

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 29, 2017**

**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-17-056

To construct exterior alterations (Driveway in Front Yard, 3 metres by 7.32 metres) and to park an RV (6.4 metres by 2.4 metres) in the Front Yard of a Single Detached House

8903 - 139 Avenue NW
Project No.: 238534241-001

II 11:00 A.M. SDAB-D-17-057

To develop a Secondary Suite in the Basement of a Single Detached House, existing without permits

5875 - 166 Avenue NW
Project No.: 186245874-003

III 1:30 P.M. SDAB-D-17-058

To construct a Semi-detached House with a front veranda, rear uncovered decks (irregular shape, 5.18 metres by 2.74 metres by 2) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage)

9828 - 73 Avenue NW
Project No.: 233896228-001

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-17-056

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 238534241-001

APPLICATION TO: Construct exterior alterations (Driveway in Front Yard, 3 metres by 7.32 metres) and to park an RV (6.4 metres by 2.4 metres) in the Front Yard of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 23, 2017

DATE OF APPEAL: March 7, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8903 - 139 Avenue NW

LEGAL DESCRIPTION: Plan 6689NY Blk 10 Lot 34

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

- The RV located on the property at 8903 - 139 Avenue, side of the house has been parked there for 3-4 years now with no problems/complaints as explained earlier when the development Permit was applied for.
- Until I received the Bylaw Notice under Section 45.3, I was surprised as I did not know that I needed a permit to park my RV on my property along with the concrete pad specifically constructed for such vehicle.
- As explained under the Reason for Refusal: RV is parked in the space all year round (only mostly during the winter season).

- September through November, RV is not on the property.
- Summer season - I do a lot of camping, throughout the time it is not on the property.

- He also mentioned in the Development Permit Application Decision that there is lane access. It may seem there is lane access but it is impossible to park the RV in my back yard beside the Garage as I have a fire pit in the middle and it is used throughout the summer season when the fire ban is clear.

- On January 4, 2017 I paid \$166.00 for a Development Permit Application (Receipt #03842300). I also paid a penalty fee of \$166.00 (Receipt #03842300).

- As mentioned, I didn't know I needed a permit. Applying for a permit sounds too easy as said by the issuing Bylaw Officer.

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under section 6.1(2), **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(26), **Driveway** means:

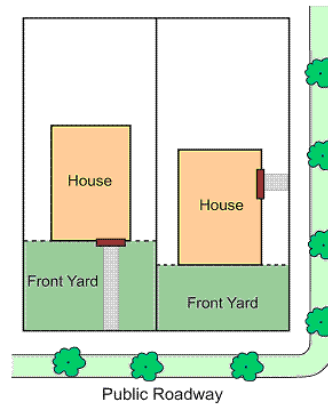
an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Under section 6.1(74), **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(44), **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.



Section 110.1 states that the **General 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.

Section 814.1 states that the **General 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.

Objects Prohibited or Restricted in Residential Zones

Section 45.3 states:

No person shall keep, in the Front Yard in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle.

Section 45.4 states:

Notwithstanding subsection 45.3, from April 1 through October 31 inclusive, on a residential Site with no rear Lane, large Recreational Vehicles may be parked to within 2.0 m of the interior edge of the sidewalk, or within 2.0 m of the curb if there is no sidewalk:

- a. where vehicular access is solely available through the Front Yard.
- b. in the case of a corner Site, where vehicular access is solely available through the Front Yard or through the exterior flanking Side Yard,

subject to the discretion of the Development Officer, who may exercise their variance power to decrease this minimum Setback requirement on a Site by Site basis, given the proximity and orientation of driveways, parking areas, buildings and other physical features which may affect sight lines and amenities on the subject property and on adjacent properties.

Section 45.5 states:

For the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall include any motorhome, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored; or any similar vehicles.

Section 45.6 states:

For the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall not include: small utility trailers; camper van conversions; tent trailers; campers which are mounted in trucks; boats; snowmobiles; all-terrain vehicles; jet skis; or motorcycles and trailers to carry them.

