



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

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Date: May 18, 2018  
Project Number: 269447746-001  
File Number: SDAB-D-18-066

**Notice of Decision**

- [1] On May 9, 2018, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **April 16, 2018**. The appeal concerned the decision of the Development Authority, issued on April 3, 2018, to refuse the following development:

**To construct a Semi-Detached House with veranda, fireplaces, and to demolish an existing Single Detached House and detached Garage**

- [2] The subject property is on Plan 5881AL Blk 4 Lot 52, located at 10917 - 68 Avenue NW, within the RF5 Row Housing Zone. The Mature Neighbourhood Overlay and 109 Street Corridor Area Redevelopment Plan apply to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
  - The Development Officer’s written submissions;
  - The Appellant’s written submissions; and
  - Online responses.

**Preliminary Matters**

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”).

**Summary of Hearing**

- i) *Position of the Appellant, Mr. K. Kang and Mr. C. Kang, representing Akam Prestige Homes Inc.*

- [7] Mr. K. Kang referred to the reasons for the refused permit.
- [8] The proposed development complies with the Front, Rear, and Side Setbacks. The Site Coverage is 39.54 percent which is under the maximum allowable total Site Coverage.
- [9] The 109 Street Corridor Area Redevelopment Plan (ARP) shows 68 Avenue to be the only property that has four houses included for row housing.
- [10] He spoke to the two property owners east of the subject Site who stated that they have lived there for several years and have no intentions of selling their property after all the renovations they have done. This will make it harder to redevelop this area.
- [11] He has designed the house so it is affordable and sustainable for the community and will implement the strategy of the 109 Street ARP.
- [12] He purchased the property 12 years ago. He intends to sell one of the dwellings and his son will live in the other dwelling.
- [13] There are other properties in the area that were approved with the variances requested.
- [14] There is an older Semi-detached house west of the subject Site.
- [15] A Single Detached House is not a Permitted Use in the RF5 Row Housing Zone and will not support the ARP.
- [16] Row Housing developments can still be achieved on the three lots east of the subject Site.
- [17] There will be a hardship for him if he is not approved to build on the subject Site.
- [18] The design of the building is the best use for the land and the proposed development will not negatively impact the neighbourhood.
- [19] There is an existing encroachment agreement in place as the existing dwelling is too close to the east property line.
- [20] In his opinion, boarding up the house will negatively impact the neighbourhood more than a new development.
- [21] He referred to the photographs of the subject Site showing that they have maintained the existing dwelling to make it livable.

- [22] Additions cannot be made to the existing dwelling as it is too close to the east property line.
- [23] In response to questions by the Board, he stated that he does not intend to demolish the house until he receives an approved Development Permit.
- [24] He referred to the photographs submitted showing three properties east and west of the subject Site on 109 Street.
- [25] The photographs show two empty lots and older houses in the area that are boarded up.
- [26] The photographs show a new development west of the subject Site on 68 Avenue which will be similar to the proposed development.
- [27] The rear of the site could not be developed after a fire on the property due to an encroachment agreement. The encroachment agreement will not be needed with the new development.

*ii) Position of an Affected Property Owner in Opposition to the Development*

- [28] Ms. Bolton is the owner of the property immediately adjacent to the subject Site on the east side.
- [29] Ms. Bolton stated that she does not believe a hardship to build on the subject Site should be part of the appeal.
- [30] The Presiding Officer clarified that the Development Officer pointed out that the Site is designated for Row Housing in the ARP. When the Appellant referred to hardship, he was referring to the fact that Row Housing could not be built on the Site unless it was consolidated with lots to the east, including hers, but the owners of those lots do not intend to sell at this time.
- [31] In her opinion, there is no hardship to build on the subject Site.
- [32] She indicated that the photographs submitted by Appellant are approximately 10 blocks away from the subject Site.
- [33] In her opinion, the proposed development is too large and will not be characteristic of the neighbourhood.
- [34] She stated there is a side by side Semi-detached development that was built on two lots down the street which fits in with the neighbourhood.
- [35] She stated that narrow homes are far enough down the street that will not block the sunlight on her property.

