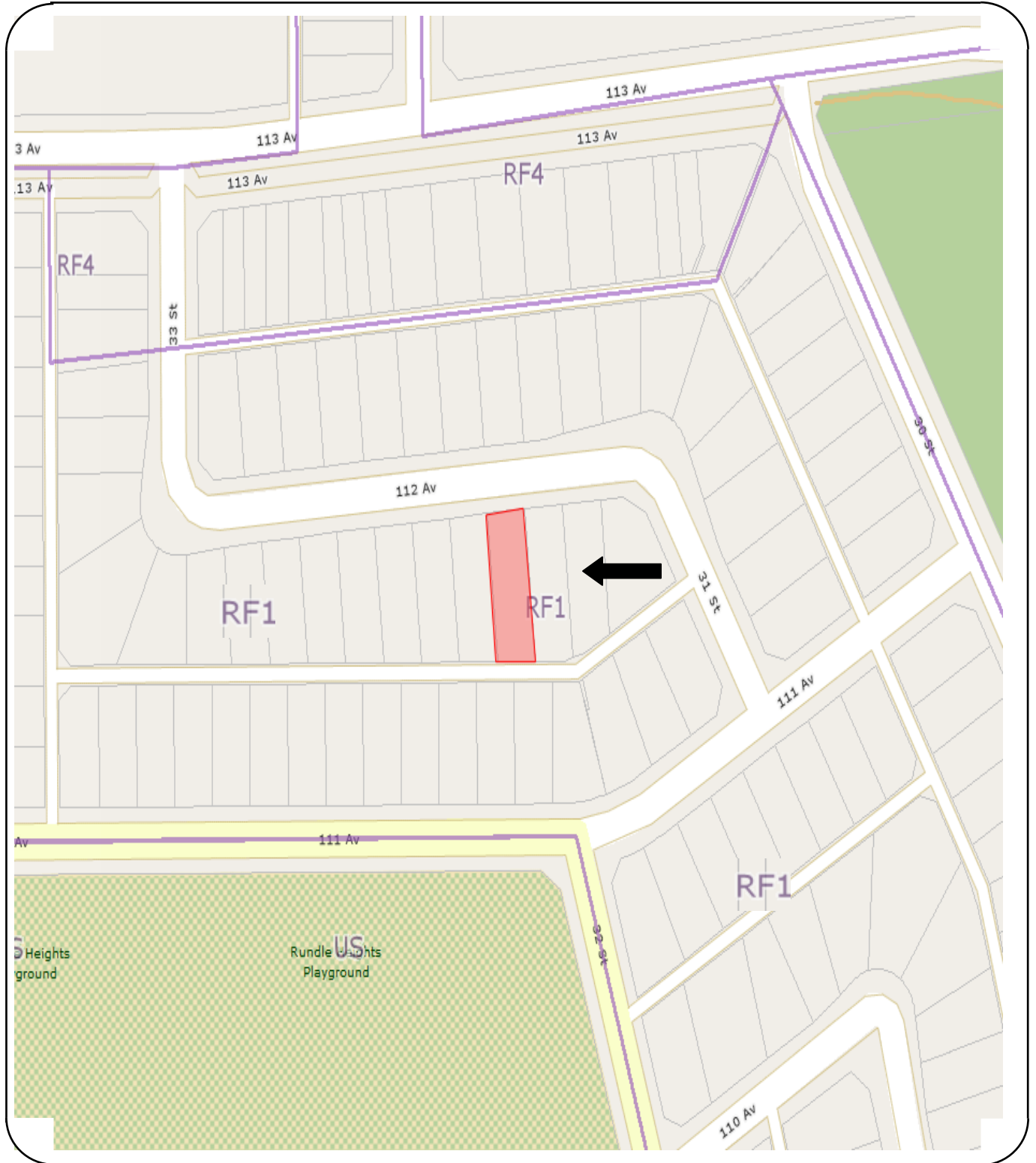


Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures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

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-15-110



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-111

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	167654749-003
APPLICATION TO:	To park a Commercial Vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4500 kg in the rear of a residential property.
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	April 29, 2015
DATE OF APPEAL:	May 7, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	12124 - 141 Street NW
LEGAL DESCRIPTION:	Plan 5844HW Blk 18 Lot 30
ZONE:	RF1 Single Detached Residential Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	N/A

DEVELOPMENT OFFICER'S DECISION

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

1. Section 45.1(a) - 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 kg.

Note:

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

APPELLANT'S SUBMISSION

62 years the truck has been parked on the property, 52 feet from a commercial truck route.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Single Detached Housing** is a Permitted Use in the RF1 Single Detached Residential Zone, Section 110(4).