Section 45.7 states:

In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

- a. vehicles shall not be located on the landscaped portion of the Yard; and
- b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

Development Officer's Determination:

1. No person shall keep, in the Front Yard or the flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle. (Section 45.3)

- RV is parked in the space all year round

2. In the Front Yard in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard; and vehicles shall only be allowed on a Driveway or within an attached or detached Garage. (Section 45.7)

- RV is not parked on an approved driveway or within a garage [unedited].

Off-street Parking and Loading Regulations

Section 54.1(5) states “The Driveway shall lead directly from the roadway to the required Garage or Parking Area.”

Development Officer’s Determination:

3. The Driveway shall lead directly from the roadway to the required Garage or Parking Area. (Section 54.1.5)

- driveway does not lead to a garage or parking area [unedited].

Mature Neighbourhood Overlay Development Regulations

Section 814.3(10) states:

Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

- a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
- b. the Site Width is less than 15.5 m; or
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Development Officer’s Determination:

4. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

- a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;**
- b. the Site Width is less than 15.5 m; or**
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway. (Section 814.10)**

- There are only 2 out of 9 front driveways on the blockface (22%) and there is lane access [unedited].

<i>Community Consultation</i>


Section 814.3(24) states:

When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

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: 238534241-001 Application Date: JAN 04, 2017 Printed: February 23, 2017 at 8:47 AM Page: 1 of 2
<h2 style="margin: 0;">Application for Minor Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 8903 - 139 AVENUE NW Plan 6689NY Blk 10 Lot 34
	Specific Address(es) Building: 8903 - 139 AVENUE NW
Scope of Application To construct exterior alterations (driveway in Front Yard, 3m x 7.32m) and to park an RV (6.4m x 2.4m) in the Front Yard of a Single Detached House.	
Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
Reason for Refusal	
1. No person shall keep, in the Front Yard or the flanking Side Yard in any Residential Zone, any large Recreational Vehicle for any longer than is reasonably necessary to load or unload such vehicle. (Section 45.3)	
- RV is parked in the space all year round	
2. In the Front Yard in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard; and vehicles shall only be allowed on a Driveway or within an attached or detached Garage. (Section 45.7)	
- RV is not parked on an approved driveway or within a garage	
3. The Driveway shall lead directly from the roadway to the required Garage or Parking Area. (Section 54.1.5)	
- driveway does not lead to a garage or parking area	
4. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and	
a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;	
b. the Site Width is less than 15.5 m; or	
c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway. (Section 814.10)	
- There are only 2 out of 9 front driveways on the blockface (22%) and there is lane access	
THIS IS NOT A PERMIT	



Project Number: 238534241-001
Application Date: JAN 04, 2017
Printed: February 23, 2017 at 8:47 AM
Page: 2 of 2

Application for Minor Development Permit

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, 2017 Development Authority: VANDERHOEK, HEATHER Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$166.00	\$166.00	03842300	Jan 04, 2017
Existing Without Permit Penalty Fee	\$166.00	\$166.00	03842300	Jan 04, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$332.00	\$332.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-056



ITEM II: 11:00 A.M.

FILE: SDAB-D-17-057

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

APPELLANT:

APPLICATION NO.: 186245874-003

APPLICATION TO: Develop a Secondary Suite in the Basement of a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: February 27, 2017

NOTIFICATION PERIOD: March 7, 2017 through March 21, 2017

DATE OF APPEAL: March 6, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5875 - 166 Avenue NW

LEGAL DESCRIPTION: Plan 0724456 Blk 54 Lot 112

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Hollick Kenyon Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

Grounds for Appeal

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

- This residence cannot supply parking for renters.
- Currently the home has had renters with multiple vehicles.
- Owner of home has 3 vehicles and ATV's and garage is packed full.
- Our houses and neighborhood do not provide parking in front of homes.

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

- (b) in the case of an appeal made by a person referred to in section 685(2), 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 and statutory plans and, subject to clause (d), the 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 115.2(3), a **Secondary Suite** is a **Permitted Use** in the (RSL) Residential Small Lot Zone.

Under section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the (RSL) Residential Small Lot Zone.

Under section 7.2(7) **Secondary Suite** means:

development consisting of a Dwelling located within, and Accessory to, a structure in which the principal Use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use includes the development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Under section 7.2(9) **Single Detached Housing** means:

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 115.4(11) states “Secondary Suites shall comply with Section 86 of this Bylaw.”