- [36] She is concerned that the proposed development will block the sunlight in her yard and will negatively impact the use and enjoyment of her property.
- [37] She does not have an issue with the Height of the development but it will be too large for the lot. She would like to see a development that is characteristic of the neighbourhood.
- [38] In response to questions by the Board, she confirmed that she is not opposed to a development on the subject Site but is opposed to the size of the development.
- [39] In her opinion, the variance in the Site Area should not be allowed.

*iii) Position of the Development Officer, Mr. Robinson*

- [40] The Development Authority provided written submissions and did not attend the hearing.

*iv) Rebuttal of the Appellant*

- [41] Mr. K. Kang stated that he could build a Single Detached House but it is not a Permitted Use in the RF5 Row Housing Zone and would not comply with the ARP.
- [42] In his opinion, a Single Detached House will have the same effect on adjacent properties as a Semi-detached House will.
- [43] He reviewed different options to build on the subject Site and a Semi-detached House is the best option.
- [44] In his opinion, a Semi-detached House will be more affordable and a better use of the land.
- [45] They are agreeable to the suggested conditions of the Development Officer.

**Decision**

- [46] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:
1. The Height of the principal building shall not exceed 8.9 metres (Reference Sections 6.1(55) and 52).
  2. Platform Structures greater than 1.0 metres above Grade shall provide Privacy Screening to prevent visual intrusion into adjacent properties. (Reference Section 814.3(9)).
  3. Any future basement development may require development and building permit approvals.

4. Frosted or opaque glass treatment shall be used on windows as required on the side elevations to minimize overlook into adjacent properties (Reference Section 814.3(8)).
5. The area hard surfaced for a Driveway shall comply with Section 54.6 of the *Edmonton Zoning Bylaw 12800*.
6. Except for the hard surfacing of Driveways and/or Parking Areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the *Edmonton Zoning Bylaw 12800*.
7. Landscaping shall be provided on a Site within 18 months of the occupancy of the proposed development. 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).
8. Two deciduous trees with a minimum Caliper of 50 mm, two coniferous trees with a minimum Height of 2.5 m and eight shrubs shall be provided on the property. 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).
9. The requirement to provide trees and shrubs may be satisfied either through planting new or preserving existing trees and shrubs (Reference Section 55.6.2).
10. 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).
11. All access locations and curb crossings shall have the approval of the City Transportation prior to the start of construction. Vehicular access shall be from the rear lane only (Reference Section 53.1).
12. Amenity Area shall have a minimum length and width of 3.0 metres, except that if it is provided above the first Storey the minimum length shall be 1.5 metres. Where provided outdoors, Amenity Area shall be permanently retained as open space, unencumbered by enclosed Accessory buildings or future additions. When provided at grade, Amenity Area shall be defined either through a Fence or landscaped elements including but not limited to planters, hedges, hard and soft surface treatment, or raised structures (Reference Section 46).
13. Immediately upon demolition of the building, the site shall be cleared of all debris.
14. WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2).

#### ADVISEMENTS:

1. Lot grades must comply with the *Edmonton Drainage Bylaw 16200*. Contact Drainage Planning and Engineering at 780-496-5576 or [lot.grading@edmonton.ca](mailto:lot.grading@edmonton.ca) for lot grading inspection inquiries.

2. Any future deck development greater than 0.6 metres (2 feet) in height will require development and building permit approvals.
3. Any future deck enclosure or cover requires a separate development and building permit approval.
4. The driveway access must maintain a minimum clearance of from the power pole and all other surface utilities.
5. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

[www.edmonton.ca/transportation/on\\_your\\_streets/on-street-construction-maintenance-permit.aspx](http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx)

[47] In granting the development, the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The minimum required Site Area of 420.0 square metres as per Section 160.4(3)(c) is varied to allow a deficiency of 19.05 square metres, thereby decreasing the minimum required to 400.95 square metres.
2. The minimum required Site width of 13.4 metres as per Section 160.4(3)(c) is varied to allow a deficiency of 3.34 metres, thereby decreasing the minimum required to 10.06 metres.

### **Reasons for Decision**

[48] The proposed development, a Semi-detached House, is a Permitted Use in the RF5 Row Housing Zone.

[49] The Development Officer refused the development permit application based on deficiencies in Site Area and Site Width, and the fact that a Semi-detached House is not a supported Use at this Site in the 109 Street Corridor Area Redevelopment Plan (the "ARP").

