

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
May 27, 2015**

**Hearing Room No. 3  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 3**

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I 9:00 A.M. SDAB-D-15-100 To construct a Health Services Use building with an Accessory Public Education Services Use (CASA Centre).

10645 - 63 Avenue NW  
Project No.: 166819302-001

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

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II 12:30 P.M. SDAB-D-15-101 To construct a two Storey Accessory building (Garage Suite on the second floor, Garage on the main floor)

10551 - 127 Street NW  
Project No.: 165627221-002

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

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

APPLICATION NO.: 166819302-001

APPLICATION TO: To construct a Health Services Use building with an Accessory Public Education Services Use (CASA Centre).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: April 17, 2015

DATE OF APPEAL: April 30, 2015

NOTIFICATION PERIOD: April 23, 2015 through May 6, 2015

RESPONDENT: IBI Group

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10645 - 63 Avenue NW

LEGAL DESCRIPTION: Plan 0623343 Blk 24 Lot 10

ZONE: Urban Services Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

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DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

1) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$220.00.

2) PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$4,535.80. All assessments are based upon information currently available to the City. The SSTC charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

3) Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- a) cash to a value equal to 100% of the established landscaping costs; or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55.6.

4) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:

- a) construction of the 7.5 m curb return access; located 26 m from the east property line;
- b) construction of 28 m drop-off/ layby east of the access to 62 Avenue, including the reconstruction of the 1.5 m concrete sidewalk adjacent to the layby; and
- c) hard surfacing of the area between the parking area and the alley driving surface.

The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Mohammed Bashir including an irrevocable Letter of Credit in the amount of \$75,000 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the Transportation Services.

TRANSPORTATION ADVISEMENTS:

A) The proposed 7.5 m access to 62 Avenue located 26 m from the east property line, is acceptable to Transportation Services and must be constructed as a curb return access including curb ramps.

B) The proposed 28 m drop-off/layby east of the access to 62 Avenue is acceptable to Transportation Services, including the reconstruction of the 1.5 m concrete sidewalk adjacent to the layby as shown on the Enclosure. Detailed design of the loading zone must be to the satisfaction of Transportation Services and will be reviewed with submission of engineering drawings.

C) The area between the parking area and the alley driving surface must be paved to the satisfaction of the Transportation Services, as shown on the Enclosure.

D) There are existing power poles with Telus facilities in the alley that may interfere with access to proposed parking stalls, as shown on the Enclosure. Should relocation of a pole/guy-wire be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Andy Balding (780-412-3520) of EPCOR Distribution & Technologies and Walter Bukkems (780-991-8300) of Telus for more information.

E) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.

F) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: [http://www.edmonton.ca/bylaws\\_licences/licences\\_permits/oscam-permit-request.aspx](http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx)

G) Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

H) Transportation Services does not have an objection to an on-street loading zone within the passenger drop off layby. For further information, the applicant must contact George Gortva (780-496-2671) of Transportation Operations to coordinate this on-street operation.

5) All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5) of the Edmonton Zoning Bylaw.

- 6) No parking, loading, storage, trash collection, outdoor service or display areas shall be permitted within a required Yard and loading, storage, parking and trash collection areas shall be screened from view from any adjacent site and public roadway in accordance with Section 54 of the of the Edmonton Zoning Bylaw unless otherwise varied by the Development Officer.
- 7) All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction in accordance with Section 53(1) of the Edmonton Zoning Bylaw.
- 8) The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6 of the Edmonton Zoning Bylaw.
- 9) Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.
- 10) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices in accordance with Section 51 of the Edmonton Zoning Bylaw.

NOTES:

- 1) 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.
- 2) The Development Permit shall not be valid unless and until the conditions of approval, save those of a continuing nature, have been fulfilled; and no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in subsection 21.1 (Ref. Section 17.1).
- 3) Signs require separate Development Applications.
- 4) The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this 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.
- 5) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

6) This Development Permit is not a Business License. A separate application must be made for a Business License.

