

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 22, 2018**

**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-18-044

To construct a Single Detached House with Unenclosed Front Porch, Rooftop Terrace, fireplace, rear uncovered deck (3.05 metres by 5.18 metres) and Basement development (NOT to be used as an additional Dwelling).

10826 - 129 Street NW
Project No.: 268866060-001

II 9:00 A.M. SDAB-D-18-045

To construct a Single Detached House with rooftop terrace, Basement development (NOT to be used as an additional Dwelling), rear detached Garage, fireplace and uncovered deck

10828 - 129 Street NW
Project No.: 268867852-001

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

ITEM II: 9:00 A.M.

FILE: SDAB-D-18-044

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 268866060-001

APPLICATION TO: Construct a Single Detached House with Unenclosed Front Porch, Rooftop Terrace, fireplace, rear uncovered deck (3.05 metres by 5.18 metres) and Basement development (NOT to be used as an additional Dwelling).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 23, 2018

DATE OF APPEAL: February 23, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10826 - 129 Street NW

LEGAL DESCRIPTION: Plan 1820517 Blk 22 Lot 7A

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

The original design increases dormer width by only 4 feet allowing a roof top patio which is more aesthetically pleasing and adds to the affluent neighbourhood. The actual top height does not change, the mid height is only measured differently. Neighbours are okay with this. The rule only changed in September 2017, otherwise this would have been a non-issue.

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 decision is made 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 clause (d), must comply with any 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 110.2(4) states **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 7.2(8), **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 in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is to provide Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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.

Height

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Under Section 6.1(54), Height means a vertical distance between two points.

Section 52.1(a) states the Development Officer shall calculate building Height by determining the roof type, and applying the following: For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof.

Development Officer's Determination

Height - The maximum height is 10.2m, instead of 8.9m (Section 814.3.5).

Dormer Width

Section 814.3(7) states when a structure is greater than 7.5 metres in Height, the width of any one dormer shall not exceed 3.6 metres. The aggregate total width of one or all dormers shall not exceed one third of the length of the building's wall in which the dormers are located.

Development Officer's Determination

Dormer Width - The dormer is 3.0m wide, instead of 1.72m (1/3 of the length of the building's wall) (Section 814.3.7).

Community Consultation

Section 814.5 states the following:


1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or 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) or 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 11.2 and 11.3.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) – Height 814.3(7) – Dormer Width

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: 268866060-001 Application Date: NOV 30, 2017 Printed: February 23, 2018 at 10:52 AM Page: 1 of 2																														
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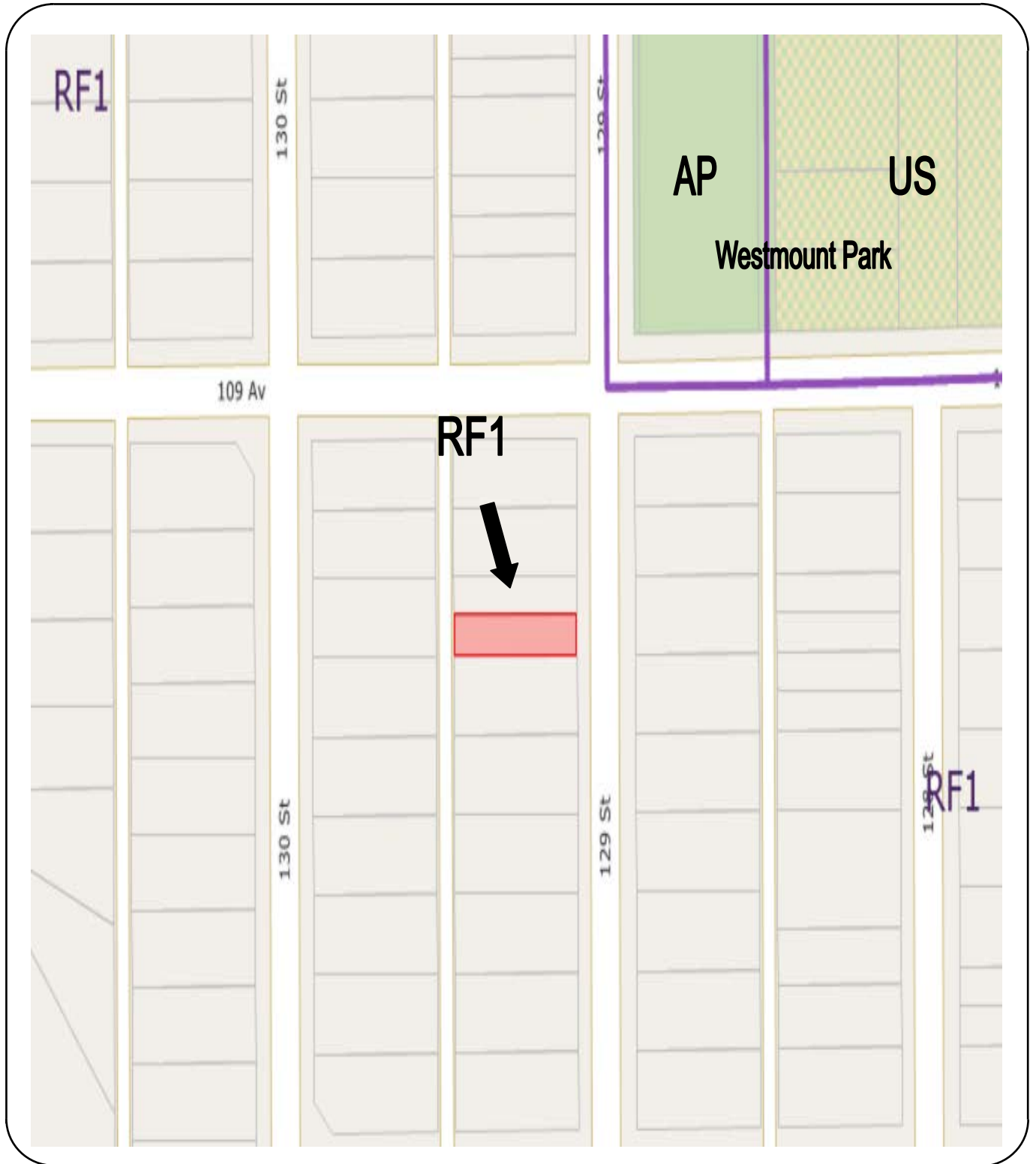
Project Number: **268866060-001**
Application Date: NOV 30, 2017
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Page: 2 of 2