Section 115.1 states that the **General Purpose** of the **(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.

<i>Secondary Suites</i>

Section 86.1 states “the minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m², [...]”

Development Officer’s Determination:

Site Area - The area of the site is 353.83m² instead of 360m² (Section 86.1) [unedited].

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: **186245874-003**
Application Date: FEB 21, 2017
Printed: February 27, 2017 at 11:17 AM
Page: 1 of 2

Minor Development Permit

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.

Applicant	Property Address(es) and Legal Description(s) 5875 - 166 AVENUE NW Plan 0724456 Blk 54 Lot 112
	Specific Address(es) Suite: BSMT, 5875 - 166 AVENUE NW Entryway: 5875 - 166 AVENUE NW Building: 5875 - 166 AVENUE NW

Scope of Permit
To develop a Secondary Suite in the Basement to a Single Detached House, existing without permits.

Permit Details	
# of Dwelling Units Add/Remove: 1	Class of Permit: Class A
Client File Reference Number:	Lot Grading Needed?: N
Minor Dev. Application Fee: Secondary Suite	New Sewer Service Required: Y
Secondary Suite Included?: Y	Stat. Plan Overlay/Annex Area:

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **186245874-003**
 Application Date: FEB 21, 2017
 Printed: February 27, 2017 at 11:17 AM
 Page: 2 of 2

Minor Development Permit

Subject to the Following Conditions

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

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

A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business. (Section 86)

Notwithstanding subsection 86.7 of this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three. (Section 86)

The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion. (Section 86)

Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling. (Section 86)

ADVISEMENTS:

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.

Variances

Site Area - The area of the site is 353.83m² instead of 360m² (Section 86.1)

Rights of Appeal

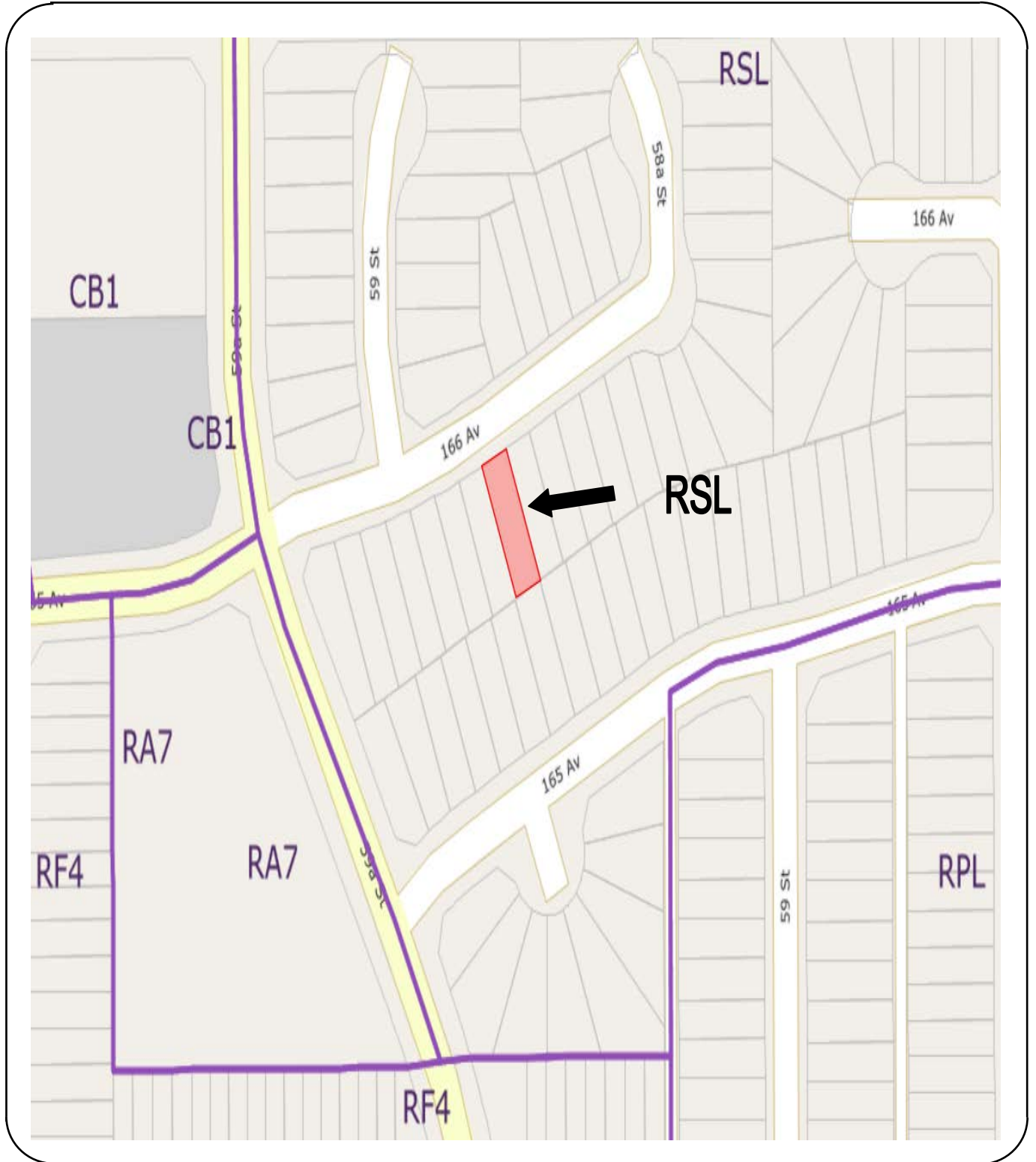
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 27, 2017 **Development Authority:** KIM, JENNIFER **Signature:** _____
Notice Period Begins: Mar 07, 2017 **Ends:** Mar 21, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fee for Secondary Suite	\$693.00	\$693.00	03933369	Feb 21, 2017
Dev. Application Fee	\$277.00	\$277.00	03933369	Feb 21, 2017
Existing Without Permit Penalty Fee	\$277.00	\$277.00	03933369	Feb 21, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$1,247.00	\$1,247.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location 

