

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 4, 2016**

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

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

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|---|-----------|---------------|--|
| I | 9:00 A.M. | SDAB-D-16-110 | Construct a Residential Sales Centre (West Block) 14304 - Stony Plain Road NW, 14302 - Stony Plain Road NW, 14314 - Stony Plain Road NW Project No.: 187211303-001 |
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| II | 10:30 A.M. | SDAB-D-16-111 | Construct exterior alterations to an existing Accessory Building (converting flat roof to truss roof of existing garage for maintenance purposes) 8409 - 169 Street NW Project No.: 188115415-001 |
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| III | 1:30 P.M. | SDAB-D-16-112 | Construct a Semi-Detached House with a veranda 12070 - 94 Street NW Project No.: 179265233-002 |
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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-16-110

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 187211303-001

ADDRESS OF APPELLANT: 14304 - Stony Plain Road NW,
14302 - Stony Plain Road NW,
14314 - Stony Plain Road NW

APPLICATION TO: Construct a Residential Sales Centre
(West Block)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 29, 2016

DATE OF APPEAL: April 8, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14304 - Stony Plain Road NW,
14302 - Stony Plain Road NW,
14314 - Stony Plain Road NW

LEGAL DESCRIPTION: Plan 1653Z Blk C Lot 8, Plan 1653Z Blk C Lot 9, Plan 1653Z Blk C Lots 6-7

ZONE: RF3 Small Scale Infill Development 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:

We are providing written Notice of Appeal for Permit No. 187211303-001. The reasons for refusal were; Discretionary Use, Height, and Reduced Rear Setback.

The site is located on the corner of Stony Plain Road and 143 St. The site is owned by the City and will be leased to InHouse by Beaverbrook (InHouse). The site will be developed as part of the West LRT Expansion and can only be used temporarily.

As a condition of the lease agreement, all structures must be removed upon expiry of the lease, and the site restored. This complies with the Use Class Definition for temporary sales centres. The Sales Centre is designed to address Stony Plain Road, a major east/west arterial, and commercial developments across 143 St.

It is our position that the Discretionary Use be permitted given the site's proximity to commercial uses, location on a major arterial and temporary use.

The Sales Centre height is set by the desire to provide a ceiling height the same as the suites, and incorporate the window wall system used in the West Block residential building. This is critical to the development's marketing strategy in communicating the architectural quality of the project. The building height is 5.3m based on the average grade and a horizontal plane through the midpoint of the highest parapet. A temporary Residential Sales Centre shall not exceed 4.0m; however, the maximum allowable height within the RF3 zone governed by the Mature Neighbourhood Overlay for uses other than a Residential Sales Centre is 8.6m.

The Sales Centre design incorporates higher parapets to screen roof top equipment. In addition to screening the parapet height adds interest and breaks down the building massing. If the screening was not incorporated into the architecture it would not contribute to building height; however, the perception of height would be unchanged.

A crawl space has been designed in lieu of a slab-on-grade to address the temporary nature of the Sales Centre. This increases the height by 0.88m but reduces the building's impact on the site. A slab-on-grade would require additional excavation and increased construction disturbance.

It is our position that the height be relaxed given the allowable heights of adjacent RF3 developments, the temporary nature of the structure, and the architectural features contributing to building height.

The Sales Centre emulates the design of a model suite within the West Block residential building. This includes orientation to match the views, facade design to match the window wall system, ceiling height and position on the site. The resulting design has a north/south orientation along 143 St. The proposed orientation addresses the corner of Stony Plain Road and 143 St. with an exterior terrace. This is critical to the development's marketing strategy to communicate an understanding of the spatial relationships of an actual suite.

The Sales Centre design incorporates a 7.5m rear setback that is consistent with the RF3 zone; however, the subject site is also governed by the Mature Neighbourhood Overlay which requires a rear setback that is 40% of the site depth. The resulting rear setback would be 15.25m, more than double. Compliance with the increased rear setback would result in a reconfiguration of the site increasing the area of land disturbed by the development.

In addition, an Accessory Building could be built with a 1.2m rear yard setback. Rear setbacks in residential zones are intended to provide an element of privacy and reduced overlook on abutting properties. In this case the 7.5m rear setback avoids the opportunity for overlook altogether as there are no adjacent developments.

It is our position that the reduced rear setback be permitted due to the decreased site disturbance, and no overlook into abutting properties. The adjusted setback does not negatively impact the use, enjoyment and value of neighbouring properties as the building is oriented towards the commercial uses on the Stony Plain Road. [unedited]

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| <i>General Matters</i> |
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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 March 29, 2016. The Notice of Appeal was filed on April 8, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General 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.

Under Section 140.3(9), **Residential Sales Centre** is a **Discretionary Use** in the RF3 Small Scale Infill Development Zone.

