

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 13, 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-15-092 Construct exterior alterations to an existing Single Detached House (parking pad, 5.60m x 3.06m)
16720 - 60 Street NW
Project No.: 169854265-001

II 10:30 A.M. SDAB-D-15-093 Construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits
1591 - 37C Avenue NW
Project No.: 128697578-003

Lunch Break: 12:00 P.M. to 1:00 P.M.

III 1:00 P.M. SDAB-D-15-094 Convert the Bachelor Suite of an existing Apartment House to a 2 bedroom Dwelling (existing without permits) and construct interior alterations
WITHDRAWN
9925 - 91 Avenue NW
Project No.: 168055196-001

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-092

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169854265-001

APPLICATION TO: Construct exterior alterations to an existing Single Detached House (parking pad, 5.60m x 3.06m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 15, 2015

DATE OF APPEAL: April 20, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16720 - 60 Street NW

LEGAL DESCRIPTION: Plan 1323387 Blk 2 Lot 15

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: McConachie Neighbourhood Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

1. 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.

- The proposed parking pad does not provide access for vehicles from a public roadway to a Garage. Therefore the parking pad is not a Driveway.

2. Section 54.2(2)(e) - Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: (i) parking spaces shall not be located within a Front Yard;

- The Front Yard of this property will be used for parking. Parking is not allowed within the Front Yard and this area should be landscaped.

3. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

- The proposed parking pad is in the Front Yard. Based on the landscaping regulations, the Front Yard must be landscaped. Monolithic concrete is not a form of landscaping.

4. Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The proposed parking pad covers a substantial area of the Front Yard, and leads to the exterior wall of the House, thereby creating an unsightly appearance. Other than areas designated as Driveway, the rest of the Front Yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

5. Section 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The hardsurfacing and landscaping conditions attached to Development Permit # 144205258-001 for the Single Detached House approval has not been fulfilled:

- "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 Zoning Bylaw 12800."

NOTES:

Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the driveway for a total for 4 spaces, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

It is the opinion of the Development Authority that the concrete parking pad would set a negative precedent for the neighbourhood.

This development is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

APPELLANT'S SUBMISSION

On this site there is a fire hydrant on the South/East of the property. We had to angle the driveway to meet the required setbacks needed from hydrants. This makes for a rather narrow driveway to the existing overhead door on the South of the building.

We would like to add a parking pad on the East of the lot and a future 8' by 7' overhead garage door on the East face of the garage.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

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.

The Development Officer determined the proposed development does not lead to an overhead Garage door or Parking Area.

Section 54.2(2)(e) states, except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

The Development Officer determined the Front Yard is being used for parking.

Section 55.4(1) states all open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

The Development Officer determined the proposed parking pad is not a form of Landscaping.

Section 11.3(1) states the Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where 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.

The Development Officer determined the proposed parking pad is unsightly, the Front Yard should be landscaped, and parking in the Front Yard takes away from desirable curb appeal.

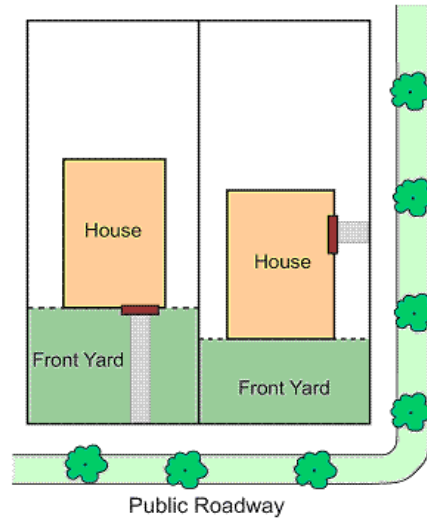
Section 17.1(1)(a) states when an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

Development Permit 144205258-001 for the Single Detached House contains the following condition:

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 Zoning Bylaw 12800.

The Development Officer determined the above Hardsurfacing and Landscaping condition has not been fulfilled.

