

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
November 2, 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-16-271	Construct an addition to a detached Garage (Carport, 3.40m x 7.85m), existing without permits 11907 - 71 Street NW Project No.: 228177480-001
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II	10:00 A.M.	SDAB-D-16-272	Construct a rear uncovered deck (irregular shape, 7.85m x 3.68m at 1.83m in Height) 2628 - Wheaton Close NW Project No.: 172976306-009
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III	1:00 P.M.	SDAB-D-16-273	Construct an addition (3.33m x 7.39m Carport) to a Single Detached House, existing without permits 15921 - 94 Avenue NW Project No.: 127227523-004
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NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-271

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 228177480-001

APPLICATION TO: Construct an addition to a detached Garage (Carport, 3.40m x 7.85m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 16, 2016

DATE OF APPEAL: October 7, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11907 - 71 Street NW

LEGAL DESCRIPTION: Plan RN98 Blk 5 Lot 2

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Montrose / Santa Rosa Area Redevelopment Plan

Grounds for Appeal

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

The carport has been in existence for many years without any issues from adjacent neighbours or anyone else.

The variance required is reasonably minor and the continuation of the carport will be without changes.

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 Officer is dated September 16, 2016. The Notice of Appeal was filed on October 7, 2016. The Development Officer submitted a Registered Mail Delivery Confirmation dated September 26, 2016 that the delivery date of the Refusal of the Development Permit was signed by Daniel Panizzon on September 23, 2016.

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 210.3(15), **Single Detached Housing** is a **Discretionary Use** in the RA7 Low Rise Apartment Zone.

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

Under section 6.1(42), **Garage** means an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Section 210.1 states that the **General Purpose** of the **RA7 Low Rise Apartment Zone** is:

...to provide a Zone for Low Rise Apartments.

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.

<i>Site Coverage</i>

Section 210.4(1) states “Notwithstanding subsection 210.4, Single Detached, Semi-detached Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.”

Section 150.4(5) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling / building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached Housing – Site area 300 square metres or greater	28%	12%	40%	40%

Section 50.3(3)(a) states “the Site Coverage of Accessory buildings, with or without a Garage Suite, or structure shall not exceed 12%, unless a different standard is prescribed within the regulations contained within the relevant Zone.”

Under section 6.1(97), **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.

Development Officer’s Determination:

The total site coverage Buildings or Structures shall not exceed 40%. (Reference Section 150.4.5)

Proposed: 155.18m²

The site coverage of Accessory Buildings or Structures shall not exceed 12%. (Reference Section 50.3.3)

**Proposed: 55.06m² (14.37%)
Exceeds by: 2.37% [unedited].**

Setback

Section 50.3(4)(b) states:

Accessory buildings and structures shall be located on an Interior Site as follows:

an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line, except where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer, or where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone, or where the Accessory building does not exceed the permitted Fence Height or in the case of Garage Suites, where the minimum Side Setback shall be in accordance with Section 87.

Development Officer's Determination:


An Accessory Building or Structure shall be located not less than 0.9m (3.0ft.) from the side lot line. (Reference Section 50.3.4.b)

Proposed: 0.28m

Deficient by: 0.62m [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: 228177480-001 Application Date: AUG 12, 2016 Printed: September 16, 2016 at 10:19 AM Page: 1 of 2	
<h2 style="margin: 0;">Application for Minor Development Permit</h2>		
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 11907 - 71 STREET NW Plan RN98 Blk 5 Lot 2	
Scope of Application To construct an addition to a Detached Garge (Carport, 3.40m x 7.85m), existing without permits		
Permit Details		
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N 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 The site coverage of Accessory Buildings or Structures shall not exceed 12%. (Reference Section 50.3.3) Proposed: 55.06m ² (14.37%) Exceeds by: 2.37% An Accessory Building or Structure shall be located not less than 0.9m (3.0ft.) from the side lot line. (Reference Section 50.3.4.b) Proposed: 0.28m Deficient by: 0.62m The total site coverage Buildings or Structures shall not exceed 40%. (Reference Section 150.4.5) Proposed: 155.18m ² (40.51%) Exceeds by: 0.51% 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: Sep 16, 2016	Development Authority: WATTS, STACY	Signature: _____
THIS IS NOT A PERMIT		



