

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 9, 2018**

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

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

I	9:00 A.M.	SDAB-D-18-066	Construct a Semi-detached House with veranda, fireplaces, and to demolish an existing Single Detached House and detached Garage. 10917 - 68 Avenue NW Project No.: 269447746-001
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II	10:30 A.M.	SDAB-D-18-067	Leave as built an Accessory Building (rear detached Garage, 7.44 metres by 7.44 metres) 13448 - 62 Street NW Project No.: 275246885-002
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III	1:30 P.M.	SDAB-S-18-005	Ceate one (1) additional Single Detached Residential Lot. 11924 - 136 Street NW Project No.: 272854181-001
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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-18-066

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 269447746-001

APPLICATION TO: Construct a Semi-detached House with veranda, fireplaces, and to demolish an existing Single Detached House and detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 3, 2018

DATE OF APPEAL: April 16, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10917 - 68 Avenue NW

LEGAL DESCRIPTION: Plan 5881AL Blk 4 Lot 52

ZONE: (RF5) Row Housing Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Grounds for Appeal

The Appellant did not provide reasons for filing the appeal. The Appellant provided a copy of the refused development permit.

General Matters

Appeal Information:

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

Grounds for Appeal
685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

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

Hearing and Decision

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

...

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

...

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

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 160.1 states that the **General Purpose** of the **(RF5) Row Housing Zone** is to provide for relatively low to medium density housing, generally referred to as Row Housing.

Section 823.1 that the **General Purpose** of the **Mature Neighbourhood Overlay** is to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Discretionary Use

Under section 160.2(4), **Semi-detached Housing**, on a Site of 1.4 hectares or less, is a **Permitted Use**, in the **(RF5) Row Housing Zone**.

Under section 7.2(7), **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 does not include Secondary Suites or Duplexes.

Site Area and Site Width

Section 160.4(3) states Site Area and Site Dimensions for individual Dwelling shall be in accordance with Table 160.4(3).

Table 160.4(3) Site Area and Site Dimensions			
	Minimum Site Area ¹	Minimum Site Width	Minimum Site Depth ¹
(c) Semi-detached Housing, each Dwelling	<u>210 m²</u>	<u>6.7 m</u>	<u>30.0 m</u>

Development Officer’s Determination

1. Site Area - The area of the site is 400.95m² instead of 420.0m² (Section 160.4.3).
2. Site Width - The width of the site is 10.06m instead of 13.4m (Section 160.4.3).


109 Street Corridor Area Redevelopment Plan

Development Officer’s Determination

NOTE: this site is subject to the 109 Street Corridor Area Redevelopment Plan. Within this plan, this site is designated as part of the 'Medium Scale Residential District' (page 18). As per relevant policies in Section 3.3 of the plan, this site is designated for Row Housing (page 34 - 44). Semi-Detached Housing is not a supported Use.

