

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
May 19, 2016**

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

Members Scheduled

Patricia Jones, Presiding Officer
James Kindrake
Lyll Pratt
Cindy Chiasson
Vincent Laberge

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

I	9:00 A.M.	SDAB-D-16-123	Construct a Semi-Detached House with front verandas, fireplaces and rear uncovered decks (3.17m x 3.05m) and to demolish an existing Single Detached House and Accessory Building (rear detached Garage) 10634 - 151 Street NW Project No.: 187516819-001
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II	11:00 A.M.	SDAB-D-16-124	Construct a 2 Storey Accessory Building (garage suite on 2nd floor, Garage on main floor; 7.30m x 6.89m) with rear uncovered deck (0.30 m x 1.83 m) 6112 - 111 Avenue NW Project No.: 175500226-004
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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-16-123

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 187516819-001

ADDRESS OF APPELLANT: 10634 - 151 Street NW

APPLICATION TO: Construct a Semi-Detached House with front verandas, fireplaces and rear uncoverd decks (3.17m x 3.05m) and to demolish an existing Single Detached House and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 11, 2016

DATE OF APPEAL: April 20, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10634 - 151 Street NW

LEGAL DESCRIPTION: Plan 2928HW Blk 47 Lot 14

ZONE: RF2 Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

Grounds for Appeal

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

Entire neighbourhood has old and new duplexes, proof to be presented during appeal.

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 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, or
 - ...

The decision of the Development Authority was dated April 11, 2016. The Notice of Appeal was filed on April 20, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 120.1 states that the **General Purpose** of the **RF2 Low Density Infill Zone** is “to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.”

Under Section 120.2(5), **Semi-detached Housing** is a **Permitted Use** in the RF2 Low Density Infill Zone.

Section 7.2(8) states:

Semi-detached Housing means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade.

This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

Locational Requirement

Section 120.4(4) states:

Semi-detached Housing shall be located:

- a. on Corner Sites;
- b. on Sites abutting an arterial or service road;
- c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or
- d. where a minimum of one Side Lot Line:
 - i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use; or
 - ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide.

Development Officer's Determination

The Development Officer referenced Section 120.4(4) and made the following determination:

The property is not a corner site.
The site abuts 151 Street NW, which is not an arterial or service road
The site abuts 2 Single Detached Houses
All sites abutting and across the street from this site are zoned RF2,
where Row Housing, Apartment Housing and commercial
uses are neither a Permitted nor Discretionary use

The site does not meet any of the locational criteria for Semi-detached Housing in Section 120.4.3 of the Zoning Bylaw. [unedited]

Board Officer's Comments

The Development Officer's written submissions state, in part:

The West Jasper Place Area Redevelopment Plan supports ongoing incremental change in established residential areas and only supports Semi-Detached Houses in locations specified by the Zoning Bylaw. [unedited]



Section 687(3) of the *Municipal Government Act* states:

In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;
 - (a.1) *must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;* [emphasis added]
 - (b) must have regard to but is not bound by the subdivision and development regulations;
 - (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.* [emphasis added]
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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: 187516819-001 Application Date: FEB 22, 2016 Printed: May 12, 2016 at 9:22 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 	Property Address(es) and Legal Description(s) 10634 - 151 STREET NW Plan 2928HW Blk 47 Lot 14 Specific Address(es) Entryway: 10634 - 151 STREET NW Entryway: 10636 - 151 STREET NW Building: 10634 - 151 STREET NW		
Scope of Application To construct a Semi-Detached House with front verandas, fireplaces and rear uncoverd decks (3.17m x 3.05m) and to demolish an existing Single Detached House and Accessory Building (rear detached Garage).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> 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: 1 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: 1 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. Semi-detached Housing shall be located: <ol style="list-style-type: none"> a. on Corner Sites; b. on Sites abutting an arterial or service road; c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or d. where a minimum of one Side Lot Line: <ol style="list-style-type: none"> i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use; or ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide. <p>The property is not a corner site. The site abuts 151 Street NW, which is not an arterial or service road The site abuts 2 Single Detached Houses All sites abutting and across the street from this site are zoned RF2, where Row Housing, Apartment Housing and commercial uses are neither a Permitted nor Discretionary use</p> <p>The site does not meet any of the locational criteria for Semi-detached Housing in Section 120.4.3 of the Zoning Bylaw.</p> 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.			
THIS IS NOT A PERMIT			



Project Number: **187516819-001**
Application Date: FEB 22, 2016
Printed: May 12, 2016 at 9:22 AM
Page: 2 of 2