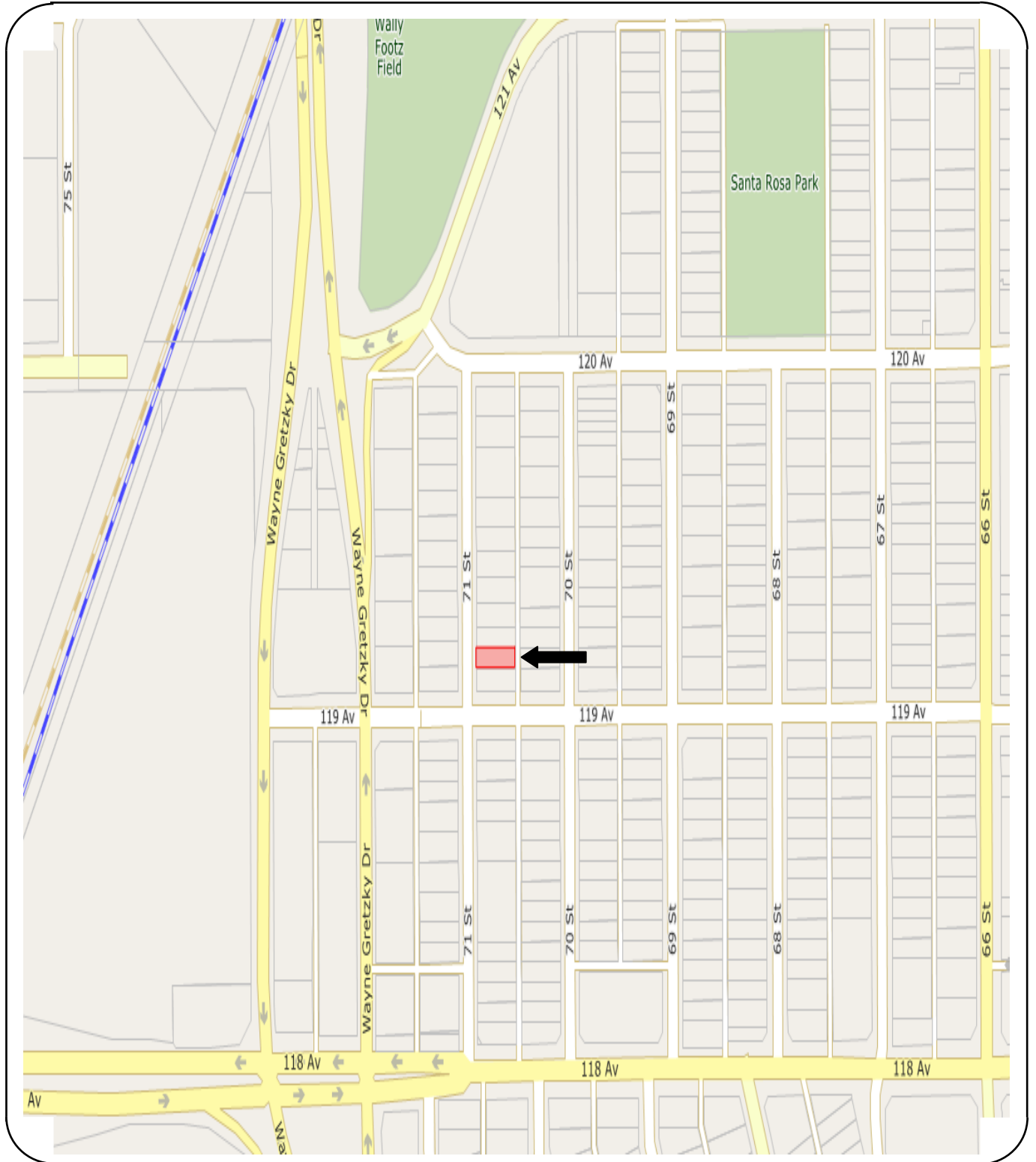
Project Number: **228177480-001**
Application Date: AUG 12, 2016
Printed: September 16, 2016 at 10:19 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$159.00	\$159.00	03519507	Aug 12, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$159.00	\$159.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-271



ITEM II: 10:00 A.M.

