

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
March 5, 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-15-044	Convert a Limited Group Home to a Lodging House (maximum of six residents) 3508 - 119 Avenue NW Project No.: 162799206-002
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LUNCH BREAK: 12:00 P.M. TO 12:30 P.M.

II	12:30 P.M.	SDAB-D-15-045	Operate a Major Home Based Business (sales and storage of hydrovac trucks) 2340 - 28 Avenue SW Project No.: 164026809-002
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BREAK: 1:45 P.M. TO 2:00 P.M.

III	2:00 P.M.	SDAB-D-15-019	<u>TO BE RAISED</u> Construct an Accessory Building (detached Garage, 4.88 metres by 6.10 metres) 8805 – 101A Avenue NW 155964613-001
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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-15-044

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

APPELLANT:

APPLICATION NO: 162799206-002

APPLICATION TO: Convert a Limited Group Home to a
Lodging House (maximum of six
residents)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: January 26, 2015

DATE OF APPEAL: February 5, 2015

NOTIFICATION PERIOD: January 26, 2015 through February 9,
2015

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 3508 - 119 Avenue NW

LEGAL DESCRIPTION: Plan 4170MC Blk 32 Lot 29

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

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.

There shall be a maximum of six residents residing on the property (Reference Section 76(1)).

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

Three parking spaces shall be wholly provided on the same Site as the building. (Reference Section 54.2(1)(a) and 54.2(2)(a))

All required parking spaces shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced (Reference Section 54.6(1)(a)(i)). For an on-site Driveway or Parking Area, the area required to be Hardsurfaced may be constructed on the basis of separated tire tracks, with natural soil, grass, or gravel between the tracks, but shall be constructed so that the tires of a parked or oncoming vehicle will normally remain upon the Hardsurface area (Reference Section 54.6(2)(b)).

No Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of a Lodging House development or on the Site of such development (Reference Section 76(7))

For the purpose of applying these regulations the Development Officer shall maintain a register of all approved Special Residential Facilities. The register shall include the address of the facility, maximum occupancy of the facility, and any other necessary information (Reference Section 96.5)

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$1862.00. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

NOTE: Signs require separate Development Applications.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

NOTE: A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

NOTE: This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.

Variance:

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.

Section 54.4(1)(a) relaxed - The number of off-street loading spaces relaxed from one required loading space to zero required loading space.

APPELLANT'S SUBMISSION

Owner has in the previous years had many people living simultaneously in the house already and failed to keep control of them. From speaking with some who have lived there and others who have been contracted to repair/modify the home have stated there were many bedrooms in the basement and they were rented out y the week and sometimes daily. With an absent owner, the house cannot be controlled only making the area worse than it already is.

There have been many fights and yelling coming from the house, it is always a house filled with unfavorable individuals. In one instance an individual, covered in blood, made rude aggressive gestures to me while I was in my own backyard, only to have him go into their house. I have a child, and I am afraid for her safety as well as fellow neighbors with this house operating in this manner. Contrary to what people from the house have said to me, alcohol was prevalent in the home, and many loud evenings/nights happened, and sometimes disputes occurred.

If this house, which has already operated as a lodging home, is allowed to do so, this neighborhood will suffer, and the neighbors and community more at risk than it currently is.

APPELLANT'S SUBMISSION (CONTINUED)

If the city allows this to happen, I have some requests that I would like to discuss, such as a proper fence being built between our property as right now there is a small 3ft chain link fence, and to be built at the home owners expense. I would prefer to not have this home operate in the manner at all, hence my appeal to their permit.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to convert a Limited Group Home to a Lodging House (maximum of six residents).

The site is located on the northeast corner of 119 Avenue and 36 Street NW, and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814.

It should be noted that the proposed development is a change of Use within an existing non-conforming building.

The existing building is non-conforming for the follow reason:

1. Under Section 814.3(5), the minimum Rear Setback shall be 40 percent of Site depth.

The Site Depth is 37.74 metres. Forty percent of the Site Depth is 15.10 metres and existing is a Rear Setback of 14.77 metres.

Section 643(5) of the *Municipal Government Act*, Chapter M-26, states the following:

A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (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.

Section 11.3(3) states that the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for the land in this Bylaw and the proposed development would not, in his opinion:

- a) unduly interfere with the amenities of the neighbourhood; or
- b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.

A **Lodging House** is a Discretionary Use in the RF1 Single Detached Residential Zone, Section 110.3(6).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

Under Section 7.3(6) **Lodging Houses** means a building or part of building, used for Congregate Living, containing Sleeping Units and four or more persons, and where there is no provision of on-site care, treatment or professional services of a physical or mental health nature. This Use Class does not include Extended Medical Treatment Services, Detention and Correction Facilities, Fraternity and Sorority Housing, Group Homes, and Limited Group Homes.

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 54.4(1)(a) states the number of off-street Loading Spaces, required for each Use is specified in Schedule 3.

Schedule 3 states the Loading Spaces Requirement as follows:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading spaces Required
Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services	Up to 2 800 square metres	1
	Each additional 2 800 square metres	1 additional

Section 54.4(2)(c) states all required Loading Spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions.