Section 7.3(9) states:

Residential Sales Centre means a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential land or buildings.

Section 814.1 states that the **General 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.

Height

Section 82(3) states the following with respect to Residential Sales Centres:

The following regulations shall apply to all Residential Sales Centres except those developments provided for in subsections 12.2(8) and 12.2(15) of this Bylaw:

...

3. the siting and development of Residential Sales Centre buildings shall comply with the regulations of the Land Use Zone applying to the Site except that:
 - a. the Development Officer may attach conditions requiring additional setbacks to minimize any adverse impacts on adjacent development;

- b. in the case of a temporary structure, the Height of the building including any hoardings or false fronts shall not exceed one Storey or 4.0 m; and
- c. all curb crossings and access points shall be designed and located so as to minimize on-site and off-site traffic impacts and, in consultation with Transportation Services;

Development Officer's Determination

The Development Officer referenced Section 82(3)(b), and determined that "The proposed building height is 5.5m instead of 4.0m".

Board Officer's Comments

The Appellant's grounds for appeal states, in part: "A temporary Residential Sales Centre shall not exceed 4.0m; however, the maximum allowable height within the RF3 zone governed by the Mature Neighbourhood Overlay for uses other than a Residential Sales Centre is 8.6m."

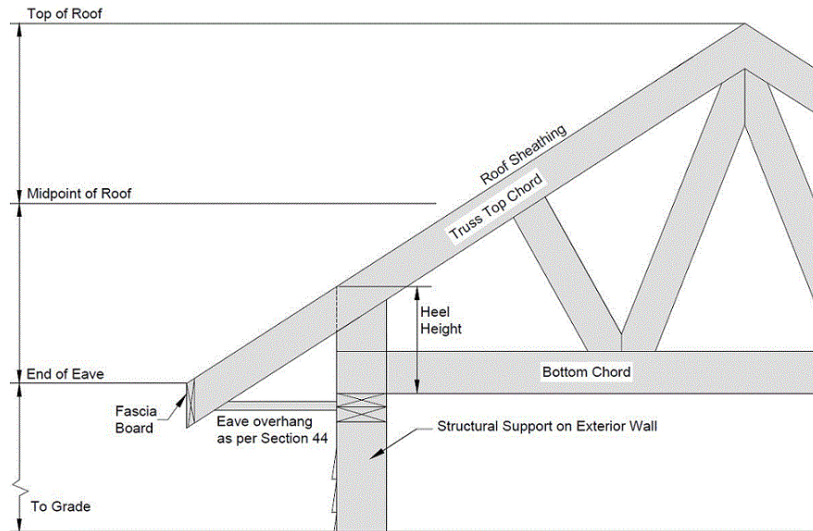
The Appellant did not reference a specific provision from the *Edmonton Zoning Bylaw*.

Section 814.3(13) of the Development Regulations under the Mature Neighbourhood Overlay states that "The maximum Height shall not exceed 8.6 m, in accordance with Section 52."

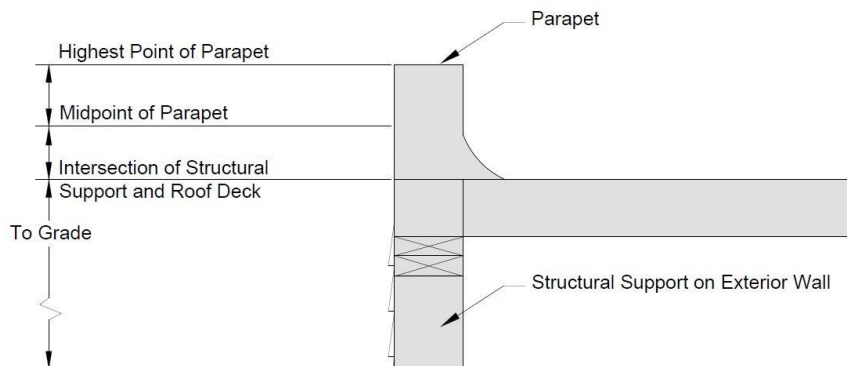
Section 52 states the following with respect to Height:

52. Height and Grade

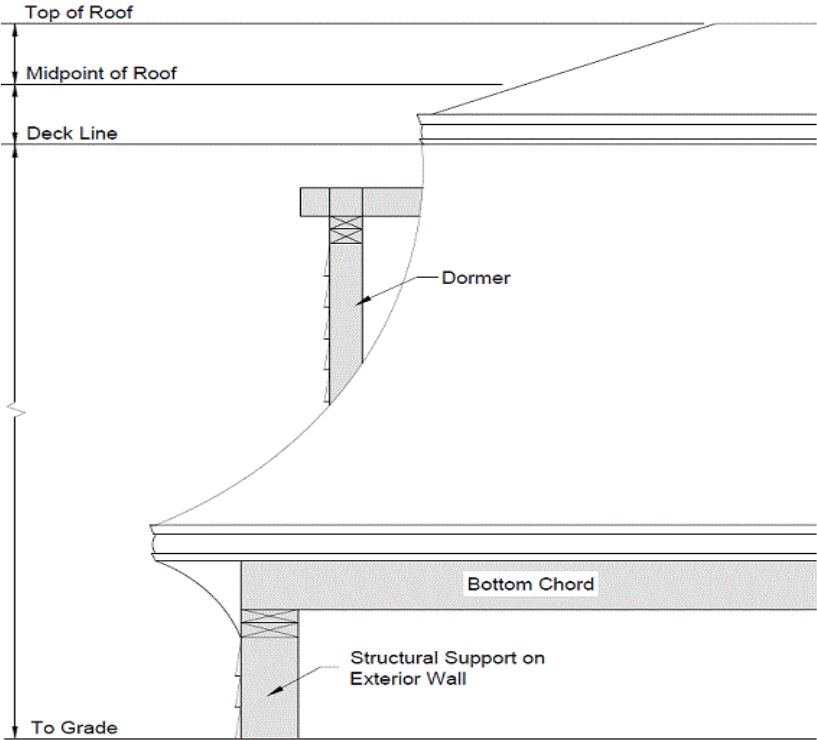
1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
 - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or

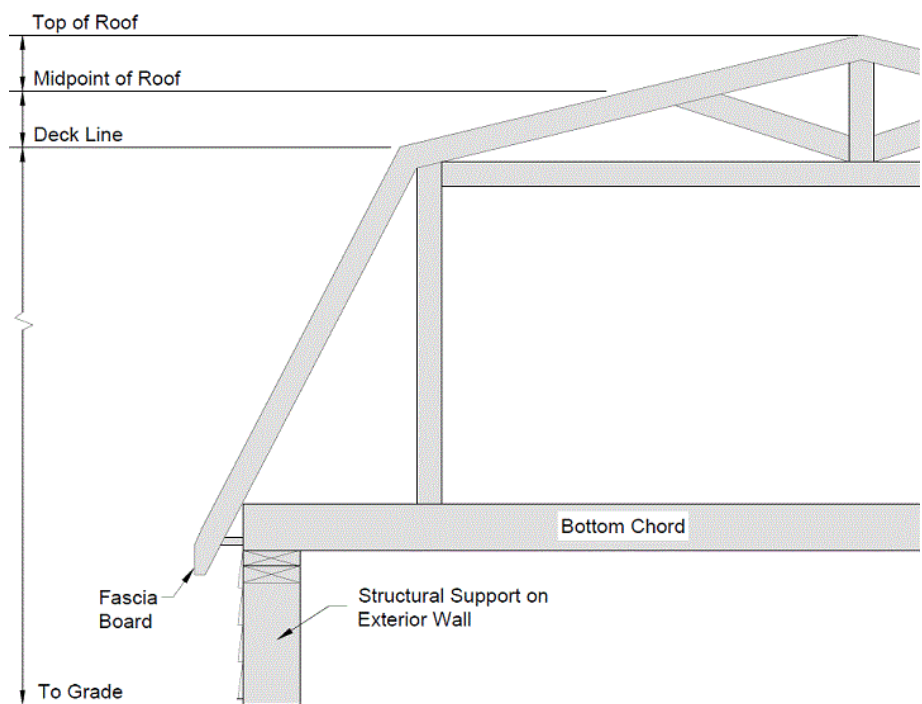
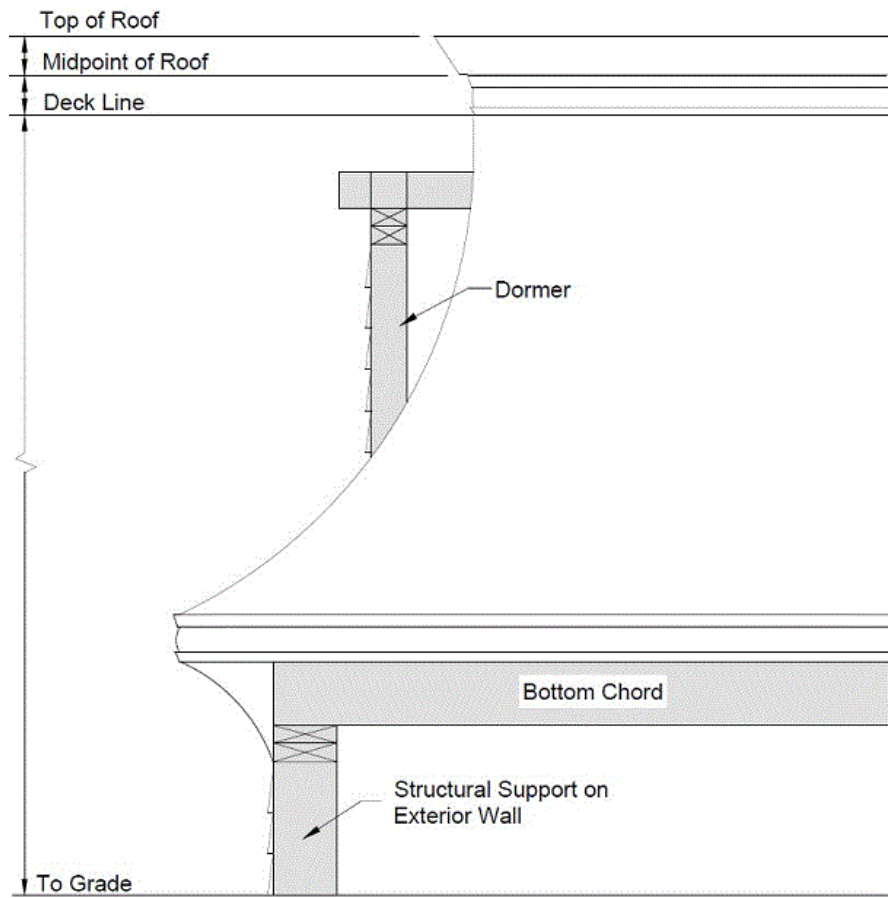