[50] The Development Officer erred in using the provisions of the ARP as a basis for refusing a Development Permit.

[51] The ARP is an aspirational document. In the ARP, the subject Site and the three lots east of it up to 109 Street have been designated for future Row Housing development. However, the City has not changed the zoning of those properties to reflect that. As was pointed out above, in this Zone the proposed development is a Permitted Use.

[52] Accordingly, the only basis that the Development Officer can use for refusing the proposed development is where he feels variances are inappropriate.

- [53] Further, the Board notes that the subject Site by itself is too small to support Row Housing development, meaning the lot would have to be consolidated with other properties to the east to achieve this objective.
- [54] The Board accepts the evidence submitted that the other three property owners east of the subject Site are not prepared to sell their land, making it impossible for any of the properties to be redeveloped as Row Housing at this time.
- [55] Map 7 of the ARP shows the properties designated for future Row Housing development. The Site for the proposed development is the only property on that map that is four lots over from 109 Street. All of the other Sites on that map designated for future Row Housing developments are at most three lots from 109 Street.
- [56] The fact that the subject Site is on the edge of the area that has been designated for future Row Housing development means that allowing the proposed development will not frustrate the goals of the ARP. The three properties to the east can still be developed as Row Housing in the future. As well, this Semi-detached development will align with the objectives identified in the ARP of increased densification along this corridor.
- [57] With respect to the variances required, Section 160.4(3)(c) of the *Edmonton Zoning Bylaw* specifies a minimum Site Area of 210 square metres per Dwelling for this type of development. The proposed development is deficient by 19.05 square metres. The minimum required Site Width is 6.7 metres per Dwelling. The proposed development is deficient by 3.34 metres.
- [58] In spite of these deficiencies, there are no issues with total Site Coverage, principal building Site Coverage, accessory building Site Coverage, Amenity Space requirements, Front, Side, or Rear Setbacks, or parking requirements on the subject Site.
- [59] The Board finds that the required variances to the minimum Site Area and Site Width will not have any significant impact on neighbourhood amenities or on the use, enjoyment or value of neighbouring parcels of land.
- [60] Two neighbouring property owners were concerned that the proposed development is not a good fit with the other homes on the street, which are all single family houses. The property owner immediately east of the subject Site felt the proposed development was too large for the Site and that it would block the sunlight to her property.
- [61] The Board notes that as a Permitted Use, the fact that the proposed development may not fit in with the characteristics of the neighbourhood is not a valid basis for refusing a Development Permit.
- [62] The Board finds that, since there are no variances required to Site Coverage, Setbacks or Height, the impact of the proposed development on sunlight on the lot to the east will not be greater than that of a compliant Single Detached House on that Site.

- [63] The Board notes that the existing house on the subject Site has an encroachment agreement with the property immediately to the east because it is too close to the property line. The proposed development will not require an encroachment agreement and this will lessen the impact on that neighbour.
- [64] For all of the above reasons, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor will it materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.



Mr. M. Young, Presiding Officer  
Subdivision and Development Appeal Board

Board members in attendance:

Mr. R. Hobson, Mr. J. Kindrake, Mr. L. Pratt, Mr. W. Tuttle



**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.*



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Date: May 18, 2018  
Project Number: 275246885-002  
File Number: SDAB-D-18-067

**Notice of Decision**

- [1] On May 9, 2018, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **April 19, 2018**. The appeal concerned the decision of the Development Authority, issued on April 18, 2018, to refuse the following development:

**To leave as built an Accessory Building (rear detached Garage, 7.44 metres by 7.44 metres)**

- [2] The subject property is on Plan 0523520 Unit 3, located at 13448 - 62 Street NW, within the DC2 Site Specific Development Control Provision.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
  - The Development Officer’s written submissions;
  - The Appellant’s written submissions; and
  - An online response.

**Preliminary Matters**

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”).