**VARIANCES:**

Section 54.2, Schedule 1 and relaxed - To reduce the number of required vehicular and drop-off parking spaces from 109 to 73 spaces.

Section 54.5, Schedule 4 and relaxed - To reduce the number of required on-site passenger drop-off parking spaces from 5 to 1 space.

Section 55.4(1) relaxed - To relax the restrictions prohibiting parking and paving within a required setback in order to accommodate the proposed parking lot adjacent to the existing lane way.

Section 55.4(7 a and b) relaxed - To reduce the minimum number of required trees and shrubs within the required setbacks from 77 trees and 132 shrubs to 46 trees and 101 shrubs (Difference of 31 trees and 31 shrubs).

Note: 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.

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**APPELLANT'S SUBMISSION**

I object to all four variances that have been granted for this development. Three of the four variances are related to parking.

- 1) Reducing the number of required vehicular and drop-off parking spaces from 109 to 73.
- 2) Reducing the number of required on-site passenger drop off parking spaces from 5 to 1.
- 3) Relaxing the restrictions prohibiting parking and paving within a required setback in order to accommodate the proposed parking lot adjacent to the existing laneway.

Below is a partial list of the reasons I object to these the parking related variances:

- 1) During a community consultation meeting, representatives from the CASA center and the architects for this project assured me and my neighbors that they would not be applying for a development variance on parking. Instead, they committed to designing the new facility to accommodate the increased number of staff and patients by including sufficient parking.
- 2) I and several other members of the community who live in close proximity to the development have already expressed concerns to the CASA center owners and architects regarding parking. I strongly believe that the center can easily be designed to provide sufficient parking without having to rely on variances. And since the

owners and architects already committed to following the development rules, they should be accountable to their commitments.

The fourth variance is related to reducing the number of required trees and shrubs. Below is a partial list of the reasons I object to this variance:

- 1) During a community consultation meeting, representatives from the CASA center and the architects for this project assured me and my neighbors that they would be planting the required number of new trees and shrubs to comply with development rules.
- 2) All of the existing trees and shrubs were killed as part of the recent demolition process, so it is important for the developers to plant new trees and shrubs in compliance with the development rules.
- 3) From an environmental perspective, it is irresponsible to try and plant fewer trees and shrubs than what is outlined in the development rules. There is more than enough room on this site to accommodate the required number of trees and shrubs.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**Health Services** is a Discretionary Use in the US Urban Services Zone, Section 510.3(8).

Under Section 7.4(24), **Health Services** means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services.

**Public Education Services** is a Permitted Use in the US Urban Services Zone, Section 510.2(5).

Under Section 7.8(10), **Public Education Services** means development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same Site. This Use Class includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This Use Class does not include Private Education Services and Commercial Schools.

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 variances:

Section 54.1(2)(h) states In the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is



complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

Section 54.2, Schedule 1(A)(19) states the minimum number of parking spaces required for Health Services is 1 parking space per 22.2 square metres of Floor Area.

Section 54.2, Schedule 1(A)(33) states the minimum number of parking spaces required for conversions of existing Public or Private Elementary, Junior High and High Schools to any other Public or Private Education Service is 1.4 parking spaces for each classroom, plus 1 parking space for every 12 students.

**The Development Officer determined the number of required vehicular and parking spaces is 109. The proposed development provides 73 parking spaces, which is deficient by 36 parking spaces.**

Section 54.5, Schedule 4(1) states the total number of drop-off spaces required for Elementary or Junior High School is 3 spaces per 100 students, but in no case less than 5 spaces.

Section 54.5, Schedule 4(1) states the total number of drop-off spaces required for High School is 1.5 spaces per 100 students, but in no case less than 5 spaces.