b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



c. For mansard and gambrel roof types, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the deck line and the top of the roof; or





- d. For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Officer shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.
2. In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:
 - a. in any Zone other than a Residential Zone, the following features shall not be considered for the purpose of Height determination: chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments, elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers or other similar erections;
 - b. in any Residential Zone, those features specified in subsection 52.2(a) shall not be considered for the purpose of Height determination, except that the maximum Height of receiving or transmitting structures, where these are Satellite Signal Receiving Antennae or Amateur Radio Antennae and Support Structures, shall be calculated in accordance with the regulations of subsections 50.5 and 50.6, respectively, of this Bylaw. The maximum Height for all other receiving or transmitting structures, other than those which may normally be required for adequate local television reception, shall be the maximum Height in the Zone, and not the maximum Height for Accessory buildings in Residential Zones specified in subsection 50.3(2);
 - c. Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

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| <i>Rear Setback</i> |
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Section 814.3(5) states that “The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.”

Development Officer’s Determination

The Development Officer referenced Section 814.3(5) and made the following determination:

Reduced Rear Setback - The distance from the Residential Sales Centre to the rear property line is 8.25m (22% of site depth) instead of 15.25m (40% of site depth)

Board Officer's Comments



The Appellant's grounds for appeal states, in part: "The Sales Centre design incorporates a 7.5m rear setback that is consistent with the RF3 zone; however, the subject site is also governed by the Mature Neighbourhood Overlay which requires a rear setback that is 40% of the site depth. The resulting rear setback would be 15.25m, more than double."

The Appellant did not reference a specific provision from the *Edmonton Zoning Bylaw*.

Section 140.4(12) of the Development Regulations under the RF3 Small Scale Infill Development Zone states that "The minimum Rear Setback shall be 7.5 m, except on a Corner Site, where a Dwelling with an attached Garage faces the flanking public roadway, it may be reduced to 4.5 m."

