

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
November 14, 2019

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-19-199	Leave as built a Garden Suite (over height) 13923 - 108 Avenue NW Project No.: 341983846-001
<hr/>			
II	10:30 A.M.	SDAB-D-19-183	Increase the height of a previously approved rear uncovered deck to a Single Detached House (deck 5.18 metres x 4.27 metres @ 0.95 metres in Height, with Privacy Screening @ 1.83 metres in Height on the north side). 9214 - 81 Street NW Project No.: 283125801-014
<hr/>			
III	10:30 A.M.	SDAB-D-19-184	Increase the Height of a previously approved rear uncovered deck with Privacy Screening to a Single Detached House (deck, 5.18 metres x 4.27 metres @ 0.94 metres in Height and privacy screen @ 1.83 metres in Height). 9212 - 81 Street NW Project No.: 283126372-014
<hr/>			
IV	1:30 P.M.	SDAB-D-19-200	Construct an Accessory Building (shed, 3.65 metres x 2.4 metres), existing without permits 1124 - 37A Avenue NW Project No.: 327905411-001

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-19-199

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 341983846-001

APPLICATION TO: Leave as built a Garden Suite (over height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 9, 2019

DATE OF APPEAL: October 29, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13923 - 108 Avenue NW

LEGAL DESCRIPTION: Plan 4978HW Blk 13 Lot 36

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:

- 1) The construction of the garage suite was done by my contractor and I was not aware until recently that there may be an error.
- 2) I believe that there was an error in the calculations that were made.

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 written decision is given 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 clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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(2), **Garden Suites** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(3), **Garden Suites** means:

an Accessory building containing a Dwelling, which is located separate from the principal Use which is Single Detached Housing, and which may contain a Parking Area. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. This Use Class does not include Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 110.4(4) states “Garden Suites shall comply with Section 87 of this Bylaw.”

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, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states 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.

Height

Section 87(2)(a) states the maximum Height shall be 6.5 metres where the Garden Suite has a roof slope of 4/12 (18.4°) or greater.

Development Officer's Determination

A Building shall not exceed 6.5m in Height (Reference Section 87.2(a)).