FILE: SDAB-D-16-272

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

APPELLANT:

APPLICATION NO.: 172976306-009

APPLICATION TO: Construct a rear uncovered deck (irregular shape, 7.85m x 3.68m at 1.83m in Height)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: September 15, 2016

NOTIFICATION PERIOD: September 22, 2016 through October 6, 2016

DATE OF APPEAL: October 4, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2628 - Wheaton Close NW

LEGAL DESCRIPTION: Plan 1323984 Blk 10 Lot 35

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

We appeal this development permit which grants excessive variance for the construction of the deck on the neighbouring property behind our property. The variance allows construction of the deck to be positioned 3.91 m from the rear property line (fence) instead of minimum 5.5 m as per current RSL zoning bylaw. Please note that the house behind us was constructed at minimum allowable distance from the rear property line which is 7.5 m. Also, this house is located at much higher elevation than

our property. According to section 11.3 1b the variance should only be granted if proposed development would not materially interfere or affect the use, enjoyment or value of neighbouring properties. On the contrary, this development will greatly compromise our privacy, strongly affect the use and enjoyment of our rear yard and substantially diminish the value of our property. As per Section 11.4 a variance shall be considered ONLY in cases of unnecessary hardship or practical difficulties. The Planning Technician Dzintra Perkons who approved this permit, informed us that the only reason for this variance was because she did not think the deck was overly big which is 26 ft x 12 ft = 310 sq. ft. During conversation with Dzintra, it became apparent that the applicant failed to inform that there was prior construction of the deck without permit. The applicant also falsely claimed the height of the deck will be 1.83 m. (under 6 ft) In fact the deck will be much higher than 1.83 m (estimated 2.2-2.4 m) due to the elevation of the house. The level of the main floor of the house is at maximum allowable 1.83 m above finished grade and the slope from the rear of the house to the property line is 0.98 m. This excessive variance (28.9%) will allow this tall structure to be right next and above our backyard depriving us of any privacy. Neither the neighbour or planning technician suggested any privacy screening.

It is our believe that this variance was granted with complete disregard of our privacy concerns. Also the approval of application that was obtained by providing the City with false information, should be deemed invalid.

We believe that this development will materially interfere with and affect the use, enjoyment and value of our property. If the deck is constructed in accordance with RSL zoning bylaws (5.5 m from the rear property line) it will still provide sufficient area for the neighbour enjoyment. Also because os the much higher elevation, privacy screening should be provided to prevent visual intrusion into our property.

We attach a picture of the prior illegal deck to illustrate the situation.

<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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

(a) 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

...

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

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 115.2(4), **Single Detached Housing** is a **Permitted Use** in the RSL Residential Small Lot Zone.

Section 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** is:

...to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Projection into Setbacks and Separation Spaces

Section 115.4(7) states “The minimum Rear Setback shall be 7.5 m, except in the case of a corner Site it shall be 4.5 m.”

Section 44(3) states:

The following features may project into a required Setback or Separation Space as provided for below:


- b) Platform Structures greater than 0.6 m in Height or less than 0.6 m in Height and located within the flanking Side Yard provided such projections do not exceed 2.0 m into Setbacks or Separation Spaces with a depth of at least 4.0 m.

Development Officer’s Determination

Rear Projection - The distance from the rear uncovered deck to the rear property line shared with 2448 and 2450 Ware Crescent SW (rear lot line) is 3.91 m, instead of 5.50 m (Section 44.3(b)) [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: 172976306-009 Application Date: JUL 22, 2016 Printed: September 15, 2016 at 11:41 AM Page: 1 of 3
<h2 style="margin: 0;">Application for Deck 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	
Applicant	Property Address(es) and Legal Description(s) 2628 - WHEATON CLOSE NW Plan 1323984 Blk 10 Lot 35
Scope of Application To construct a rear uncovered deck (irregular shape, 7.85m x 3.68m at 1.83m in Height)	
Permit Details	
Class of Permit: Class B Guardrail (decks): Stat. Plan Overlay/Annex Area: (none)	Deck Height Above Grade: 1.83 Size of Structure(s): 26.031 Total Deck (Railing) Height Above Grade: 2.90
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Permit Decision Approved	
THIS IS NOT A PERMIT	



Project Number: **172976306-009**
 Application Date: JUL 22, 2016
 Printed: September 15, 2016 at 11:41 AM
 Page: 2 of 3

Application for Deck Development and Building Permit

Subject to the Following Conditions

This Development Permit authorizes the development of a rear uncovered deck (irregular shape, 7.85m x 3.68m at 1.83m in Height), with a variance for the rear platform structure projection as listed below.