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: 269447746-001 Application Date: DEC 05, 2017 Printed: April 17, 2018 at 7:25 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 <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 10917 - 68 AVENUE NW Plan 5881AL Blk 4 Lot 52 <hr/> Specific Address(es) Entryway: 1, 10917 - 68 AVENUE NW Entryway: 2, 10917 - 68 AVENUE NW Building: 1, 10917 - 68 AVENUE NW																									
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 2 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: 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: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. Site Area - The area of the site is 400.95m² instead of 420.0m² (Section 160.4.3). 2. Site Width - The width of the site is 10.06m instead of 13.4m (Section 160.4.3). <p>NOTE: this site is subject to the 109 Street Corridor Area Redevelopment Plan. Within this plan, this site is designated as part of the 'Medium Scale Residential District' (page 18). As per relevant policies in Section 3.3 of the plan, this site is designated for Row Housing (page 34 - 44). Semi-Detached Housing is not a supported Use.</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.																										
Issue Date: Apr 03, 2018 Development Authority: ROBINSON, GEORGE 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: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$200.00</td> <td style="text-align: right;">\$200.00</td> <td style="text-align: right;">04673675</td> <td style="text-align: right;">Dec 05, 2017</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$475.00</td> <td style="text-align: right;">\$475.00</td> <td style="text-align: right;">04673675</td> <td style="text-align: right;">Dec 05, 2017</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$280.00</td> <td style="text-align: right;">\$280.00</td> <td style="text-align: right;">04673675</td> <td style="text-align: right;">Dec 05, 2017</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$1,566.00</td> <td style="text-align: right;">\$1,566.00</td> <td style="text-align: right;">04673675</td> <td style="text-align: right;">Dec 05, 2017</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Development Permit Inspection Fee	\$200.00	\$200.00	04673675	Dec 05, 2017	Dev. Application Fee	\$475.00	\$475.00	04673675	Dec 05, 2017	Lot Grading Fee	\$280.00	\$280.00	04673675	Dec 05, 2017	Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	04673675	Dec 05, 2017
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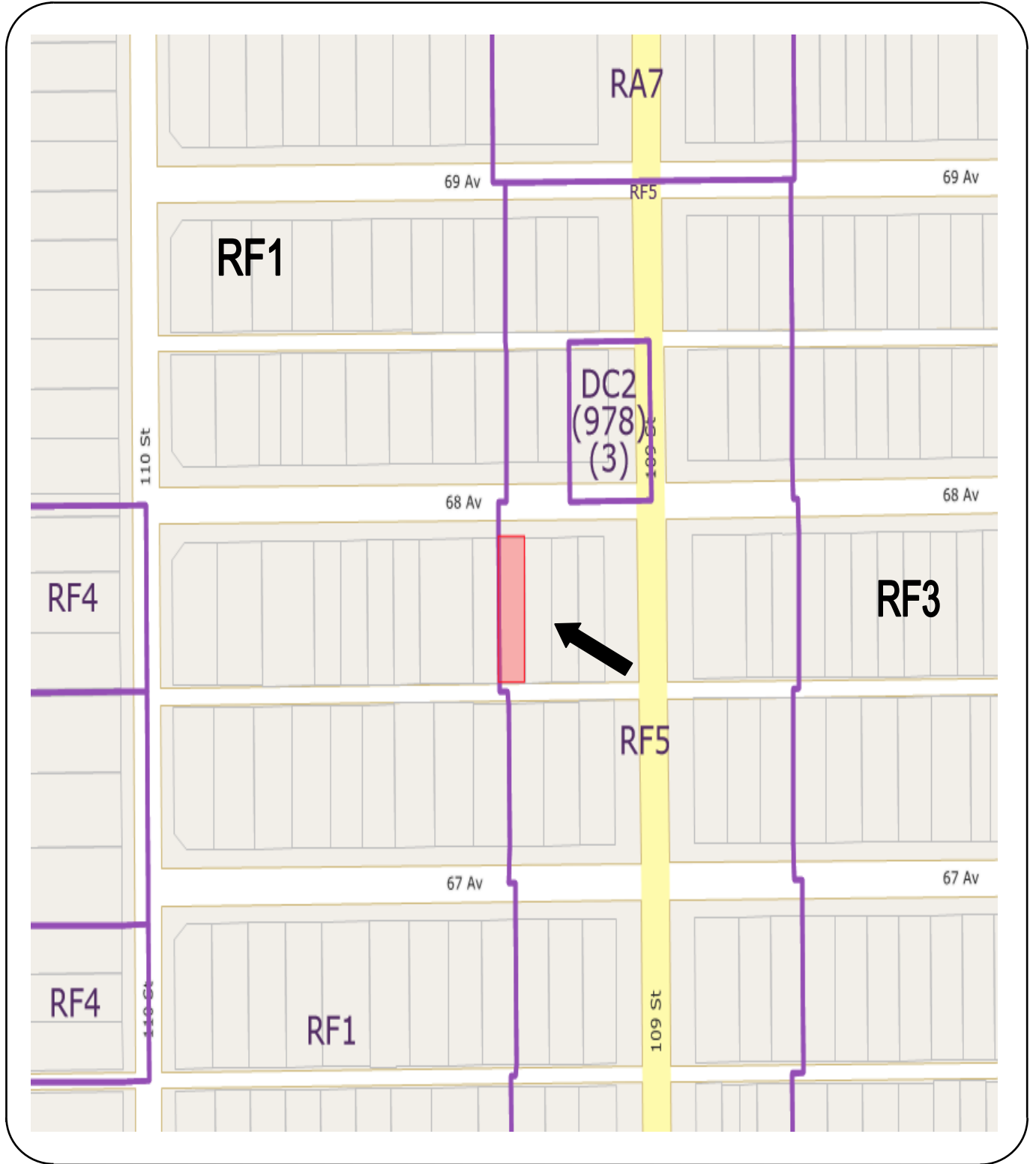
Project Number: **269447746-001**
Application Date: DEC 05, 2017
Printed: April 17, 2018 at 7:25 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,521.00</u>	<u>\$2,521.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-066