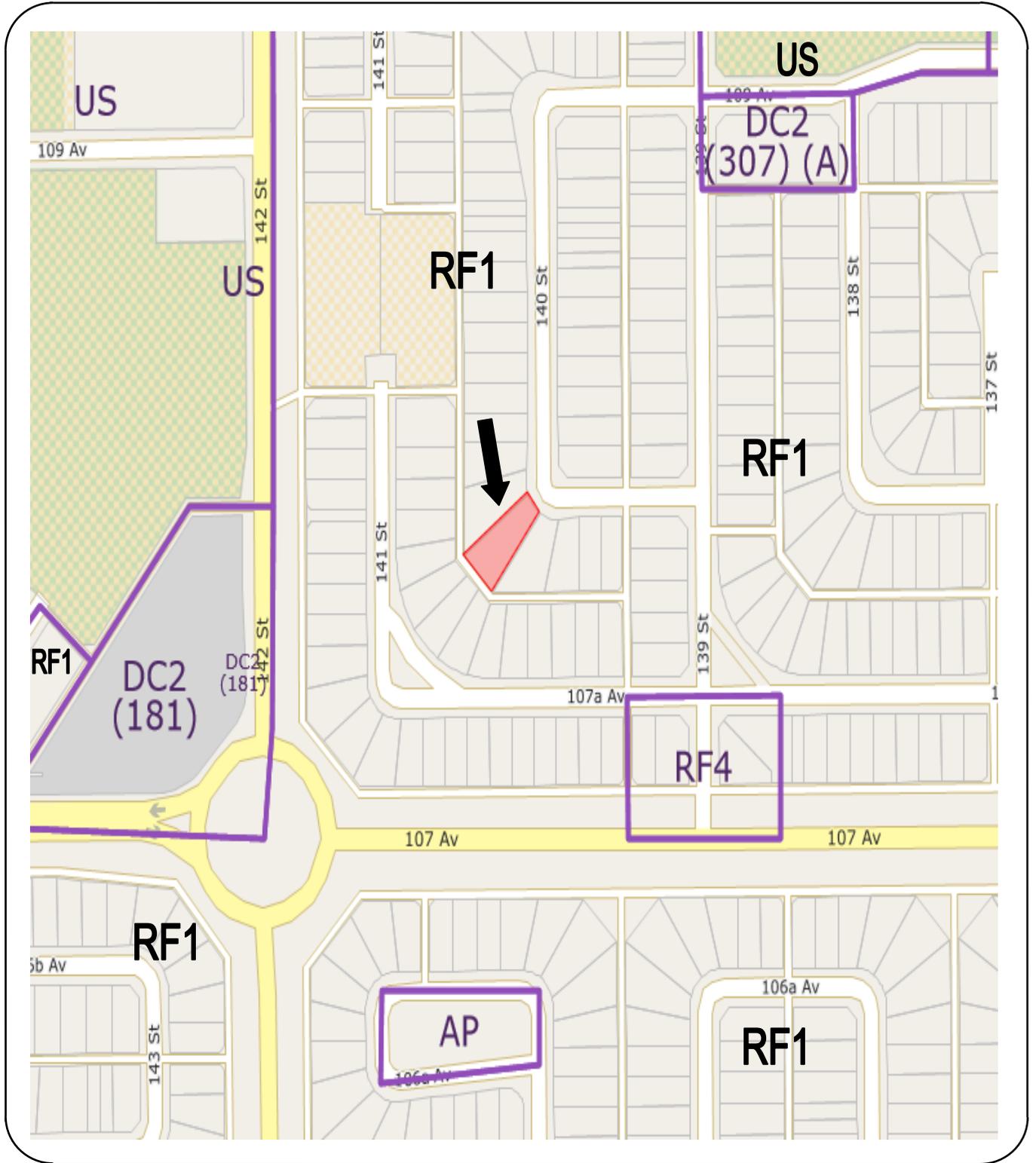
Proposed Height: 6.7m

Exceeds by: 0.2m

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.

	<h2 style="margin: 0;">Application for Alterations Permit</h2>	Project Number: 341983846-001 Application Date: SEP 27, 2019 Printed: October 9, 2019 at 11:40 AM Page: 1 of 1		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 13923 - 108 AVENUE NW Plan 4978HW Blk 13 Lot 36			
	Location(s) of Work Suite: 13923 - 108 AVENUE NW Suite: 13923G - 108 AVENUE NW Entryway: 13923 - 108 AVENUE NW Entryway: 13923G - 108 AVENUE NW Building: 13923 - 108 AVENUE NW Building: 13923G - 108 AVENUE NW			
Scope of Application To leave as built a Garden Suite (over height)				
Permit Details				
Class Of Permit: Class B Stat Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 1008.96			
I/We certify that the above noted details are correct. Applicant signature: _____				
Development Application Decision Refused Issue Date: Oct 09, 2019 Development Authority: BAUER, KERRY Reason for Refusal A Building shall not exceed 6.5m in Height (Reference Section 87.2(a)). Proposed Height: 6.7m Exceeds by: 0.2m Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.				
Building Permit Decision Refused				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$173.00	\$173.00	06173235	Sep 27, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	\$173.00	\$173.00		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location 

File: SDAB-D-19-199



TO BE RAISED

ITEM II: 10:30 A.M.

FILE: SDAB-D-19-183

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

APPELLANT:

APPLICATION NO.: 283125801-014

APPLICATION TO: Increase the height of a previously approved rear uncovered deck to a Single Detached House (deck 5.18 metres by 4.27 metres @ 0.95 metres in Height, with Privacy Screening @ 1.83 metres in Height on the north side).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 12, 2019

DATE OF APPEAL: October 9, 2019

NOTIFICATION PERIOD: Sept. 19, 2019 through Oct. 10, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9214 - 81 Street NW

LEGAL DESCRIPTION: Plan 1821120 Blk 18 Lot 32A

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:

- Virtually no design information has been submitted for application. There are no specifications for materials, colours design, translucent or opaque, etc. Accordingly, the requirement for architectural treatment as mandated by the mature neighborhood overlay has not been sufficiently addressed.
- The drawings upon which the application was based do not accurately represent the 0.95 meter deck height. The drawing is inherently misleading because it illustrates the deck-to-grade distance to be significantly less than actual 0.95 meters. This inaccuracy is critical because the drawing is presumed to be to scale, and increased deck height was one of the key parameters of the application. Through the false impressions created by viewing an the developer's incorrect drawing, combined with declining to visit the site to see the lay of the land for himself, it is not difficult to imagine how the development officer was unable to sufficiently appreciate the effective height and true visual impact of the deck and privacy screen relative to grade of the neighboring properties.
- From very early in the development process, these skinny houses were promoted by City of Edmonton as Class A developments, meaning neighboring homeowners were led to believe that the both skinny houses and associated associated platform structures would adhere to all applicable infill bylaws and overlays. The sudden pivot to Class B without sufficient justification suggests the City of Edmonton has not acted in good faith, and unfortunately neither has the developer. The permit approval is founded on broken promises.
- This property has not yet passed final grade inspection. Therefore, there is reasonable doubt that based on the design, the 0.95 meter height requirement may not be achievable if all grading requirements are to be met. This invites the future possibility for further variances pertaining to the grading. The order of operation is wrong. In order to get this development right, the final grade inspection must be completed before any variances involving height can be fairly considered.
- The variance concerning the dimensions of the deck, multiplied by the increased deck height and privacy screening imposed, would create an unwelcome visual barrier and shadow effects for neighbours who have already been highly impacted by the maximized scale of the structures on the property.
- Alternative designs that would minimize the impact on neighboring properties and not require a variance have not received due consideration.
- Lastly, this development permit is opposed by several households within the 60 meter zone and from other members of the Holyrood community.

