

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 25, 2015**

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

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

I	9:00 A.M.	SDAB-D-15-061	Convert a Single Detached House to a Child Care Service with 56 children (0-11 months: 1 kid, 12-18 months: 3 kids, 19 months to 3 years: 16 kids, 3 years to 4.5 years: 19 kids, 4.5 years - 7 years: 5 kids, school age: 12 kids) 16708 / 16712 - 100 Street NW Project No.: 165629946-001
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BREAK: 10:45 A.M. TO 11:00 A.M.

II	11:00 A.M.	SDAB-D-15-062	Construct 4 Dwellings of Stacked Row Housing with front verandas (four at 2.13 metres by 6.10 metres) and uncovered rear decks (two irregulars at 3.66 metres by 6.10 metres) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage) 11840 - 122 Street NW Project No.: 161821680-001
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LUNCH TO FOLLOW

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-061

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 165629946-001

APPLICATION TO: Convert a Single Detached House to a Child Care Service with 56 children (0-11 months: 1 kid, 12-18 months: 3 kids, 19 months to 3 years: 16 kids, 3 years to 4.5 years: 19 kids, 4.5 years - 7 years: 5 kids, school age: 12 kids)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 17, 2015

DATE OF APPEAL: March 3, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16708 / 16712 – 100 Street NW

LEGAL DESCRIPTION: Plan 7621477 Blk 25 Lots 2-3

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

1. The General Purpose of the RF1 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 (Reference Section 110.1)

The proposed development, a Child Care Service, is listed as a Discretionary Use under the RF1 Zone. In the opinion of the Development Officer, the proposed development does not meet the General Purpose of the RF1 Zone, as the scale of the Child Care Service with 56 children, the location of the outdoor play space, and the drop off traffic generated, will negatively impact the abutting and surrounding residences, which are predominately single detached houses.

2. The proposed Child Care Service does not meet the following locational criteria of Section 80(1):

- b) The site is not on a corner Site,
- c) The site is not adjacent to or in community facilities such as a school, park, church or community centre; or
- d) The site is not adjacent to commercial areas or multi-family development;

3. Parking shall be provided in accordance to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children (Reference Section 80(6)).

Required spaces based on the number of employees: 4 spaces
Required drop off spaces based on the number of children: 7 spaces
Total spaces required: 11 spaces
Proposed: 7 spaces
Deficient: 4 spaces

The Transportation department has expressed concerns with insufficient parking on-site, as well as lack of on-street parking to accommodate the proposed number of children. This lack of parking may result in parking extending to the intersection to the south and cause traffic concerns.

4. In a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment (Reference Section 80(8)(d)).

The location of the outdoor play space is abutting the common rear yards of adjacent single detached houses, and would affect the peaceful enjoyment of their properties.

APPELLANT'S SUBMISSION

This appeal is in two parts Part I is a response to the reasons of refusal. Part II consists of additional arguments about this project.

Part I

I find that the refusal was based on reasons that are not valid, or for which I can provide a solution. I will provide below additional clarification that can give a boarder and clearer picture:

1. In reference to the first cited reason for refusal, it states that *"in the opinion of the Development Officer, the proposed development does not meet the General Purpose of the RF1 Zone"*.

The City of Edmonton had given a 25% commercial permit on this property, and has allowed a Dental Clinic to operate for 30 years. This dental clinic had four examination/operation rooms. There's a contradiction that the daycare does not meet the General Purpose of the RF1 Zone, and the dental clinic does. This 25% commercial still is the current status of this property.

The traffic generated by a daycare is no less than a dental clinic with four rooms. Also on the same subject, the volume of traffic generated in the area by a daycare is insignificant when compared to the combined traffic generated by the different services available just across the street, among which are a convenience store, a Family Medical clinic, a Bar, a Restaurant, and more.

The outdoor play space will be discussed in a separate section later.