Section 54.4(3)(c) states access to any loading area shall be arranged such that no backing or turning movement of vehicles going to or from the Site causes interference with traffic on the abutting streets or Lanes.

The Development Officer determined 1 loading space is required, there are none proposed, and a relaxation of 1 loading space was granted.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located immediately north at 11903 – 36 Street NW.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

The submitted Site Plan indicates there are three (2.6 metres by 5.5 metres) parking spaces in the Rear Yard that are all accessed from the Lane.

The submitted plans show that the main floor of the proposed Lodging House consists of a kitchen, a living room, 1 bathroom and 3 bedrooms. The basement level has a laundry room, a bathroom, and 3 bedrooms.

Section 96 states for Fraternity and Sorority Housing, Limited Group Homes, Group Homes, and Lodging Houses Thresholds:

1. Special Residential Facilities

For the purpose of this section, Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses shall be collectively referred to as Special Residential Facilities. Group Homes developed in combination with Apartment Housing either in one building or on one Site, and which meet the criteria of Section 94, Supportive Community Provisions, shall be exempt from the requirements of subsection 96(3)(b) and (c) of this Bylaw.

2. Threshold Purpose

The purpose of the Fraternity and Sorority Housing, Limited Group Homes, Group Homes, and Lodging Houses Thresholds is to:

- a. ensure that the capacity of any neighbourhood to accommodate Special Residential Facilities is not exceeded;
- b. ensure that Special Residential Facilities are available in all neighbourhoods; and
- c. protect existing Special Residential Facilities from concentration that could impair their proper functioning.

3. General Regulations

Special Residential Facilities shall comply with all thresholds contained in this Section in addition to any other regulations in this Bylaw including any relevant Special Land Use Provisions that apply. In all cases, the most restrictive threshold shall apply.

- a. When determining the threshold for the number of Special Residential Facilities per neighbourhood, a maximum of 3 facilities per 1000 persons shall be allowed in any neighbourhood.
- b. When determining the threshold for the number of Special Residential Facilities by Use Class per block.
 - i. a maximum of 2 Special Residential Facilities shall be allowed on a single block in a residential Zone;
 - ii. a maximum block length of 150 metres measured from the nearest intersection shall be used to determine this threshold.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

- c. When determining the threshold for the number of residents of Special Residential Facilities per opposing block face;
 - i. accommodation for a maximum of 12 residents shall be allowed on an opposing block face in Special Residential Facilities in any residential Zone where either Group Homes or Lodging Houses are a Discretionary Use;
 - ii. accommodation for a maximum of 30 residents shall be allowed on an opposing block face in Special Residential Facilities in any residential Zone where either Group Homes or Lodging Houses are a Permitted Use; and
 - iii. a maximum block face length of 150 metres measured from the nearest intersection shall be used to determine this threshold.

4. Density

For the purposes of calculating Density for a Group Home or Lodging House each Sleeping Unit shall be considered a Dwelling when a development contains seven or more Sleeping Units.

5. Register

For the purpose of applying these regulations the Development Officer shall maintain a register of all approved Special Residential Facilities. The register shall include the address of the facility, maximum occupancy of the facility, and any other necessary information.

Section 76 states in addition to the regulations in Section 96 of this Bylaw, Lodging Houses shall comply with the following regulations:

1. The maximum occupancy of a Lodging House in a Zone where Lodging Houses are a Discretionary Use shall be a maximum of 6 residents;
2. The maximum occupancy of a Lodging House in a Zone where Lodging Houses are a Permitted Use shall be the greater of 6 residents or 1 resident per 60 square metres of Lot size;
3. The Development Officer may restrict the occupancy of a Lodging House to less than the maximum number of residents allowed having regard for the threshold purpose identified in Section 96, the level of traffic generation, parking demand, and frequency of visits by emergency vehicles relative to that which is characteristic of the Zone in which the Lodging House is located;
4. A Lodging House shall be developed as either a purpose-built freestanding structure, or Single Detached Housing converted for the purpose, or part of an Apartment Housing development;
5. A Lodging House may be located in Duplex Housing or Semi-detached Housing converted for the purpose in a Zone where Lodging Houses are a Permitted Use and both units are operated by a single provider;

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

6. In a Zone where Lodging Houses are a Permitted Use and where more than 12 Sleeping Units are allowed in a development, Sleeping Units may include limited food preparation facilities such as bar fridge, mini-sink, and microwave;
7. No Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of a Lodging House development or on the Site of such development;
8. Where a Lodging House is designed as a freestanding structure it shall be of a size, scale, and outward appearance that is typical of surrounding residential development; and
9. Increases in vehicular traffic generation and parking demand must be to the satisfaction of the Development Officer and/or Transportation Services.

Under Section 6.1(16), **Congregate Living** means four or more individuals occupying Sleeping Units in a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities. Typical Uses where Congregate Living is found include Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses.