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.

(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,

(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 written decision is given under section 642, [...]

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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;
- (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;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 110.2(7) states **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 7.2(8), **Single Detached Housing** means

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under Section 6.1, **Platform Structure** means an elevated structure intended for use as outdoor Amenity Area that may project and/or be recessed from the wall of a building, may be surrounded by guardrails, parapet walls or similar features. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

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, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states 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.

Projection

Section 44(3) states the following features may project into a required Setback or Separation Space as provided for below:

- a) Platform Structures provided such projections do not exceed 2.5 metres into a Front Setback;
- b) Platform Structures provided such projections do not exceed 2.0 metres into any other Setbacks or Separation Spaces with a depth of at least 4.0 metres;
- c) Platform Structures provided such projections do not exceed 0.6 metres into any other Setbacks or Separation Spaces with a depth of less than 4.0 metres; and
- d) Notwithstanding subsection 44(3)(b) and subsection 44(3)(c), Platform Structures 0.6 metres or less in Height may be constructed to the Lot lines Abutting an interior Side Yard and Rear Yard;

Development Officer's Determination

9214 – 81 Street

Projection - The distance from the deck to the back property line (rear lot line) is 15.23m, instead of 16.28m (Section 44.3).

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.

	Project Number: 283125801-014 Application Date: SEP 12, 2019 Printed: September 12, 2019 at 12:25 PM Page: 1 of 2		
Minor Development Permit			
This document is a record of a Development 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.			
Applicant _____ _____ _____	Property Address(es) and Legal Description(s) 9214 - 81 STREET NW Plan 1821120 Blk 18 Lot 32A		
Scope of Permit To increase the height of a previously approved rear uncovered deck to a Single Detached House (deck 5.18m x 4.27m @ 0.95m in Height, with Privacy Screening @ 1.83m in Height on the north side).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: 0 Client File Reference Number: Minor Dev. Application Fee: Deck (uncovered) Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: 0 Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: 0 Client File Reference Number: Minor Dev. Application Fee: Deck (uncovered) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 0 Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: 0 Client File Reference Number: Minor Dev. Application Fee: Deck (uncovered) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 0 Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved Issue Date: Sep 12, 2019 Development Authority: PAYNE, KYLE			
_____ _____ _____			



Project Number: **283125801-014**
 Application Date: SEP 12, 2019
 Printed: September 12, 2019 at 12:25 PM
 Page: 2 of 2

Minor Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1)

This Development Permit authorizes the increase the height of a previously approved rear uncovered deck to a Single Detached House (deck 5.18m x 4.27m @ 0.95m in Height, with Privacy Screening @ 1.83m in Height on the north side). The development shall be constructed in accordance with the stamped and approved drawings.

Immediately upon completion of the exterior alterations, the site shall be cleared of all debris.

As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Reference Section 57.3(1)).

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

ADVISEMENTS:

An approved Development Permit means that the proposed development has been reviewed against the provisions of this 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)

Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bylaw 12800.