2. (b) *The site is not a corner site.*

The proposed location is one lot away from a corner lot owned by the same owner. It is clear that a corner lot would have the advantage of some street parking space, but this proposed project has sufficient space for parking and does not rely on street parking. More parking spaces will be discussed in a further section.

2. (c) *the site is not adjacent to a church.* See maps shown in Exhibit A.

The site **is adjacent** to a Church.

2. (d) *The site is not adjacent to commercial areas or multi-family development.*

Please refer to Exhibit A, where it shows a commercial center just across the street from the site of the proposed daycare.

Please refer to Exhibit B, it shows that a huge shopping center (Namao Centre) is 8 min walking distance from the proposed daycare location. Actually, it would be the closest daycare to the Namao center if approved. This center has among many businesses 5 Banks, 2 supermarkets (Sobeys, NoFrills), Rona, Canadian Tire, 2 Shoppers Drugmart, just to name few.

There are a huge number of workers in such a large center, and there's no doubt that many of those workers need care for their children. At such close vicinity, this proposed daycare can be the convenience of the distance and time for such workers. It's important to mention also that the lease rate of Namao center (\$45-50/sf) makes it impossible to start a daycare there with fees that are affordable to low income families.

By reviewing section 80(1), on which this refusal relied, it reads

"...the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:

- a. abutting a collector or arterial road,*
- b. on a corner Site,*
- c. adjacent to or in community facilities such as a school, park, church or community centre; or*
- d. adjacent to commercial areas or multi-family development;"*

Applying this Section 80(1) to this project, I find that there are 2 of the 4 reasons urging to give preference to this facility. Also, the word 'give preference' does not mean that the lack of the conditions is an automatic refusal.

3. Insufficient parking, *Deficient: 4 spaces:*

This deficiency can be easily fixed, thus requirement fully achieved by cutting the 4 trees on the north of the lot and making them parking. The design shown in Exhibit C shows how the lot can accommodate for 11 parking spaces are per the requirement. Those dimensions are compliant with section 54.2 of Edmonton Zoning Bylaw 12800.

The reason I did not submit the 11 spaces initially was an attempt to save the trees, especially that I know of a previous case of a daycare that was granted a license without having sufficient parking when they promised the city to rent parking from somewhere in case of deficiency.

4. *The location of outdoor play space ... would affect the peaceful enjoyment of their properties:*

There are 3 houses surrounding the property. When consulted, 2 of them signed in favor of the project, and showed no objection. The third house expressed initially two concerns. First the woman was worried about the noise of the children playing on the evenings and weekends. She was explained that a daycare closes in the evenings and weekends. Second the man expressed a concern over the fence being a chain link fence and about its height. I said that I can put a wood fence and make it 8 feet high. The family sounded less concerned, and wanted to think more about it.

When this family was consulted again to see if they decided, he said that they never discussed it among them, but we agreed to have another meeting this week. I shall have their decision by the time of the appeal.

It is helpful to visualize the distance of common fence area between this house lot and the playground. Please refer to Exhibit D.

Daycares have routines, and children are not in the playspace all the time. They have snack in the morning, some activities, then, they go out for a little while, and have to come back before lunch and nap time. Also, not all the children go out together. The playground space is for half the capacity as per the Child Care Regulations. Out of School children are not required a playground by the City Child Care Regulations. So the playground requirement is for $(56-15) / 2 = 20$ children at a time.

By looking at the Exhibit D, you can see that the playground has a very small common fence distance with the corner of the house with concern, and there's a Garage between the playground and the house in addition to some distance. I can also make the fence double layer, at no cost to the neighbor. I believe that the combined effect of a double layer wood fence, a garage building, and a land distance, can neutralize the effect of the noise.