Application for House Development and Building Permit

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Safety Codes Fee	\$82.36	\$82.36	0043S001001575M	Nov 30, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$2,846.52	<u>\$3,046.52</u>		
(overpaid by \$200.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-044



ITEM I: 9:00 A.M.

FILE: SDAB-D-18-045

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DATE OF APPEAL: February 23, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10828 - 129 Street NW

LEGAL DESCRIPTION: Plan 1820517 Blk 22 Lot 7B

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

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Development Officer's Determination

Height - The maximum height is 10.0m, instead of 8.9m (Section 814.3.5).

Dormer Width

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Dormer Width - The rear dormer is 3.0m wide, instead of 1.7m (1/3 of the length of the building's wall) (Section 814.3.7).

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Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(5) – Height 814.3(7) – Dormer Width

Notice to Applicant/Appellant

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Project Number: **268867852-001**
 Application Date: NOV 30, 2017
 Printed: February 23, 2018 at 10:50 AM
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Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code and City of Edmonton Bylaw 15894 Safety Codes Permit

<p>Applicant</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<p>Property Address(es) and Legal Description(s) 10828 - 129 STREET NW Plan 1820517 Blk 22 Lot 7B</p> <hr/> <p>Location(s) of Work Entryway: 10828 - 129 STREET NW Building: 10828 - 129 STREET NW</p>
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Scope of Application
 To construct a Single Detached House with rooftop terrace, Basement development (NOT to be used as an additional Dwelling), rear detached Garage, fireplace and uncovered deck.

<p>Permit Details</p> <p>Affected Floor Area (sq. ft.): 2274 Class of Permit: Front Yard (m): 8.57 Rear Yard (m): 18.16 Side Yard, left (m): 1.24 Site Area (sq. m.): 325.2 Site Width (m): 7.61</p>	<p>Building Height to Midpoint (m): 10 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.24 Site Depth (m): 42.74 Stat. Plan Overlay/Annex Area: (none)</p>
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal
 Height - The maximum height is 10.0m, instead of 8.9m (Section 814.3.5).
 Dormer Width - The rear dormer is 3.0m wide, instead of 1.7m (1/3 of the length of the building's wall) (Section 814.3.7).