**The Development Officer determined the number of required on-site passenger drop-off parking spaces is 5. The proposed development provides 1 on-site drop-off parking space, which is deficient by 4 on-site drop-off parking spaces.**

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 Setback areas shall be landscaped. The proposed development provides parking and paving within a required Setback.**

Section 55.4(7) states for development consisting of Non-residential Use Classes, the number of trees and shrubs provided shall be determined on the basis of the following:

- a. one tree for each 25 square metres and one shrub for each 15 square metres of Setback at grade; and
- b. one tree for each 20 square metres and one shrub for each 10 square metres of required parking area islands. In no case shall there be less than one tree per required parking area island.

**The Development Officer determined 77 trees and 132 shrubs are required. The proposed development provides 46 trees and 101 shrubs, which is deficient by 31 trees and 31 shrubs.**

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 10664 - 62 Avenue.

Under Section 6.1(2), **Accessory** means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under Section 6.1(34), **Floor Area** means the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Under Section 6.1(88), **Setback** means the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.

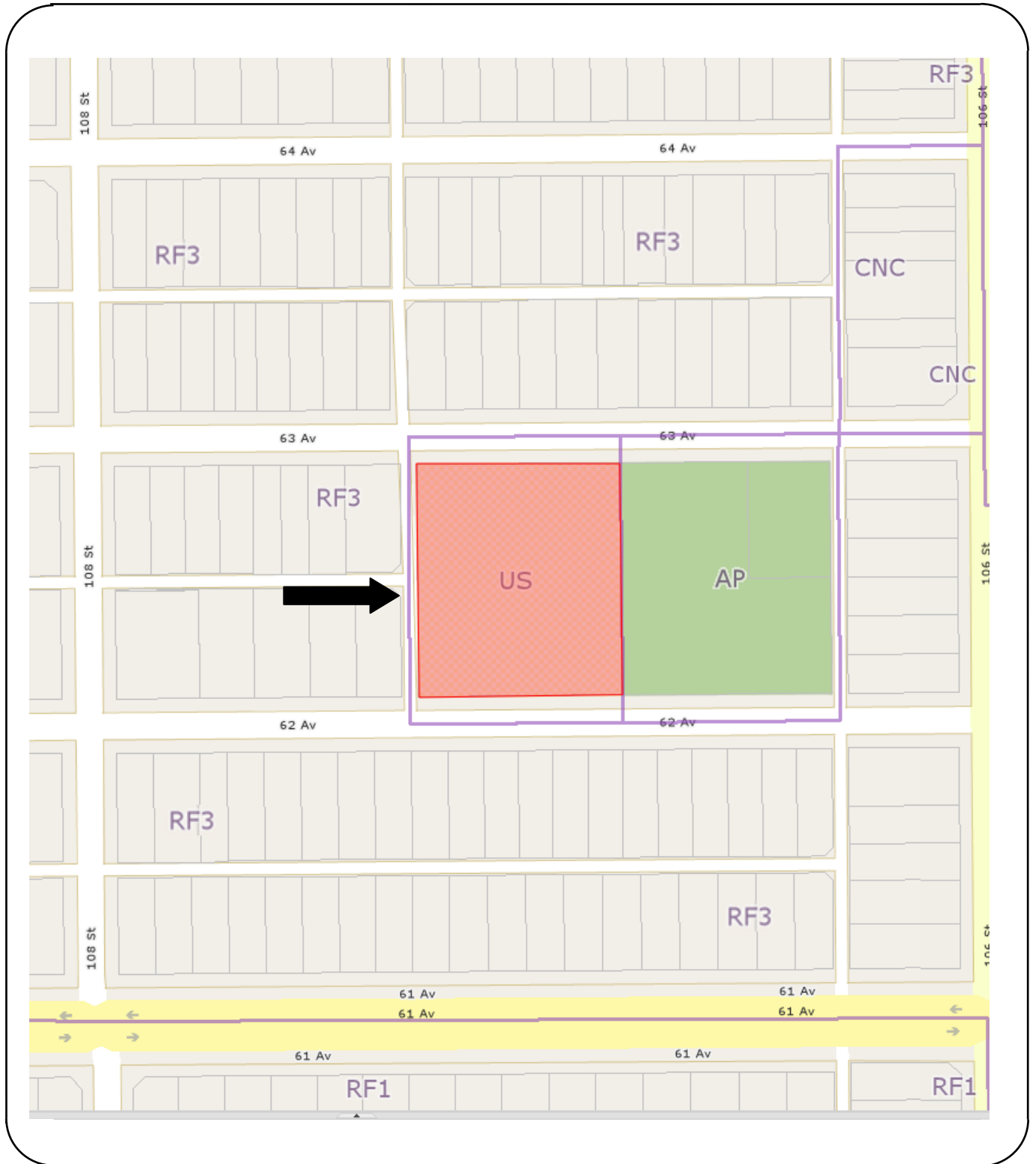
Section 510.1 states the purpose of the US Urban Services Zone is to provide for publicly and privately owned facilities of an institutional or community service nature.