Moreover, if the concerned neighbor is still objecting to all those solutions, the other option I can offer is to move the playspace completely, and make it at the front of the house, as in Exhibit E.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to convert a Single Detach House to a Child Care Service with 56 children (0-11 months: 1 kid, 12-18 months: 3 kids, 19 months to 3 years: 16 kids, 3 years to 4.5 years: 19 kids, 4.5 years – 7 years: 5 kids, school age: 12 kids).

The subject site consists of two lots and is located west of 100 Street and north of Castle Downs Road and is zoned RF1 Single Detached Residential Zone of the Edmonton Zoning Bylaw 12800.

A **Child Care Service** is a Discretionary Use in the RF1 Single Detached Residential Zone, Section 110.3(1).

Under Section 7.8(2), **Child Care Services** means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use Class typically includes daycare centres; out-of-school care centres; preschools; and dayhomes (providing child care within the care provider's residence).

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.

The Development Officer determined the scale of the Child Care Service, the location of the outdoor play space and the drop off traffic generated, will negatively impact the abutting and surrounding residences.

Section 80(1) states in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:

- a. abutting a collector or arterial road,
- b. on a corner Site,
- c. adjacent to or in community facilities such as a school, park, church or community centre; or
- d. adjacent to commercial areas or multi-family development.

The Development Officer determined the proposed development does not meet the preferred locational requirement.

Section 80(6) states parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as follows:

- a. a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;
- b. each drop-off space shall be a minimum of 2.6 metres in width and a minimum of 5.5 metres in length; and
- c. the drop-off area shall be located within 60.0 metres from the main entrance of the Child Care Service facility.

Section 54.2, Schedule 1(A)(31) states the minimum number of parking spaces required for Child Care Services is 1 parking space for the first 2 employees, plus 0.5 spaces per additional employee.

The Development Officer determined 11 parking spaces are required. The proposed development provides 7 parking spaces, which is deficient by 4 parking spaces.

The Development Officer indicated that Transportation Services has expressed concerns with insufficient parking on-site and lack of on-street parking to accommodate the proposed number of children. It is the opinion of the Development Officer that the lack of parking may result in parking extending to the intersection to the south and cause traffic concerns.

Section 80(8)(d) states, in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment.

The Development Officer determined the location of the outdoor space is abutting the common rear yards of adjacent Single Detached Houses and would affect the peaceful enjoyment of the properties.

Section 80 states Child Care Services shall comply with the following regulations:

1. in all low density Residential Zones the Development Officer shall, when making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that are located:
 - a. abutting a collector or arterial road,
 - a. on a corner Site,
 - b. adjacent to or in community facilities such as a school, park, church or community centre; or
 - c. adjacent to commercial areas or multi-family development;
2. [...];
3. a Child Care Service in any Residential Zone shall not change the principal character or external appearance of the Dwelling in which it is located. If a new building is constructed, it must retain the character of a residential Dwelling. Any associated signage on the Dwelling must not detract from the residential character of the neighbourhood;
4. [...];
5. no portion of a Child Care Service Use, including the building or bay of building and, where provided, on-site outdoor play space, shall be located within 50.0 metres of a Major or Minor Service Station or a Gas Bar. This distance shall be measured from the pump island, fill pipes, vent pipes, or service station or gas bar building, depending on whichever is closest to the child care facility;
6. parking shall be provided according to the regulations outlined in Schedule 1 to Section 54 of this Bylaw. In addition, drop-off parking shall be provided as follows:
 - a. a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;
 - b. each drop-off space shall be a minimum of 2.6 metres in width and a minimum of 5.5 metres in length; and
 - c. the drop-off area shall be located within 60.0 metres from the main entrance of the Child Care Service facility.
7. exterior lighting of the facility shall provide for a well lit environment;
8. where on-site outdoor play space is provided, pursuant to the Provincial *Child Care Licensing Regulation*, it shall comply with the following regulations:
 - a. noisy, noxious or hazardous adjacent Uses such as, but not limited to, loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, Light Rail Transit lines or storm water lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;
 - b. outdoor play space shall be located at ground level. If no reasonable opportunity exists for at grade outdoor play space, the Development Officer may approve an above grade outdoor play space provided that the following conditions are met:
 - i. secure perimeter fencing is provided that is at least 1.83 metres in height and is located a reasonable distance from the edge of the building;