Under Section 6.1(39), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under 6.1(55), **Landscaping** means the preservation or medication of the natural features of a Site through the placement or addition of any or a combination of the following:

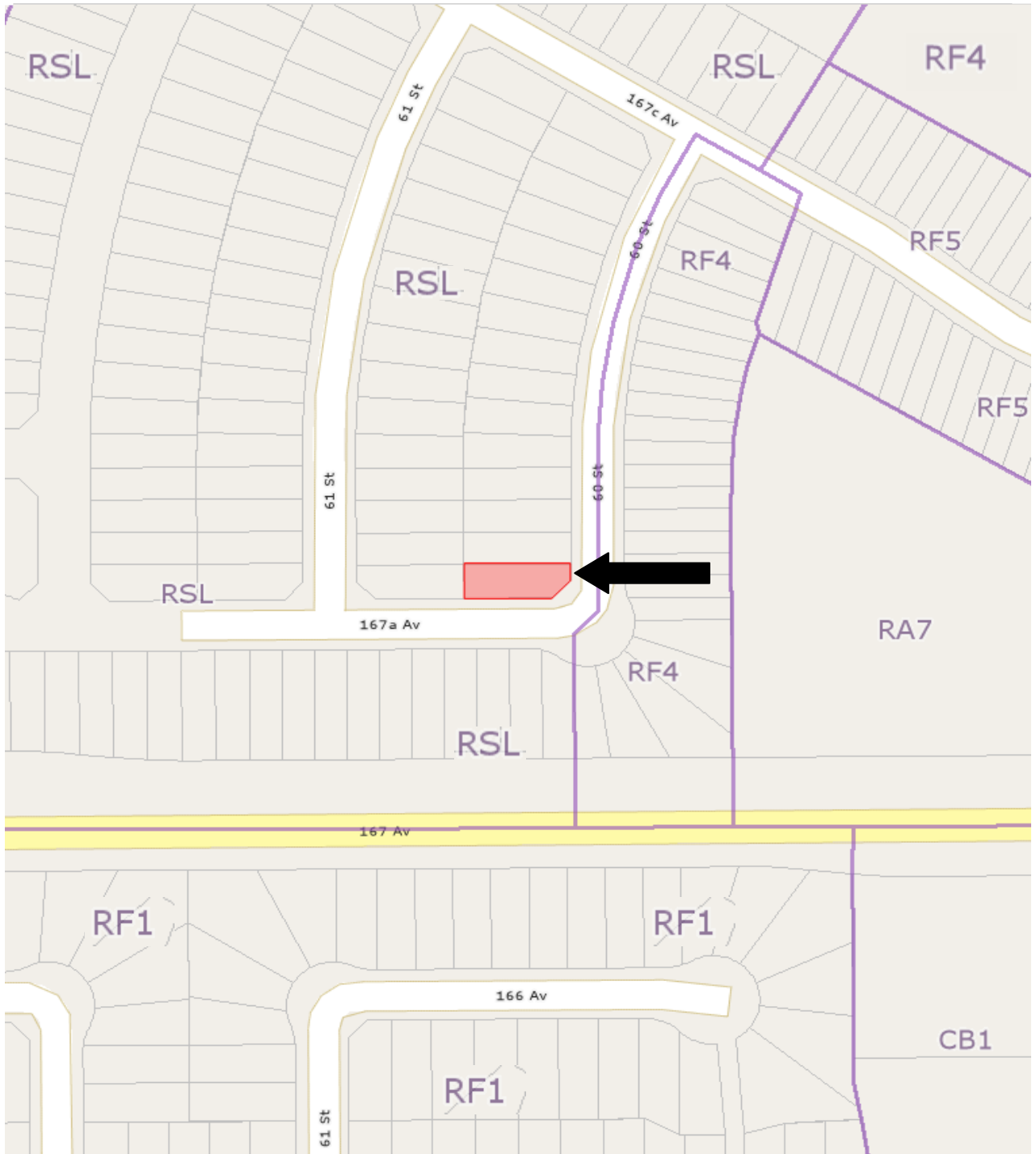
- a. soft landscaping elements such as trees, shrubs, plants, lawns, and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls, and sculpture.

Under Section 6.1(48), **Hardsurfaced** means the provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement.

Section 115.1 states the purpose of the RSL Residential Small Lot Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

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-15-092



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-093

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 128697578-003

APPLICATION TO: Construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 8, 2015

DATE OF APPEAL: April 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1591 - 37C Avenue NW

LEGAL DESCRIPTION: Plan 0625347 Blk 1 Lot 52

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Meadows Area Structure Plan
Tamarack Neighbourhood Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

1. 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.

-Other than the approved 6.1 m wide concrete front driveway, the existing concrete extension to the right side property line does not lead to an overhead garage door or parking area.

2. Section 54.2(2)(e) - Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: (i) parking spaces shall not be located within a Front Yard.

- The Front Yard of this property between the right side property line and the north wall of the front attached Garage is being used for parking. This area should be landscaped and parking is not allowed on the Front Yard.

3. Section 54.1(4) - The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have: (b) a maximum width that shall be calculated as the product of 3.1m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage. The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

Existing driveway width: 9.25m

Maximum allowed driveway width: 6.20m

Deficient by: 3.05m

- The proposed Development does not lead directly from the roadway to the required Garage, therefore it is neither a driveway, nor part thereof.

4. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer.

- The existing concrete extension is in the Front Yard and right Side Yard. Based on the landscaping regulations, the Front Yard and Side Yard must be landscaped. Monolithic concrete is not a form of landscaping (Reference Section 6.1(55)).

5. Section 45.1 - No person shall keep in any part of a Site in any Residential Zone: (a) any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4500 kg.

- A bobcat (commercial vehicle over 4500 Kg) is being parked on this residential site on the illegal driveway extension.

6. Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

The proposed concrete extension covering the majority of the front yard is unsightly. Other than areas designated for driveway, the rest of the front yard should be landscaped. Parking on areas that should be landscaped also takes away from desirable curb appeal.

7. Section 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

- The hardsurfacing and landscaping conditions attached to Development Permit # 062720822-001 for the Single Detached House approval has not been fulfilled:

"All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b)."

NOTES:

Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the drive for a total for 4 spaces, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

It is the opinion of the Development Authority that the concrete extension sets a negative precedent for the neighbourhood.

The Drainage and Lot Grading Department has stated there may be potential for drainage issues such as runoff (flooding) into the foundation and/or basement of the subject lot and runoff into the abutting lot.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

APPELLANT'S SUBMISSION

- Numerous houses on my street have similar extensions (pics provided)
- My sister's husband parked his trailer on my driveway before (temporarily) they have since moved out of town and no vehicles (commercial or personal) park here.
- Extension was on property before I moved in 2010.
- As it will be a fair bit of work to re-landscape we would prefer to leave it how it is as costs will be higher than may afford.
- In summer we use space as is and have flower arrangements there.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

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.

The Development Officer determined the proposed development does not lead to an overhead Garage door or Parking Area.

Section 54.2(2)(e) states, except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and
- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

The Development Officer determined the Front Yard is being used for parking.

Section 54.1(4) states the Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway not including the area used as a walkway, shall:

- a. a minimum width of 3.1 metres;
- b. for a Site 10.4 metres wide or greater, have a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; and

- c. for a Site less than 10.4 metres wide, have a maximum width of 3.1 metres.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The Development Officer determined the maximum Driveway width is 6.20 metres. The proposed development provides a Driveway width of 9.25 metres, which is in excess of the maximum by 3.05 metres.

Section 55.4(1) states all open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

The Development Officer determined the concrete extension is not a form of Landscaping.

Section 45.1(a) states no person shall keep in any part of a Site in any Residential Zone any commercial vehicle, loaded or unloaded, having a maximum gross vehicle weight (G.V.W.) exceeding 4,500 kilograms.

The Development Officer determined a commercial vehicle over 4,500 kilograms is parked on the Driveway.

Section 11.3(1) states the Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where 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.

The Development Officer determined the concrete extension is unsightly, the Front Yard should be landscaped, and parking in the Front Yard takes away from desirable curb appeal.

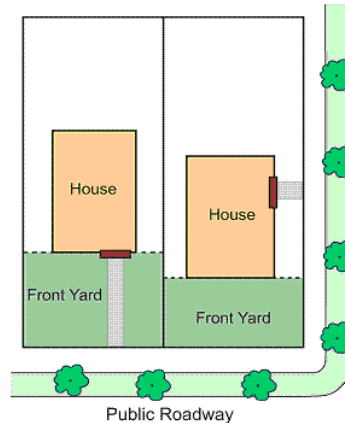
Section 17.1(1)(a) states when an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

Development Permit 062720822-001 for the Single Detached House contains the following condition:

All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

The Development Officer determined the above Hardsurfacing and Landscaping condition has not been fulfilled.

Under Section 6.1(39), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under 6.1(55), **Landscaping** means the preservation or medication of the natural features of a Site through the placement or addition of any or a combination of the following:

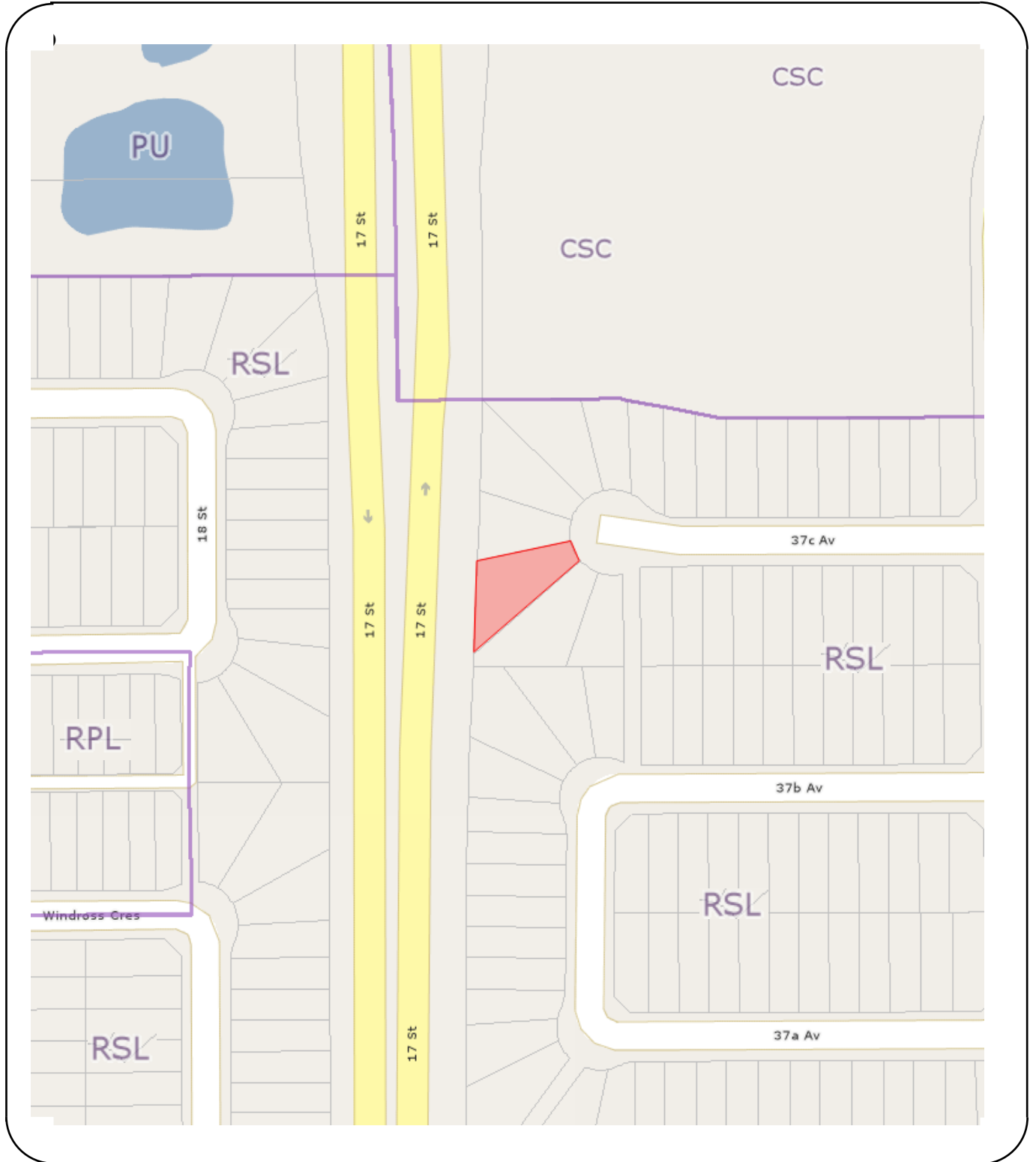
- a. soft landscaping elements such as trees, shrubs, plants, lawns, and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls, and sculpture.

Under Section 6.1(48), **Hardsurfaced** means the provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement.

Section 115.1 states the purpose of the RSL Residential Small Lot Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

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-15-093



ITEM III: 1:00 P.M.

FILE: SDAB-D-15-094

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

APPELLANT:

APPLICATION NO.: 168055196-001

ADDRESS OF APPELLANT: 1203, 9929 - Saskatchewan Drive NW

APPLICATION TO: Convert the Bachelor Suite of an existing
Apartment House to a 2 bedroom
Dwelling (existing without permits) and
construct interior alterations

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions.

DECISION DATE: March 31, 2015

DATE OF APPEAL: April 20, 2015

NOTIFICATION PERIOD: Apr 7, 2015 through Apr 20, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9925 - 91 Avenue NW

LEGAL DESCRIPTION: Plan I24A Blk 124 Lots 20-23

ZONE:

OVERLAY:

STATUTORY PLAN:

WITHDRAWN

BUSINESS LAID OVER

SDAB-S-15-004 LDA14-0384	An appeal by Stantec Consulting Ltd. / Frederick A. Laux, Q.C., Barrister & Solicitor to create 31 Single Detached Residential lots, 46 Semi-detached Residential Lots and 30 Row Housing Lots. <i>May 20, 2015</i>
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APPEAL HEARINGS TO BE SCHEDULED