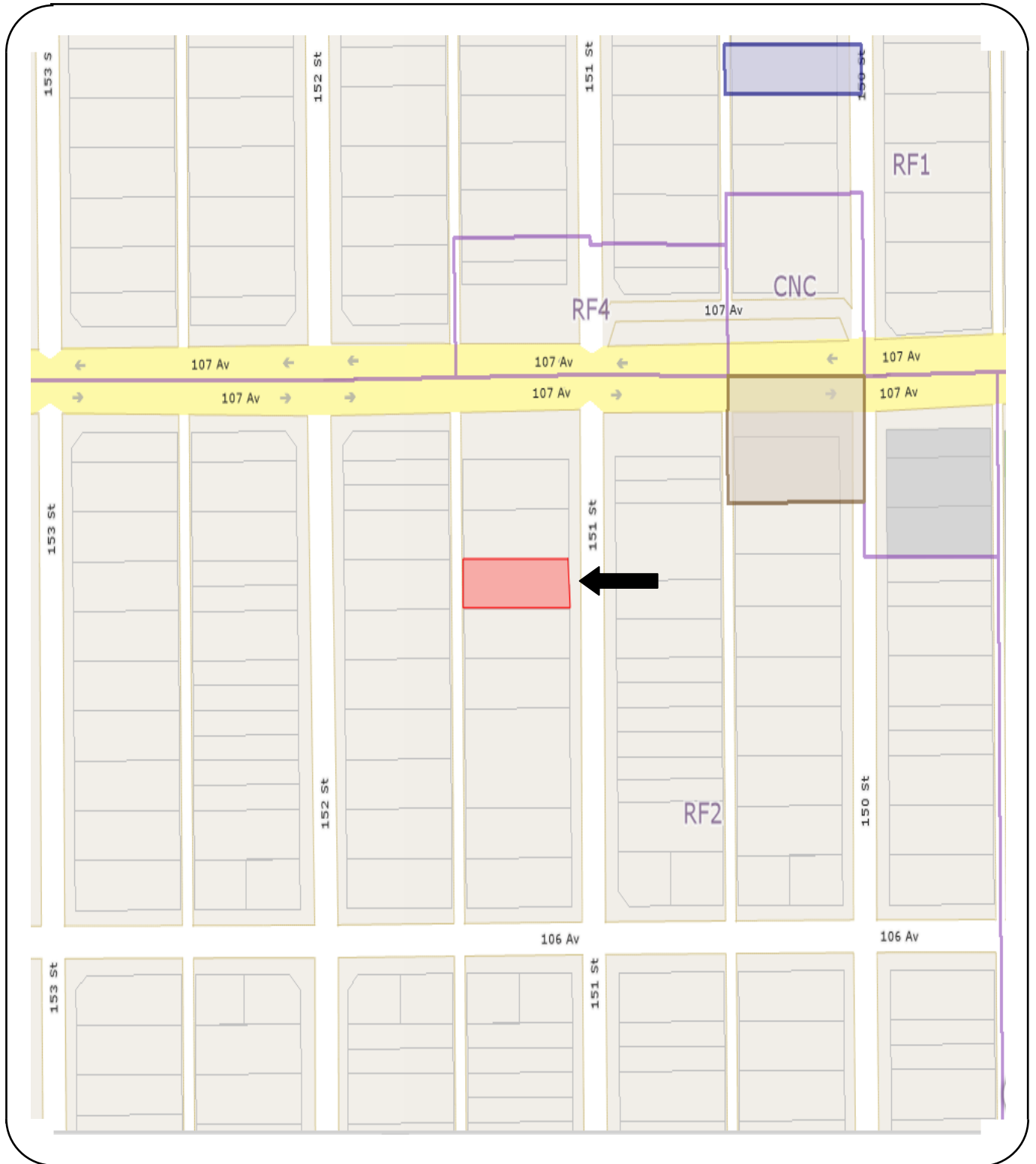
Application for Minor Development Permit

Issue Date: Apr 11, 2016 **Development Authority:** LIANG, BENNY **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$456.00	\$456.00	03079803	Feb 22, 2016
Lot Grading Fee	\$135.00	\$135.00	03079803	Feb 22, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03079803	Feb 22, 2016
DP Notification Fee	\$41.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,198.00	\$2,157.00		
(\$41.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-123



ITEM II: 11:00 A.M.