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: 187211303-001 Application Date: FEB 12, 2016 Printed: March 29, 2016 at 2:53 PM Page: 1 of 1 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|---|--------------|-----------|-----------|-----------------|----------|----------|----------|--------------|----------------------------|----------|----------|----------|--------------|-------------------|--------|--|--|--|--------------------|------------|------------|--|--|
| <h2 style="margin: 0;">Application for Major Development Permit</h2> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| This document is a Development Permit Decision for the development application described below. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant  | Property Address(es) and Legal Description(s) 14304 - STONY PLAIN ROAD NW Plan 1653Z Blk C Lot 8 14302 - STONY PLAIN ROAD NW Plan 1653Z Blk C Lot 9 14314 - STONY PLAIN ROAD NW Plan 1653Z Blk C Lots 6-7 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Scope of Application To construct a Residential Sales Centre (West Block). | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: (none) Gross Floor Area (sq.m.): 299 New Sewer Service Required: N Site Area (sq. m.): 1266 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table> | | Class of Permit: (none) Gross Floor Area (sq.m.): 299 New Sewer Service Required: N Site Area (sq. m.): 1266 | Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay | | | | | | | | | | | | | | | | | | | | | | | |
| Class of Permit: (none) Gross Floor Area (sq.m.): 299 New Sewer Service Required: N Site Area (sq. m.): 1266 | Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 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. Discretionary Use - Residential Sales Centre is refused as a Discretionary Use (Section 140.3(9)). 2. Height - The proposed building height is 5.5m instead of 4.0m (Section 82(3)(b)). 3. Reduced Rear Setback - The distance from the Residential Sales Centre to the rear property line is 8.25m (22% of site depth) instead of 15.25m (40% of site depth) (Section 814.3.5). 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. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Issue Date: Mar 29, 2016 Development Authority: LEE, CHRISTIAN Signature: _____ | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%; text-align: right;">Fee Amount</th> <th style="width: 15%; text-align: right;">Amount Paid</th> <th style="width: 15%; text-align: left;">Receipt #</th> <th style="width: 15%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$220.00</td> <td style="text-align: right;">\$220.00</td> <td>03064576</td> <td>Feb 12, 2016</td> </tr> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$893.00</td> <td style="text-align: right;">\$893.00</td> <td>03064576</td> <td>Feb 12, 2016</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$1,113.00</td> <td style="text-align: right; border-top: 1px solid black;">\$1,113.00</td> <td></td> <td></td> </tr> </tbody> </table> | | | Fee Amount | Amount Paid | Receipt # | Date Paid | Lot Grading Fee | \$220.00 | \$220.00 | 03064576 | Feb 12, 2016 | Major Dev. Application Fee | \$893.00 | \$893.00 | 03064576 | Feb 12, 2016 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | \$1,113.00 | \$1,113.00 | | |
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| Lot Grading Fee | \$220.00 | \$220.00 | 03064576 | Feb 12, 2016 | | | | | | | | | | | | | | | | | | | | | | |
| Major Dev. Application Fee | \$893.00 | \$893.00 | 03064576 | Feb 12, 2016 | | | | | | | | | | | | | | | | | | | | | | |
| Total GST Amount: | \$0.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Totals for Permit: | \$1,113.00 | \$1,113.00 | | | | | | | | | | | | | | | | | | | | | | | | |
| THIS IS NOT A PERMIT | | | | | | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-110



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-111

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188115415-001

ADDRESS OF APPELLANT: 8409 - 169 Street NW

APPLICATION TO: Construct exterior alterations to an existing Accessory Building (converting flat roof to truss roof of existing garage for maintenance purposes)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 23, 2016

DATE OF APPEAL: April 6, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8409 - 169 Street NW

LEGAL DESCRIPTION: Plan 4625MC Blk 16 Lot 1

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

This application is for putting a truss roof on an accessory building within a privately owned multifamily residential site, containing 42 adjacent residential rental buildings. The existing residential buildings are two story flat roofed buildings, built in the 1960's. Permits have been granted to add truss sloped roofs to some of the residential rental building units within the residential site. The Accessory Building (Garage/shop) current flat roof is much lower then the adjacent roofs of the residential two story units. The proposed peak of the accessory building's planned to be constructed truss roof is also lower then the peak ridge of any of the new truss roofs on the site.

Under the guidelines, the proposed Truss roof on the accessory building was turned down as being over height, even though its proposed peak is lower than the adjacent new peaked roofs on the residential buildings. We seek permission to do this roof on the accessory building. [unedited]

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 March 23, 2016. The Notice of Appeal was filed on April 6, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Under Section 210.2(1), **Apartment Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(1) states:

Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

... to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Height

Section 50.3(2) states:

an Accessory building or structure shall not exceed 4.3 m in Height, except:

- a. as provided in the RPLt, RF4t, RF5t, TSDR, TSLR, BRH, BLMR, and BMR Zones, where the maximum Garage Height shall not exceed 5.0 m;
- b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the Height shall be in accordance with Section 87.
- c. in the case of a Garage containing a Blatchford Lane Suite, where the Height shall be in accordance with Section 997; and
- d. as provided in subsections 50.4, 50.5.

Development Officer's Determination

The Development Officer referenced Section 50.3(2) and determined that the proposed development is "Over Height – The Accessory building (garage) is 6.79m instead of 4.3m".

Board Officer's Comments



In the Development Officer's subsequent written submissions to the Subdivision and Development Appeal Board, dated April 19, 2016, he stated that "if the [Development] Officer had the authority to vary/relax height, further consideration would have been made to approve the application" (page 2).

Section 11.4(2) states the following with respect to the limitation of the Development Officer's variance powers:

In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following... except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations...

