

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
May 12, 2016

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-16-121	Construct a Semi-Detached House 9203 - 114 Avenue NW Project No.: 182443977-001
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II	10:30 A.M.	SDAB-D-16-122	Construct an Accessory Building (Garage Suite 14.02m x 7.62m) 17 - Riverside Crescent NW Project No.: 186283015-006
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WITHDRAWN

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-16-121

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.:	182443977-001
ADDRESS OF APPELLANT:	9203 - 114 Avenue NW
APPLICATION TO:	Construct a Semi-Detached House
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	April 15, 2016
DATE OF APPEAL:	April 15, 2016
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	9203 - 114 Avenue NW
LEGAL DESCRIPTION:	Plan RN43A Blk 43 Lot 16
ZONE:	RF3 Small Scale Infill Development 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:

I wish to appeal this decision based on the following:

1. This is something we cannot fix. As of March 18, 2013 the by law changed to allow a "semi detached" to be reduced to 10m if attached at the rear. I have done a few in the area and they are now becoming extremely popular. Considering the average in that area and so many others are 33x120(10m) I assume that was passed along with the wording "attached at the rear" to help accommodate front to backs, however, the total area has remained the same. Not one single front to back built now or in the future will ever be able to meet that site area. (It will take me some time, but I will send photos showing the lot sizes and ones that have been built)

2. I am building the same development that is allowed on the interior, but being that we are on the corner, the total width they are asking for is not the same. Front to backs have been around for years, and in different variations as I found back in 2012 when I first began to research and build them. They are now becoming more popular and some bylaws are changing to help, I do think that most of these bylaws still comply to your traditional side by side duplex which is why I feel that having the corner lot require so much more makes no sense., the same structure is allowed next door and we are making it more appealing by facing the avenue.

(Photos of the same structure, on corner 33x120 will be sent)

3. This I don't understand because it only came to my attention today. I understand the question as it is a scenario that comes up all the time, however I don't understand why it is a issue on the east corner. Min is 15m - 160sqf, we have roughly 300sqf. If I need to be 1m from the lot line we are still 3.64m with a min being 3m and still more the 15m² - 160sqf.

If it is a case of showing a fence or grass, then I would of, or still can send a plot plan showing that. This was never discussed when I called to talk about the application, I only realized this now when I researched it.

I do believe the development we are applying for is nothing out of the ordinary nor are we re inventing the wheel. As I stated before many front to backs have been built on the same block, 5 of the same developments on a corner have just popped up and I feel it is a great development for the area and young families starting out. I have lived in a front to back 2 blocks away for 3 years and they work, I also like seeing the area come to life.

Thank You [unedited]

<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.

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,

The Board is advised that the decision of refusal by the Development Officer is dated April 15, 2016. The Notice of Appeal was filed on April 15, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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.

Under Section 140.2(8), **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(8) states:

Semi-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 Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobil homes which conform to Section 78 of this Bylaw.

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 proposed to vary the Overlay regulations.

Minimum Site Area

Section 140.4(3)(a) states:

3. Site regulations for Semi-detached Housing:
 - a. the minimum Site area shall be [442.2 m²](#);

Development Officer's Determination

1. The minimum Site area for Semi-detached Housing shall be 442.2 m² (Section 140.4.3.a)

Proposed = 368.0 m²
Deficient by -74.2 m² [unedited]

Minimum Site Width on Corner Lot

Section 140.4(3)(c) states:

3. Site regulations for Semi-detached Housing:
 - ...
 - c. On a Corner Lot, the minimum Site Width shall be 14.8m;

Development Officer's Determination

2. On a corner lot, the minimum Site Width for Semi-detached Housing shall be 14.8 m (Section 140.4.3.c)

Proposed = 10.1 m
Deficient by -4.7 m [unedited]

Private Outdoor Amenity Area

Section 140.4(15) states:

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


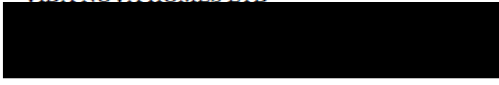
Development Officer's Determination

3. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of the Bylaw (Section 140.4.15).

