

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 1:00 P.M.
May 17, 2018**

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

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

I	1:00 P.M.	SDAB-D-18-072	Construct a Single Detached House with rear attached Garage, Basement development (NOT to be used as an additional Dwelling), fireplace, uncovered deck and veranda 11650 - 74 Avenue NW Project No.: 273104732-001
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NOTE: ***Unless otherwise stated, all references to “section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.***

ITEM I: 1:00 P.M.

FILE: SDAB-D-18-072

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 273104732-001

APPLICATION TO: Construct a Single Detached House with rear attached Garage, Basement development (NOT to be used as an additional Dwelling), fireplace, uncovered deck and veranda

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 16, 2018

DATE OF APPEAL: April 19, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11650 - 74 Avenue NW

LEGAL DESCRIPTION: Plan 1275HW Blk 2 Lot 16

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

Hello, I will upload the reasoning and necessary documents prior to my meeting date. Thank you kindly

General Matters

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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under section 7.2(8), **Single Detached Housing** means:

Single 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 in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this 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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Mature Neighbourhood Overlay

Rear Attached Garage

Section 814.3(19) states “Rear attached Garages shall not be allowed.”

Development Officer’s Determination

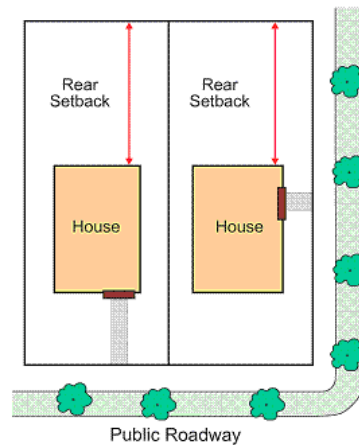
1. Attached Garage - The rear garage is to be attached, instead of detached (Section 814.3.19). [unedited]

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth.”

Under section 6.1(90), **Rear Setback** means:

the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination

2. Reduced Rear Setback - The distance from the House to the rear property line is 8.25m (20.78% of site depth) instead of 15.88m (40% of site depth). (Section 814.3.4) [unedited]

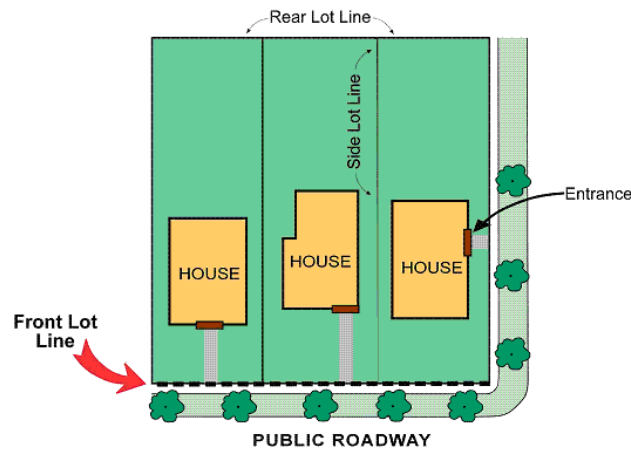
(RF1) Single Detached Residential Zone

Section 814.3(3) states “...where a Site Width is greater than 12.0 m and less than 18.3 m, the Side Setback requirements of the underlying Zone shall apply.”

Section 110.4(11)(c) states “...on a Corner Site where the building faces the Front Lot Line or the Side Lot Line, the minimum Side Setback abutting the flanking Side Lot Line shall be 20% of the Site Width, to a maximum of 4.5 m.”

Under section 6.1(44), **Front Lot Line** means:

the property line separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line;