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-067

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 275246885-002

APPLICATION TO: Leave as built an Accessory Building
(rear detached Garage, 7.44 metres by
7.44 metres)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 18, 2018

DATE OF APPEAL: April 19, 2018

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 13448 - 62 Street NW

LEGAL DESCRIPTION: Plan 0523520 Unit 3

ZONE: DC2.614(A) Site Specific Development
Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

Got approved to build a detached 24x24 garage in 2009. Due to financial crisis I decided to build it myself in stages. After completion in 2013 got it inspected and passed. In 2018 applied for Real property report compliance certificate so as to sell the house and was informed that it was 24' 4 inches on each side. I investigated on it and found out that it is true that I did not consider the side trimmings & Hardi Plank width while building it. Due to that effect it has a reduced set back to back alley by 0.18 m or 7 inches and so has a total variance of 0.8% to the total site coverage of accessory building. Applied to leave it as built by minor development permit changes and got refused. In reality if you look from any where in back alley, garage seems to flush with all other garages without any protrusion.

Even though I did a non-intentional genuine mistake I would like to appeal the refusal of the minor development permit due to the fact that it is only a few inches difference and visually it is impossible to tell that the garage is protruding. Please consider a few inches mistakes of a non-professional homeowner and allow to leave it as built rather than breaking it. Thankfully and respectfully homeowner.

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

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

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) ...

- (b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the *Edmonton Zoning Bylaw*

Section DC2.614.3.d states **Single Detached Housing** is a **Listed Use** in the DC2.614(A) Site Specific Development Control Provision.

Section DC2.614.1 states the **General Purpose** of the **DC2.614 Site Specific Development Control Provision** is to accommodate low and medium density housing uses, with site specific development regulations applied in a manner sensitive in scale and design to surrounding existing developments, while maintaining the character and pedestrian streetscape of this established neighbourhood.

Site Coverage

Section DC2.614.4(i) states the maximum total Site Coverage shall not exceed 47 percent with a maximum of 35 percent for a principal building, and a maximum Site Coverage of 17 percent for Accessory buildings.

Development Officer's Determination

Site Coverage - The Accessory Building (rear detached garage) covers 17.8% of the site, instead of 17% (Section DC2.614.4.i).

Rear Setback

Section DC2.614.4.1 states Parking shall be provided at the rear of each Dwelling with access from the private lane. The distance from the Rear Lot Line to a detached Garage where the vehicle doors face the lane shall be 1.2 metres

Development Officer's Determination

Reduced Rear Setback - The distance from the Accessory Building (rear detached garage) to the rear property line (abutting the alley) is 1.02m instead of 1.2m (Section DC2.614.4.1).

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*.



Application for Minor Development Permit

Project Number: **275246885-002**
 Application Date: MAR 07, 2018
 Printed: April 18, 2018 at 8:40 AM
 Page: 1 of 1

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

Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 13448 - 62 STREET NW Plan 0523520 Unit 3 <hr/> Specific Address(es) Entryway: 13448 - 62 STREET NW Building: 13448 - 62 STREET NW
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Scope of Application
 To leave as built an Accessory Building (rear detached Garage, 7.44m x 7.44m).

Permit Details # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built (Accessory Bldg.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused
Reason for Refusal
 Site Coverage - The Accessory Building (rear detached garage) covers 17.8% of the site, instead of 17% (Section DC2.614.4.i).

