

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
May 14, 2015**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-15-081	Construct (3) Accessory Buildings, Accessory to an existing General Industrial Use (3 concrete silos)
		<u>TO BE RAISED</u>	22235 - 115 Avenue NW Project No.: 162509298-001

LUNCH BREAK – 11:30 A.M. TO 12:30 P.M.

II	12:30 P.M.	SDAB-D-15-095	Construct an Accessory Building (detached Garage - 7.62m x 8.53m)
			10826 - 60 Avenue NW Project No.: 170019693-001

NOTE: *Unless otherwise stated, all references to “Section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-081

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:
APPLICATION NO.: 162509298-001

APPLICATION TO: Construct (3) Accessory Buildings,
Accessory to an existing General
Industrial Use (3 concrete silos)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 19, 2015

DATE OF APPEAL: March 25, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 22235 - 115 Avenue NW

LEGAL DESCRIPTION: Plan 0020287 Blk 1 Lot 5

ZONE: IM Medium Industrial Zone

OVERLAY: N/A

STATUTORY PLAN: Winterburn Industrial Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

The proposed development does not conform to the regulations of the Edmonton Zoning Bylaw, Section 420.4(4) maximum height. Proposed height is 31.6 m, maximum height of the Zone is 18 m. They are in excess of 13.6 m above the maximum height of the zone.

Section 11.4(2) of the Zoning Bylaw, the Development Officer does not have variance power to permit any building or structure in excess of the maximum height of the zone. Therefore the proposed development to construct three (3) accessory buildings is refused.

APPELLANT'S SUBMISSION

Application to install 3 cement storage silos 32m high was refused as local zone height restriction is 18m. Applicant is a local supplier of high performance concrete to the Edmonton region - the Silo construction is necessary to meet the current infrastructure needs/ demands (bridges, overpasses, walkways, foundations, condo structures, etc.) of the City of Edmonton and local developers of the region. The silos will feed the cement necessary for the current plant expansion program approved under development permit 149161706-001. An existing building on the property stands 27m.tall. Other bulk storage tanks in the local zone stand at a similar height to the proposed development.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

The Subdivision and Development Appeal Board at a hearing on April 23, 2015 made and passed the following motion:

“that the appeal hearing be SCHEDULED FOR May 13 or May 14, 2015 at the written request of the Appellant.”

General Industrial Uses is a Permitted Use in the IM Medium Industrial Zone, Section 420.2(5).

Under Section 7.5(2), **General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;

- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

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.

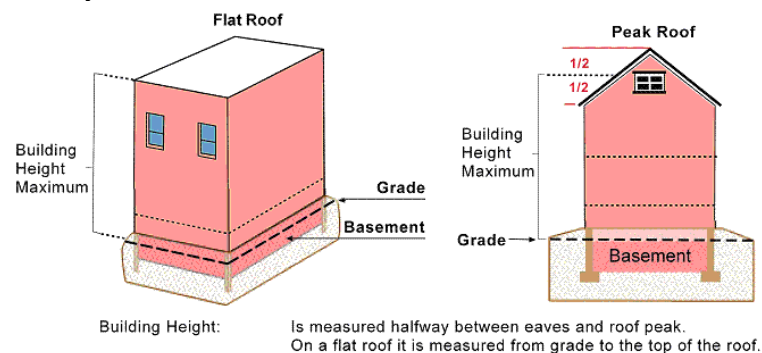
Section 50.2(1) states in any Zone other than a Residential or a Natural Area Zone, an Accessory building or structure is subject to the Development Regulations for that Zone.

Section 420.4(4) states the maximum Building Height shall be 18.0 metres.

The Development Officer determined the maximum Building Height is 18.0 metres. The proposed development provides a Building Height of 31.6 metres, which is in excess of the maximum by 13.6 metres.