File: SDAB-D-17-057



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-058

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

APPELLANT:

APPLICATION NO.: 233896228-001

APPLICATION TO: Construct a Semi-detached House with a front veranda, rear uncovered decks (irregular shape, 5.18 metres by 2.74 metres by 2) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: February 10, 2017

NOTIFICATION PERIOD: February 16, 2017 through March 2, 2017

DATE OF APPEAL: March 2, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9828 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 426HW Blk 6C Lot D

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan

Grounds for Appeal

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

Site width for semi- detached property- as listed on the notice- this size of housing simply takes up too much room on the property. Losing the feel and space we chose to live in in this mature neighbourhood, trees, space etc. Sad to be looking across the street at a wall of squished

housing with yet another duplex on the block. I believe these rules regarding infills need to be adhered to for the neighbourhood to retain its appeal, natural beauty and integrity. Parking is real issue on this block due to the semi-detached housing. I know that they say they have provided parking in the back but this is not always used and the street parking is absolutely jammed each evening. Increased strain on pipes etc... Other surrounding neighbours are unhappy about this property as well but are unsure their input would make much difference. We simply hope that the city will assist us in adhering to the rules it has set out for these neighbourhoods.

<i>General Matters</i>

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - ...
- (b) in the case of an appeal made by a person referred to in section 685(2), 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 and statutory plans and, subject to clause (d), the 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 140.2(8), **Semi-detached Housing** is a **Permitted Use** in the (RF3) Small Scale Infill Development Zone.

Under section 7.2(8), **Semi-detached Housing** means:

development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Secondary Suites or Duplexes.

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 Dwellings, and including Secondary Suites under certain conditions.

Section 814.1 states that the **General 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.

(RF3) Small Scale Infill Development Zone Development Regulations

Section 140.4(3)(b) states:

Site regulations for Semi-detached Housing:

- b. on a non-Corner Lot, the minimum Site Width shall be 13.4 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 m.


Under section 6.1(103), **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.