- ii. roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area;
 - c. outdoor play space shall be securely enclosed on all sides with the exception of developments proposed on zoned Sites US and AP where existing play fields are proposed as outdoor play space;
 - d. in a Residential Zone, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through fencing, landscaping, buffering and the placement of fixed play equipment;
 - e. [...]; and
9. all Development Permit applications for Child Care Services shall include: plans that show all elevations; floor plans that show indoor play and rest areas, including the location of windows; a Site plan that shows the required on-site parking, drop-off facilities, and, where provided, on-site outdoor play areas, including the location and type of fixed play equipment, as well as fencing, landscaping and any buffering to be provided.

Included in the Sustainable Development Department’s POSSE system, under “SDAB”, is a Memorandum dated February 5, 2015 from Kelly Sizer, General Supervisor, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the development application and has provided a condition if approved. **A copy of the Memorandum from Transportation Services is on file.**

The following jobs are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
14540346-001	Compliance Certificate (16708 100 Street NW)	<p>Issued; November 13, 2013</p> <p>Your Real Property Report, dated June 20, 2013 shows a Single Detached House that does NOT comply with the RF1 (Single Detached Residential) Zone development regulations. The building should have:</p> <p>The minimum side yard shall be 1.2 m. (Reference Section 110.4(9)(a)).</p> <p>However the building is NON-CONFORMING pursuant to the Municipal Government Act's Section 643(5). This means that a non-conforming building may continue to be used but the building may not be</p>

		<p>enlarged, added to, rebuilt or structurally altered except:</p> <ul style="list-style-type: none">(a) to make it a conforming building,(b) for routine maintenance of the building, if the development authority considers it necessary,or(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section. <p>The Real Property Report also shows that the 2.45m x 2.55m shed encroaches onto the URW. The City's Streets Development Control Bylaw requires an Encroachment Agreement for any unauthorized development within the road right-of-way.</p> <p>You are also advised that a search of our files revealed no record of development approval for the 1.17m high uncovered rear deck.</p> <p>A Development Permit and Building Permit must be obtained for this structure. To apply for a development and building permit, you must submit the required drawings as outlined in the enclosed brochure, as well as the appropriate fees. Any approval or refusal is subject to the right of appeal to the Subdivision and Development Appeal Board.</p> <p>You are also advised that Section 50.3(4)(b) and Section 50.3(4)(d) require that the shed should be located at least 0.9 m from the side lot line and at least 0.6 m from the rear lot line.</p> <p>Please note that there are errors on the real property report. The dimensions do not match the scale of the document.</p> <p>Please note that this compliance certificate is ONLY for Lot 2, as Lot 1 is vacant.</p>
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<p>145451060-001</p>	<p>Compliance Certificate (16712 100 Street)</p>	<p>Issued; October 30, 2013</p> <p>Your Real Property Report, dated June 20, 2012 shows a Detached Garage that does NOT comply with either the RF1 (Single Detached Residential) Zone or The Mature Neighbourhood Overlay development regulations. The building should have:</p> <p>An Accessory Building or Structure shall be located not less than 0.9 m from the Side Lot line. (Reference Section 50.3(4)(b)).</p> <p>However the building is NON-CONFORMING pursuant to the Municipal Government Act's Section 643(5). This means that a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:</p> <ul style="list-style-type: none"> (a) to make it a conforming building, (b) for routine maintenance of the building, if the development authority considers it necessary, or (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section. <p>The Real Property Report also shows that the detached garage and eaves encroach onto the URW-. The City's Streets Development Control Bylaw requires an Encroachment Agreement for any unauthorized development within the road right-of-way.</p> <p>Our response is based on the Real Property Report only and this letter does not include safety code compliance. Sustainable Development does not conduct independent site inspections and cannot comment on the accuracy or completeness of the Real Property Report. [...]</p>
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NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-061