Under Section 6.1(95), **Sleeping Unit** means a Habitable Room in a building used for Congregate Living in which the room is occupied by a person under any form of accommodation agreement providing remuneration for the room, and the room:

- a. does not include provision for cooking or food preparation except as provided for in Section 76 and 79 of this Bylaw;
- b. may or may not be equipped with sanitary facilities; and
- c. provides accommodation for a maximum of two persons.

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(69), **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(100), **Tandem Parking** means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

Section 110.1 states the purpose of this 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 following jobs are listed in the Sustainable Development Department POSSE system:

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

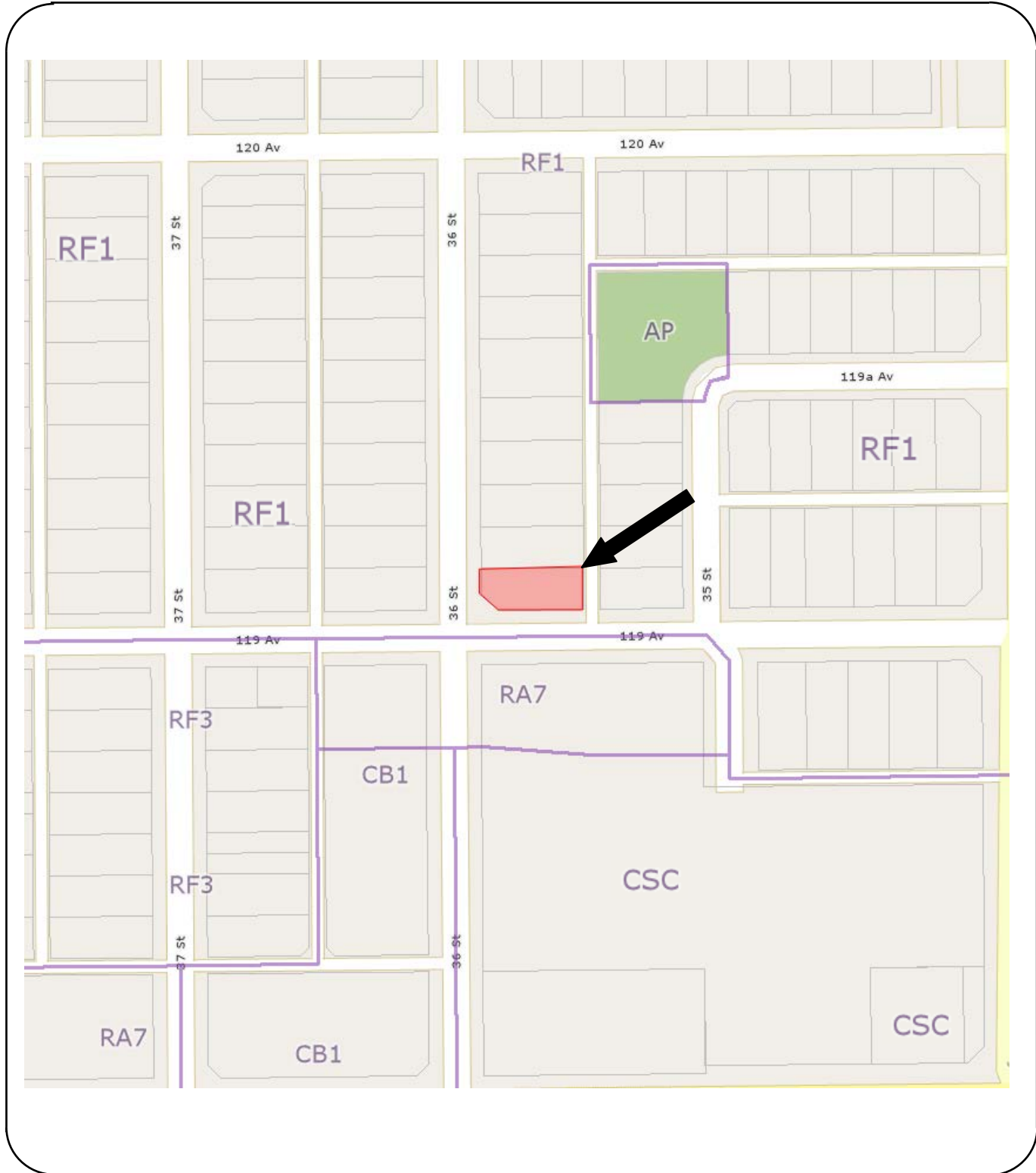
Application Number	Description	Decision
96916490-001	To operate a Limited Group Home (6 residents) Martyshuk Housing	March 12, 2010; Approved with conditions
85634757-005	To construct a basement development	June 22, 2009; Approved with Conditions
85634757-004	Re-stamp of Residential Compliance	<p>July 30, 2009; Issued</p> <p>Your Real Property Report, dated April 6, 2009 shows a Single Detached House with Rear Uncovered Deck 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>-The minimum Rear Yard shall be 40% of Site depth. (Reference Section 814.3(17)).</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> <p>(a) to make it a conforming building,</p> <p>(b) for routine maintenance of the building, if the development authority considers it necessary,</p> <p>or</p> <p>(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.</p> <p>The Accessory Building (sheds) shown on the subject document does NOT comply with the following yard regulations of Section 50.3 (Accessory Buildings in Residential Zone):</p>

