

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
November 9, 2017**

**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-17-216

To construct a Semi-detached House with a
Basement development (NOT to be used as an
additional Dwelling), fireplace, uncovered deck,
veranda

10710 - 125 Street NW
Project No.: 259268796-001

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-17-216

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 259268796-001

APPLICATION TO: Construct a Semi-detached House with a Basement development (NOT to be used as an additional Dwelling), fireplace, uncovered deck, veranda

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 22, 2017

DATE OF APPEAL: October 20, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10710 - 125 Street NW

LEGAL DESCRIPTION: Plan RN22B Blk 45 Lots 12-13

ZONE: DC1 (Direct Development Control) District – Westmount Architectural Heritage Area RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay (Applicable only to RA7 Zoning)

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

I like to appeal the refusal of application 259268796-001, where the planning officer has considered only one zoning without consideration for a second zoning.

I would like the board to consider the lot as a transitional lot and look at the application in that light. The planning officer has applied the DC1 zoning to the property development application without considering the

transitional nature of the land and the fact that the property has TWO ZONINGS RA7 and DC1.

Since the lot has two zonings, DC1 and RA7, I do not think it is right to look this property within one zoning but simply look at both zonings as such, and see the lot for what is a transitional lot.

The Semi-Detached house would be perfect transition between the apartment building and single detached houses. This proposal would [work] well with the City's overall vision of renewal, inclusivity, population medium density, and greener city version.

We are observing all the architectural guidelines and the street view would not be different than any other houses in the neighborhood.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Authority was dated September 22, 2017. The Canada Post Registered Mail Receipt confirms delivery of the decision on October 4, 2017. The Notice of Appeal was filed on October 20, 2017.

Direct Control Districts

The *Municipal Government Act* states:

Designation of direct control districts

641(1) The council of a municipality that has adopted a municipal development plan, if it wishes to exercise particular control over the use and development of land or buildings within an area of the municipality, may in its land use bylaw designate that area as a direct control district.

(2) If a direct control district is designated in a land use bylaw, the council may, subject to any applicable statutory plan, regulate and control the use or development of land or buildings in the district in any manner it considers necessary.

(3) In respect of a direct control district, the council may decide on a development permit application or may delegate the decision to a development authority with directions that it considers appropriate.

(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

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

General Provisions from the *Edmonton Zoning Bylaw*:

The norther portion of the subject property falls under DC1 (Direct Development Control) District for the Westmount Architectural Heritage Area, Bylaw 11421, passed on February 10, 1997.

Section 1 states that the General Purpose of this direct development control district is:

To establish a Direct Control District for single detached residential development and associated uses, as found under the RF1 (Single Detached Residential) District, in the Westmount Architectural Heritage Area so as to continue the tradition of heritage and community as originally conceived in the subdivision and architecture of the Area. The District is based on the RF1 Regulations but with additional Development Criteria and accompanying voluntary Architectural Guidelines, as written and developed by residents of the Area, that are intended to preserve the Area's unique historical streetscape and architectural features, reflecting the character, location and proportions

of existing structures from the early 1900s in the Area, including: Boulevards with mature trees; continuous sidewalks; rear lane access to on-site parking; verandahs; and other features as originally conceived in subdivision plans and architectural designs of the early 1900s.

Within this direct development control district, Semi-Detached Housing is not a listed use.

The southern portion of the subject property falls under the RA7 Low Rise Apartment Zone. Within this zone, Semi-detached Housing is a Discretionary Use under section 210.3(13).

Section 7.2(7) states:

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

Development Officer’s Decision



The Development Officer refused the subject application on the grounds that “The proposed Semi-detached House is not a listed Use within the DC1 Zone (Westmount Architectural Heritage Area).”