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-062

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 161821680-001

APPLICATION TO: Construct 4 Dwellings of Stacked Row Housing with front verandas (four at 2.13 metres by 6.10 metres) and uncovered rear decks (two irregulars at 3.66 metres by 6.10 metres) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 5, 2015

DATE OF APPEAL: February 17, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11840 - 122 Street NW

LEGAL DESCRIPTION: Plan RN64 Blk 2 Lot 9

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

The proposed Stack Row Housing is a Permitted Use in RF3 Zone (Small Scale Infill Development). (Reference Section 140.2(6))

-Development Regulations for Permitted and Discretionary Uses:

Site regulations for Apartment Housing and Stacked Row Housing:

The minimum Site area shall be 750 m². (Reference Section 140.4(5)(a))
Proposed: 654.97 sqm, DEFICIENT

The minimum Site Width shall be 17.0 m. (Reference Section 140.4(5)(b))
Proposed: 15.24 m, DEFICIENT

Apartment Housing or Stacked Row Housing shall be located: (Reference Section 140.4(7))

- a. on Corner Sites,
- b. on Sites abutting an arterial or service road,
- c. where both Side Lot Lines abut existing Apartment Housing or Stacked Row Housing,
- d. where a minimum of one Side Lot Line:
 - i. abuts a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use,
 - ii. is not separated by a public roadway, including a Lane, more than 10.0 m wide from a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

ALL OF THE ABOVE (Reference Section 140.4(7)(a to d)) LOCATIONAL CRITERIA WERE NOT MET BY THIS PROPOSED DEVELOPMENT.

Maximum Site Coverage shall be as follows: (Reference Section 140.4(10))

Required for principal building: Maximum of 28% of Site area

Proposed: $187.6/654.97 = 28.64\%$, EXCEEDED THE MAXIMUM SITE COVERAGE

Private Outdoor Amenity Area

Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m. (Reference Section 47.5)

Proposed least dimension: 2.13 m (2 lower level Dwellings), DEFICIENT

APPELLANT'S SUBMISSION

Although it is classified as 4 unit stacked row housing it is a semi-Detached unit with a developed suite below. It has semi-Detached units on either side. There are 3 almost identical units built 1 block down.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct 4 Dwellings of Stacked Row Housing with front verandas (four at 2.13 metres by 6.10 metres) and uncovered rear decks (two irregulars at 3.66 metres by 6.10 metres) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage).

The site is located west of 122 Street and south of 119 Avenue and is zoned RF3 Small Scale Infill Development Zone, Section 140 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw.

The Subdivision and Development Appeal Board at a hearing on February 19, 2015 made and passed the following motion:

“that the appeal hearing be scheduled on March 25 or 26, 2015, at the written request of the Appellant.”

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

Under Section 7.2(10), **Stacked Row Housing** means development consisting of a building containing three or more Dwellings arranged two deep, either vertically so that Dwellings are placed over others, or horizontally so that Dwellings are attached at the rear as well as at the side. Each Dwelling shall have separate and individual access, not necessarily directly to grade, provided that no more than two Dwellings may share access to Grade. This Use Class does not include Duplex Housing, Row Housing, or Apartment Housing.

Section 140.4(5)(a) states for Stacked Row Housing the minimum Site area shall be 750 square metres.

The Development Officer determined the minimum Site area is 750 square metres. The existing Site provides a Site area of 654.97 square metres, which is deficient by 95.03 square metres.

Section 140.4(5)(b) states for Stacked Row Housing the minimum Site Width is 17.0 metres.

The Development Officer determined the minimum Site Width is 17.0 metres. The existing Site provides a Site Width of 15.24 metres, which is deficient by 1.76 metres.