<p>85634757-004 (continued)</p>		<p>-On a corner site the distance between an Accessory Building and property line running parallel to any flanking public roadway, other than a lane, shall be not less than the side yard required for the principal building. (Reference Section 50.3(5)(a)).</p> <p>The shed should be relocated.</p>
<p>85634757-002</p>	<p>To construct an uncovered deck (5.58 meters by 3.21 metres at 0.88 metres in Height), existing without permits</p>	<p>April 27, 2009; Approved with conditions</p>
<p>85634757-001</p>	<p>Residential Compliance</p>	<p>April 21, 2009; Issued</p> <p>Your Real Property Report, dated April 6, 2009 shows a Single Detached House 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>-The minimum Rear Yard shall be 40% of Site depth. (Reference Section 814.3(17)).</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>You are also advised that a search of our files revealed no record of development approval for the 0.88m High Rear Uncovered Deck</p>

<p>85634757-001 (continued)</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>The Real Property Report also shows that the Fence encroaches onto the 36th Street NW. You may need an Encroachment Agreement to complete your property transaction.</p> <p>The Accessory Building (sheds) shown on the subject document does NOT comply with the following yard regulations of Section 50.3 (Accessory Buildings in Residential Zone):</p> <p>-On a corner site the distance between an Accessory Building and property line running parallel to any flanking public roadway, other than a lane, shall be not less than the side yard required for the principal building. (Reference Section 50.3(5)(a)).</p> <p>The shed should be relocated.</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-15-044



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-045

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 164026809-002

APPLICATION TO: Operate a Major Home Based Business
(sales and storage of hydrovac trucks).

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 26, 2015

DATE OF APPEAL: February 6, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 2340 - 28 Avenue SW

LEGAL DESCRIPTION: Plan 7521733 Blk 2 Lot 3

ZONE: RR - Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

WITHDRAWN

TO BE RAISED
ITEM III: 2:00 P.M.

FILE: SDAB-D-15-045

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:
APPLICATION NO.: 155964613-001

APPLICATION TO: Construct an Accessory Building
(detached Garage, 4.88 metres by 6.10 metres)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 13, 2014

DATE OF APPEAL: November 26, 2014

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8805 – 101A Avenue NW

LEGAL DESCRIPTION: Lot 68A, Block 3, Plan 7822457

ZONE: RF2 Low Density Infill Zone

OVERLAY(S): Floodplain Protection Overlay
Mature Neighbourhood Overlay

STATUTORY PLAN: Riverdale Area Redevelopment Plan.

DEVELOPMENT OFFICER'S DECISION

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

1. Section 50.3(2) - an Accessory building or structure shall not exceed 4.3 m nor one Storey in Height.

Proposed: 1.5 storeys
Maximum: 1 storey
Exceeds by: 0.5 storey

2. Section 814.3(10) - 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 metres; or
 - (c) fewer than 50 percent of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

- The proposed Detached Garage is located in a Site where a lane abuts the rear. The proposed Detached Garage will have access off the front public roadway and none of the properties on the blockface have vehicular access from the front or flanking roadway. Therefore the proposed Detached Garage does not comply with Section 814.3(10)(c).

3. Section 54.2 Schedule 1(A)(3) - Minimum number of parking spaces or garage spaces required for Semi-detached housing: 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space. Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

Proposed: 1 required parking space
Required: 2 required parking spaces.
Deficient by: 1 required parking space

Section 54.2(2)(a) - For all residential developments, the required parking spaces shall be wholly provided on the Same Site as the building.

Proposed: 1 required parking space wholly provided on the same site as the building and 1 parking space provided off the Same site as the building.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

Required: 2 required parking spaces wholly provided on the Same site as the building.

Deficient by: 1 required parking space wholly provided on the Same site as the building.

4. Section 50.3(4) - Accessory buildings and structures shall be located on an Interior Site as follows: (a.) an Accessory building or structure shall be located not less than 18.0 metres from the Front Lot Line, unless it complies with the Setback requirements for a principal building.

- The Site cannot comply with 18.0 metre setback from the front lot line due to its lack of site depth. Therefore it must meet the Setback requirements of the underlying Residential Zone for a principal building.

Section 120.4(8) - The minimum Front Setback shall be 6.0 metres.

Proposed front setback: 1.52 metres

Minimum front setback: 6.00 metres

Deficient by: 4.48 metres

5. Section 120.4(7) - Maximum Site Coverage shall be as follows: (d.) 42 percent Total Site Coverage for Semi-detached Housing - Site area less than 600 square metres.

Proposed total site coverage: 42.58 percent (146.36 square metres)

Maximum total site coverage: 42.00 percent (144.37 square metres)

Exceeds by: 0.58 percent (1.99 square metres)

APPELLANT'S SUBMISSION

"In regards to #5 of the refusal (November 5, 2014) we are able to comply in the following way: We are willing to reduce the size of the garage to get closer to the Maximum Site Coverage (120.4(7)(d)) expectations, however it only exceeds maximum site coverage by 1.99 metres squared.

