

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
November 24, 2016**

**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-16-299

To construct a two-Storey Accessory Building (Garage Suite on second floor, Garage on main floor; 7.62 metres by 8.61 metres).

15633 - 100A Avenue NW  
Project No.: 227498417-001

---

---

II    10:30 A.M.     SDAB-D-16-300

To construct a Semi-detached House with rear uncovered decks (2.13 metres by 1.22 metres), second floor balcony, and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and an Accessory Building (rear detached Garage).

11233 - 78 Avenue NW  
Project No.: 225488673-001

---

---

III   1:30 P.M.     SDAB-S-16-003

To create one (1) additional rural residential Lot

18650 - 8A Avenue SW  
Project No.: 227399461-001 / LDA16-0363

---

**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-16-299

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 227498417-001

APPLICATION TO: Construct a two-Storey Accessory Building (Garage Suite on second floor, Garage on main floor; 7.62 metres by 8.61 metres).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 1, 2016

DATE OF APPEAL: November 1, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15633 - 100A Avenue NW

LEGAL DESCRIPTION: Plan 2586AZ Blk 1C Lot 25

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

---

***Grounds for Appeal***

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

We are appealing because in this neighbourhood there is garage suites approved before this new Jasper Place Redevelopment Plan came into effect. Our development officer said he has no problem with our submission and would've approved this no problem up until this new JPRP came out. So we are appealing basically because garage suites have been approved in this area similar to our project. Thanks

**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

...

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

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

- (i) the proposed development would not
  - (A) unduly interfere with the amenities of the neighbourhood, or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 110.3(3), a **Garage Suite** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

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 Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

...to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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.

**Development Officer's Determination:**


**Discretionary Use - This property is subject to the statutory Jasper Place Area Redevelopment Plan. Because Garage Suites are Discretionary in the RF1 Zone, the Development Officer must consider the Council adopted policy direction outlined in the plan. In this case, the proposed development does not comply with the future intent of the property for multi-storey mixed use development. Information regarding this can be found on Page 49, 53, 65 & 69. [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: <b>227498417-001</b> Application Date: AUG 03, 2016 Printed: November 1, 2016 at 8:48 AM Page: 1 of 2																														
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																															
This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.																															
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 15633 - 100A AVENUE NW Plan 2586AZ Blk 1C Lot 25  <b>Location(s) of Work</b> Entryway: 15633A - 100A AVENUE NW Building: 15633A - 100A AVENUE NW																														
<b>Scope of Application</b> To construct a 2 storey Accessory Building (Garage Suite on 2nd floor, Garage on main floor; 7.62m x 8.61m).																															
<b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;">                     Affected Floor Area (sq. ft.): 627.5                      Class of Permit:                      Front Yard (m):                      Rear Yard (m):                      Side Yard, left (m):                      Site Area (sq. m.):                      Site Width (m):                 </td> <td style="width: 50%; border: none; vertical-align: top;">                     Building Height to Midpoint (m):                      Dwelling Type: Garage Suite                      Home Design Type:                      Secondary Suite Included?: N                      Side Yard, right (m):                      Site Depth (m):                      Stat. Plan Overlay/Annex Area:                 </td> </tr> </table>		Affected Floor Area (sq. ft.): 627.5 Class of Permit: Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m):	Building Height to Midpoint (m): Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area:																												
Affected Floor Area (sq. ft.): 627.5 Class of Permit: Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m):	Building Height to Midpoint (m): Dwelling Type: Garage Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area:																														
I/We certify that the above noted details are correct. Applicant signature: _____																															
<b>Development Application Decision</b> Refused  <b>Reason for Refusal</b> Discretionary Use - This property is subject to the statutory Jasper Place Area Redevelopment Plan. Because Garage Suites are Discretionary in the RF1 Zone, the Development Officer must consider the Council adopted policy direction outlined in the plan. In this case, the proposed development does not comply with the future intent of the property for multi-storey mixed use development. Information regarding this can be found on Page 49, 53, 65 & 69.  <b>Rights of Appeal</b> 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: Nov 01, 2016    Development Authority: LEE, CHRISTIAN    Signature: _____																															
<b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 15%;">Receipt #</th> <th style="width: 25%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td>\$135.00</td> <td>\$135.00</td> <td>03494175</td> <td>Aug 03, 2016</td> </tr> <tr> <td>Electrical Fees (House)</td> <td>\$218.00</td> <td>\$218.00</td> <td>03494175</td> <td>Aug 03, 2016</td> </tr> <tr> <td>Electrical Fee (Service)</td> <td>\$77.00</td> <td>\$77.00</td> <td>03494175</td> <td>Aug 03, 2016</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund</td> <td>\$693.00</td> <td>\$693.00</td> <td>03494175</td> <td>Aug 03, 2016</td> </tr> <tr> <td>Building Permit Fee</td> <td>\$1,043.00</td> <td>\$1,043.00</td> <td>03494175</td> <td>Aug 03, 2016</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$135.00	\$135.00	03494175	Aug 03, 2016	Electrical Fees (House)	\$218.00	\$218.00	03494175	Aug 03, 2016	Electrical Fee (Service)	\$77.00	\$77.00	03494175	Aug 03, 2016	Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03494175	Aug 03, 2016	Building Permit Fee	\$1,043.00	\$1,043.00	03494175	Aug 03, 2016
	Fee Amount	Amount Paid	Receipt #	Date Paid																											
Lot Grading Fee	\$135.00	\$135.00	03494175	Aug 03, 2016																											
Electrical Fees (House)	\$218.00	\$218.00	03494175	Aug 03, 2016																											
Electrical Fee (Service)	\$77.00	\$77.00	03494175	Aug 03, 2016																											
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03494175	Aug 03, 2016																											
Building Permit Fee	\$1,043.00	\$1,043.00	03494175	Aug 03, 2016																											
<b>THIS IS NOT A PERMIT</b>																															