Variations

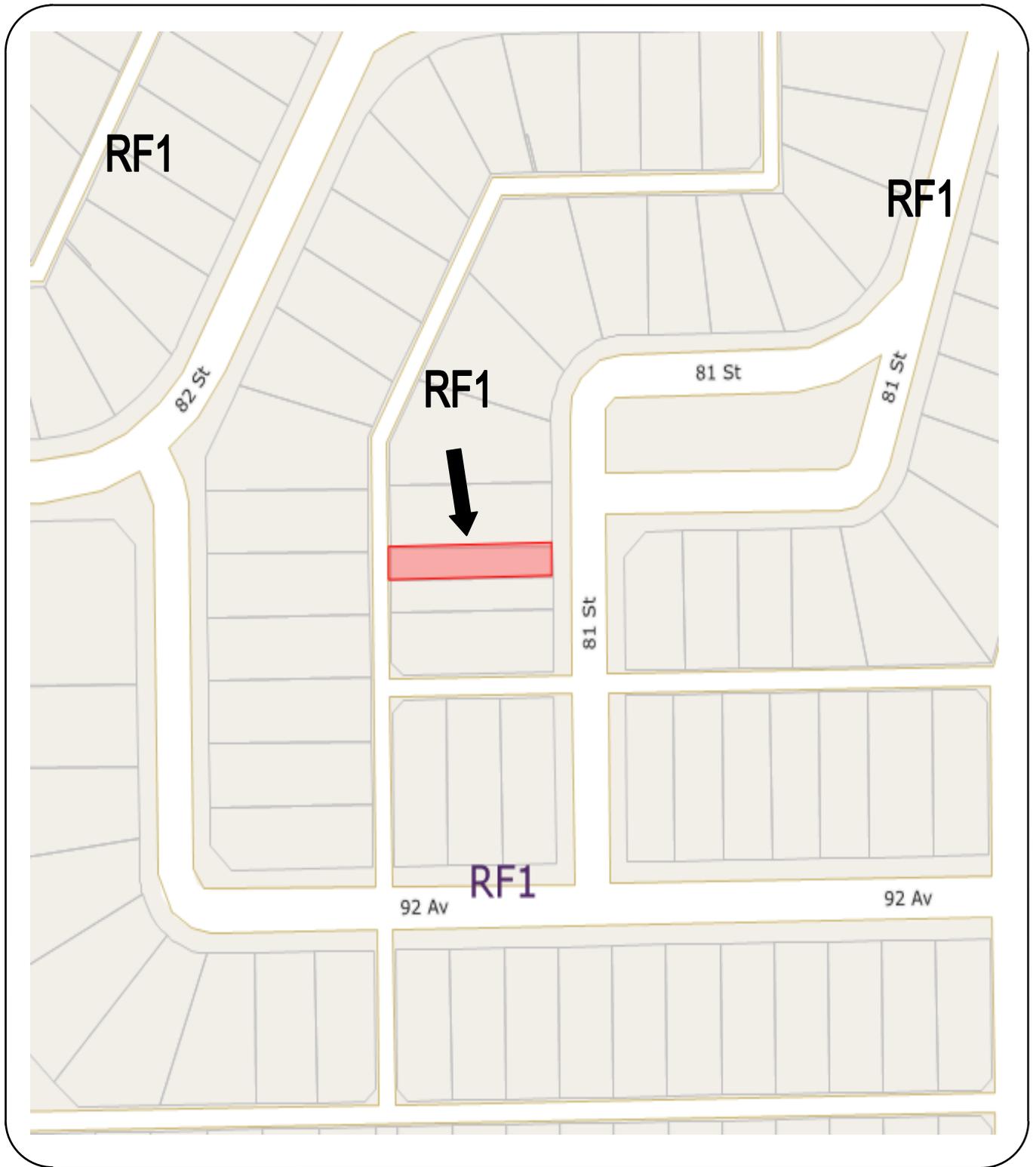
Projection - The distance from the deck to the back property line (rear lot line) is 15.23m, instead of 16.28m (Section 44.3).

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.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$0.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-183



TO BE RAISED

ITEM III: 10:30 A.M.

FILE: SDAB-D-19-184

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

APPELLANT:

APPLICATION NO.: 283126372-014

APPLICATION TO: Increase the Height of a previously approved rear uncovered deck with Privacy Screening to a Single Detached House (deck, 5.18 metres x 4.27 metres @ 0.94 metres in Height and privacy screen @ 1.83 metres in Height).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 17, 2019

DATE OF APPEAL: October 9, 2019

NOTIFICATION PERIOD: Sept. 24, 2019 through Oct. 15, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9212 - 81 Street NW

LEGAL DESCRIPTION: Plan 1821120 Blk 18 Lot 32B

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:

- According to the Class B development permit notice, no overlay was applied to the RF1 zoning. However, the property is located in the neighborhood of Holyrood, which is entirely within the designated mature neighborhood overlay area. Therefore the development permit should be overturned because by the relevant overlay was not properly applied or considered in the review process.
- It is worth considering that the reason the developer applied for this permit is because he chose to circumvent the standard consultation process, and thoroughly disregard the parameters of his original building permit as he proceeded to build a non-compliant platform structure. As a citizen and neighboring homeowner, I am concerned that permit approval process appears to have been guided by principles which effectively reward, rather than discourage, non-compliance, while simultaneously eroding an important legal protection for neighboring property owners. This is not the way we build a better Edmonton. I have filed this appeal because I believe this development permit represents a poorly improvised policy of rewarding failure. The citizens of this city deserve better.
- Virtually no design information has been submitted for application. There are no specifications for materials, colours design, translucent or opaque, etc. Accordingly, the requirement for architectural treatment as mandated by the mature neighborhood overlay has not been sufficiently addressed.
- The drawings upon which the application was based do not accurately represent the 0.95 meter deck height. The drawing is inherently misleading because it illustrates the deck-to-grade distance to be significantly less than actual 0.95 meters. This inaccuracy is critical because the drawing is presumed to be to scale, and an increased deck height was one of the key parameters of the application. Through the false impressions created by viewing an the developer's incorrect drawing, combined with declining to visit the site to see the lay of the land for himself, it is not difficult to imagine how the development officer was unable to sufficiently appreciate the effective height and true visual impact of the deck and privacy screen relative to grade of the neighboring properties.
- From very early in the development process, these skinny houses were promoted by City of Edmonton as Class A developments, meaning neighboring homeowners were led to believe that the both skinny houses and associated platform structures would adhere to all applicable infill bylaws and overlays. The sudden pivot to Class B without sufficient justification suggests the City of Edmonton has not acted in good faith, and unfortunately neither has the developer. The permit approval is founded on broken promises.
- This property has not yet passed final grade inspection. Therefore, there is reasonable doubt that based on the design, the 0.95 meter height requirement may not be achievable if all grading requirements are to be met. This invites the future possibility for further variances pertaining to the

grading. The order of operation is wrong. In order to get this development right, the final grade inspection must be completed before any variances involving height can be fairly considered.

- The variance concerning the dimensions of the deck, multiplied by the increased deck height and privacy screening imposed, would create an unwelcome visual barrier and shadow effects for neighbours who have already been highly impacted by the maximized scale of the structures on the property.

- Lastly, this development permit is opposed by several households within the 60 meter zone and from other members of the Holyrood community.

<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,

- (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 written decision is given under section 642, [...]

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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;
- (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;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 110.2(7) states **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 7.2(8), **Single Detached Housing** means

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under Section 6.1, **Platform Structure** means an elevated structure intended for use as outdoor Amenity Area that may project and/or be recessed from the wall of a building, may be surrounded by guardrails, parapet walls or similar features. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

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, Garden Suites, Semi-detached Housing and Duplex Housing.”

Section 814.1 states 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.

Projection

Section 44(3) states the following features may project into a required Setback or Separation Space as provided for below:

- a) Platform Structures provided such projections do not exceed 2.5 metres into a Front Setback;
- b) Platform Structures provided such projections do not exceed 2.0 metres into any other Setbacks or Separation Spaces with a depth of at least 4.0 metres;
- c) Platform Structures provided such projections do not exceed 0.6 metres into any other Setbacks or Separation Spaces with a depth of less than 4.0 metres; and
- d) Notwithstanding subsection 44(3)(b) and subsection 44(3)(c), Platform Structures 0.6 metres or less in Height may be constructed to the Lot lines Abutting an interior Side Yard and Rear Yard;

Development Officer's Determination

9212 – 81 Street

Projection - The distance from the deck to the rear property line is 15.4m, instead of 16.4m (Section 44.3).

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.

	Project Number: 283126372-014 Application Date: SEP 12, 2019 Printed: September 17, 2019 at 3:28 PM Page: 1 of 2		
Minor Development Permit			
This document is a record of a Development 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.			
Applicant	Property Address(es) and Legal Description(s) 9212 - 81 STREET NW Plan 1821120 Blk 18 Lot 32B		
Scope of Permit To increase the Height of a previously approved rear uncovered deck with Privacy Screening to a Single Detached House (deck, 5.18m x 4.27m @ 0.94m in Height and privacy screen @ 1.83m in Height).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Deck (uncovered) Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Deck (uncovered) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area:
# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Deck (uncovered) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area:		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Permit Decision Approved Issue Date: Sep 17, 2019 Development Authority: PAYNE, KYLE Subject to the Following Conditions This Development Permit authorizes the increase the Height of a previously approved rear uncovered deck with Privacy Screen to a Single Detached House (deck, 5.18m x 4.27m @ 0.94m in Height and privacy screen @ 1.83m in Height). The development shall be constructed in accordance with the stamped and approved drawings. Any future deck enclosure or cover requires a separate development and building permit approval. ADVISEMENTS: An approved Development Permit means that the proposed development has been reviewed against the provisions of this 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) Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bylaw 12800. Variances Projection - The distance from the deck to the rear property line is 15.4m, instead of 16.4m (Section 44.3).			