In regards to the street set back (#4 of the Refusal), we are not willing to move closer to the regulated minimum setback due to extra cost for the concrete and destroying any usable yard space I would have. The lack of overall site depth does not allow space enough for a garage suitable for a single vehicle unless the backset from the street is less than the required 6.0 metres (50.3(4)(a)) without taking out a significant portion of the backyard and thus reducing resale value in the possible future. In addition we own a large (901b) dog and we need maximum yard space. Allowing leniency in this regard would not adversely affect my neighbours or my neighbourhood.

APPELLANT'S SUBMISSION (CONTINUED)

In regards to refusal #21 was able to locate at least 7 dwellings along 101A Ave that do indeed back out onto the adjacent roadway: 8708 -101A Ave, 8712 - 101A Ave, 8714 - 101A Ave, 8812 - 101 A Ave, here are just four examples all with lane abutments. In regard to the matter of orienting the garage to back onto the lane, the primary reason for not doing so is safety. At this location the lane is shared with a commercial building (Big Brothers and Big Sisters) that has row parking along the lane. There is frequent congestion of vehicles backing out from these stalls, and to expect a driver to back out of a garage safely is unreasonable (the driver will be backing out from the garage without being able to see oncoming vehicles or children etc.) Due to the type of buildings (Big Brother, commercial with its own parking lot) and the orientation of homes across the street, it is unreasonable to apply the 50 percent minimum described in 814.3(10) as well.

Furthermore, there is a large utility pole adjacent to the yard on the lane side that creates a blind spot for a driver when backing out of a lane accessed garage. It will prevent traffic traveling in the alley from seeing a vehicle coming out of the garage. The property is also positioned near the entrance to the lane where there is a danger that people turning into the lane would not have suitable sight lines to see a vehicle exiting the garage. In addition, snow piled in the lane in winter is problematic. It is already a very hazardous lane due to the volume of traffic to Big Brothers and Sisters and reduced visibility around snow piles. Additionally, the windrows of snow and the winter parking ban on the street make parking in the neighbourhood very difficult. A road facing garage would solve this issue. Flanking my alley behind the proposed spot where the city has proposed a driveway there is a green space for Big Brothers and Sister consisting of trees and where the children from the facility gather to play.

Due to the limited position options for the garage there would not be room for a full outside parking pad on a lane access garage. On a street accessed garage, it is possible to provide the second parking space required under 54.2 Schedule 1(A)(3).

In regard to item #1 the owner will be installing a second story on the duplex in the future and will comply with the height restriction then.

The value of this property will only be increased by the addition of a garage. Resale value of any property can only be enhanced by improvements. Should the owner of the other half of the duplex apply for a permit to develop her property with a garage, she will also require permission to back onto the roadway. She is not adjacent to a lane, and there would be no other option for positioning.

I thank you for your consideration in this matter, and I look forward to hearing back from you.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an Accessory Building (detached Garage, 4.88 metres by 6.10 metres).

The site is located on the south side of 101A Avenue, west of 88 Street and is zoned RF2 Low Density Infill Zone, Section 120 of the Edmonton Zoning Bylaw 12800. The site is within the Floodplain Protection Overlay, Section 812 and within the Mature Neighbourhood Overlay, Section 814. The site is also within 5.2.1 RF2 Low Density Infill District of the Riverdale Area Redevelopment Plan, Bylaw 10251 (as amended) approved by Council January 20, 1994.

It should be noted that the Appellant signed a Waiver on November 26, 2014 to be heard January 28 or 29, 2015.

The Subdivision and Development Appeal Board at a hearing on January 14, 2015 made and passed the following motion:

“that the appeal hearing be SCHEDULED for March 5, 2015, at the written request of the Appellant.”

Semi-detached Housing is a Permitted Use in the RF2 Low Density Infill Zone, Section 120.2(5).

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 Class does not include Secondary Suites or Duplexes.

The submitted Site Plan shows the subject site is 22.61 metres by 15.20 metres. The proposed detached Garage is 4.88 metres by 6.10 metres in size and is located 1.52 metres from the (north) flanking lot line, 0.91 metres from the (west) lot line, and 3.73 metres from the Principal Building to the east. Vehicular access to the proposed Garage is from the (north) flanking Yard abutting 101A Avenue.

It should be noted that the Principal Building, a Semi-detached House is located on the subject site and 8803 – 101A Avenue.

The Development Officer has provided the following information:

Site Area:	343.73 square metres
14 percent allowable Site Coverage:	48.12 square metres
28 percent allowable Site Coverage:	96.24 square metres
42 percent allowable Site Coverage:	144.37 square metres
Existing Principal Building: (with deck)	116.62 square metres

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Proposed detached Garage: 29.73 square metres

Proposed Total Site Coverage: 146.35 square metres

Section 50.3(3)(a) states the Site Coverage of Accessory buildings, with or without a Garage Suite, or structure shall not exceed 12 percent, unless a different standard is prescribed within the regulations contained within the relevant Zone.