Development Officer's Determination:

- 1. Site Width - The width of the site is 12.9 m instead of 13.4 m (Section 140.4.3.b) [unedited].**

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: 233896228-001 Application Date: OCT 28, 2016 Printed: February 10, 2017 at 12:45 PM 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.			
Applicant	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"> Property Address(es) and Legal Description(s) 9828 - 73 AVENUE NW Plan 426HW Blk 6C Lot D </td> </tr> <tr> <td style="padding: 2px;"> Specific Address(es) Entryway: 9828 - 73 AVENUE NW Entryway: 9830 - 73 AVENUE NW Building: 9828 - 73 AVENUE NW </td> </tr> </table>	Property Address(es) and Legal Description(s) 9828 - 73 AVENUE NW Plan 426HW Blk 6C Lot D	Specific Address(es) Entryway: 9828 - 73 AVENUE NW Entryway: 9830 - 73 AVENUE NW Building: 9828 - 73 AVENUE NW
Property Address(es) and Legal Description(s) 9828 - 73 AVENUE NW Plan 426HW Blk 6C Lot D			
Specific Address(es) Entryway: 9828 - 73 AVENUE NW Entryway: 9830 - 73 AVENUE NW Building: 9828 - 73 AVENUE NW			
Scope of Permit To construct a Semi-Detached House with a front veranda, rear uncovered decks (irregular shape, 5.18m X 2.74m X2) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage).			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 50%; padding: 2px;"> # of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; padding: 2px;"> Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: 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: _____			
Development Permit Decision Approved			
The permit holder is advised to read the reverse for important information concerning this decision.			



Project Number: **233896228-001**
 Application Date: OCT 28, 2016
 Printed: February 10, 2017 at 12:45 PM
 Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

1. This Development Permit authorizes the development of a Semi-Detached House with a front veranda, rear uncovered decks (irregular shape, 5.18m X 2.74m X2) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage). The development shall be constructed in accordance with the stamped and approved drawings.
2. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1).
3. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$41.00.
4. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2).
5. Immediately upon demolition of the buildings, the site shall be cleared of all debris.
6. The Height of the Semi-Detached House shall not exceed 8.6 metres in accordance with Section 52 of the Edmonton Zoning Bylaw 12800 (Reference Section 814.3.13).
7. The Basement elevation shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey (Reference Section 814.3.16).
8. There shall be no vehicular access from the front or flanking public roadway (Reference Section 814.3.10).
9. A minimum of 4 off-street parking spaces [4 parking spaces are located inside the rear mutual detached garage] shall be used for the purpose of accommodating the vehicles of residents in connection with the Semi-Detached House (Reference Section 54.1.1.c, 54.2.1.a).
10. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw (Reference Section 140.4.15).
11. Landscaping shall be provided on a Site within 18 months of the occupancy of the Single Detached House. Trees and shrubs shall be maintained on a Site for a minimum of 42 months after the occupancy of the Single Detached House (Reference Section 55.2.1).
12. 1 deciduous tree with a minimum Caliper of 50 mm, 1 coniferous tree with a minimum Height of 2.5 m and 4 shrubs shall be provided for each Dwelling on the Site. Deciduous shrubs shall have a minimum Height of 300 mm and coniferous shrubs shall have a minimum spread of 450 mm (Reference Section 55.2.1).
13. All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens (Reference Section 55.2.1).
14. There shall be a maximum of 2 Dwellings on this site (Reference Section 140.4.20.b).

NOTES:

- A. Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.
- B. Any future deck enclosure or cover requires a separate development and building permit approval.
- C. Any future basement development will require development and building permit approvals.
- D. The applicant is advised that there may be complications in obtaining a Development Permit for a future covered or uncovered deck because of space in Site Constraints.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **233896228-001**
 Application Date: OCT 28, 2016
 Printed: February 10, 2017 at 12:45 PM
 Page: 3 of 3

Minor Development Permit

deck because of excess in Site Coverage.

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

F. 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.

G. Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Planning and Engineering at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

Variations

1. Site Width - The width of the site is 12.9 m instead of 13.4 m (Section 140.4.3.b)

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.