Project Number: **283126372-014**
Application Date: SEP 12, 2019
Printed: September 17, 2019 at 3:28 PM
Page: 2 of 2

Minor Development Permit

Rights of Appeal

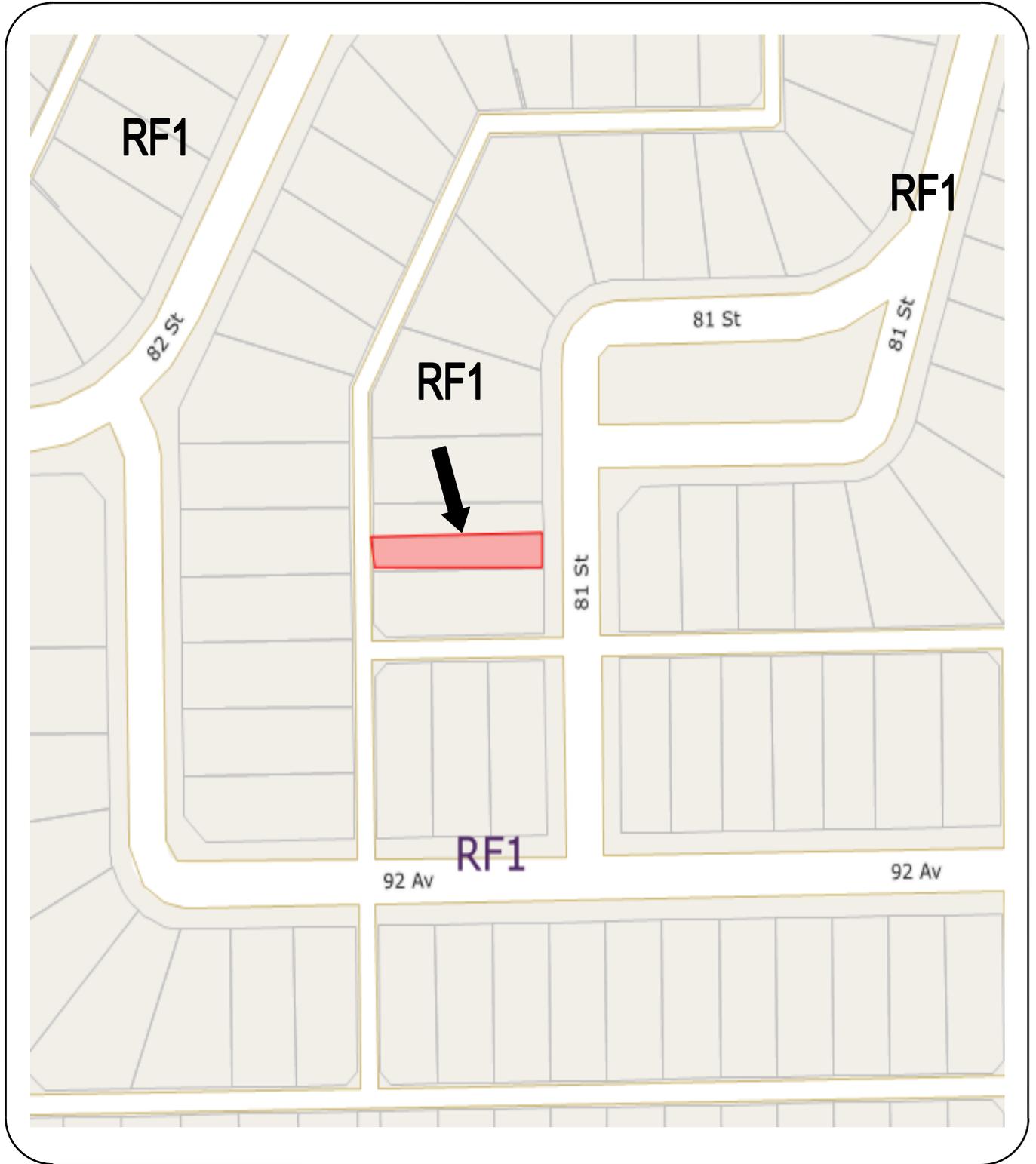
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Sep 24, 2019

Ends: Oct 15, 2019

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$0.00	\$0.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-184



ITEM IV: 1:30 P.M.