It is the opinion of the Development Officer, that the Variance does not unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment or value of neighbouring properties because the deck is not excessive in size.

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

NO WORK SHALL COMMENCE until

- i. the Notification Period expires, and
- ii. any appeal to The Subdivision and Development Appeal Board has been heard and an approval has been granted, and
- iii. a Building Permit has been issued.

Advisements:

An approved Development Permit means that the proposed development has been reviewed against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2.)

The applicant should be advised that there may be complications in obtaining a Development Permit for future development, especially a deck enclosure or deck extension or any Accessory structures because this lot is developed to full site coverage.

Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals

Any future deck enclosure or cover requires a separate development and building permit approval.

Variations

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Rear Projection - The distance from the rear uncovered deck to the rear property line shared with 2448 and 2450 Ware Crescent SW (rear lot line) is 3.91 m, instead of 5.50 m (Section 44.3(b))

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 15, 2016 Development Authority: PERKONS, DZINTRA Signature: _____
 Notice Period Begins: Sep 22, 2016 Ends: Oct 06, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$108.00	\$108.00	03463799	Jul 22, 2016
Building Permit Fee	\$102.00	\$102.00	03463799	Jul 22, 2016
DP Notification Fee	\$41.00	\$41.00	03463799	Jul 22, 2016

THIS IS NOT A PERMIT



Project Number: 172976306-009
Application Date: JUL 22, 2016
Printed: September 15, 2016 at 11:41 AM
Page: 3 of 3

Application for Deck Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	03463799	Jul 22, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$255.50</u>	<u>\$255.50</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-272



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-273

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 127227523-004

APPLICATION TO: Construct an addition (3.33m x 7.39m Carport) to a Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 4, 2016

DATE OF APPEAL: October 7, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15921 - 94 Avenue NW

LEGAL DESCRIPTION: Plan 2034KS Blk 33 Lot 10

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I wish to appeal on grounds of Section 643; this is a non-conforming carport that has been attached to the house for nearly 50 years, some 30 years before I purchased the home in Nov. 1998.

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

...

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,

- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

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 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

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

Under section 6.1(42), **Garage** means an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

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.

Mature Neighbourhood Overlay (Side Setbacks)

Section 814.3(3) states:

Where the Site Width is 18.3 m or greater:

- a. Side Setbacks shall total 20% of the Site Width but shall not be required to exceed 6.0 m in total.
- b. the minimum interior Side Setback shall be 2.0 m, except if the requirements of the underlying Zone are greater, the underlying Zone requirements shall apply; and

...

Development Officer's Determination:

Side Yards shall total at least 20% of the site width. (Reference Section 814.3(8)(a))

Proposed: 3.01m

Deficient by: 0.65m

The minimum Side Yard shall be 2.0m (Reference Section 814.3(8)(b))

Proposed: 1.21m

Deficient by: 0.79m [unedited].

Mature Neighbourhood Overlay (Rear Setback)

Section 814.3(5) states "The minimum Rear Setback shall be 40% of Site depth."

Development Officer's Determination:

A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered. (Reference Section MGA 643(1)(5).

The building is non-conforming for the following reason:

The minimum Rear Yard shall be 40% of lot depth. (Reference Section 814.3(5))

Required: $31.025 \times 40\% = 12.41\text{m}$

Proposed: 10.26m

Deficient by: 2.15m [unedited].

Mature Neighbourhood Overlay (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.

Previous Subdivision and Development Appeal Board Decisions

<u>Application Number</u>	<u>Description</u>	<u>Decision</u>
<u>SDAB-D-13-155</u>	Construct an addition to a Single Detached House (7.39 metres by 3.3 metres - Carport)	July 26, 2013: "that the appeal be ALLOWED and the development REFUSED."
<u>SDAB-D-98-374</u>	Leave as built a single detached house	December 10, 1998: "that the appeal be ALLOWED and the DEVELOPMENT GRANTED, subject to the condition that the carport be removed forthwith."