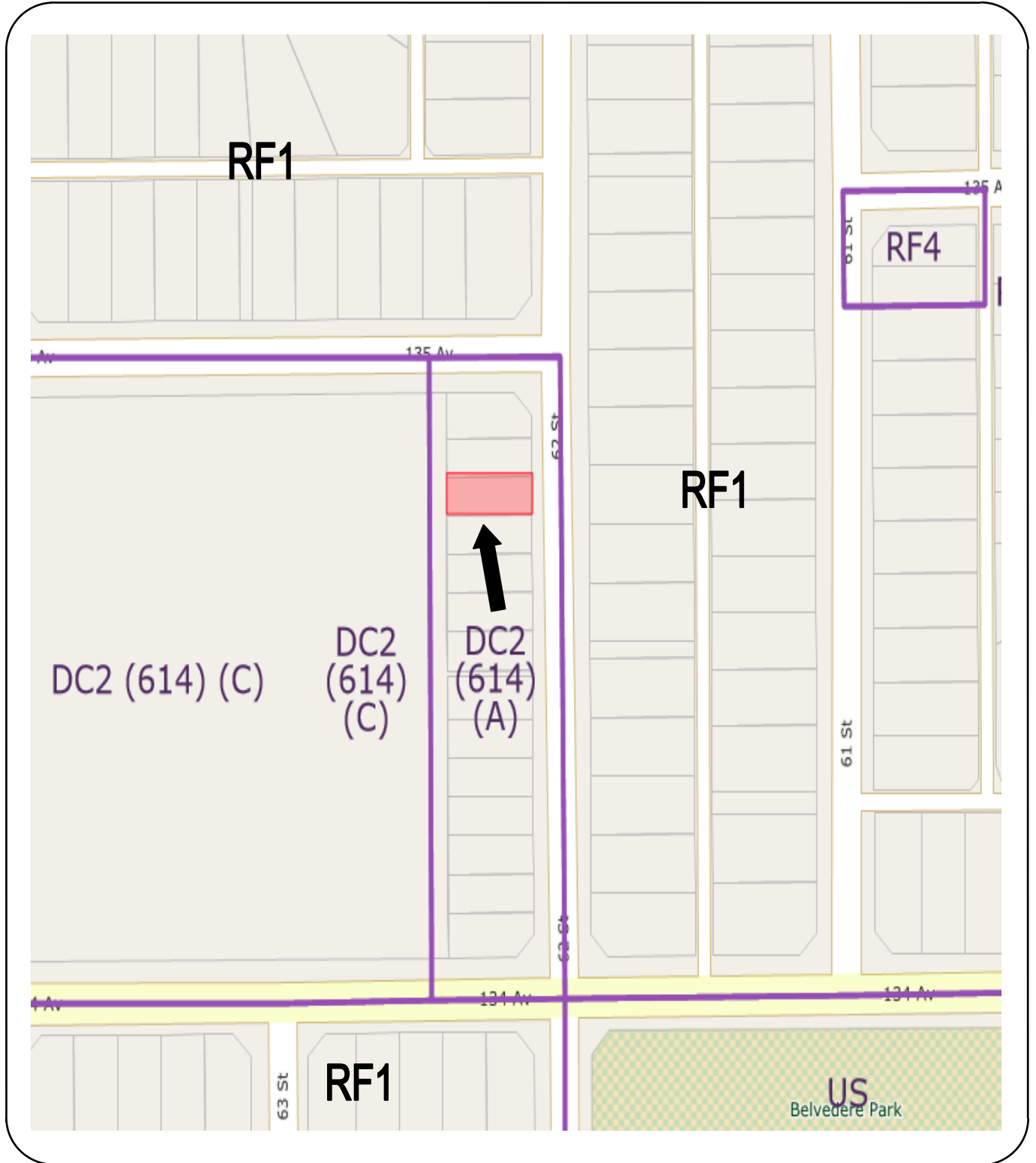
 Reduced Rear Setback - The distance from the Accessory Building (rear detached garage) to the rear property line (abutting the alley) is 1.02m instead of 1.2m (Section DC2.614.4.l).

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: Apr 18, 2018 **Development Authority:** BERNUY, MICHELLE **Signature:** _____

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$110.00	\$110.00	04839790	Mar 07, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$110.00	\$110.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-067



ITEM III: 1:30 P.M.