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: 188115415-001 Application Date: MAR 03, 2016 Printed: March 23, 2016 at 2:20 PM Page: 1 of 1 | | | | | | | | | | | | | | | | | | | | |
|---|--|--|---|--------------|-----------|-----------|----------------------------|----------|----------|----------|--------------|-------------------|--------|--|--|--|--------------------|----------|----------|--|--|
| <h2 style="margin: 0;">Application for Major Development Permit</h2> | | | | | | | | | | | | | | | | | | | | | |
| This document is a Development Permit Decision for the development application described below. | | | | | | | | | | | | | | | | | | | | | |
| Applicant  | Property Address(es) and Legal Description(s) 8409 - 169 STREET NW Plan 4625MC Blk 16 Lot 1 Specific Address(es) Suite: 8401 - 169 STREET NW Entryway: 8401 - 169 STREET NW Building: 8401 - 169 STREET NW | | | | | | | | | | | | | | | | | | | | |
| Scope of Application To construct exterior alterations to an existing Accessory Building (converting flat roof to truss roof of existing garage for maintenance purposes.). | | | | | | | | | | | | | | | | | | | | | |
| Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: (none) Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table> | | Class of Permit: (none) Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): | Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay | | | | | | | | | | | | | | | | | | |
| Class of Permit: (none) Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.): | Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 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 Over Height - The Accessory building (garage) is 6.79m instead of 4.3m (Section 50.3(2)). 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. | | | | | | | | | | | | | | | | | | | | | |
| Issue Date: Mar 23, 2016 Development Authority: LEE, CHRISTIAN Signature: _____ | | | | | | | | | | | | | | | | | | | | | |
| Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$340.00</td> <td style="text-align: right;">\$340.00</td> <td>03104791</td> <td>Mar 03, 2016</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$340.00</td> <td style="text-align: right;">\$340.00</td> <td></td> <td></td> </tr> </tbody> </table> | | | Fee Amount | Amount Paid | Receipt # | Date Paid | Major Dev. Application Fee | \$340.00 | \$340.00 | 03104791 | Mar 03, 2016 | Total GST Amount: | \$0.00 | | | | Totals for Permit: | \$340.00 | \$340.00 | | |
| | Fee Amount | Amount Paid | Receipt # | Date Paid | | | | | | | | | | | | | | | | | |
| Major Dev. Application Fee | \$340.00 | \$340.00 | 03104791 | Mar 03, 2016 | | | | | | | | | | | | | | | | | |
| Total GST Amount: | \$0.00 | | | | | | | | | | | | | | | | | | | | |
| Totals for Permit: | \$340.00 | \$340.00 | | | | | | | | | | | | | | | | | | | |
| THIS IS NOT A PERMIT | | | | | | | | | | | | | | | | | | | | | |



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-111



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-112

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 179265233-002

ADDRESS OF APPELLANT: 12070 - 94 Street NW

APPLICATION TO: Construct a Semi-Detached House with a veranda

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 11, 2016

DATE OF APPEAL: April 12, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12070 - 94 Street NW

LEGAL DESCRIPTION: Plan 2463AE Blk 5 Lot 8

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Alberta Avenue/Eastwood Area Redevelopment Plan

Grounds for Appeal

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

(A), i, ii, iii) As it stands, my site plan complies with all variances listed based on me being within 1.5m of the average block face (7.18 - 1.5 = 5.68m). However, the adjacent property average is causing 3 more issues to arise. If my variance of 1.5m of the average block face is granted then i, ii, and iii will all comply.

I believe and hope the following variance will be granted due to the following reasons:

- a. It is a un fair adjacent average due to the fact there is no house to the north, nor will there ever be. So this is based on the one property south of 12070 94st.
- b. My house will have no effect on sun light to the adjacent south property, or the North which starts on 121ave and has an alley in between with lots of room for natural light.
- c. Allowing 1.5m, which is already a by law, will make all other variances comply
- d. Not allowing 1.5m, will make it impossible to comply as both the house and garage will be forced back causing not enough amenity or parking.

Please see attached photo (A) Front (C) Ariel

(B) Attached as B

2. (A) When we add the siding, both front doors have vertical siding. But the front unit which is exposed more to the lane will have 80% of another colour to contrast with the existing front vertical siding. Also the roof line is different. Those differences are based on lane exposure. Based on a reversed front to back image, the front pops and the back is plain. There is only so much you can do with this type of semidetached due to the fact it is staggered and the front unit shows more. The staggering effect of the duplex in itself creates a difference in the two. Please see attached. (D)

(B) The door is angled, which does not give you the same view that a flat ?straight? facing door would give. However, with glass you will still be able to have a ?partial? view forward to the street. Also the fact that there is a space of 13.15m (ave-alley) plus a 5? side walk to the next property that should leave a very clear view to the street even at a angle. (F)

1. This is something that I cannot change, however there is a extra 13? of grass north of me that will never be used nor have anything built on it due to its width. I did inquiry about buying it but I was un able to. You can see in the photo attached (G) that the property North, West and North West were all the same size as mine at one time. All three were able to acquire the extra feet and add it to their land. If I was able to, then I believe that would alleviate section 140.4.3a-b

2. Same as above. [unedited]

Board Officer's Comments

As of April 29, 2016, the attachments referenced by the Appellant in the Grounds for Appeal have not been received.