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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.

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### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-100



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-101

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

APPLICATION NO.:	165627221-002
APPLICATION TO:	To construct a two Storey Accessory building (Garage Suite on the second floor, Garage on the main floor)
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with conditions
DECISION DATE:	April 17, 2015
DATE OF APPEAL:	May 4, 2015
NOTIFICATION PERIOD:	April 23, 2015 through May 6, 2015
RESPONDENT:	Engelman Construction Ltd.
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10551 - 127 Street NW
LEGAL DESCRIPTION:	Plan 1424449 Blk 50 Lot 21
ZONE:	RF3 Small Scale Infill Development Zone
OVERLAY:	Mature Neighbourhood Overlay
STATUTORY PLAN:	N/A

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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.

PRIOR TO THE RELEASE OF DRAWINGS TO THE BUILDING DEPARTMENT the applicant/owner must pay notification fees of \$100.00 by calling 780 442 5054.

This Development Permit authorizes the development of a construct a two storey accessory building (Garage Suite on the second floor, Garage on the main floor). The development shall be constructed in accordance with the stamped and approved drawings.

Garage Suite has a roof slope of less than 4/12 (18.4 degrees).

- The maximum Height of the Garage Suite shall be 5.5 m or up to 1.5m greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, as per the definition of Section 6.1(49)(Reference Section 87.2.a.ii)

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to the satisfaction of the Development Officer to prevent visual intrusion into adjacent properties.

Only one of a Secondary Suite or a Garage Suite may be developed in conjunction with a principal Dwelling. (Reference Section 87.11)

Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three. (Reference Section 87.12)

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)

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)

1 parking space per 2 Sleeping Units shall be provided in addition to the parking requirements for the primary Dwelling. Tandem Parking is allowed for Secondary Suites and Garage Suites. (Reference Section 54.2.2)

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: The applicant is advised to contact a Safety Codes Officer at 496-3100 to determine if the structure would require modification to comply with the Alberta Building Code for the use of a Secondary Suite.

Note: A Building Permit is required for any construction or change in use of a building. For a Building Permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees.

**VARIANCES:**

In the opinion of the Development Officer, the variances granted in this application and noted below will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. (Section 11.3)

Subject to the right of appeal. (Reference Section 21(1))

1. Section 87 (1(a)): Garage Suite (above Grade): the minimum Site area shall be 400 m<sup>2</sup>  
Required: 400 m<sup>2</sup>  
Provided: 323.68 m<sup>2</sup>  
Deficient by: 76.32 m<sup>2</sup>

Variance: Reduce the minimum site area for garage suite above grade from 400 m<sup>2</sup> to 323.68 m<sup>2</sup>. Section 87(1(a))

2. Section 87 (6(c)): The minimum Side Setback shall be: on a corner Site where a Garage Suite or Garden Suite abuts a flanking public roadway, other than a Lane, the minimum Side Setback shall not be less than that provided for the principal structure.  
Required: 1.22 m  
Provided: 0.9 m  
Deficient by: 0.3 m

Variance: Reduce the flanking side setback for the Garage Suite from 1.22 m to 0.9 m. Section 87(6(c))

3. Section 54.2 (2): 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling  
Minimum required: 3 parking stalls  
Proposed: 2 parking stalls  
Deficient by: 1 parking stall

Variance: Reduce the required number of parking stalls from 3 to 2. Section 54.2(2):

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**APPELLANT'S SUBMISSION**

We wish to appeal the variances granted under this development permit. We believe that allowing for an above grade garage suite on this site is an over development of the site.