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: Feb 23, 2018 **Development Authority:** YEUNG, KENNETH **Signature:** _____

Fees	Fec Amount	Amount Paid	Receipt #	Date Paid
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Lot Grading Fee	\$140.00	\$140.00	5180S001001573M	Nov 30, 2017
Water Usage Fee	\$60.50	\$60.50	5180S001001573M	Nov 30, 2017

THIS IS NOT A PERMIT



Project Number: **268867852-001**
Application Date: NOV 30, 2017
Printed: February 23, 2018 at 10:50 AM
Page: 2 of 2

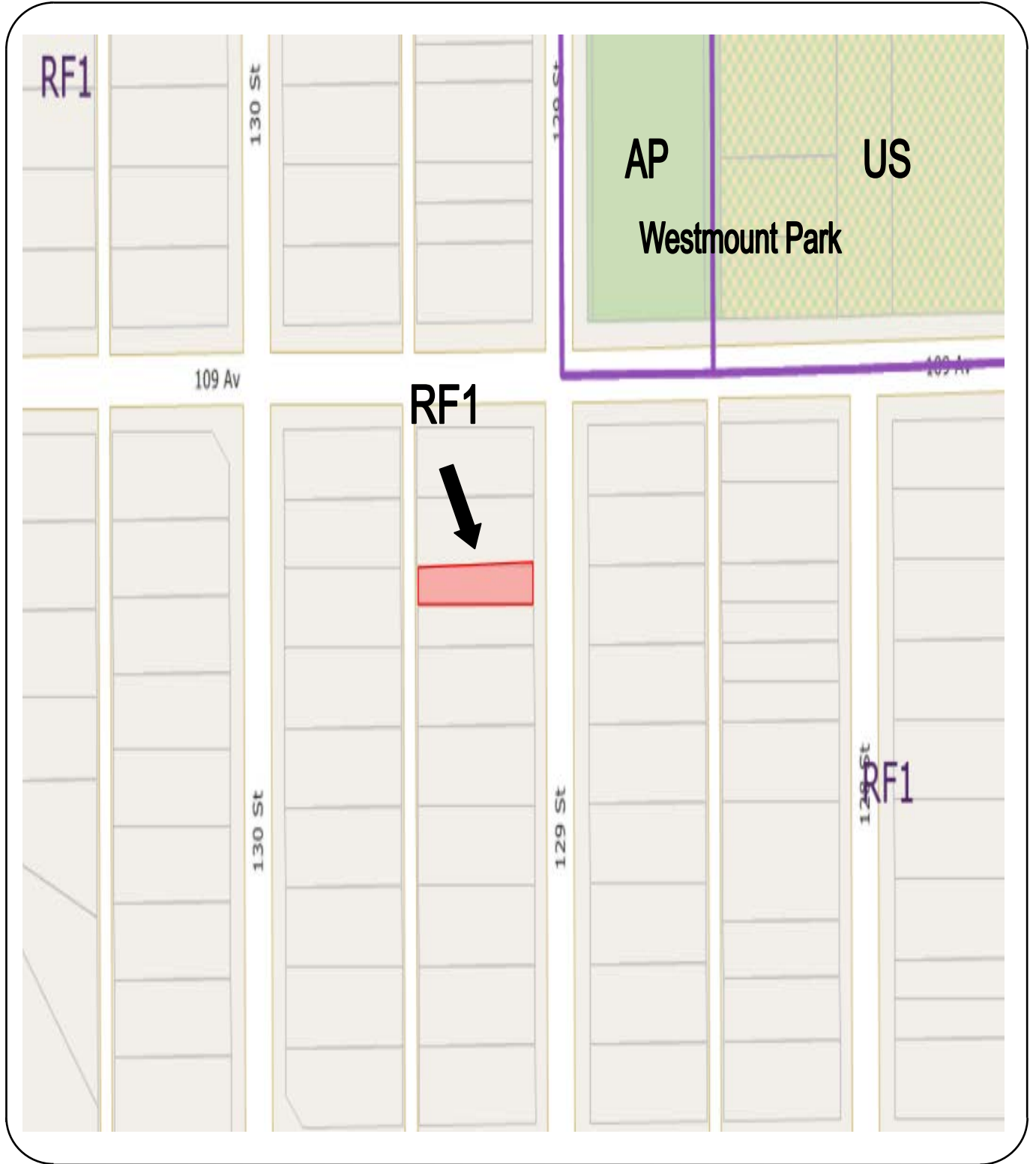
Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$304.00	\$304.00	5180S001001573M	Nov 30, 2017
Development Permit Inspection Fee	\$0.00	\$200.00	5180S001001573M	Nov 30, 2017
Building Permit Fee	\$2,059.00	\$2,059.00	5180S001001573M	Nov 30, 2017
Electrical Safety Codes Fee	\$16.66	\$16.66	5180S001001573M	Nov 30, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,846.52	\$3,046.52		

(overpaid by \$200.00)

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-045