The East side Dwelling does not have a Private Outdoor Amenity Area that complies with Section 47. [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: 182443977-001 Application Date: NOV 13, 2015 Printed: April 18, 2016 at 8:51 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 VIDA NOVA HOMES LTD 	Property Address(es) and Legal Description(s) 9203 - 114 AVENUE NW Plan RN43A Blk 43 Lot 16 Specific Address(es) Entryway: 9203 - 114 AVENUE NW Entryway: 9205 - 114 AVENUE NW Building: 9203 - 114 AVENUE NW		
Scope of Application To construct a Semi-Detached House.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # 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%; border: none;"> Class of Permit: Class B Lot Grading Needed?: Y 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?: Y 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?: Y 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 Application Decision Refused Reason for Refusal 1. The minimum Site area for Semi-detached Housing shall be 442.2 m ² (Section 140.4.3.a) Proposed = 368.0 m ² Deficient by -74.2 m ² 2. On a corner lot, the minimum Site Width for Semi-detached Housing shall be 14.8 m (Section 140.4.3.c) Proposed = 10.1 m Deficient by -4.7 m 3. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of the Bylaw (Section 140.4.15). The East side Dwelling does not have a Private Outdoor Amenity Area that complies with Section 47. 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: Apr 15, 2016 Development Authority: LIANG, BENNY Signature: _____			
THIS IS NOT A PERMIT			



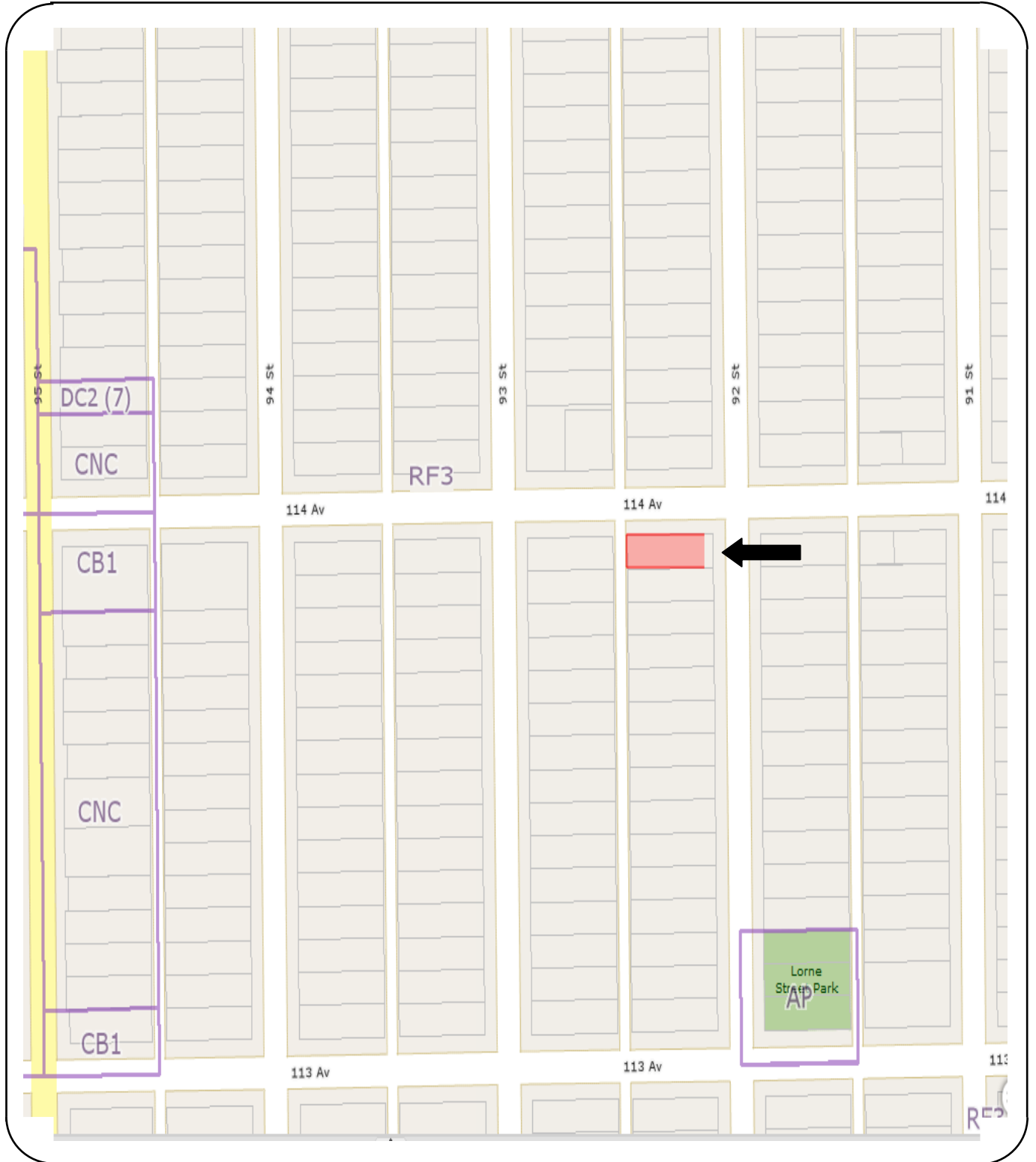
Project Number: **182443977-001**
Application Date: NOV 13, 2015
Printed: April 18, 2016 at 8:51 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$447.00	\$447.00	02957617	Dec 16, 2015
Lot Grading Fee	\$270.00	\$270.00	02957617	Dec 16, 2015
Sanitary Sewer Trunk Fund	\$2,860.00	\$2,860.00	02957617	Dec 16, 2015
DP Notification Fee	\$40.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,617.00	\$3,577.00		
(\$40.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-121