Under Section 6.1(2), **Accessory** means, when used to describe a Use or a 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.

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.

The submitted Site Plan shows the subject site has a Site Width of 15.24 metres and a Site depth of 45.72 metres. The plan indicates an irregular shaped 15.24 metres by 6.70 metres concrete pad located at the (west) rear of the lot.

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 4500 kilograms.

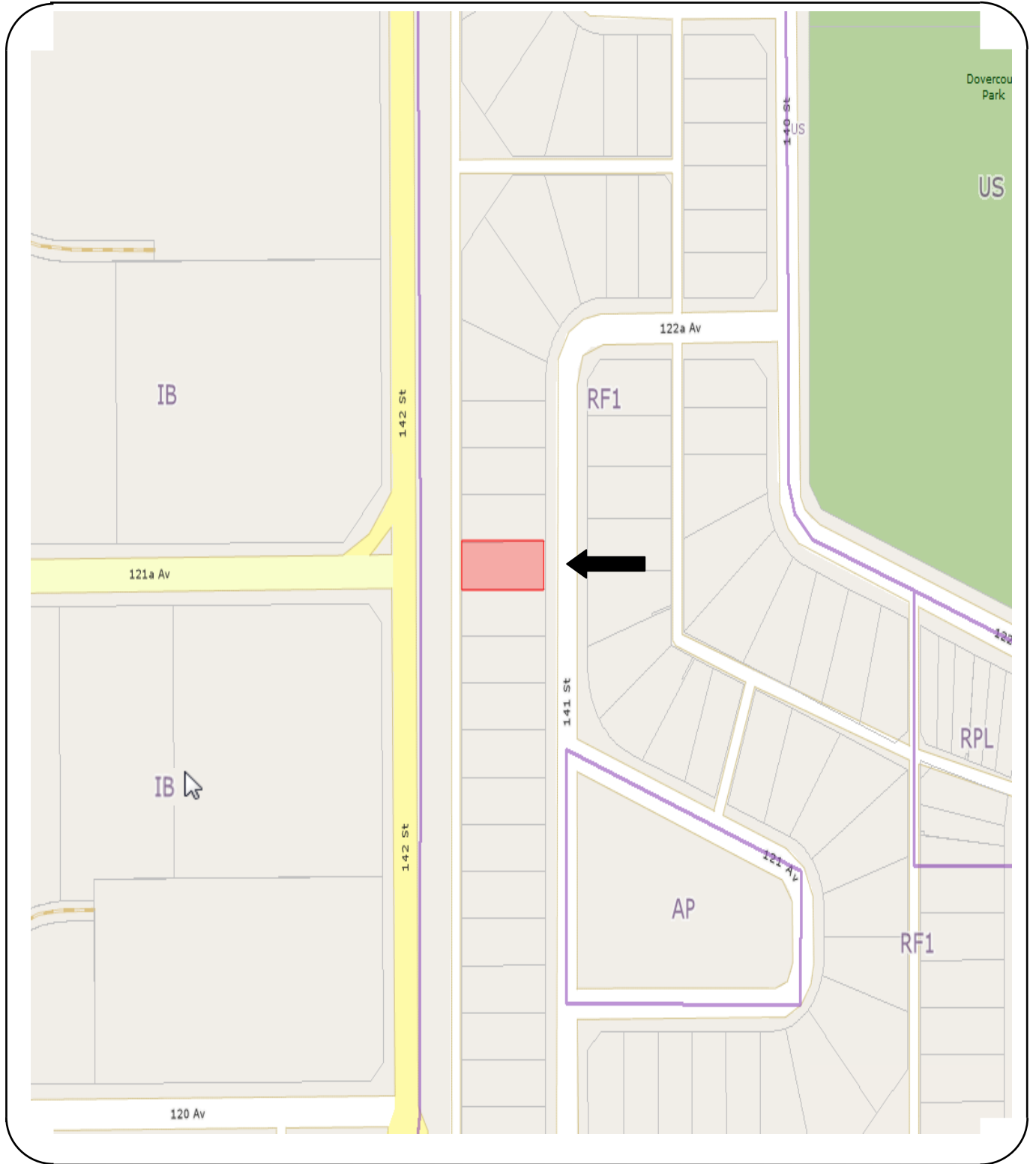
The Development Officer determined a commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4500 kilograms is being kept on Site, which contravenes Section 45(1)(a).