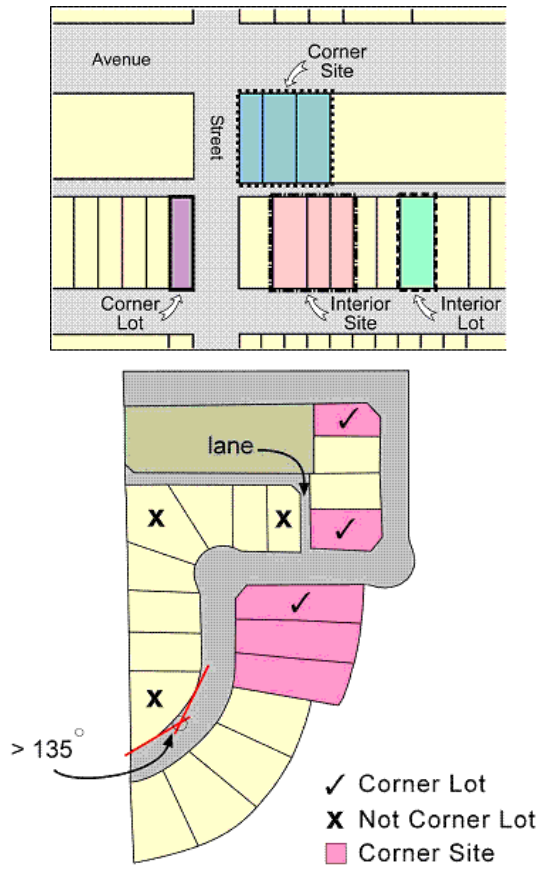


Under section 6.1(22), **Corner Site** means:

an area of land consisting of one or more adjacent Lots where at least one Lot is:

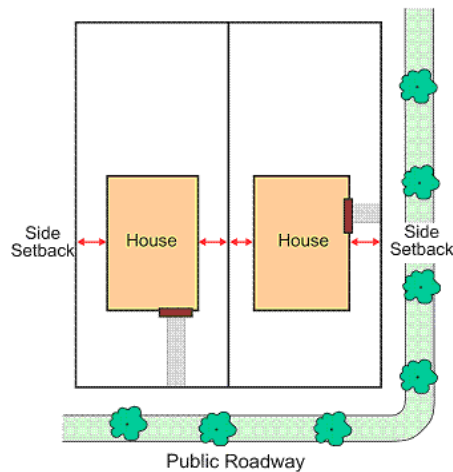
- a. located at the intersection of two public roadways, other than Lanes; or
- b. abuts a public roadway, other than a Lane, which changes direction at any point where it abuts the Site;

provided that in both cases the Site shall not be considered a Corner Site where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Site shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.



Under section 6.1(100), **Side Setback** means:

the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Under section 6.1(106), **Site Width** means “the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.”

Development Officer’s Determination

3. Reduced Side Setback - The distance from the house to the property line along 118 Street (flanking side lot line) is 1m instead of 3.12m (Section 110.4.10) [unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback 814.3(19) – Rear Attached Garage

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: 273104732-001 Application Date: JAN 23, 2018 Printed: April 20, 2018 at 8:08 AM Page: 1 of 2															
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																
<p>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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>																
Applicant	Property Address(es) and Legal Description(s) 11650 - 74 AVENUE NW Plan 1275HW Blk 2 Lot 16															
Scope of Application To construct a Single Detached House with rear attached Garage, Basement development (NOT to be used as an additional Dwelling), fireplace, uncovered deck and veranda.																
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 2023 Class of Permit: Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m): </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 2023 Class of Permit: Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m):	Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay													
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I/We certify that the above noted details are correct. Applicant signature: _____																
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. Attached Garage - The rear garage is to be attached, instead of detached (Section 814.3.19). 2. Reduced Rear Setback - The distance from the House to the rear property line is 8.25m (20.78% of site depth) instead of 15.88m (40% of site depth). (Section 814.3.4) 3. Reduced Side Setback - The distance from the house to the property line along 118 Street (flanking side lot line) is 1m instead of 3.12m (Section 110.4.10) Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																
Issue Date: Apr 16, 2018 Development Authority: LANGILLE, BRANDON Signature: _____																
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 15%;">Receipt #</th> <th style="width: 25%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td>\$73.80</td> <td>\$73.80</td> <td>04759389</td> <td>Jan 23, 2018</td> </tr> <tr> <td>Electrical Safety Codes Fee</td> <td>\$16.02</td> <td>\$16.02</td> <td>04759389</td> <td>Jan 23, 2018</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Safety Codes Fee	\$73.80	\$73.80	04759389	Jan 23, 2018	Electrical Safety Codes Fee	\$16.02	\$16.02	04759389	Jan 23, 2018
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THIS IS NOT A PERMIT																



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-072