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: 127227523-004 Application Date: SEP 22, 2016 Printed: October 4, 2016 at 12:24 PM Page: 1 of 2
<h2 style="margin: 0;">Application for Minor Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 15921 - 94 AVENUE NW Plan 2034KS Blk 33 Lot 10 Specific Address(es) Entryway: 15921 - 94 AVENUE NW Building: 15921 - 94 AVENUE NW
Scope of Application To construct an addition (3.33m x 7.39m carport) to a Single Detached House, existing without permits.	
Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N 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 Side Yards shall total at least 20% of the site width. (Reference Section 814.3(8)(a)) Proposed: 3.01m Deficient by: 0.65m The minimum Side Yard shall be 2.0m (Reference Section 814.3(8)(b)) Proposed: 1.21m Deficient by: 0.79m A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered. (Reference Section MGA 643(1)(5)). The building is non-conforming for the following reason: The minimum Rear Yard shall be 40% of lot depth. (Reference Section 814.3(5)) Required: 31.025 x 40%= 12.41m Proposed: 10.26m Deficient by: 2.15m 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: Oct 04, 2016 Development Authority: BAUER, KERRY Signature: _____	
THIS IS NOT A PERMIT	



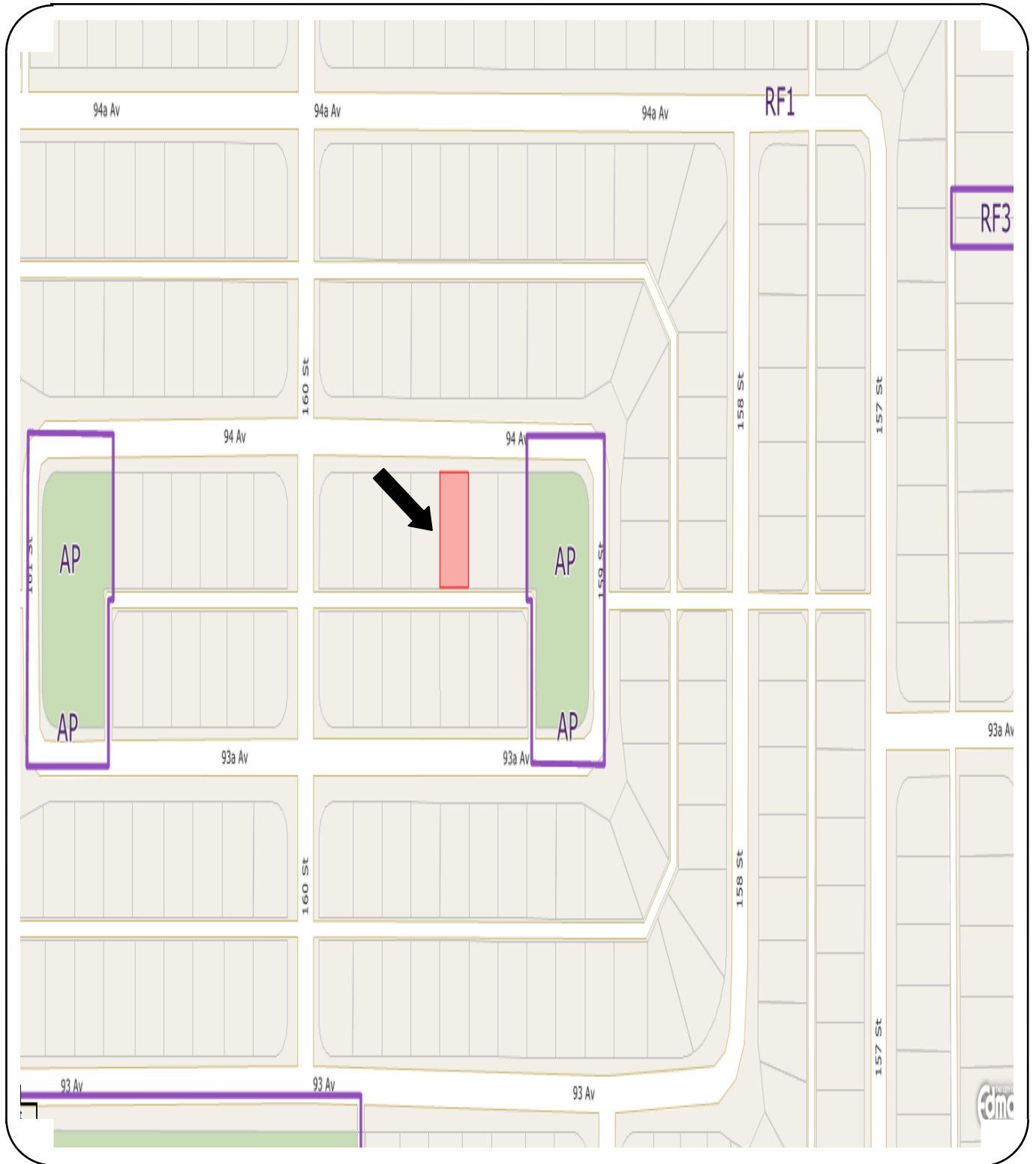
Project Number: **127227523-004**
Application Date: SEP 22, 2016
Printed: October 4, 2016 at 12:24 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Penalty Fee	\$159.00	\$159.00	03623827	Sep 22, 2016
Dev. Application Fee	\$159.00	\$159.00	03623827	Sep 22, 2016
DP Notification Fee	\$41.00			
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$359.00	\$318.00		
((\$41.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-273