Project Number: 227498417-001  
Application Date: AUG 03, 2016  
Printed: November 1, 2016 at 8:48 AM  
Page: 2 of 2

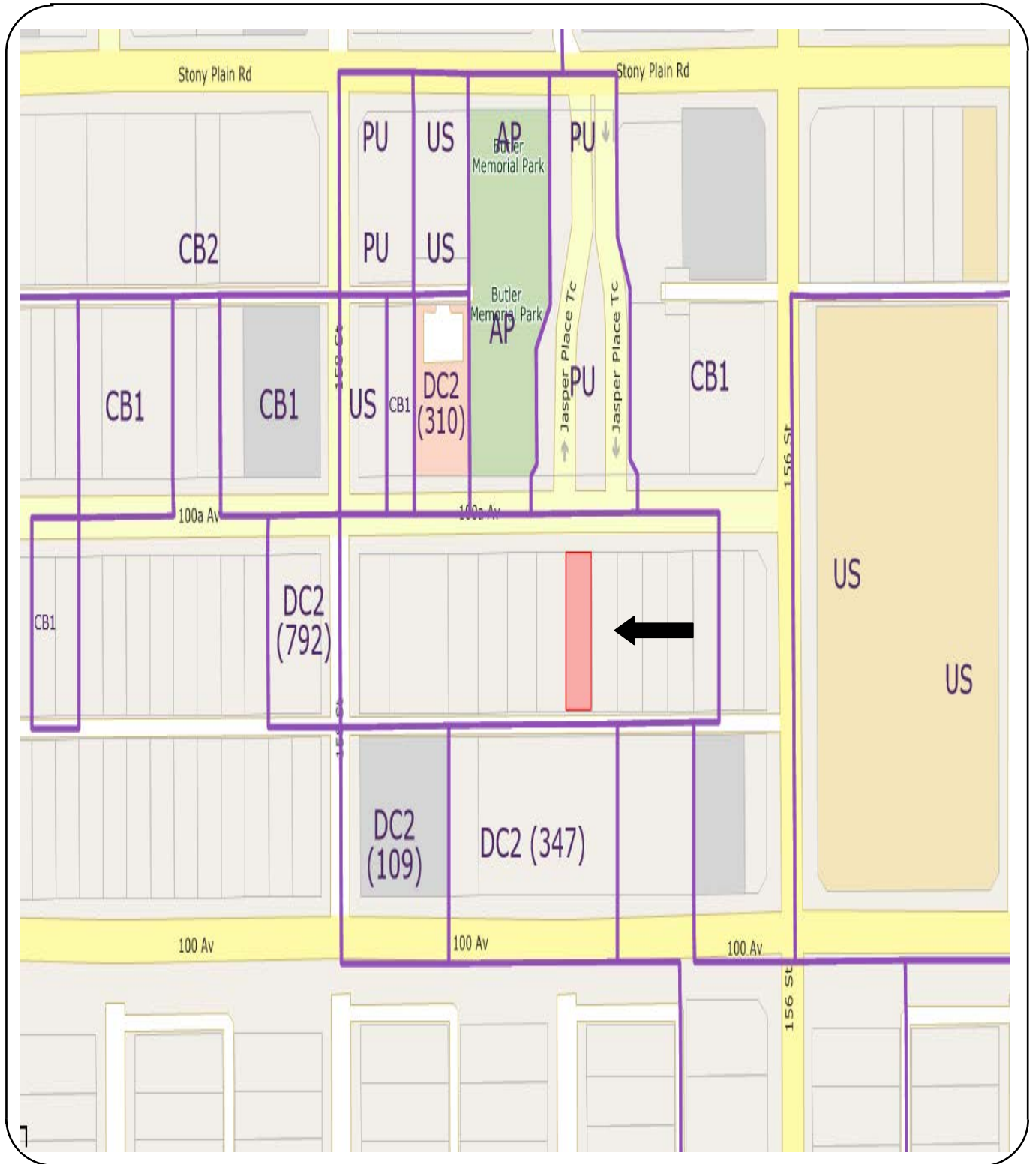
## Application for House Development and Building Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Safety Codes Fee	\$41.72	\$41.72	03494175	Aug 03, 2016
Electrical Safety Codes Fee	\$13.22	\$13.22	03494175	Aug 03, 2016
Water Usage Fee	\$25.41	\$25.41	03494175	Aug 03, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,246.35	\$2,246.35		

**THIS IS NOT A PERMIT**





**SURROUNDING LAND USE DISTRICTS**

Site Location



File: SDAB-D-16-299



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-300

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 225488673-001

APPLICATION TO: Construct a Semi-detached House with rear uncovered decks (2.13 metres by 1.22 metres), second floor balcony, and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and an Accessory Building (rear detached Garage).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 2, 2016

DATE OF APPEAL: November 3, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11233 - 78 Avenue NW

LEGAL DESCRIPTION: Plan 169HW Blk 11 Lot F

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan / Belgravia Station Area Redevelopment Plan

---

***Grounds for Appeal***

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

We are appealing our proposed duplex because there are very similar projects in this neighbourhood that got approved. We feel like we aren't asking for much considering the influx of infills in this area and the developments already going on or that are up in this neighbourhood

**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

...

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

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

- (i) the proposed development would not
  - (A) unduly interfere with the amenities of the neighbourhood, or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

**General Provisions from the *Edmonton Zoning Bylaw*:**

Under section 140.2(8), **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under section 7.2(8), **Semi-detached Housing** means:

development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

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.

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 814.3(13) states “the maximum Height shall not exceed 8.6 m, in accordance with Section 52.”

Section 52.2(c) states “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.”

Under section 6.1(50), **Height** means “a vertical distance between two points.”

**Development Officer’s Determination:**

- 1. Height - The overall Height of the House is 9.67m to the midpoint of the roof, instead of 8.60m (Reference Section 814.3(13))**
- 2. Height - The ridge line of the roof is 1.57m above the maximum permitted building Height, instead of 1.5m (Reference Section 52.2(c) [unedited]).**

***Dormer width***

Section 814.3(15) states “when a structure is more than 7.5 m in Height, the width of any one dormer shall not exceed 3.1 m. In the case of more than one dormer, the aggregate total width shall not exceed one third of the length of the building’s wall in which the dormers are located, excluding attached Garage walls.”