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 March 11, 2016. The Notice of Appeal was filed on April 12, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is “To provide a Zone for Low Rise Apartments.”

Under Section 210.2(1), **Apartment Housing** is a **Permitted Use** in the RA7 Low Rise Apartment Zone.

Section 7.2(1) states:

Apartment Housing means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

... to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Site Area

Section 140.4(3)(a) states:

Site regulations for Semi-detached Housing:

- a. the minimum Site area shall be 442.2 m²;

Development Officer's Determination

1. The Minimum Site Area for Semi-detached Housing is 442.2 m²
(Reference Section 140.4.3.a)

Proposed = 336.4 m²
Deficient by 105.8 m² [unedited]

Site Width

Section 140.4(3)(b) states:

Site regulations for Semi-detached Housing:

...

- b. on a non-Corner Lot, the minimum Site Width shall be 13.4 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 m;

Development Officer's Determination

2. The Minimum Site Width for Semi-detached Housing with Dwellings arranged along the depth of the Site on a non-Corner lot is 10.0 m
(Reference Section 140.4.3.b)

Proposed = 8.8 m
Deficient by 1.2 m. [unedited]

Front Setback

Section 814.3(1) states:

The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. On a Corner Site, in the (RF3) Small Scale Infill Development Zone, where Row Housing, Stacked Row Housing or Apartment Housing faces the flanking Side Lot Line, the following regulations shall apply:

- a. For Lots where the Front Setback of the Abutting Lot is 9.0 m or less, the Front Setback shall be a maximum of 6.0 m.
- b. For Lots where the Front Setback of the Abutting Lot is greater than 9.0 m and less than 11.0 m, the Front Setback shall be consistent within 3.0 m of the Front Setback of the Abutting Lot, to a maximum of 7.0 m.
- c. For Lots where the Front Setback of the Abutting Lot is 11.0 m or greater, the Front Setback shall be within 4.0 m of the Front Setback of the Abutting Lot.

Development Officer's Determination

3. The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. (Reference Section 814.3.1).

Average Setback of Abutting Lots = 7.5 m
Average Blockface Front Setback = 7.2 m
Permitted range of Front Setbacks = 6.0 m to 8.7 m
Proposed Front Setback = 5.7 m
Deficient by 0.3 m [unedited]

Advisories

The Development Officer noted the following in the Development Permit Refusal:

Note: It is strongly advised that the applicant meet the requirements of Section 814.3(24) as follows:

a)the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League.

b)the applicant shall outline to the affected parties any requested variances to the Overlay and solicit their comments on the application;

c)the applicant shall document any opinions or concerns expressed by the affected parties and what modifications were made to address their concerns; and

d)the applicant shall submit this documentation as part of the Development Application. [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: 179265233-002
Application Date: SEP 15, 2015
Printed: April 28, 2016 at 10:55 AM
Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

| | |
|---|---|
| Applicant  | Property Address(es) and Legal Description(s) 12070 - 94 STREET NW Plan 2463AE Blk 5 Lot 8 |
| | Specific Address(es) Entryway: 12070 - 94 STREET NW Entryway: 12072 - 94 STREET NW Building: 12070 - 94 STREET NW |

Scope of Application
To construct a Semi-Detached House with a veranda

| | |
|---|--|
| Permit Details | |
| # 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

THIS IS NOT A PERMIT



Project Number: **179265233-002**
 Application Date: SEP 15, 2015
 Printed: April 28, 2016 at 10:55 AM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

1. The Minimum Site Area for Semi-detached Housing is 442.2 m² (Reference Section 140.4.3.a)

Proposed = 336.4 m²
 Deficient by 105.8 m²

2. The Minimum Site Width for Semi-detached Housing with Dwellings arranged along the depth of the Site on a non-Corner lot is 10.0 m (Reference Section 140.4.3.b)

Proposed = 8.8 m
 Deficient by 1.2 m.

3. The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. (Reference Section 814.3.1).

Average Setback of Abutting Lots = 7.5 m
 Average Blockface Front Setback = 7.2 m
 Permitted range of Front Setbacks = 6.0 m to 8.7 m
 Proposed Front Setback = 5.7 m
 Deficient by 0.3 m

Note: It is strongly advised that the applicant meet the requirements of Section 814.3(24) as follows:
 a)the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League.
 b)the applicant shall outline to the affected parties any requested variances to the Overlay and solicit their comments on the application;
 c)the applicant shall document any opinions or concerns expressed by the affected parties and what modifications were made to address their concerns; and
 d)the applicant shall submit this documentation as part of the Development Application.