BUSINESS LAID OVER

SDAB-D-16-270	An appeal by <u>Stanley Boostr</u> a to comply with a Stop Order to cease the use of General Contractor Services and remove all related materials from the site. <i>November 16 or 17, 2016</i>
SDAB-D-16-286	An appeal by <u>Stephen Hesse Vs. Kennedy</u> to construct 36 Dwellings of Apartment Housing (4 Storey with underground parking) and to demolish 4 existing Single Detached Houses and 3 detached Garages <i>November 16, 2016</i>
SDAB-D-16-252	An appeal by <u>Tahir Jutt</u> to operate a Major Home Based Business (Filling Sandbags – Sandbags.ca) <i>November 23 or 24, 2016</i>
SDAB-D-16-252	An appeal by <u>Alexander Tilley</u> to erect a fence higher than 1.2 m in a Side Yard abutting a public roadway other than a lane. <i>November 23 or 24, 2016</i>
SDAB-D-16-252	An appeal by <u>413140 Alberta Ltd.</u> to construct exterior alterations to an approved Accessory Building (rear detached garage, 7.3 m x 6.1 m). <i>November 23 or 24, 2016</i>
SDAB-D-16-267	An appeal by <u>Gordon Foster VS Eden Tesfastian</u> to change the Use from Warehouse Sales to Restaurants (170 seats) and to construct interior alterations <i>November 23 or 24, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> 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) <i>November 30 or December 1, 2016</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> 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 <i>January 25, 2017</i>

APPEAL HEARINGS TO BE SCHEDULED

000413016-003	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</u> 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. <i>November 17, 2016</i>
000413016-004	An appeal by <u>Wigalo Holding Ltd. / Kennedy Agrios</u> 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. <i>November 17, 2016</i>

BUSINESS LAID OVER CONTINUED

188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <i>November 23 or 24, 2016</i>
116341262-007	An appeal by <u>Meekon Hui / Permit Masters</u> to construct a 2 Storey Accessory Building (Garage Suite on second floor, Garage on main floor, 10.36m x 6.81m), existing without permits <i>November 23 or 24, 2016</i>
182548244-007	An appeal by <u>Stephanie Chan VS Deborah & Terence Nikolaichuk</u> to construct an Accessory Building (Shed, 3.20 metres by 3.12 metres), existing without permits <i>December 7 or 8, 2016</i>
128010578-001	An appeal by <u>Jeffrey Jirsch VS Anna Bashir</u> to erect a Privacy Screen 8ft in height along the Southwest portion of the property, along a Required Side Yard <i>December 7 or 8, 2016</i>