**Development Officer’s Determination:**

- 3. Dormer Width - The width of the front dormer is 9.37m, instead of 3.10m. The width of the rear dormer is 7.32m, instead of 3.10m (Reference Section 814.3(15)) [unedited].**

***Site Width***

Section 140.4(3)(b) states the following with respect to Site regulations for Semi-detached Housing:

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.

Under section 6.1(99), **Site Width** means “the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.”

**Development Officer's Determination:**

**4. Site Width - The width of the site is 12.49m instead of 13.40m  
(Section 140.3(3)(b)) [unedited].**

***Community Consultation***

Section 814.3(24) states:

When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:

- 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 to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

---

**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: **225488673-001**  
 Application Date: JUL 06, 2016  
 Printed: November 10, 2016 at 10:20 AM  
 Page: 1 of 2

## Application for Minor Development Permit

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

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 11233 - 78 AVENUE NW Plan 169HW Blk 11 Lot F
	<b>Specific Address(es)</b> Entryway: 11233 - 78 AVENUE NW Entryway: 11235 - 78 AVENUE NW Building: 11233 - 78 AVENUE NW

**Scope of Application**  
 To construct a Semi-detached House with rear uncovered decks (2.13m x 1.22m), 2nd floor balcony, and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and an Accessory Building (rear detached Garage).

**Permit Details**

# of Dwelling Units Add/Remove: 2 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
---	--

**THIS IS NOT A PERMIT**

I/We certify that the above noted details are correct.  
 Applicant signature: \_\_\_\_\_

**Development Application Decision**  
 Refused

**Reason for Refusal**

1. Height - The overall Height of the House is 9.67m to the midpoint of the roof, instead of 8.60m (Reference Section 814.3(13))
2. Height - The ridge line of the roof is 1.57m above the maximum permitted building Height, instead of 1.5m (Reference Section 52.2(c))
3. Dormer Width - The width of the front dormer is 9.37m, instead of 3.10m. The width of the rear dormer is 7.32m, instead of 3.10m (Reference Section 814.3(15))
4. Site Width - The width of the site is 12.49m instead of 13.40m (Section 140.3(3)(b))

**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: Nov 02, 2016    Development Authority: LANGILLE, BRANDON    Signature: \_\_\_\_\_

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$270.00	\$270.00	03421052	Jul 06, 2016