FILE: SDAB-D-19-200

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

APPELLANT:

APPLICATION NO.: 327905411-001

APPLICATION TO: Construct an Accessory Building (shed, 3.65 metres x 2.4 metres), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: September 23, 2019

DATE OF APPEAL: October 22, 2019

NOTIFICATION PERIOD: Oct. 1, 2019 through Oct. 22, 2019

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1124 - 37A Avenue NW

LEGAL DESCRIPTION: Plan 0720412 Blk 6 Lot 22

ZONE: RPL-Planned Lot Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Tamarack Neighbourhood Structure Plan
The Meadows Area Structure Plan

Grounds for Appeal

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

As per city of Edmonton bylaw section (50-3.5.d), this accessory building (shed) is located approximately 0.5 meters from the side setback which is less than the minimum 0.9 meters and it is encroaching on my property. It is my opinion that due to its proximity to the fence, and the use of inferior construction materials and techniques, this could possess a potential fire

hazard to my property as well as reduce the resale value of my property when it comes time to sell. I also foresee difficulty for the homeowner at 1124 37A to be able to properly maintain the condition of the lawn, fence and accessory building given the narrow clearance between it and the fence.

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.

(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,

(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 written decision is given under section 642, [...]

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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;
- (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;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (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 130.2(5) states **Single Detached Housing** is a **Permitted Use** in the **(RPL) Planned Lot Residential Zone**.

Under Section 7.2(8), **Single Detached Housing** means

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under Section 6.1, **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

Section 50.1(1) states a Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw. Notwithstanding the foregoing, Accessory parking may be on the same Site as the principal Use or comply with subsection 54.2(2) of this Bylaw.

Section 50.1(2) states Accessory Uses and buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

Section 130.1 states the **General Purpose** of **(RPL) Planned Lot Residential Zone** is to provide for small lot Single Detached Housing serviced by both a Public Roadway and a Lane, including Zero Lot Line Development and Reverse Housing forms, that provides the opportunity for the more efficient utilization of land in developing neighbourhoods, while maintaining the privacy and independence afforded by Single Detached Housing forms.

Interior Side Lot Line

Section 50.3(5)(b) an Accessory building or structure shall be located not less than 0.9 metres from the interior Side Lot Line, except:

- i. where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer;
- ii. where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone;
- iii. where it is located on a Site governed by the RF4 Zone and is a detached Garage where the vehicle doors face a Lane Abutting the Site, the minimum distance shall be 0.6 m from the Side Lot Line; or
- iv. where the Accessory building does not exceed the permitted Fence Height.

Development Officer's Determination

Accessory Building Setback - The shed is 0.5m from the side property line instead of 0.9 metres. (Section 50.3.4.b)

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.

	Project Number: 327905411-001 Application Date: AUG 16, 2019 Printed: September 23, 2019 at 10:07 AM Page: 1 of 2
Accessory Building Permit	
This document is a record of a Development 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.	
Applicant	Property Address(es) and Legal Description(s) 1124 - 37A AVENUE NW Plan 0720412 Blk 6 Lot 22
Scope of Permit To construct an Accessory Building (shed, 3.65m x 2.4m), existing without permits.	
Permit Details	
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 348.55
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Permit Decision	
Approved Issue Date: Sep 23, 2019 Development Authority: WINGET, MARK	
Subject to the Following Conditions	
This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21. (Reference Section 17.1)	
This Development Permit authorizes the development of an Accessory Building (shed, 3.65m x 2.4m), existing without permits. The development shall be constructed in accordance with the stamped and approved drawings.	
An accessory building or structure shall not exceed 4.3m in Height. (Reference Section 6.1 and 50.3(3))	
Eave projections shall not exceed 0.46m into required yards or Separations spaces less than 1.2m. (Reference Section 44.1(c)(ii))	
ADVISEMENTS:	
An approved Development Permit means that the proposed development has been reviewed against the provisions of this 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)	
Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.	
Variances	
Accessory Building Setback - The shed is 0.5m from the side property line instead of 0.9 m. (Section 50.3.4.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.	