Section 140.4(7) states Stacked Row Housing shall be located:

- a. on Corner Sites,
- b. on Sites abutting an arterial or service road,
- c. where both Side Lot Lines abut existing Apartment Housing or Stacked Row Housing, or
- d. where a minimum or one Side Lot Line:

- i. abuts a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use, or
- ii. is not separated by a public roadway, including a Lane, more than 10.0 metres wide from a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

The Development Officer determined one of the locational requirements must be met for Stacked Row Housing. The proposed development does not meet any of the locational requirements.

Section 140.4(10)(f) states the maximum Site Coverage for all Uses other than Single Detached Housing, Duplex Housing, Semi-detached Housing and Row Housing is 28 percent for the Principal Dwelling/building.

The Development Officer determined the maximum Site Coverage for a Principal Building is 183.39. The proposed development provides a Site Coverage of 187.6 square metres, which is in excess by 4.21 square metres.

Section 140.4(15) states Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.

Section 47(5) states neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 metres, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 metres.

The Development Officer determined the minimum length and width of the Private Outdoor Amenity Area is 4.0 metres. The proposed development provides two Private Outdoor Amenity Areas on the patios under the front verandas with widths of 2.13 metres, which are each deficient by 1.87 metres.

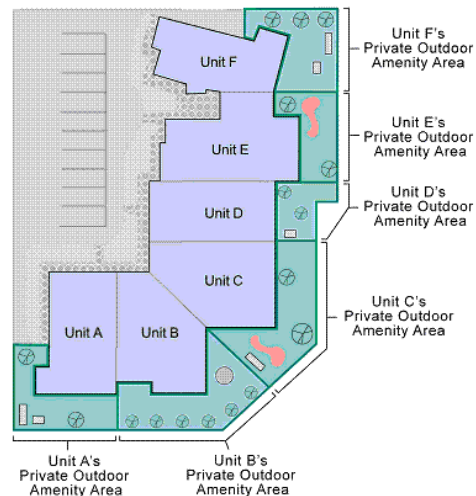
Under Section 6.1(92), **Site** means an area of land consisting of one or more abutting Lots.

Under Section 6.1(93), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above grade, including Accessory Buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above grade.

Under Section 6.1(94), **Site Width** means the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.

Under Section 6.1(78), **Private Outdoor Amenity Area** means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve.