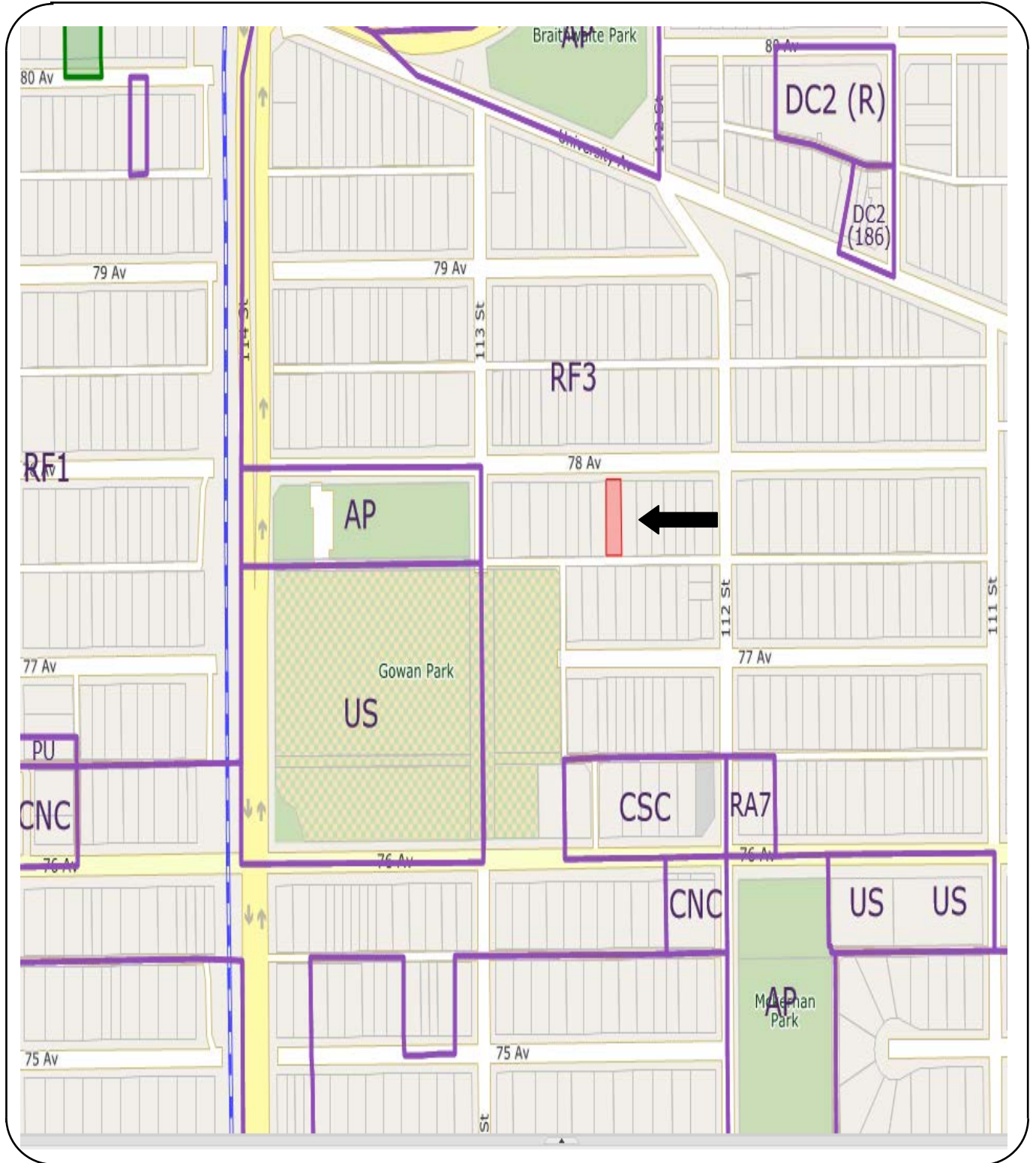
Project Number: **225488673-001**  
Application Date: JUL 06, 2016  
Printed: November 10, 2016 at 10:20 AM  
Page: 2 of 2

## Application for Minor Development Permit

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03421052	Jul 06, 2016
Dev. Application Fee	\$456.00	\$456.00	03421052	Jul 06, 2016
DP Notification Fee	\$41.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,333.00</u>	<u>\$2,292.00</u>		
(\$41.00 outstanding)				





### SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-300



ITEM III: 1:30 P.M.

FILE: SDAB-S-16-003

AN APPEAL FROM THE DECISION OF THE SUBDIVISION AUTHORITY

APPELLANT:

APPLICATION NO.: 227399461-001 / LDA16-0363

APPLICATION TO: Create one (1) additional rural residential Lot

DECISION OF THE SUBDIVISION AUTHORITY: Refused

DECISION DATE: October 27, 2016

DATE OF APPEAL: October 31, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 18650 - 8A Avenue SW

LEGAL DESCRIPTION: Plan 9022286 Blk 1 Lot 6A

ZONE: (RR) Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Windermere Area Structure Plan  
Windermere Neighbourhood Structure Plan

***Grounds for Appeal***

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

The subdivision acts in compliance with the intent of the Windermere Neighbourhood Plan and the proposed use acts in conformance the City of Edmonton Zoning Bylaw (RR) Rural Residential.

***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 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*, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations, or
- (b) in all other cases, with the subdivision and development appeal board.