Section 120.4(7)(d) states the maximum Site Coverage for Semi-detached Housing with a Site area less than 600 square metres is 28 percent for a Principal Dwelling/building, 14 percent for Accessory buildings, 42 percent for a Principal building with attached Garage and 42 percent for total Site Coverage.

The Development Officer determined the maximum allowable total Site Coverage is 144.37 square metres. The proposed development provides a total Site Coverage of 146.35 square metres, which exceeds the maximum by 1.99 square metres.

Section 50.3(2) states in a Residential Zone an Accessory building or structure shall not exceed 4.3 metres nor one Storey in Height.

The Development Officer determined the proposed development provides 1.5 Storeys, which exceeds the maximum number of Storeys by 0.5.

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. [...];
- b. [...]; or
- c. fewer than 50 percent of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

The Development Officer determined the proposed detached Garage will have access of the front public roadway and none of the properties on the blockface have vehicular access from the front or flanking roadway. As such, the Development Officer determined the requirement contained in Section 814.3(10)(c) was not met.

Section 54.2 Schedule 1(A)(3) states Semi-detached Housing requires 2 parking spaces per Dwelling, which may be in tandem and may include 1 Garage space.

Section 54.2(2)(a) states for all residential developments, the required parking spaces shall be wholly provided on the same Site as the building.

The Development Officer determined 2 parking spaces are required for this Dwelling. The proposed development provides 1 parking space, which is deficient by 1 parking space.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Section 50.3(4)(a) states Accessory buildings and structures shall be located on an Interior Site not less than 18.0 metres from the Front Lot Line, unless it complies with the Setback requirements for a principal building.

It should be noted that the Development Officer referenced Section 120.4(8) states the minimum Front Setback, within the RF2 Low Density Infill Zone, shall be 6.0 metres.

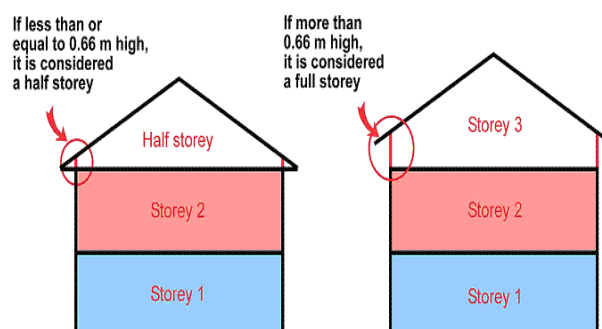
The Development Officer determined the required Front Setback is 6.00 metres. The proposed development provides a (north) Front Setback of 1.52 metres, which is deficient by 4.48 metres.

However, Section 814.3(1) states the Front Setback shall be consistent within 1.5 metres of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 metres. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane.

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:

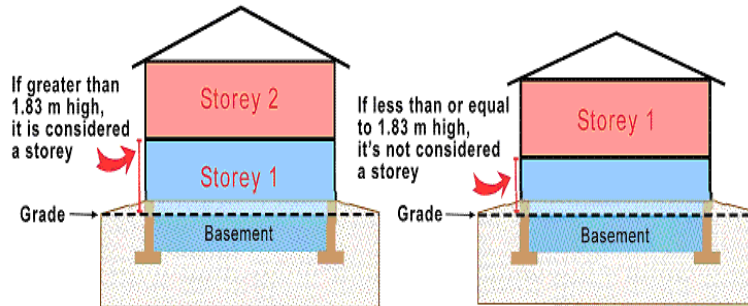
- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any 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.

Under Section 6.1(47), **Half Storey** means a Storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 metres above the floor of such Storey.



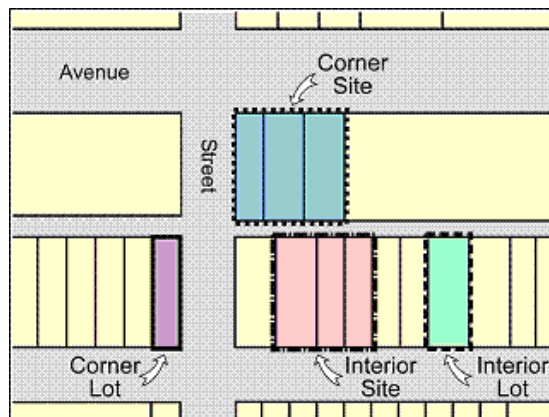
SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

Under Section 6.1(98), **Storey** means that portion of a building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a Basement is more than 1.83 metres above grade, such Basement shall be considered a Storey for the purpose of this Bylaw.



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

Under Section 6.1(52), **Interior Lot** means any Lot other than a Corner Lot.