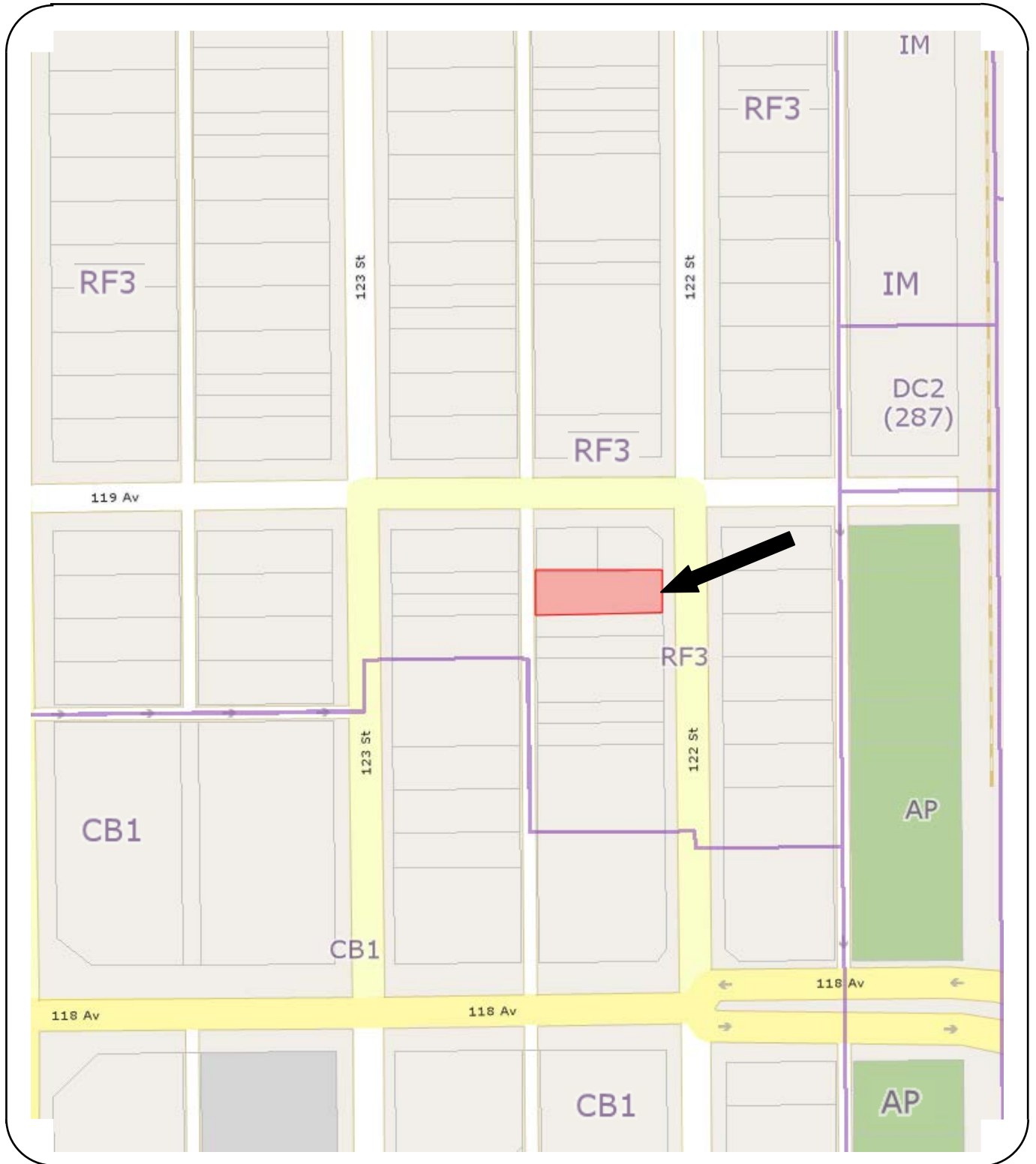
Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures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

Included in the Sustainable Development Department's POSSE system, under "SDAB", is a Memorandum dated October 28, 2014 from Karen Haromy, Senior Transportation Technician, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the development application and has added conditions and advisements if approved. **A copy of the Memorandum from Transportation Services is on file.**

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-15-062



BUSINESS LAID OVER

SDAB-D-15-047	An appeal to operate a Major Home Based Business (administration office for a home renovation contractor) <i>March 26, 2015</i>
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APPEAL HEARINGS TO BE SCHEDULED

166420267-001	An appeal to construct a Single Detached House with a front attached Garage, front balcony, front veranda, fireplace, Secondary Suite development in the Basement, rear partially covered balcony and rear uncovered deck (3.05 metres by 7.62 metres) <i>April 9, 2015</i>
84287777-004	An appeal to convert an existing Semi-Detached House into a 4 Dwelling Apartment (existing without permits) <i>April 1, 2015</i>
168199400-001	An appeal to construct a Semi-detached House with a fireplace, rear balcony and rear uncovered deck (1.83m x 12.19m) and to demolish an existing Single Detached House and rear Detached Garage <i>April 15 or 16, 2015</i>
164242106-004	An appeal to construct a Single Detached House with rear attached Garage, front veranda (3.35m x 1.47m), front balcony above (irregular shape 4.57m x 3.15m) side covered deck (5.03m x 3.66m), and Basement development (not to be used as an additional Dwelling) <i>April 16, 2015</i>