**(2.1)** ...

**(3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be 5 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(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.

#### **General Provisions from the *Edmonton Zoning Bylaw*:**

Section 240.1 states that the **General Purpose** of the **(RR) Rural Residential Zone** is:

...to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Section 240.4(1) states “the minimum Site Area shall be 1.0 ha.”

---

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

5th Floor,  
10250 - 101 Street NW  
Edmonton, Alberta T5J 3P4

October 27, 2016

File NO. LDA16-0363

RE: Tentative plan of subdivision to create one (1) additional rural residential lot from Lot 6A, Block 1, Plan 902 2286, located north of Ellerslie Road SW and west of 8A Avenue SW;  
**WINDERMERE**

---

**I The Subdivision by Plan be REFUSED on October 27, 2016, for the following reasons:**

1. the land use designation of the subject lot, as specified in Figure 5.0 - Development Concept of the Windermere Neighbourhood Structure Plan (NSP) (Bylaw 16472), is "Existing Country Residential. The subdivision does not comply with Section 3.1 - Development Goals of the Windermere NSP which states "The Windermere NSP aspires to [...] [p]rotect the existing character of country residential communities through appropriate urban design (i.e. transitional land use, site planning and design);"
2. the subdivision does not comply with Section 4.1.1 - Country Residential Estate of the Windermere NSP which states "Windermere, Windermere Ridge and Westpoint Estates comprise existing country residential estate development within the plan boundary. These areas run north to the southern boundary of the plan along the North Saskatchewan River Valley top-of-bank. These residences form part of this area's early history and are expected to remain country residential. They are not intended to be further subdivided;"
3. the zoning of the subject lot is (RR) Rural Residential Zone and is therefore subject to the regulations of Section 240 of the Edmonton Zoning Bylaw 12800. The subdivision does not comply with Section 240.1 of the Edmonton Zoning Bylaw 12800 which states "The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan;"
4. the subject lot is 0.52 ha and the proposed lots are 0.26 ha. Therefore, the subdivision does not comply with Section 240.4(1) of the Edmonton Zoning Bylaw 12800 which states "The minimum Site Area shall be 1.0 ha;" and

5. a storm and sanitary servicing report was identified as a requirement to review this subdivision. The required report was not provided. Therefore, City of Edmonton Drainage Planning and Engineering does not support the subdivision.

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 five (5) days from the date the decision is mailed.

If you have further questions, please contact Kyle Witiw at 780-442-4308 or [kyle.witiw@edmonton.ca](mailto:kyle.witiw@edmonton.ca).