FILE: SDAB-S-18-005

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 272854181-001

APPLICATION TO: Create one (1) additional Single Detached Residential Lot

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: March 29, 2018

DATE OF APPEAL: April 13, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11924 - 136 Street NW

LEGAL DESCRIPTION: Plan 2639KS Blk 15 Lot 31

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 Subdivision Authority:

Given the previous approval of the subdivision of the lot, though along different property lines, this new application would have no observable effect to the planned development. My neighbourhood consultation (door to door, 60 m radius) has discovered no issue with the build planned.

General Matters

Appeal Information:

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

Appeals

678(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

- (a) by the applicant for the approval,
- (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,
- (c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or
- (d) by a school board with respect to
 - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
 - (ii) the location of school reserve allocated to it, or
 - (iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

- (a) with the Municipal Government Board
 - (i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the Public Lands Act,
 - (ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or
 - (iii) in any other circumstances described in the regulations under section 694(1)(h.2),

or

- (b) in all other cases, with the subdivision and development appeal board.

(2.1) Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

(3) For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

(4) A notice of appeal under this section must contain

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

(5) If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

Hearing and decision

680(1) The board hearing an appeal under section 678 is not required to hear from any person or entity other than

- (a) a person or entity that was notified pursuant to section 679(1), and
- (b) each owner of adjacent land to the land that is the subject of the appeal,

or a person acting on any of those persons' behalf.

(1.1) For the purposes of subsection (1), “adjacent land” and “owner” have the same meanings as in section 653.

(2) In determining an appeal, the board hearing the appeal

- (a) must act in accordance with any applicable ALSA regional plan;

- (a.1) must have regard to any statutory plan;
- (b) must conform with the uses of land referred to in a land use bylaw;
- (c) must be consistent with the land use policies;
- (d) must have regard to but is not bound by the subdivision and development regulations;
- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
- (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

Approval of application

654(1) A subdivision authority must not approve an application for subdivision approval unless

- (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,
- (c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and
- (d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.

(1.1) A decision of a subdivision authority must state

- (a) whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
- (b) if an application for subdivision approval is refused, the reasons for the refusal.

(1.2) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans, section 638 applies in respect of the conflict or inconsistency.

(2) A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

- (a) the proposed subdivision would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.

(3) A subdivision authority may approve or refuse an application for subdivision approval.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states the **General Purpose** of the **(RF1) Single Detached Residential Zone** is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

Section 110.4(1)(c) states the minimum Site depth shall be 30.0 metres.

<i>Previous Subdivision and Development Appeal Board Decision</i>

Application Number	Description	Decision
SDAB-S-17-001	To create two detached single family dwelling lots from one detached single family dwelling lots to allow for the construction of one additional detached single family dwelling.	January 26, 2017; the appeal is ALLOWED and the decision of the Subdivision Authority REVOKED. The subdivision is GRANTED as applied for to the Subdivision Authority, subject to the following

		<p>CONDITIONS:</p> <ol style="list-style-type: none"> 1. That the owner obtain a permit to demolish the existing garage (or make arrangements with Development Services to leave as is) prior to endorsement of the final plan. Demolition permits can be obtained from Development Services; and 2. That the owner make satisfactory arrangements with Drainage Planning and Engineering for the provision of separate services (water and sanitary) to the proposed lots. These arrangements shall include the elimination of cross lot overland drainage that will occur as a result of this subdivision and all necessary sewer main extensions at the owner's expense. (Contact Water and Sewer Servicing at 780-496-5444).
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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*.



Subdivision Authority

7th Floor, Edmonton Tower
10111 – 104 Avenue NW
Edmonton, Alberta T5J 0J4

March 29, 2018

File No. LDA18-0053

RE: Tentative plan of subdivision to create one (1) additional single detached residential lot from Lot 31, Block 15, Plan 2639 KS located south of 122 Avenue NW and west of 135 Street NW;
DOVERCOURT

The Subdivision by Plan is **REFUSED** on March 29, 2018 for the following reason(s):

1. The proposed subdivision does not comply with the minimum Development Regulations identified in Section 110 of the City of Edmonton Zoning Bylaw. The minimum site depth identified in the RF1 (Single Detached Residential) Zone for permitted and discretionary uses is 30.0 metres. The averaged lot depth of proposed Lot 33 is 20.65 metres and therefore deficient in depth by 9.35 metres, or 31.16%;
2. When an application for subdivision is submitted for consideration, the Subdivision Authority is charged with the responsibility to ensure that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land (Section 654 of the Municipal Government Act).