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-122

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

APPELLANT:

APPLICATION NO.: 186283015-006

ADDRESS OF APPELLANT:

APPLICATION TO: Construct an Accessory Building (Garage Suite 14.02m x 7.62m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 29, 2016

DATE OF APPEAL: April 14, 2016

NOTIFICATION PERIOD: Mar 29, 2016 through Apr 12, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 17 - Riverside Crescent NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 17 - Riverside Crescent NW

LEGAL DESCRIPTION: Plan 2771HW Blk A Lot 26

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

WITHDRAWN

Grounds for Appeal

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

We are appealing this decision as we have a concern that the development may change the existing character and nature of Riverside Crescent in the mature neighbourhood of Crestwood

Minimal information has been provided to the residents regarding the development from the owners, developer and city.

As residents we need to know exactly what the Accessory Building (Garage Suite 14.02m X7.62 m) entails.

The development permit process has not always been followed in Crestwood and we feel strongly the need for extra vigilance within the neighbourhood to protect the history and nature. [unedited]

This is a "de facto" subdivision of this lot.

- New address is "17A"

- Real address is 17 Riverside Crescent. [unedited]

<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.

685(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,

The Board is advised that the decision of approval by the Development Officer is dated March 29, 2016. The Notice of Appeal was filed on April 14, 2016.

General Provisions from the Edmonton Zoning Bylaw:

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.”

Under Section 110.3(3), **Garage Suites** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.2(9) states:

Garage Suites means and Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 6.1(2) states:

Accessory means, when used to describe 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.

Discretionary Use

Under Section 110.3(3), **Garage Suites** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Development Officer’s Determination

1. Discretionary Use – a Garage Suite is approved as a Discretionary Use (Section 110.3.3)
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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*.



Project Number: **186283015-006**
 Application Date: MAR 23, 2016
 Printed: April 14, 2016 at 12:58 PM
 Page: 1 of 3

Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

<p>Applicant</p> <p style="text-align: center;">BIRKHOLZ HOMES INC</p> <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p style="text-align: center;">17 - RIVERSIDE CRESCENT NW Plan 2771HW BIK A Lot 26</p> <hr/> <p>Location(s) of Work</p> <p>Suite: 17A - RIVERSIDE CRESCENT NW Entryway: 17A - RIVERSIDE CRESCENT NW Building: 17A - RIVERSIDE CRESCENT NW</p>
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Scope of Application
 To construct an Accessory Building (Garage Suite 14.02m x 7.62m).