Project Number: **327905411-001**
 Application Date: AUG 16, 2019
 Printed: September 23, 2019 at 10:07 AM
 Page: 2 of 2

Accessory Building Permit

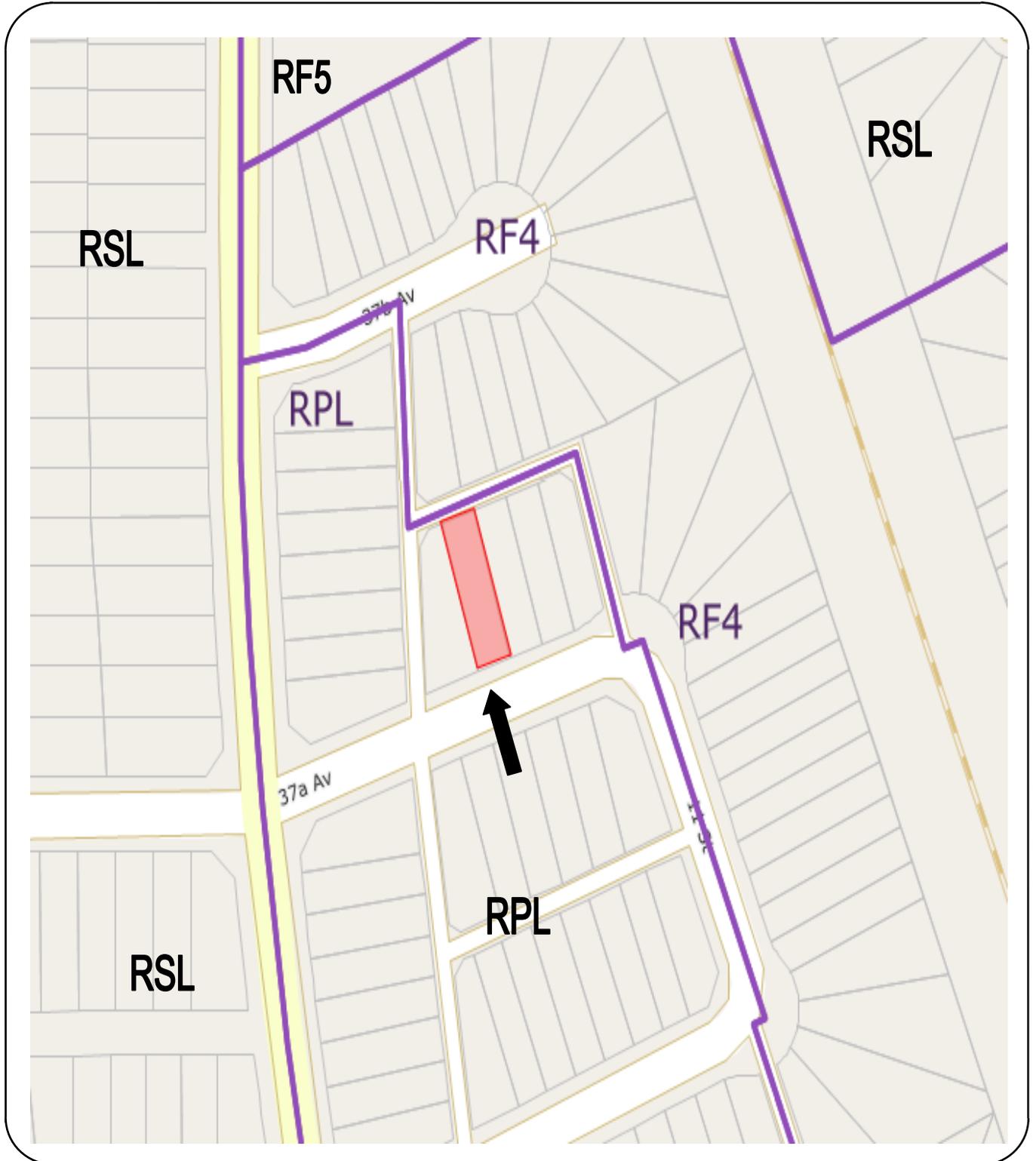
Notice Period Begins: Oct 01, 2019 **Ends:** Oct 22, 2019

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Dev Application Penalty Fee	\$118.00	\$118.00	87229609315Z001	Aug 28, 2019
Safety Codes Fee	\$4.50	\$4.50	86836704759Z001	Aug 16, 2019
Development Application Fee	\$118.00	\$118.00	86836704759Z001	Aug 16, 2019
Building Permit Fee (Accessory Building)	\$110.00	\$110.00	86836704759Z001	Aug 16, 2019
Building Permit Refund	(\$110.00)			
Safety Codes Refund	(\$4.50)			
Existing Without Permit Building Penalty Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$236.00	\$350.50		
(overpaid by (\$114.50))				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-200