The proposal will result in site depths that are uncharacteristically smaller when compared to properties on the block face. For example, the site depths on the block face range from 36.58 metres to 56.97 metres. The averaged lot depth of proposed Lot 33 is 20.65 metres, which is significantly smaller than lots characteristic to the block face.

Therefore, it is the position of the Subdivision Authority that the proposed subdivision would not comply with Section 654 of the Municipal Government Act; and

3. The proposed "flag lot" configuration of Lot 34 is not acceptable to the Subdivision Authority. The narrow 3.05 metre wide portion of the proposed lot is an attempt to address the fact that, before the "flag lot" configuration, the proposed lot did not border the adjacent sanitary sewer main. Creating an irregular lot is not the preferred solution to this problem, and in addition, it reduces the size and development potential of proposed Lot 33. The Subdivision Authority contends that when the Subdivision and Development Appeal Board allowed a previous appeal on this property (SDAB-S-17-001), it correctly addressed the servicing deficiency by requiring "all necessary sewer main extensions."

Please be advised that an appeal may be lodged in accordance to Section 678 of the Municipal Government Act with the Subdivision and Development Appeal Board, 10019 – 103 Avenue NW, Edmonton Alberta, T5J 0G9, within 14 days from the date of the receipt of this decision. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.

If you have further questions, please contact Gilbert Quashie-Sam at gilbert.quashie-sam@edmonton.ca or 780-496-6295.