Recent changes to the Edmonton Zoning Bylaw put forward by the City Administration and approved by Council allow 15.24 m (50 ft.) wide lots to be subdivided to a min. of 7.6 m (25 ft.). They also approved a reduction in the min. Site area required for a Site on which garage suite can be built from 460 m<sup>2</sup> to 400 m<sup>2</sup>. The Site area in the application is 323.5 m<sup>2</sup> which is 23.6 % smaller than the min. Site area approved by the current City Council and represented in the Zoning. We therefore feel that the garage suite proposed is outside the intent of the recent changes in the Zoning, approved by the current Council and is an overdevelopment of the Site based on the current Zoning and should be rejected.

The over development of the site has also contributed to the inability of the Site to provide the required 3 parking stalls for the primary Dwelling and Garage Suite. In light of the fact that the restrictions on Garage Suite locations has been relaxed and foreseeing property owners taking advantage of the ability to develop Garage Suites on their properties, the demand for parking spaces in the neighbourhood will increase as a result. Therefore the Bylaw has stipulated that the addition of a Garage Suite would require the accommodation of an additional on-site stall to satisfy the increased demand. We feel that the relaxation of the additional stall on the proposed site would set a precedent that would allow all future Garage Suite developments to ask for variances in this regard and cause stress on the neighbourhood for on-street parking spaces. The Zoning Bylaw recognizes this and therefore requires an additional stall to be provided on-site for all Garage Suite developments.

We would also like to note that some of the information provided on the Notification of Relaxations is incorrect. Item #2 on the Notification states:

Section 87(6): The minimum Side Setback shall be: on a corner Site where a Garage Suite or Garden Suite abuts a flanking public roadway, other than a Lane, the minimum Side Setback shall not be less than that provided for the principal structure.

Required: 1.22 m  
Provided: 0.9 m  
Deficient by: 0.3 m

Yet the Zoning Bylaw states in Section 140.4(13b) on a Corner Site where the building faces the Front Lot Line, the minimum Side Setback flanking the roadway shall be 20% of the Width of the Lot flanking the roadway, to a maximum of 4.5 m.

Based on that requirement the Side Setback flanking a public roadway for the principal structure should be 20% of 7.61 m (site width) = 1.52 m. Therefore the Garage Suite should be setback not less than that provided for the principal structure which is 1.52 m and not 1.22m as stated on the Notification. The setback is deficient by 0.62m.

When Notifications are sent by the City of Edmonton to neighbours of a nearby proposed development the expectation is that the statistics on the Notification are correct so that the neighbours can correctly assess the impact of the relaxations for development on their neighbourhood and decide whether an appeal is warranted. In this case it appears that the Side Setback deficiency is less significant than it actually is (by half).

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

A **Garage Suite** is a Discretionary Use in the RF3 Small Scale Infill Development Zone, Section 140.3(4).

Under Section 7.2(3), **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 Secondary Suites or Garden Suites.

The submitted Site Plan shows that the proposed Garage Suite is 5.79 metres by 6.86 metres in size and is located 0.91 metres from the (north) Side Lot Line, 0.91 metres from the (south) Side Lot Line, 1.45 metres from the (east) Rear Lot Line, and 13.78 metres from the Principal Building to the west. Vehicular access to the proposed Garage is from the (east) rear Lane.

The plans show the proposed Suite is located on the second floor of the Garage and consists of a living room, a kitchen, a bedroom, and a mechanical room. Access to the proposed Suite is from an exterior staircase on the (west) elevation of the Garage.