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 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.

NOTICE TO APPLICANT/APPELLANT

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-111



ITEM III: 1:30 P.M.

FILE: SDAB-D-15-112

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

APPLICATION NO.: 168250159-002

APPLICATION TO: To leave as built a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 24, 2015

DATE OF APPEAL: May 11, 2015

NOTIFICATION PERIOD: April 24, 2015 through May 8, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9511 - 99B Street NW

LEGAL DESCRIPTION: Plan 3313EO Blk 1 Lot 5

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved 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 to Leave as Built a development (Single Detached House) only. The development shall be constructed in accordance with the stamped and approved drawings.

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.

VARIANCE:

Section 140.4.(13)(a) relaxed - The minimum side yard from 1.2m to 0.98m.

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.

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

APPELLANT'S SUBMISSION

I am concerned that the reduction of the minimum side yard will have an effect on the ability to obtain fire insurance and also cause problems in trying to sell the property. I want the city to guarantee that they will provide full insurance in the case that it is rejected by an insurance company. I also want the city to compensate me for any reduction in the price of the property because of this, and also reduce the property taxes because of this infringement.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Single Detached Housing is a Permitted Use in the RF1 Single Detached Residential Zone, Section 140.2(9).

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.

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 814.3(2) states where the Site Width is less than 18.3 metres, the Side Setback requirements of the underlying Residential Zone shall apply.

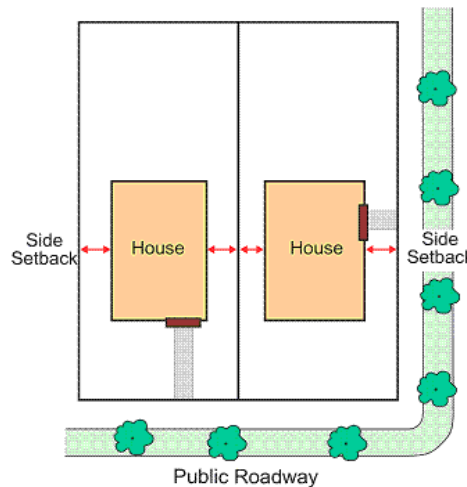
Section 140.4(13)(a) states Side Setbacks shall total at least 20 percent of the Site Width to a maximum total of 6.0 metres, with a minimum Side Setback of 1.2 metres on each side.

The Development Officer determined the minimum Side Setback is 1.2 metres. The proposed development provides a (north) Side Setback of 0.98 metres, and a relaxation of 0.22 metres was granted.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 9505 - 99B Street.

The submitted Real Property Report indicates the subject site has a Site Width of 10.06 metres and a Site depth of 35.80 metres. The existing Single Detached House is 8.50 metres from the (west) Front Lot Line, 0.98 metres from the (north) Side Lot Line, 1.34 metres from the (south) Side Lot Line, and 8.49 metres from the (east) Rear Lot Line.

Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.