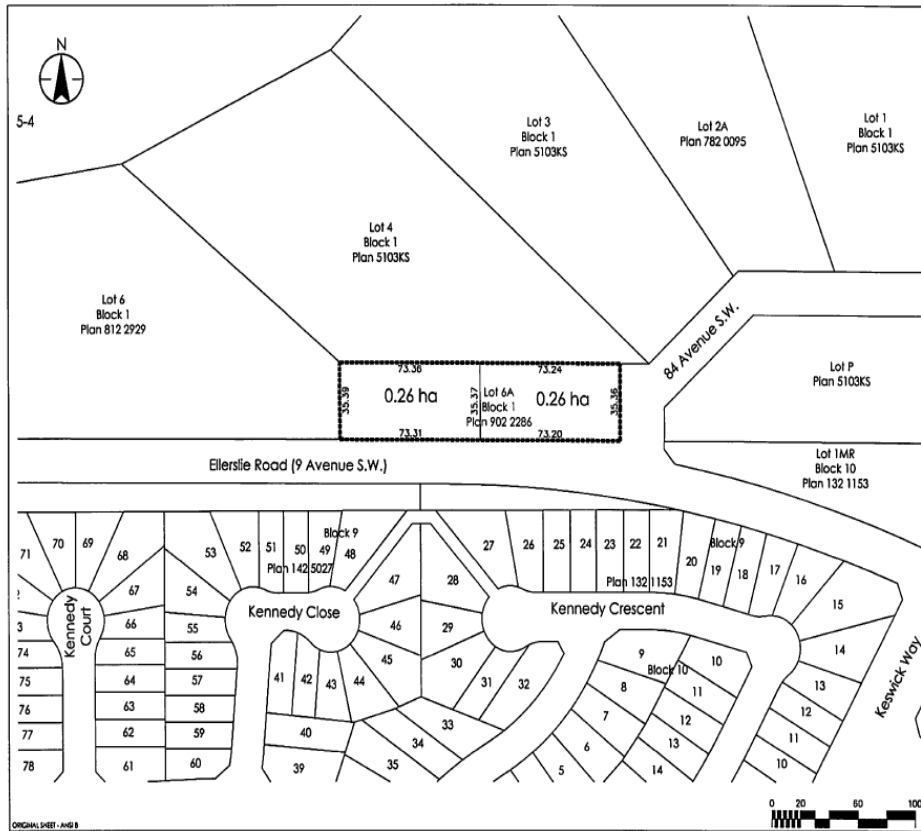
Yours truly,



Blair McDowell  
Subdivision Authority

BM/kw/Posse #227399461-001

Enclosure(s)



**Stantec**

10140-112 Street  
Edmonton, AB T5K 2L6  
Tel. 780.917.7000  
www.stantec.com

Copyright Reserved  
The Contractor shall be responsible for all dimensions, DO NOT scale the drawings. The area is reserved and is not to be stored without date.  
The Contractor shall be responsible for the accuracy of the drawings. Reproduction or use for any purpose other than that authorized by Stantec is prohibited.

Notes:  
All distances are expressed in metres and decimals thereof.  
Area to be subdivided outlined in black and contains approximately 1.52 hectares, including 2 residential lots.

Revision	No.	Date

Client/Project:  
AL HENDRIKS  
PLAN SHOWING PROPOSED SUBDIVISION  
OF LOT 6A, BLOCK 1, PLAN 9022286  
Edmonton, AB

Title:  
TENTATIVE PLAN OF SUBDIVISION  
WINDERMERE - HENDRIKS LANDS

Project No. 1161 103525  
July 20, 2016

Scale: 1:1500

ORIGINAL SHEET - AND 8





### SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-S-16-003



**BUSINESS LAID OVER**

SDAB-D-16-273	An appeal to construct an addition (3.33m x 7.39m carport) to a Single Detached House, existing without permits. <b><i>November 30 or December 1, 2016</i></b>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <b><i>November 30 or December 1, 2016</i></b>
SDAB-D-16-293	An appeal to install (1) Freestanding Off-premises Sign (3.0m x 6.1m facing North) (PATTISON) <b><i>December 1, 2016</i></b>
SDAB-D-16-144	An appeal to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard. <b><i>December 7, 2016</i></b>
SDAB-D-16-263	An appeal to erect a fence higher than 1.2 m in a Side Yard abutting a public roadway other than a lane. <b><i>December 7 or 8, 2016</i></b>
SDAB-D-16-293	An appeal to change the Use of a General retail Store to a Major Alcohol Sales. <b><i>January 11, 2017</i></b>
SDAB-D-16-294	An appeal to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <b><i>January 18 or 19, 2017</i></b>
SDAB-D-16-295	An appeal to comply with a Stop Order to CEASE the Non-Accessory Parking, REMOVE all meters, signage, and material related to parking and REFRAIN from allowing Non-Accessory Parking. This Order is to be complied with on or before September 28, 2016. <b><i>January 18 or 19, 2017</i></b>
SDAB-S-14-001	An appeal to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <b><i>January 25, 2017</i></b>

**APPEAL HEARINGS TO BE SCHEDULED**

228839673-001	An appeal to park a Recreational Vehicle in the Front Yard of a Single Detached House. <b><i>December 7 or 8, 2016</i></b>
182548244-007	An appeal to construct an Accessory Building (Shed, 3.20 m x 3.12 m), existing without permits. <b><i>December 7 or 8, 2016</i></b>