Issue Date: Feb 10, 2017 Development Authority: LIANG, BENNY

Signature: _____

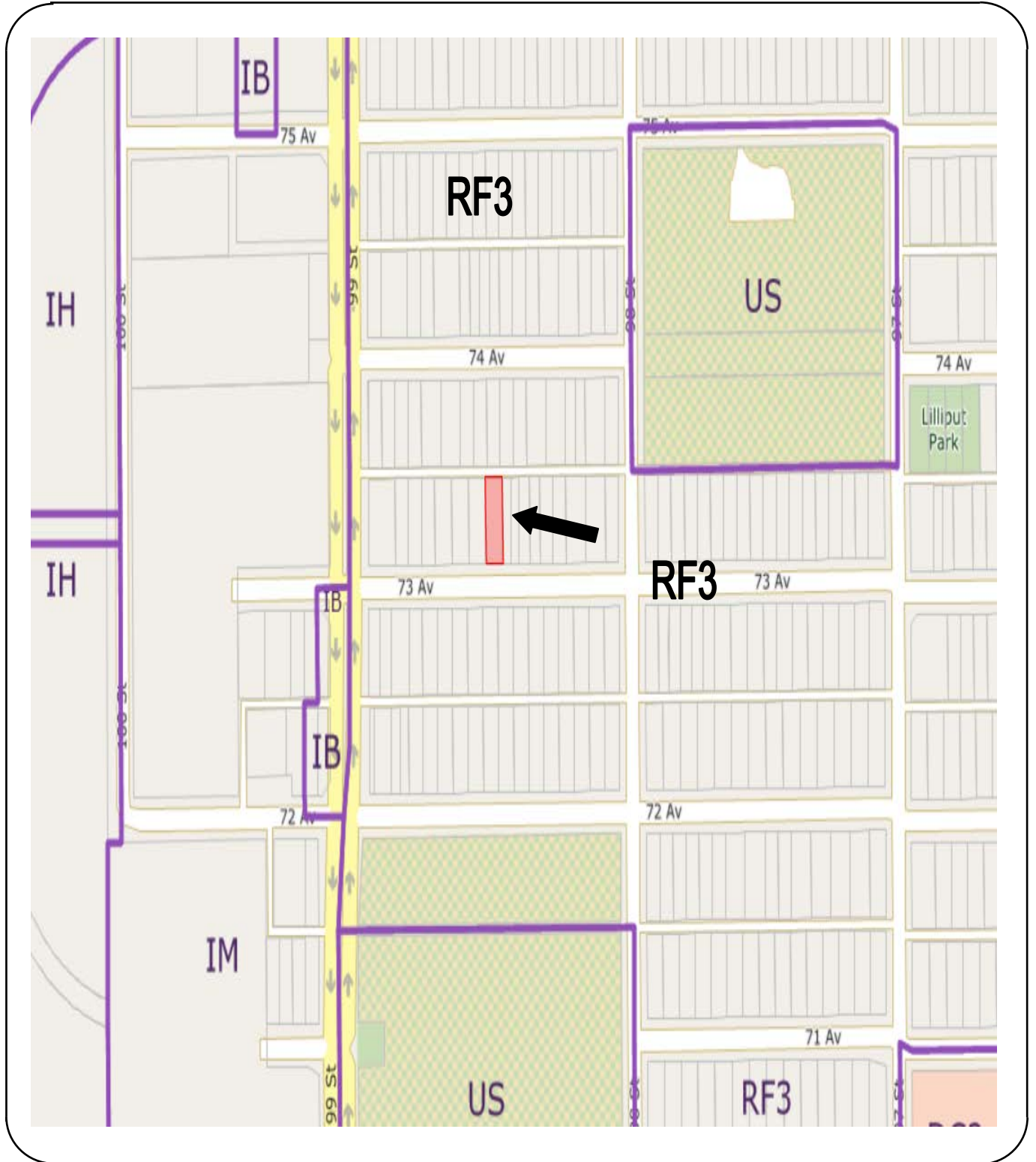
Notice Period Begins: Feb 16, 2017

Ends: Mar 02, 2017

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03710902	Oct 28, 2016
Dev. Application Fee	\$456.00	\$456.00	03710902	Oct 28, 2016
DP Notification Fee	\$41.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,063.00	\$2,022.00		
(\$41.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-058