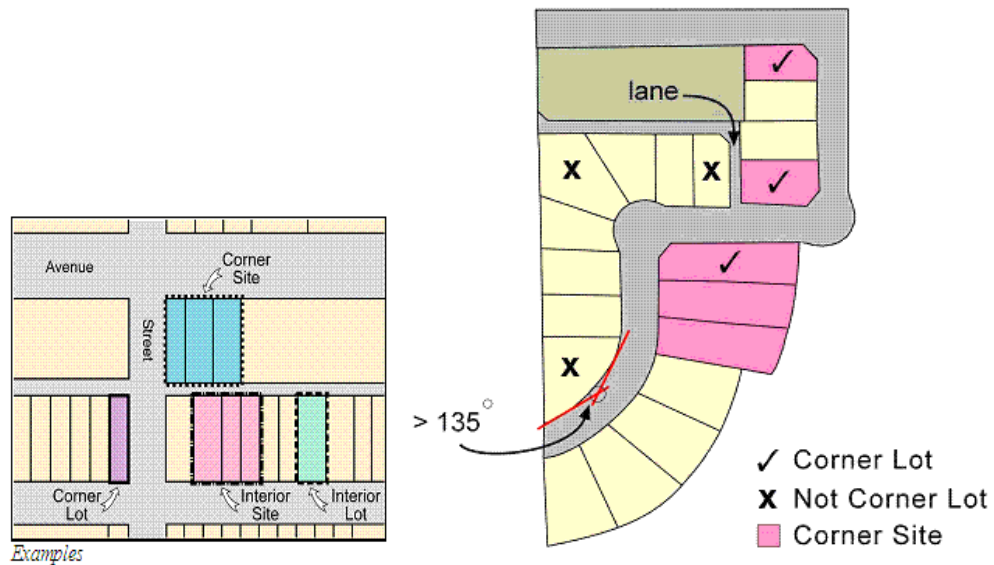


Under Section 6.1(18), **Corner Lot** means

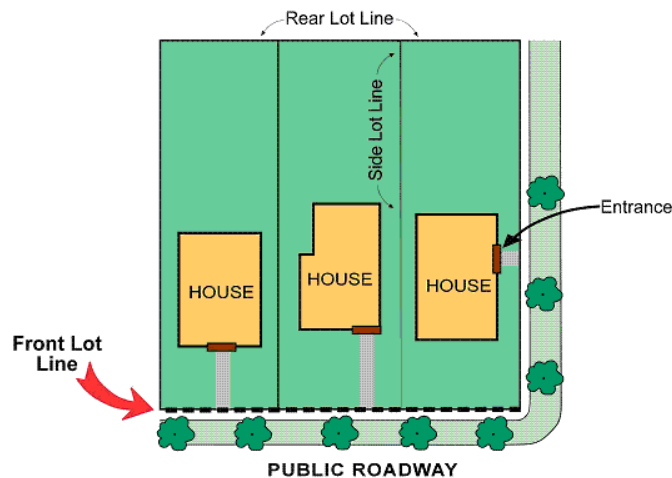
- a. a Lot located at the intersection of two public roadways, other than Lanes; or
- b. a Lot located abutting a public roadway, other than a Lane, which changes direction at any point where it abuts the lot;

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

provided that in both cases the Lot shall not be considered a Corner Lot where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Lot shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.

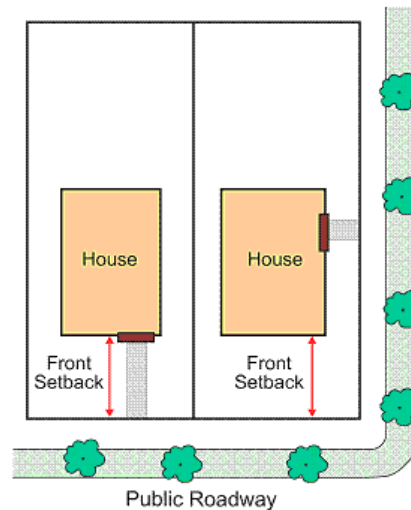


Under Section 6.1(38), **Front Lot Line** means the property line separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curbed corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line.



SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Under Section 6.1(39), **Front Setback** means the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



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 structure 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.

Section 120.1 states the purpose of the Low Density Infill Zone is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

Section 812.1 states the purpose of the Floodplain Protection Overlay is to provide for the safe and efficient use of lands which may be within the defined floodplains of the North Saskatchewan River and its tributaries within the City of Edmonton through the regulation of building Heights and elevations, openings into buildings, Uses of portions of buildings, Grades and Landscaping in addition to the requirements of the underlying Zone in their vicinity.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

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.