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 variances:

Section 110.4(8) states Garage Suites and Garden Suites shall comply with Section 87 of this Bylaw.

Section 87(1)(a) states the minimum Site Area for a Garage Suite (above Grade) shall be 400 square metres, except in the RR Zone, where it shall be 1.0 hectares, the GLD and GLG Zones, where it shall be 370 square metres, and the TSLR Zone, where it shall be 412 square metres.

**The Development Officer determined the minimum Site Area for a Garage Suite is 400 square metres. The existing Site Area is 323.68 square metres, which is deficient by 76.32 square metres.**

Section 87(6)(c) states the minimum Side Setback shall be, on a corner Site where a Garage Suite or Garden Suite abuts a flanking public roadway, other than a Lane, the minimum Side Setback shall not be less than that provided for the principal structure.



**The Development Officer determined the required (north) Side Setback and the (south) Side Setback of the Principal Building is 1.22 metres. The Development Officer determined the proposed development provides a (north) Side Setback and (south) Side Setback of 0.9 metres and a relaxation of 0.30 metres for each Side Setback was granted.**

Section 54.2, Schedule 1(A)(2) states for a Garage Suite, the minimum number of parking spaces required is 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.

Section 54.2, Schedule 1(A)(3) states for Single Detached Housing, the minimum number of parking spaces required is 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.

Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

**The Development Officer determined the required number of parking spaces is 3. The proposed development provides 2 parking spaces, and a relaxation of 1 parking space was granted.**

The decision of approval by the Development Officer has been appealed by an adjacent property owner located at 10550 - 126 Street.

Section 87 states Garage and Garden Suites shall be developed in accordance with the following regulations:

1. The minimum Site Area shall be as follows:
  - a. Garage Suite (above Grade): the minimum Site area shall be 400 square metres, except in the RR Zone, where it shall be 1.0 ha, the GLD and GLG Zones, where it shall be 370 square metres, and the TSLR Zone, where it shall be 412 square metres.
  - b. Garden Suite and Garage Suite (at Grade): the minimum Site area shall be 400 m<sup>2</sup> except in the RR Zone, where it shall be 1.0 ha.
2. the maximum Height shall be as follows:
  - a. Garage containing a Garage Suite (above Grade):
    - i. 6.5 metres or up to 1.5 metres greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of 4/12 (18.4°) or greater.
    - ii. 5.5 metres or up to 1.5 metres greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4°).
    - iii. notwithstanding (i) and (ii) above, in the case of the TSDR, TSLR and the GLG zones, the maximum height shall be 7.5metres.
  - b. Garden Suite and Garage Suite (at Grade): the maximum height shall be 4.3 metres

3. the maximum Floor Area shall be:
  - a. 60 square metres for a Garage Suite (above Grade).
  - b. 50 square metres for a Garden Suite and for a Garage Suite (at Grade).
  - c. notwithstanding (a) and (b) above, the maximum Floor Area may be increased by up to 7.5 square metres, only where this additional floor area comprises the area of a Platform Structure associated with the Garage Suite or Garden Suite.
4. the minimum Floor Area of a Garage Suite or Garden Suite shall be 30 square metres.
5. the minimum Site Width for a Garage Suite or Garden Suite shall be the same as the minimum Site Width for the Zone.
6. the minimum Side Setback shall be:
  - a. for that portion of a detached Garage that contains a Garage Suite, the same as that for the principal Dwelling in the applicable Zone.
  - b. for a Garden Suite, the same as that for the principal Dwelling in the applicable Zone.
  - c. on a corner Site where a Garage Suite or Garden Suite abuts a flanking public roadway, other than a Lane, the minimum Side Setback shall not be less than that provided for the principal structure.
7. the minimum distance between a detached Garage containing a Garage Suite, and a Garden Suite and the principal Dwelling on the same Site, shall be 4 metres.
8. windows contained within the Garage Suite portion of the detached Garage or the Garden Suite shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
  - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garage Suite or Garden Suite window on an abutting Site;
  - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
  - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any Side Yard abutting another property.
  - d. no decks on Garage Suite or Garden Suite roofs shall be allowed.
9. 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.
10. only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.
11. notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Garage Suite or Garden Suite shall not exceed three.
12. 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.
13. where Garage Suites or Garden Suites are Discretionary within the applicable Zone, the Development Officer may exercise discretion in considering a Garage Suite having regard to:
  - a. compatibility of the Use with the siting, Grade elevations, Height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
  - b. the effect on the privacy of adjacent properties;