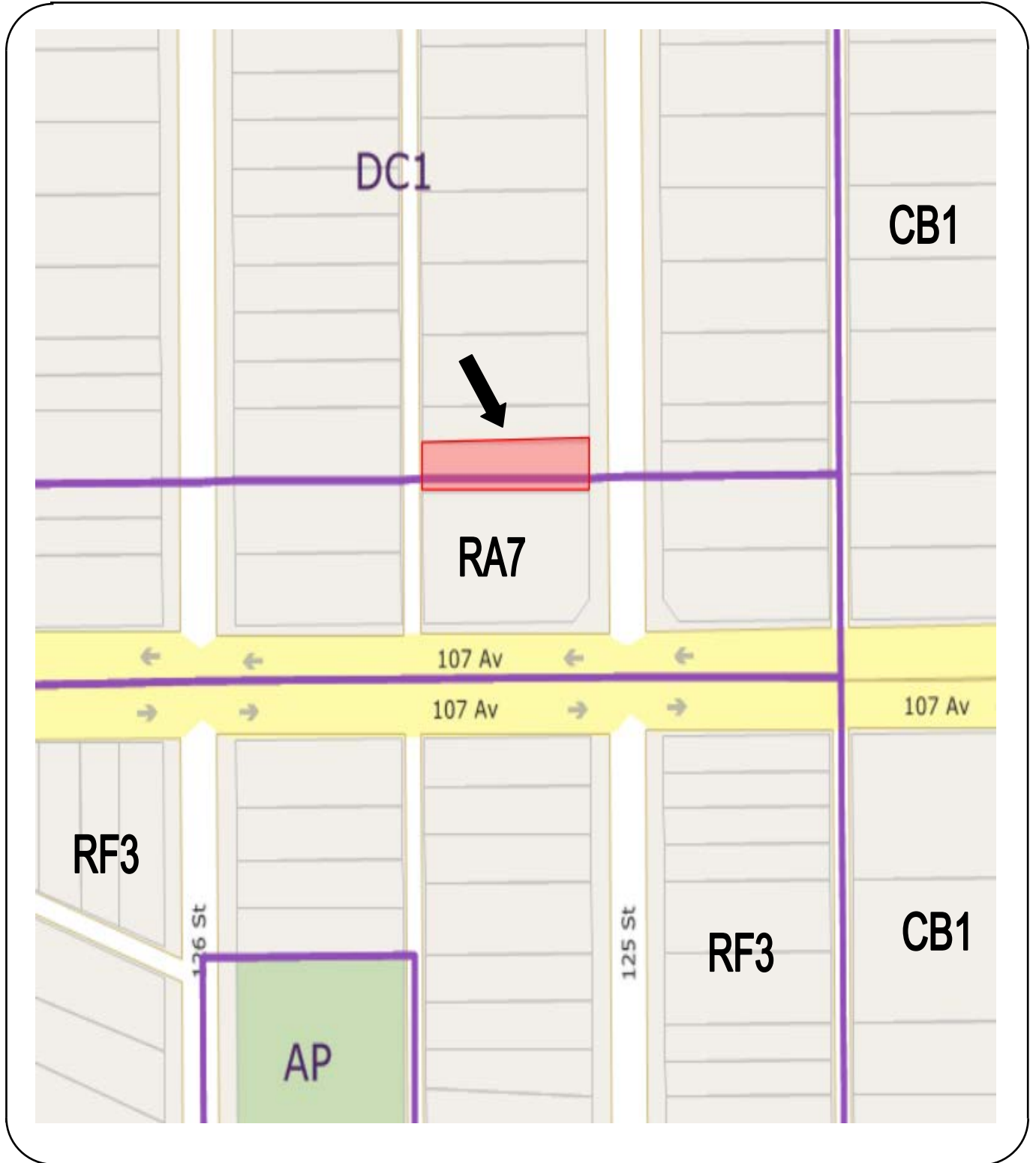
Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-15-259	Construct a Semi-detached House with front verandas, fireplaces, basement development (Not to be used as an additional Dwelling) and to demolish an existing building	November 19, 2015; The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED. The Board found: “A significant portion of the subject Site lies within the DC1 Direct Control District where Semi-detached Housing is not a listed Use and therefore, the Board is not satisfied that the Development Officer failed to follow the Direction of Council in refusing this application.” (Page 7, Paragraph 14(a))

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: 259268796-001 Application Date: AUG 09, 2017 Printed: September 22, 2017 at 3:19 PM Page: 1 of 1																																			
<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) 10710 - 125 STREET NW Plan RN22B Blk 45 Lots 12-13 Specific Address(es) Entryway: 10710 - 125 STREET NW Entryway: 10712 - 125 STREET NW Building: 10710 - 125 STREET NW																																			
Scope of Application To construct a Semi-Detached House with a Basement development (NOT to be used as an additional Dwelling), fireplace, uncovered deck, veranda																																				
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:																																	
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I/We certify that the above noted details are correct. Applicant signature: _____																																				
Development Application Decision Refused Reason for Refusal The proposed Semi-detached House is not a listed Use within the DC1 Zone (Westmount Architectural Heritage Area). 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 22, 2017 Development Authority: ANGELES, JOSELITO Signature: _____																																				
Fees <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; width: 15%;">Fee Amount</th> <th style="text-align: right; width: 15%;">Amount Paid</th> <th style="text-align: left; width: 10%;">Receipt #</th> <th style="text-align: left; width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$475.00</td> <td style="text-align: right;">\$475.00</td> <td>04356781</td> <td>Aug 09, 2017</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$200.00</td> <td style="text-align: right;">\$200.00</td> <td>04356781</td> <td>Aug 09, 2017</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$140.00</td> <td style="text-align: right;">\$140.00</td> <td>04356781</td> <td>Aug 09, 2017</td> </tr> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$1,566.00</td> <td style="text-align: right;">\$1,566.00</td> <td>04356781</td> <td>Aug 09, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$2,381.00</td> <td style="text-align: right; border-top: 1px solid black;">\$2,381.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$475.00	\$475.00	04356781	Aug 09, 2017	Development Permit Inspection Fee	\$200.00	\$200.00	04356781	Aug 09, 2017	Lot Grading Fee	\$140.00	\$140.00	04356781	Aug 09, 2017	Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	04356781	Aug 09, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$2,381.00	\$2,381.00		
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-216