Under Section 6.1(49), **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

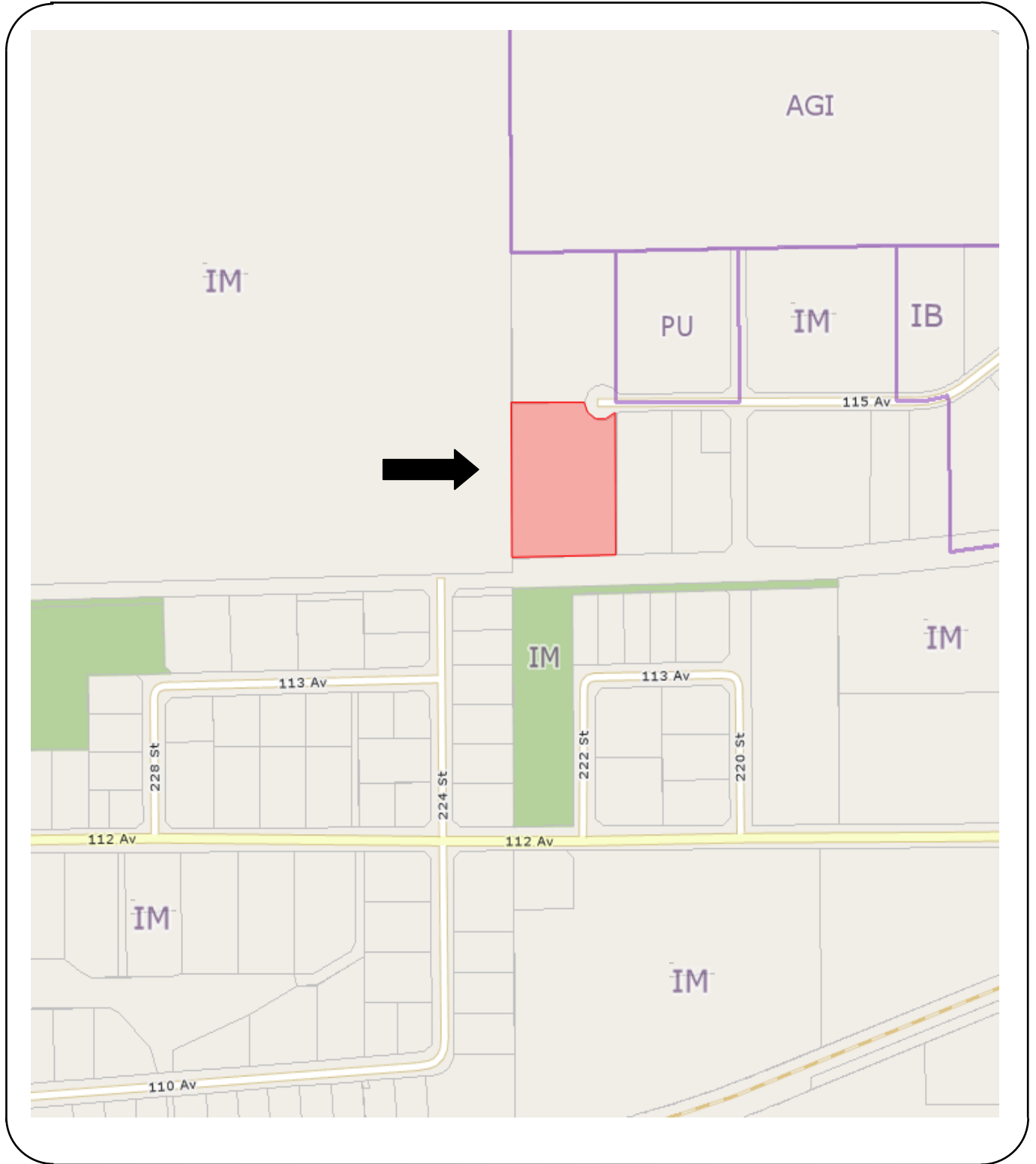
- the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.



Section 420.1 states the purpose of the IM Medium Industrial Zone is to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

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-15-081



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-095

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

APPELLANT:

APPLICATION NO.: 170019693-001

APPLICATION TO: Construct an Accessory Building
(detached Garage - 7.62m x 8.53m).

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 26, 2015

DATE OF APPEAL: April 15, 2015

NOTIFICATION PERIOD: April 2, 2015 through April 15, 2015

RESPONDENT:

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10826 - 60 Avenue NW

LEGAL DESCRIPTION: Plan 3734KS Blk 14 Lot 3A

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:

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.

This Development Permit authorizes the development of an Accessory Building (detached Garage - 7.62m x 8.53m). The development shall be constructed in accordance with the approved drawings and is subject to the following conditions:

An accessory building or structure shall not exceed 4.3m nor one storey in height. (Reference Section 6.1(49) and 50.3(2)).

Eave projections shall not exceed 0.46m into required yards or Separations spaces less than 1.2m. (Reference Section 44.1(b))

Note: 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. (Reference Section 5.2).

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

VARIANCE:

Section 54.1.4 - The Front Yard of any at-grade Dwelling unit in any Residential Zone, may include a maximum of one Driveway.

- Proposed: Two Driveways

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

APPELLANT'S SUBMISSION

"I wish to appeal the section 54.1.4 the proposed two driveways. The second driveway is to access the second double garage on the back of the property and would be adjacent to easy access from the alley which is the norm.

I wish to appeal the allowance of a second double garage. It is unheard of in this mature neighbourhood. The bylaw is for this 12800 I believe but the letter from the planning department is unclear.