FILE: SDAB-D-16-124

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

APPELLANT:

APPLICATION NO.: 175500226-004

ADDRESS OF APPELLANT:

APPLICATION TO: Construct a 2 Storey Accessory Building (garage suite on 2nd floor, Garage on main floor; 7.30m x 6.89m) with rear uncovered deck (0.30 m x 1.83 m)

DECISION OF THE DEVELOPMENT AUTHORITY: Unknown

DECISION DATE: April 1, 2016

DATE OF APPEAL: April 20, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 6112 - 111 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6112 - 111 Avenue NW

LEGAL DESCRIPTION: Plan 1525308 Blk 11 Lot 17

ZONE: RF1 Single Detached Residential 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:

Currently 111 ave only allows parking on one side of the street and this is the same for the streets in this area.

There is approximately 60 meter of street parking for the nine residences on 111 ave between 61st and 62nd streets adding potentially two more vehicles to the mix will only further stress the parking situation. The suite will further infringe on our privacy; the two new 2.5 story infill houses tower over our house and yard exposing approximately 65% of our back yard to their view the addition of a garage suite will expose even more of our yard. [unedited]

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

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) ...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated April 1, 2016. The Notice of Appeal was filed on April 20, 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 Suite** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.2(3) states:

Garage Suite means an 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.

Discretionary Use

The Development Officer referenced Section 110.3(3), and determined the following:

Discretionary Use - Garage Suite is approved as a Discretionary Use
[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: **175500226-004**
 Application Date: JAN 28, 2016
 Printed: May 12, 2016 at 1:39 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> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	<p>Property Address(es) and Legal Description(s) 6112 - 111 AVENUE NW Plan 1525308 Blk 11 Lot 17</p> <hr/> <p>Location(s) of Work Suite: 6112A - 111 AVENUE NW Entryway: 6112A - 111 AVENUE NW Building: 6112A - 111 AVENUE NW</p>
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Scope of Application
 To construct a 2 Storey Accessory Building (garage suite on 2nd floor, Garage on main floor; 7.30m x 6.89m) with rear uncovered deck (0.30 m x 1.83 m)

<p>Permit Details</p> <p>Affected Floor Area (sq. ft.): 942 Class of Permit: Class B Front Yard (m): Rear Yard (m): 4 Side Yard, left (m): 2.59 Site Area (sq. m.): 423.46 Site Width (m): 10.82</p>	<p>Building Height to Midpoint (m): 6.29 Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): 39.64 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: 175500226-004
Application Date: JAN 28, 2016
Printed: May 12, 2016 at 1:39 PM
Page: 2 of 3

Application for House Development and Building Permit

Subject to the Following Conditions

1. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
2. This Development Permit authorizes the construction of a 2 Storey Accessory Building (garage suite on 2nd floor, Garage on main floor; 7.30m x 6.89m) with rear uncovered deck (0.30 m x 1.83 m). The development shall be constructed in accordance with the stamped and approved drawings.
3. The maximum Height shall be 6.5 m (Reference Section 87.2.a).
4. A key-operated lock or another method of lock separation shall be provided on the door at the top of the interior stairwell, in accordance with the approved floor plan (Reference Section 87.3.a).
5. Platform Structures, including balconies, shall be allowed as part of a Garage Suite developed above a detached Garage only where the balcony faces the lane or a flanking roadway (Reference Section 87.10)
6. Only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling (Reference Section 87.11)
7. The number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three (Reference Section 87.12)
8. A Garage Suite or Garden 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 or Garden Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business (Reference Section 87.13)
9. The Garage Suite shall use exterior finishing materials characteristic of surrounding low density ground-oriented housing and development. The exterior finishing materials shall be provided in accordance with the stamped and approved drawings (Section 87.14)
10. A Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision (Reference Section 87.15)
11. A minimum of three parking spaces [1 parking space is proposed inside the detached garage, 2 parking spaces are proposed in rear yard] shall be used for the purpose of accommodating the vehicles of residents in connection with the Single Detached House or the Garage Suite. The parking space in front of the overhead door shall be clearly signed as a small car space (Reference Section 54.1.2.a, Section 54.2.1.a and Section 54.2.4.a.iii.)

NOTES:

A. 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.

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

Variations

1. Discretionary Use - 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: Apr 01, 2016 **Development Authority:** LIANG, BENNY

Signature: _____

THIS IS NOT A PERMIT



Project Number: **175500226-004**
 Application Date: JAN 28, 2016
 Printed: May 12, 2016 at 1:39 PM
 Page: 3 of 3