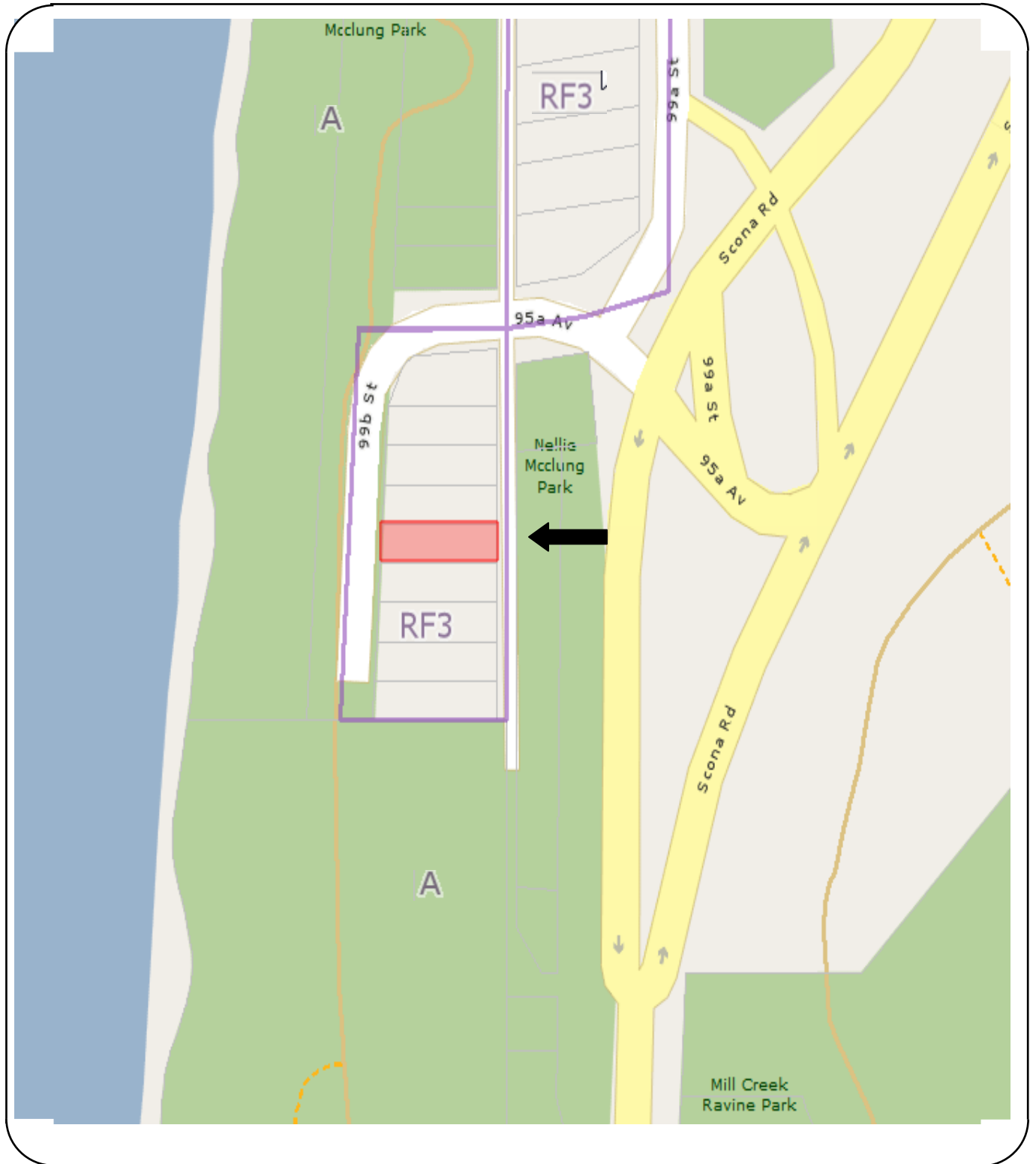


Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures 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 140.1 states the 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 Dwellings, and including Secondary Suites 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.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-112



BUSINESS LAID OVER

SDAB-D-15-093	An appeal to construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits <i>June 10 or 11, 2015</i>
SDAB-D-15-096	An appeal to comply with a Stop Order to cease any construction. <i>June 10, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

168696143-001	An appeal to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <i>July 2, 2015</i>
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