## Summary of Hearing

### *i) Position of the Appellant, Mr. Vonreich*

- [7] At the outset of the hearing, the Presiding Officer referred to Section 685(4) of the *Municipal Government Act*, which states that, with respect to an appeal concerning development in a Direct Control District, the appeal is limited to determining whether the Development Officer followed the directions of Council. The Presiding Officer asked the Appellant to address how he felt the Development Officer did not follow the directions of Council.
- [8] Mr. Vonreich stated that he got a Development Permit for a 24 foot by 24 foot garage in 2009. He built the garage himself and now he is selling the property. The compliance certificate shows that the garage covers 17.8 percent of the Site instead of 17 percent. Also, the garage is located 1.02 metres from the rear lot line instead of 1.2 metres, a difference of seven inches.
- [9] He now realizes that he did not take into account how adding siding would affect the area of the garage. As for the distance from the rear lot line, he lined up the garage visually with the other garages along the lane.
- [10] Regarding the Site Coverage, he pointed out that a 24 foot by 24 foot garage, which was allowed by the Development Permit, would have resulted in 17.21 percent site coverage. To comply with the *Zoning Bylaw* he should have only been allowed to build a 24 foot by 23.8 foot garage. In his opinion, this excess of four inches was an error by the Development Officer. The garage he built has 17.8 percent site coverage, only 0.59 percent different from the original Development Permit.
- [11] He referred to the photographs submitted showing that all the garages along the lane line up evenly.
- [12] He referred to the photograph showing the size of the garage in relation to the property. In his opinion, the garage is not excessive.
- [13] He did not speak to the neighbours regarding the garage.
- [14] All the drainage takes place on the subject Site.
- [15] The garage has existed in this location for eight years with no known complaints.
- [16] In his opinion, the Development Officer should have refused the permit with the initial application as it was already over the allowable site coverage.
- [17] The excess in site coverage is towards the lane, which will not have a negative impact on neighbouring property owners.

- [18] The garage does not have a visual protrusion but looks aligned with all the other garages in the rear lane.
- [19] The garage passed the safety inspection requirements and electrical inspection requirements and there will be no safety concerns to any neighbouring property owners.
- [20] In his opinion, the City made an error in the application process as the original permit was already over the allowable Site Coverage.
- [21] In response to questions by the Board, he stated that he was unaware of all the restrictions in the DC2 regulations.
- [22] He lined up his garage with the existing garages in the area rear lane to determine the Setback.
- [23] It would cost him approximately \$6000.00 to fix the error.
- [24] He agreed that even if the location of the garage is moved, there would still be an excess in the Site Coverage.

ii) *Position of the Development Officer, Ms. Bernuy*

- [25] The Development Authority provided written submissions and did not attend the hearing.

**Decision**

- [26] The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority.
- [27] In granting the development, the following variances to the *Edmonton Zoning Bylaw* are allowed:
1. The maximum allowed Site Coverage of 17 percent for Accessory Buildings as per Section DC2.614.4.i is varied to allow an excess of 0.8 percent, thereby increasing the maximum allowed to 17.8%.
  2. The minimum required distance from the Rear Lot Line to a detached Garage where the vehicle doors face the lane of 1.2 metres as per Section DC2.614.4.1 is varied to allow a deficiency of 0.18 metres, thereby decreasing the minimum required to 1.02 metres.

**Reasons for Decision**

- [28] The proposed development, a rear detached Garage, is Accessory to a listed Use in the DC2.614(A) Site Specific Development Control Provision.
- [29] Section 685(4) of the *Municipal Government Act* states:
- 685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district
- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.
- [30] Accordingly the Board can only change the decision of the Development Officer if it determines that the Development Officer did not follow the directions of Council.
- [31] The directions of Council are set out in the DC2.614 Site Specific Development Control Provision.
- [32] Section DC2.614.1 states that the General Purpose of the DC2.614 Site Specific Development Control Provision is to accommodate low and medium density housing uses, with site specific development regulations applied in a manner sensitive in scale and design to surrounding existing developments, while maintaining the character and pedestrian streetscape of this established neighbourhood.
- [33] Section DC2.614.4.a states that the site layout and building locations shall be in accordance with the Site Plan as illustrated on Appendix I, except that the building shapes and locations may be altered by the Development Officer if such alteration is in compliance with the following development regulations and consistent with the purpose of this Provision.
- [34] The development regulations relevant to this appeal relate to Site Coverage and to Rear Setback.
- [35] Section DC2.614.4(i) states that the maximum total Site Coverage shall not exceed 47 percent with a maximum of 35 percent for a principal building, and a maximum Site Coverage of 17 percent for Accessory buildings.