Application for House Development and Building Permit

Notice Period Begins: Apr 07, 2016 **Ends:** Apr 20, 2016

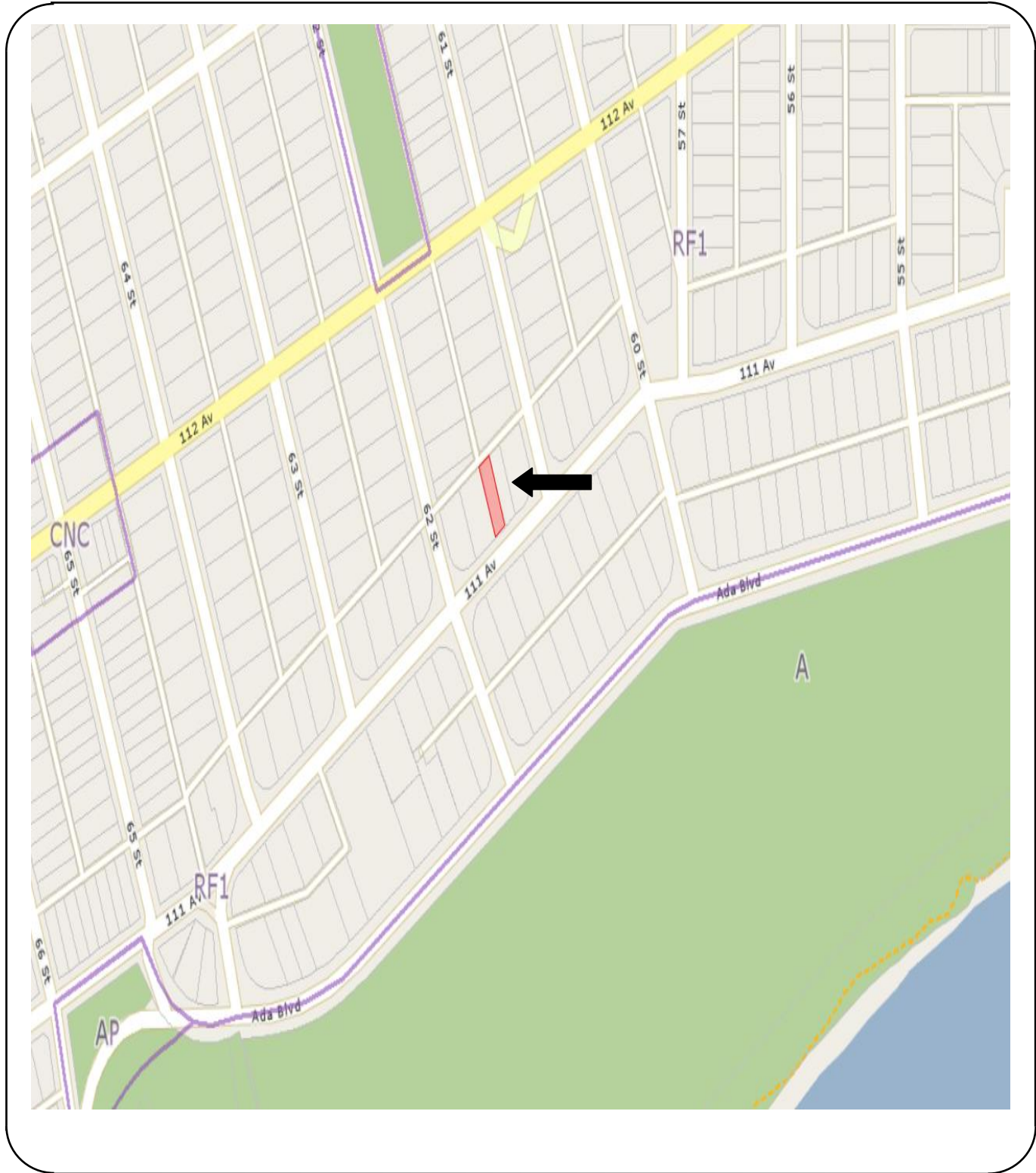
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$77.00	\$77.00	03033393	Jan 28, 2016
Lot Grading Fee	\$135.00	\$135.00	03033393	Jan 28, 2016
Safety Codes Fee	\$41.72	\$41.72	03033393	Jan 28, 2016
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03033393	Jan 28, 2016
Electrical Safety Codes Fee	\$13.22	\$13.22	03033393	Jan 28, 2016
Water Usage Fee	\$25.41	\$25.41	03033393	Jan 28, 2016
Building Permit Fee	\$1,043.00	\$1,043.00	03033393	Jan 28, 2016
Electrical Fees (House)	\$218.00	\$218.00	03033393	Jan 28, 2016
Temporary Gas Heat Fee	\$100.00	\$100.00	03033393	Jan 28, 2016
DP Notification Fee	\$102.00	\$102.00	03174789	Apr 04, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,448.35	\$2,448.35		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-124



BUSINESS LAID OVER

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>

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>