Included in the Sustainable Development Department's POSSE system, under "Docs", is a Memorandum dated October 24, 2014 from Rob Metcalf, Senior Transportation Technician, Sustainable Transportation, Transportation Planning Branch, which indicates that Transportation Services has reviewed the development application and has added comments, conditions and an advisement. **A copy of the Memorandum from Transportation Services is on file.**

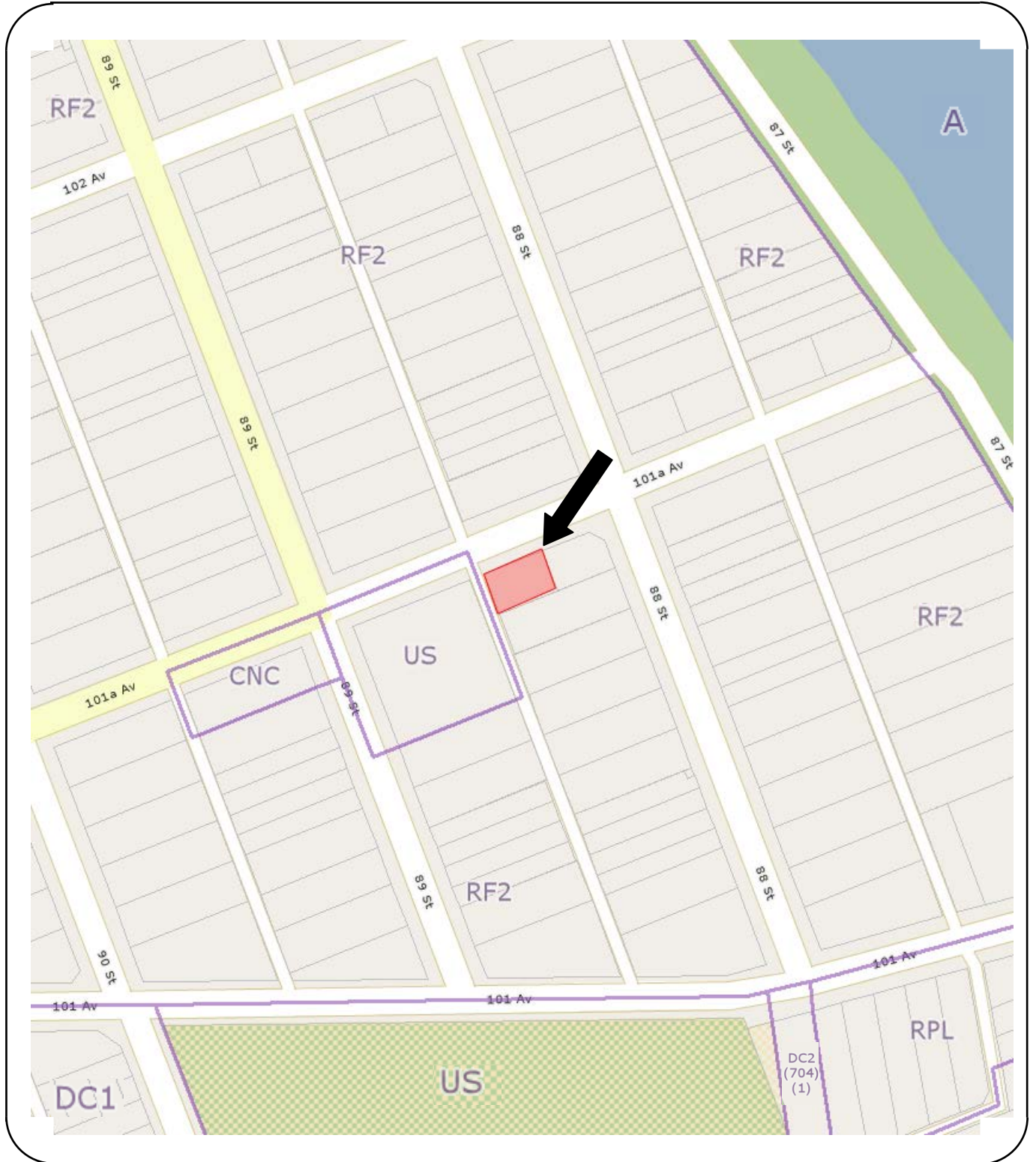
Included in the Sustainable Development Department's POSSE system, under "Docs", is a Memorandum dated September 3, 2014 from Paul R. Lach, Senior Geotechnical Engineer, Engineering Services, Transportation Department, which indicates that Transportation Services has reviewed the development application and has provided comments. **A copy of this Memorandum from Transportation Services is on file.**

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

Application Number	Description	Decision
457550-005 SDAB-D-08-275	Construct an addition to a Single Detached House (3.73 metres by 2.00 metres Rear Covered Deck) existing without a permit.	November 28, 2008; the appeal be ALLOWED and the DEVELOPMENT GRANTED and the excess of 13.06 square metres in maximum allowable Site Coverage for the principal dwelling and the deficiency of 1.57 metres in the minimum required Rear Yard, that being 40 percent of Site Depth be permitted.
457550-003	To construct an addition to a Single Detached House (3.73 metres by 2.00 metres Rear Covered Deck) Existing without permit.	October 8, 2008; Refused.

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-15-019



APPEAL HEARINGS TO BE SCHEDULED

161242059-003	An appeal by to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. <i>March 12, 2015</i>
165332560-001	An appeal by to construct exterior alterations (driveway extension 6.0m x 3.0 m) to an existing Single Detached House, existing without permits. <i>March 11 or 12, 2015</i>
161821680-001	An appeal by to construct four 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) <i>March 25 or 26, 2015</i>