<p>Permit Details</p> <p>Affected Floor Area (sq. ft.): 1133.98 Class of Permit: Class B Front Yard (m): Rear Yard (m): 4.57 Side Yard, left (m): 1.28 Site Area (sq. m.): 877.91 Site Width (m): 22.83</p>	<p>Building Height to Midpoint (m): 5.21 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 4.58 Site Depth (m): 40.5 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

THIS IS NOT A PERMIT



Project Number: 186283015-006
Application Date: MAR 23, 2016
Printed: April 14, 2016 at 12:58 PM
Page: 2 of 3

Application for House Development and Building Permit

Subject to the Following Conditions

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

This Development Permit authorizes the development of an Accessory Building (Garage Suite 14.02m x 7.62m). The development shall be constructed in accordance with the stamped and approved drawings.

An accessory building or structure containing a Garage Suite shall not exceed 6.5m in height. (Reference Section 6.1(49) and 87.2(a).)

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

A Garage Suite shall not be allowed within the same Site containing a Group Home or Limited Group Home, or a Major Home Based Business and an associated principal Dwelling, unless the Garage Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite shall not exceed three.

The Garage Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$102.00

ADVISEMENTS:

- i.) Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.
- ii.) The driveway access must maintain a minimum clearance of 1.5m from all surface utilities.
- iii.) 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: http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx
- iv.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- v.) 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.

Variances

- 1. Discretionary Use - a Garage Suite is approved as a Discretionary Use (Section 110.3.3).

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: Mar 29, 2016

Development Authority: ROBINSON, GEORGE

Signature: _____

THIS IS NOT A PERMIT



Project Number: **186283015-006**
 Application Date: MAR 23, 2016
 Printed: April 14, 2016 at 12:58 PM
 Page: 3 of 3

Application for House Development and Building Permit

Notice Period Begins: Apr 05, 2016 Ends: Apr 18, 2016

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$77.00	\$77.00	03149753	Mar 23, 2016
Lot Grading Fee	\$135.00	\$135.00	03149753	Mar 23, 2016
Safety Codes Fee	\$42.50	\$42.50	03149753	Mar 23, 2016
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03149753	Mar 23, 2016
Electrical Safety Codes Fee	\$13.58	\$13.58	03149753	Mar 23, 2016
DP Notification Fee	\$102.00	\$102.00	03149753	Mar 23, 2016
Water Usage Fee	\$27.83	\$27.83	03149753	Mar 23, 2016
Building Permit Fee	\$965.00	\$965.00	03149753	Mar 23, 2016
Electrical Fees (House)	\$227.00	\$227.00	03149753	Mar 23, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,282.91	\$2,282.91		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-122



BUSINESS LAID OVER

SDAB-D-16-093	An appeal by Pro Consulting Design & Build to construct and operate a Child Care Services Use Building (95 children – 12, 0-11 months/15, 12-19 months/14, 19 months – 3 years/22, 3 – 4.5 years/15, 4.5 – 6 years/ 17, 6-12 years) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping) <i>May 13, 2016</i>
SDAB-D-16-062	An appeal by Re/mex Excellence to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). <i>May 25 or 26, 2016</i>
SDAB-D-16-501	An appeal by Darren Crocker to demolish an existing building <i>May 25 or 26, 2016</i>
SDAB-D-16-114	An appeal by Spasation Spa & Salon to install 3 Fascia On-Premises Signs (Spasation), existing without permits. <i>June 1 or 2, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

172854843-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to comply with a Stop Order to comply with all conditions of Development Permit No. 139511609-001 before April 1, 2016 or Cease the Use (Operation of Automotive and Minor Recreation Vehicle Sales/Rentals Use and any subsequent Use) before April 1, 2016 and remove all stored material and equipment associated with the Use; including vehicles, tires, and vehicle parts before April 1, 2016 <i>May 25, 2016</i>
175846220-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to remove all advertising signs located on the building before April 2, 2016 or submit a complete Development Permit Application which reflects the current sign(s) installed on the building before April 1, 2016 <i>May 25, 2016</i>