Rights of Appeal

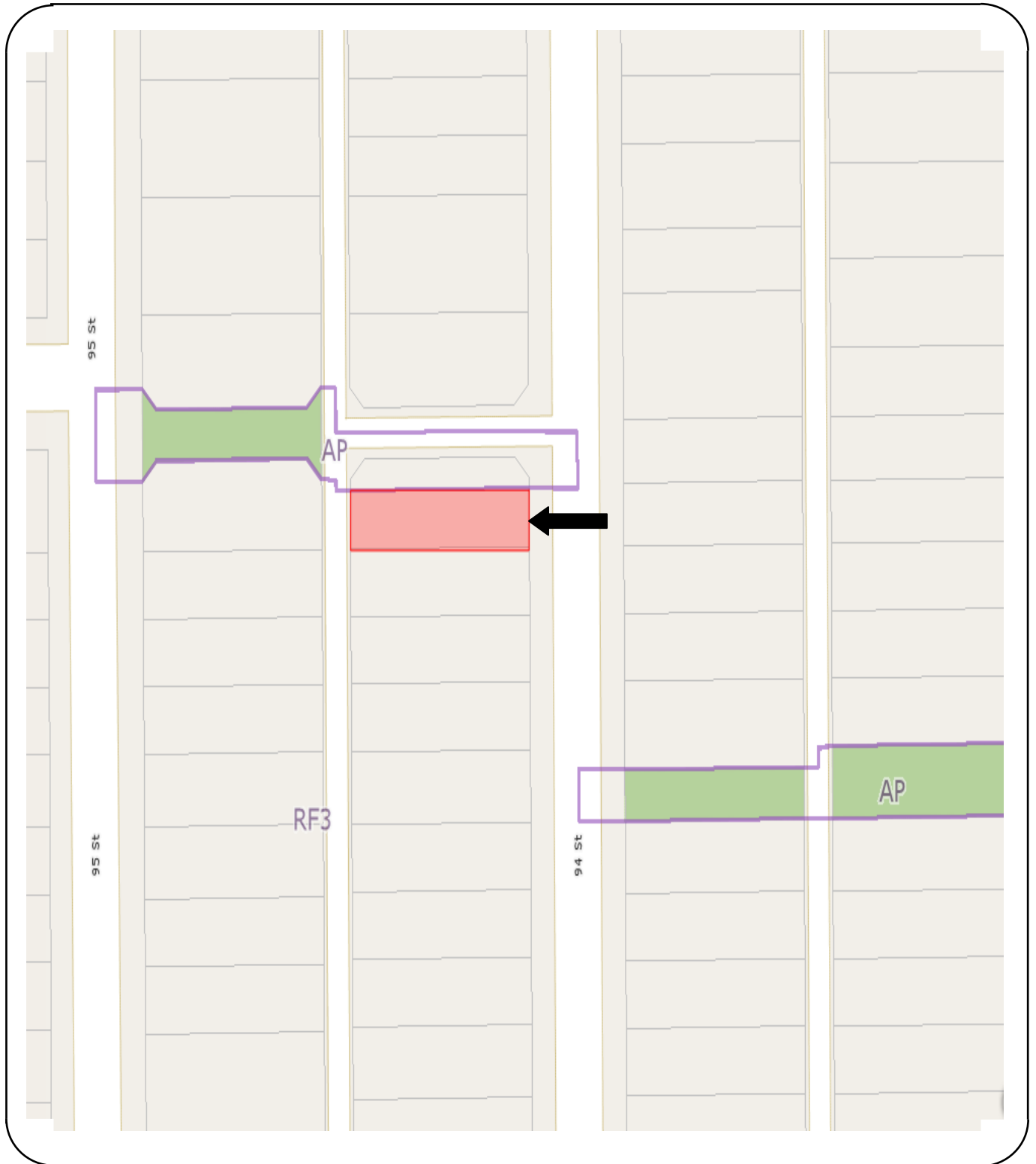
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

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

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|---------------------------|------------|-------------|-----------|--------------|
| Dev. Application Fee | \$447.00 | \$447.00 | 02748699 | Sep 15, 2015 |
| Lot Grading Fee | \$135.00 | \$135.00 | 02748699 | Sep 15, 2015 |
| Sanitary Sewer Trunk Fund | \$1,430.00 | \$1,430.00 | 02748699 | Sep 15, 2015 |
| DP Notification Fee | \$40.00 | | | |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$2,052.00 | \$2,012.00 | | |
| (\$40.00 outstanding) | | | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-112



BUSINESS LAID OVER

| | |
|---------------|--|
| SDAB-D-16-093 | An appeal by Pro Consulting Design & Build to construct and operate a Child Care Services Use Building (95 children – 12, 0-11 months/15, 12-19 months/14, 19 months – 3 years/22, 3 – 4.5 years/15, 4.5 – 6 years/ 17, 6-12 years) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping) <i>May 13, 2016</i> |
| 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> |