- [36] Section DC2.614.4.1 states that parking shall be provided at the rear of each Dwelling with access from the private lane. The distance from the Rear Lot Line to a detached Garage where the vehicle doors face the lane shall be 1.2 metres.
- [37] The Appellant was issued a Development Permit for a 24 foot by 24 foot detached garage in August 2009.
- [38] The Appellant made an error when building the garage as he did not allow for the exterior cladding of the garage in determining the final dimensions of the structure. The result is that the garage as built covers 17.8 percent of the Site rather than the allowed 17 percent. As for the Rear Setback, he aligned the garage with the other garages along the lane.
- [39] The Board notes that, if the garage had been built according to the approved Development Permit, it would have exceeded the 17 percent allowable Site Coverage and would have covered 17.21 percent of the Site.
- [40] Having issued the Development Permit for a garage with 17.21 percent Site Coverage, the Development Authority would be estopped if it were to later claim that the garage was non-compliant for being 0.21 percent over Site Coverage limits. Accordingly the Board must determine if the Development Officer followed the directions of Council when she refused the Development Permit application on the basis of the 0.6 percent difference between 17.21 percent and 17.8 percent.
- [41] The Board finds that the extra 0.59 percent in Site Coverage for the garage as built is de minimis and that City Council would not have intended such a minor variance to result in the refusal of a Development Permit. Based on the photographic evidence, the garage is not noticeably larger than the other garages in the area. The Board finds that this minor variance does not detract from the general purpose of DC2.614 because the garage is sensitive in scale and design to surrounding developments.
- [42] With regard to the variance in the Rear Setback, the Board finds that the Development Officer in her written submission correctly referred to the variance power contained in Section DC2.614.4.a . That variance power allows the Development Officer to alter the location of buildings provided that such alteration is in compliance with the development regulations and is consistent with the purpose of the provision.
- [43] The regulation relating to Rear Setback of garages is found in Section DC2.614.4.1 and states the distance from the Rear Lot Line to a detached Garage where the vehicle doors face the lane shall be 1.2 metres. A literal interpretation of this section is that the garage must be located exactly 1.2 metres from the Rear Lot Line, no more and no less. This appears to be how the Development Officer interpreted this Section.

- [44] However, the Board is of the view that Development Officer did not give sufficient consideration to whether the required variance was consistent with the purpose of the provision. Section DC2.614.1 states that the general purpose of the district is to accommodate low and medium density housing uses, with site specific development regulations applied in a manner sensitive in scale and design to surrounding existing developments, while maintaining the character and pedestrian streetscape of this established neighbourhood.
- [45] Considering this general purpose provision together with the variance power in Section DC2.614.4.a and the Rear Setback requirement in Section DC2.614.4.1, the Board concludes that Council's intention is that the Development Officer has the power to vary the location of the garage, including the Rear Setback, provided that the change in Rear Setback is sensitive in scale and design to surrounding existing developments, while maintaining the character and pedestrian streetscape of this established neighbourhood. In particular, the Board is of the view that the Rear Setback provision is intended to ensure that all the garages in the district are located so that, when viewed from the rear lane, all the garages line up.
- [46] Based on the photographic evidence provided to the Board, the detached garage is visually aligned with all of the garages along the rear lane.
- [47] The Board finds that forcing the Appellant to move the garage back seven inches from the present location would result in the garage not lining up with the other garages. This would not be in keeping with the surrounding developments and would not maintain the character of the streetscape.
- [48] The Board is of the view that, in the circumstances of this case, the Development Officer interpreted the variance power too narrowly and that not allowing the Rear Setback variance would be contrary to the directions and intent of Council.
- [49] Accordingly the appeal is allowed.



Mr. M. Young, Presiding Officer  
Subdivision and Development Appeal Board

Board members in attendance:

Mr. R. Hobson, Mr. J. Kindrake, Mr. L. Pratt, Mr. W. Tuttle

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[edmontonsdab.ca](http://edmontonsdab.ca)*

**SDAB-S-18-005 / LDA 18-0053**

**Application No. 272854181-001**

An appeal to create one (1) additional single detached residential lot, located at 11924 - 136 Street NW, was **WITHDRAWN**.