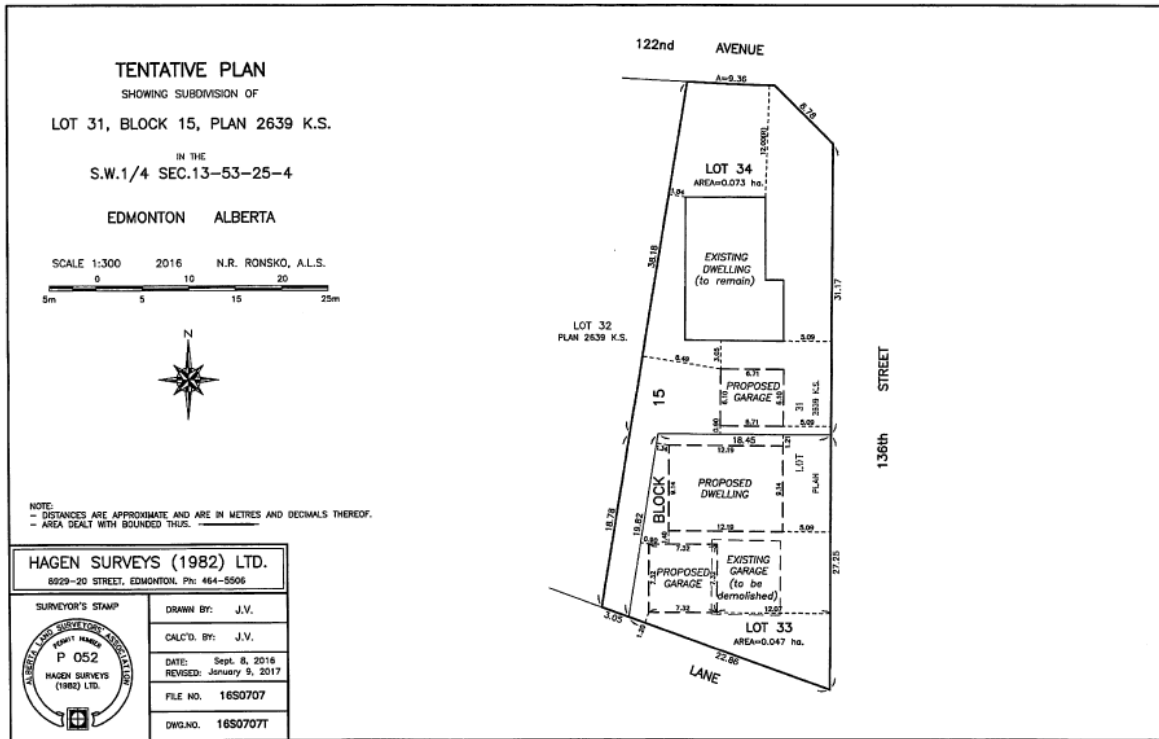
Regards,

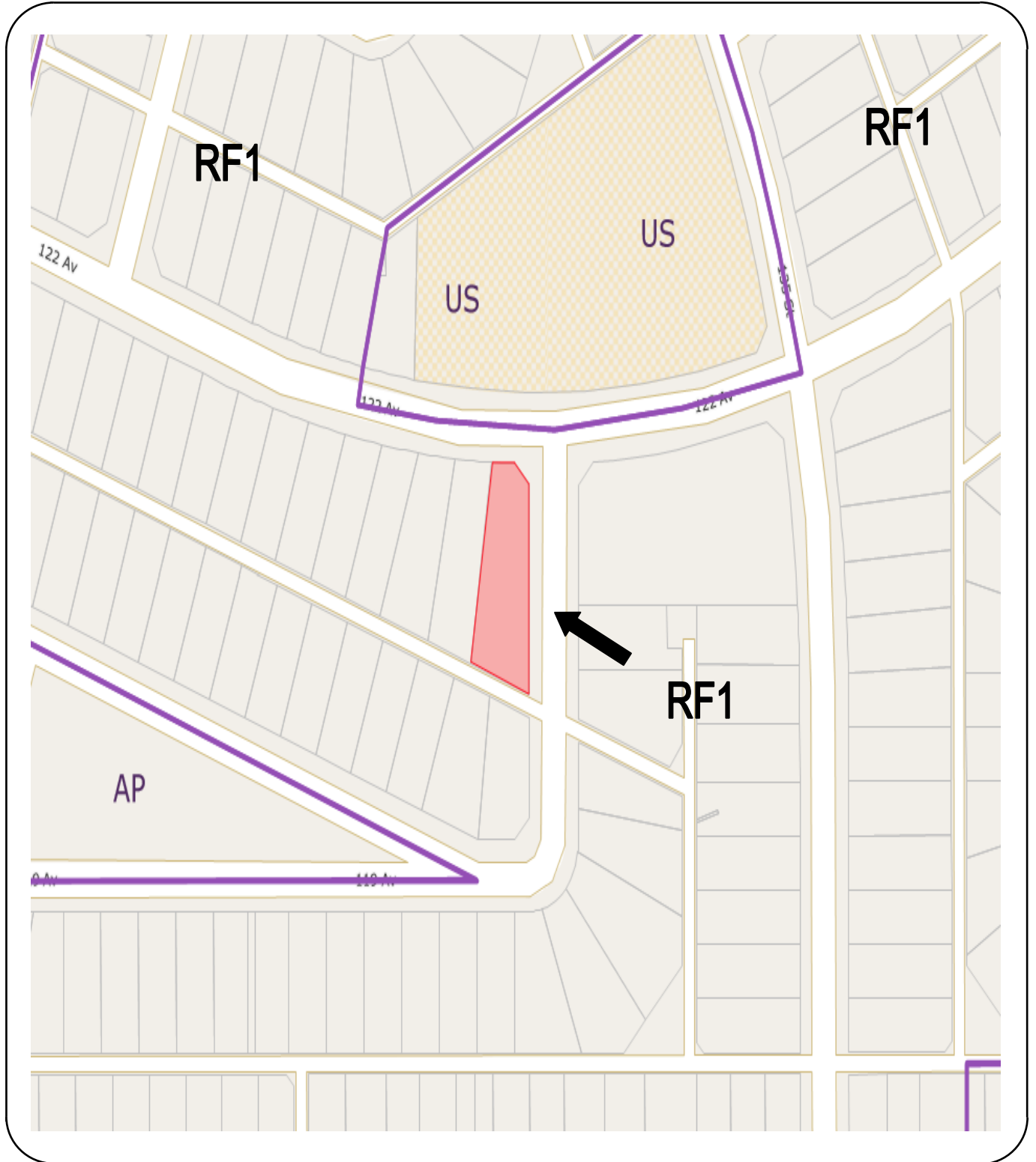


Blair McDowell
Subdivision Authority

BM/gq/Posse #272854181-001

Enclosure(s)





SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-S-18-005