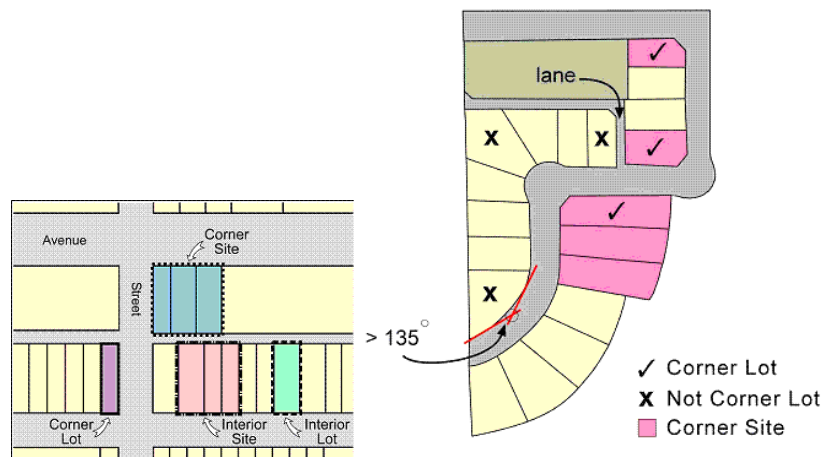
- c. the policies and guidelines for Garage Suites and Garden Suites contained in a Statutory Plan for the area.
- 14. a Garage Suite or Garden Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.
- 15. Garage Suites and Garden Suites shall not be included in the calculation of densities in this Bylaw.
- 16. notwithstanding Garage Suites and Garden Suites being listed as Permitted or Discretionary Uses within any Zone, they shall be subject to the regulations of the Edmonton- Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay in Section 822 of this Bylaw.

Under Section 6.1(92), **Site** means an area of land consisting of one or more abutting Lots.

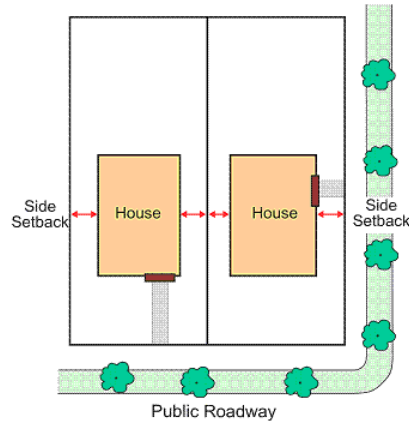
Under Section 6.1(19), **Corner Site** means an area of land consisting of one or more adjacent Lots where at least one Lot is:

- 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(90), **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(100), **Tandem Parking** means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

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 140.1 states the purpose of the RF3 Small Scale Infill Development Zone is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

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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.



### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-101



***BUSINESS LAID OVER***

<b>SDAB-D-15-093</b>	An appeal to construct exterior alterations to an existing Single Detached House (Driveway extension), existing without permits <i>June 10 or 11, 2015</i>
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***APPEAL HEARINGS TO BE SCHEDULED***

<b>159466458-001</b>	An appeal to construct a Freestanding Minor Digital On-premises Off-premises Sign <i>June 4, 2015</i>
<b>168696143-001</b>	An appeal to comply with a Stop Order to dismantle and remove the Freestanding Off-premises Sign from the Site. <i>July 2, 2015</i>