The property owner is being allowed by the planning department to override almost every bylaw in place to protect mature neighbourhoods. An attached double garage with an adjacent workshop, which is equivalent to a triple garage, has already been allowed with boulevard access. No other such development exists in this neighbourhood. A second detached double garage in the back which the property owner objected to himself a year ago when he wanted an attached front garage with access to the front boulevard is ridiculous.”

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS

Single Detached Housing is a Permitted Use in the RF1 Single Detached Residential Zone, Section 110.2(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.

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 54.1(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 a maximum of one Driveway is permitted. The proposed development provides two Driveways, which is in excess of the standard by one Driveway.

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 10816 – 60 Avenue.

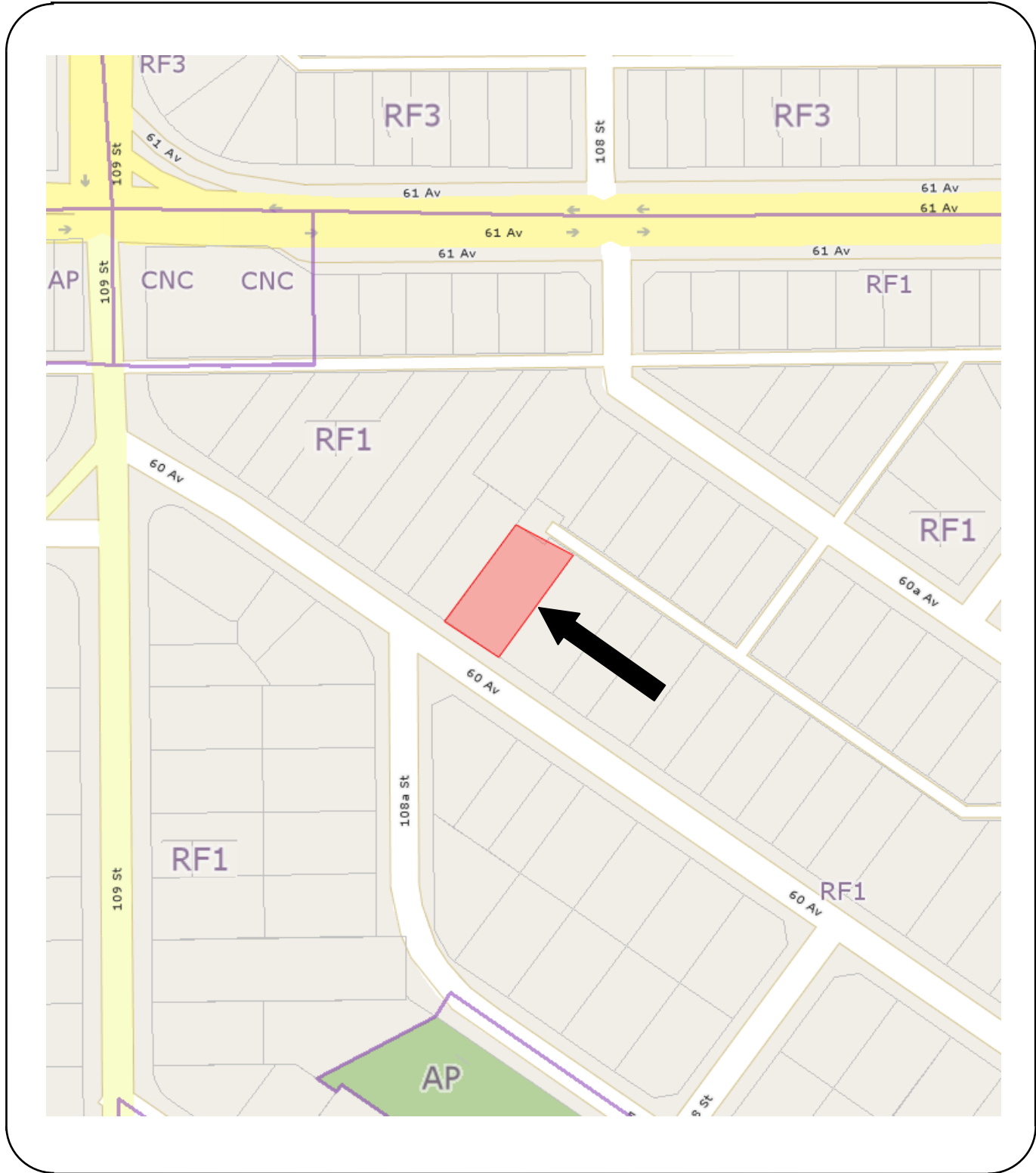
Under Section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

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.

Section 110.1 states the 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.

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-15-095



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