

Edmonton Subdivision and Development Appeal Board

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Date: May 28, 2015
Project Number: 169854265-001
File Number: SDAB-D-15-092

Notice of Decision

This appeal dated April 20, 2015, from the decision of the Development Authority for permission to:

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

On Plan 1323387 Blk 2 Lot 15, located at 16720 - 60 Street NW, was heard by the Subdivision and Development Appeal Board at its hearing held on May 13, 2015. The decision of the Board was as follows:

Summary of Hearing:

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.

The appeal was filed on time, in accordance with Section 686 of the Municipal Government Act, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct exterior alterations to an existing Single Detached House (parking pad, 5.60 metres by 3.06 metres) located at 16720 – 60 Street NW. The subject site is zoned RSL Residential Small Lot Zone. The Site is located within the Pilot Sound Area Structure Plan and the McConachie Neighbourhood Structure Plan.

The development permit was refused because the proposed parking pad is not a Driveway as it does not provide access from a public roadway to a Garage, parking is not allowed within the Front Yard, the Front Yard must be Landscaped and monolithic concrete is not a form of Landscaping.

Prior to the hearing the following information was provided to the Board:

- A written Submission from the Appellant received on April 20, 2015.
- A written Submission from the Development Officer dated May 12, 2015.
- An e-mail of support from a property owner within the 60 metres notification radius.

The Board heard from the Appellant, Mr. A. Goin of Bethpage Construction and the home owner, Mr. D. Lidder. They provided a set of house plans marked Exhibit "A" and gave the following information:

1. They referred the Board to the site plan which shows a fire hydrant at the southeast corner of the lot.
2. The driveway had to be set back 1.8 metres from this hydrant which created a narrower entrance onto the public roadway.
3. They wish to build an extra parking pad east of the house for additional parking.
4. There will be many single car garages in this area which will cause parking problems as many cars will be parked on the public roadway.
5. Their parking pad will be a benefit to the neighbourhood and will help alleviate the parking situation.
6. The site plan shows that there is a sidewalk wrapping around to the east side of the house.
7. The front elevation drawing of the house plans shows a proposed future overhead door on the present side of the garage.
8. The proposed overhead door was added to allow the parking pad to be considered a driveway. The proposed driveway size is 3.06 metres by 5.60 metres.

Mr. Goin provided the following responses to questions:

1. The proposed overhead door will be installed once the necessary financing is available.
2. The homeowner plans to park one car on the new pad.
3. They acknowledged that the proposed parking pad will be in the front yard.
4. It is difficult for a second vehicle to exit the garage on the main driveway because of the angled design of the driveway. This is particularly the case if an extra car is parked on the driveway.
5. Many houses in Edmonton have multiple driveways.
6. The homeowner has three vehicles.
7. The proposed driveway is too narrow to park two vehicles.
8. The house is on a corner lot but fronts onto 167A Avenue.
9. The garage door is slightly offset from the driveway creating an awkward access.
10. The configuration of the driveway was constrained by the City of Edmonton Transportation Services Department to a width of 5.5 metres.
11. They only found out about the fire hydrant and side yard concern after the building drawings were prepared.
12. The proposed garage is large enough for three cars. A small car would be able to fit into the garage from the proposed side entrance.

The Board heard from Mr. J. Xie, representing the City of Edmonton Sustainable Development Department, who provided the following responses to questions:

1. A Landscaping plan is a requirement of Section 55.3 of the *Edmonton Zoning Bylaw*.
2. Open spaces must be landscaped to the City of Edmonton's satisfaction; paving stones could be considered landscaping.

3. The minimum driveway width is 3.1 metres and the maximum driveway width is the product of 3.1 metres multiplied by the number of vehicles that can be contained side by side within the garage if the site has a site width over 10.4 metres.
4. A pad with a non-perpendicular configuration to the Avenue would have to be reviewed by the City of Edmonton Transportation Services Department.
5. Only one driveway is allowed on a property unless the applicant can provide a good reason for a variance such as multiple driveways being a characteristic of a neighbourhood.
6. Without the presence of an overhead door, the proposed development would be considered a parking pad, not a driveway.
7. To his knowledge, only one driveway per lot is permissible. As this is a new area, there are no “norms” for the area.

In rebuttal, Mr. Goin made the following comment:

1. The parking pad would be comprised of brushed finished concrete.

Decision:

The Appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.

Reasons for Decision:

The Board finds the following:

1. The proposed development is Accessory to a Permitted Use in the RSL Residential Small Lot Zone.
2. The Board acknowledges that this is an unusual Corner Lot as there is a fire hydrant at the southeast corner. The house design brings the Driveway close to the hydrant; however there is adequate room for both the Driveway and the hydrant along 167A Avenue. The location of the hydrant does not create a hardship for this property.
3. The Board finds that there is a double car Garage attached to the Single Detached House which provides adequate parking. In addition, the *Edmonton Zoning Bylaw* permits one Tandem Parking on the Driveway for a Single Detached House with a front attached Garage.
4. The proposed parking pad will be located in the Front Yard. Parking in the Front Yard is not permissible under Section 54.2(2)(e) of the *Edmonton Zoning Bylaw*.
5. The Board finds that by allowing the proposed parking pad, one on-street parking space would be removed because of the required access to the pad.

6. The proposed monolithic concrete is not a suitable form of Landscaping in the Front Yard pursuant to Section 55.4.1 of the *Edmonton Zoning Bylaw*. Suitable Landscaping was a condition of approved Development Permit 144205258-001 issued for the construction of the Single Detached House.
7. The Board finds that it is uncharacteristic in this area for more than one Driveway or parking pad per Single Detached House as this is a new subdivision.
8. The Board finds that the proposed development will unduly interfere with the amenities of the neighbourhood and will materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Important Information for Applicant/Appellant

1. 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*, R.S.A. 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.
2. 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 the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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.

Patricia Jones
Subdivision and Development Appeal Board

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SDAB-D-15-093

Application No. 128697578-003

An appeal to construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits on Plan 0625347 Blk 1 Lot 52, located at 1591 - 37C Avenue NW, was **TABLED TO JUNE 10 OR 11, 2015**.