

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
October 31, 2018**

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

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

I 9:00 A.M. SDAB-D-18-177

Construct exterior alterations to a Single Detached House, existing without permits (Driveway extension, 5.18 metres by 7.62 metres)

16336 - 99 Street NW
Project No.: 154012920-002

II 10:00 A.M. SDAB-D-18-178

Construct a four Dwelling Row House with Unenclosed Front Porches, uncovered decks, Basement developments (NOT to be used as additional Dwellings), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage)

11627 - 122 Street NW
Project No.: 275363097-001

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-18-177

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 154012920-002

APPLICATION TO: Construct exterior alterations to a Single Detached House, existing without permits (Driveway extension, 5.18 metres by 7.62 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 1, 2018

DATE OF APPEAL: October 9, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16336 - 99 Street NW

LEGAL DESCRIPTION: Plan 7922524 Blk 28 Lot 65

ZONE: RF1-Single Detached Residential 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:

I have narrow lot, I have 4 vehicles and holiday trailer, my lot is in a cul-de-sac. I need this so I can park without be annoying to neighbours. Back was approved to park my business vehicle and equipment. I have two 1 ton trucks in back garage.

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 clause (a.4) and (d), must comply with any land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.2(5) states a **Single Detached House** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under Section 7.2(8), **Single Detached House** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

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

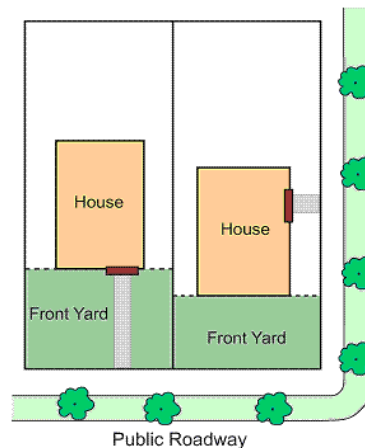
to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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.”

Under section 6.1, **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1, **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.”

Under section 6.1, **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1, **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Off-street Parking and Loading Regulations

Section 54.1(4) states:

The Front Yard of any ground level Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;

- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and
- d. ...

Development Officer's Determination

Driveway - The driveway is 11.3m wide, instead of 6.16m (Section 54.1.4.c).

Parking Spaces

Section 45.7 states in the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

- a. vehicles shall not be located on the landscaped portion of the Yard; and
- b. vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

Section 54.2(2)(e)(i) states except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, shall be located in accordance with the following: parking spaces shall not be located within a Front Yard in a Residential Zone.

Development Officer's Determination

Parking - Parking spaces shall not be located within a Front Yard (Section 45.7.a and 54.2.e.i).

Off-street Parking and Loading Regulations

Section 55.3(1)(e) states all open space including Front Yards, Rear Yards, Side Yards and Yards, Amenity Areas at ground level, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

Development Officer's Determination

Landscaping - Front Yard shall be landscaped (Section 55.3.e).

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-18-198	To operate a Major Home Based Business (Concrete Contractor)	September 5, 2008; that the appeal be DENIED and the decision of the Development Authority CONFIRMED subject to the following conditions:

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.



Application for Minor Development Permit

Project Number: **154012920-002**
 Application Date: JUN 17, 2014
 Printed: October 9, 2018 at 11:54 AM
 Page: 1 of 1

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

Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 16336 - 99 STREET NW Plan 7922524 Blk 28 Lot 65 <hr/> Specific Address(es) Suite: 16336 - 99 STREET NW Entryway: 16336 - 99 STREET NW Building: 16336 - 99 STREET NW
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Scope of Application

To construct exterior alterations to a Single Detached House, existing without permits (Driveway extension, 5.18m x 7.62m)

Permit Details

# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Issue Date: Oct 01, 2018 **Development Authority:** ZHOU, ROWLEY

Reason for Refusal

- Driveway - The driveway is 11.3m wide, instead of 6.16m (Section 54.1.4.c).
- Parking - Parking spaces shall not be located within a Front Yard (Section 45.7.a and 54.2.e.i).
- Landscaping - Front Yard shall be landscaped (Section 55.3.e).

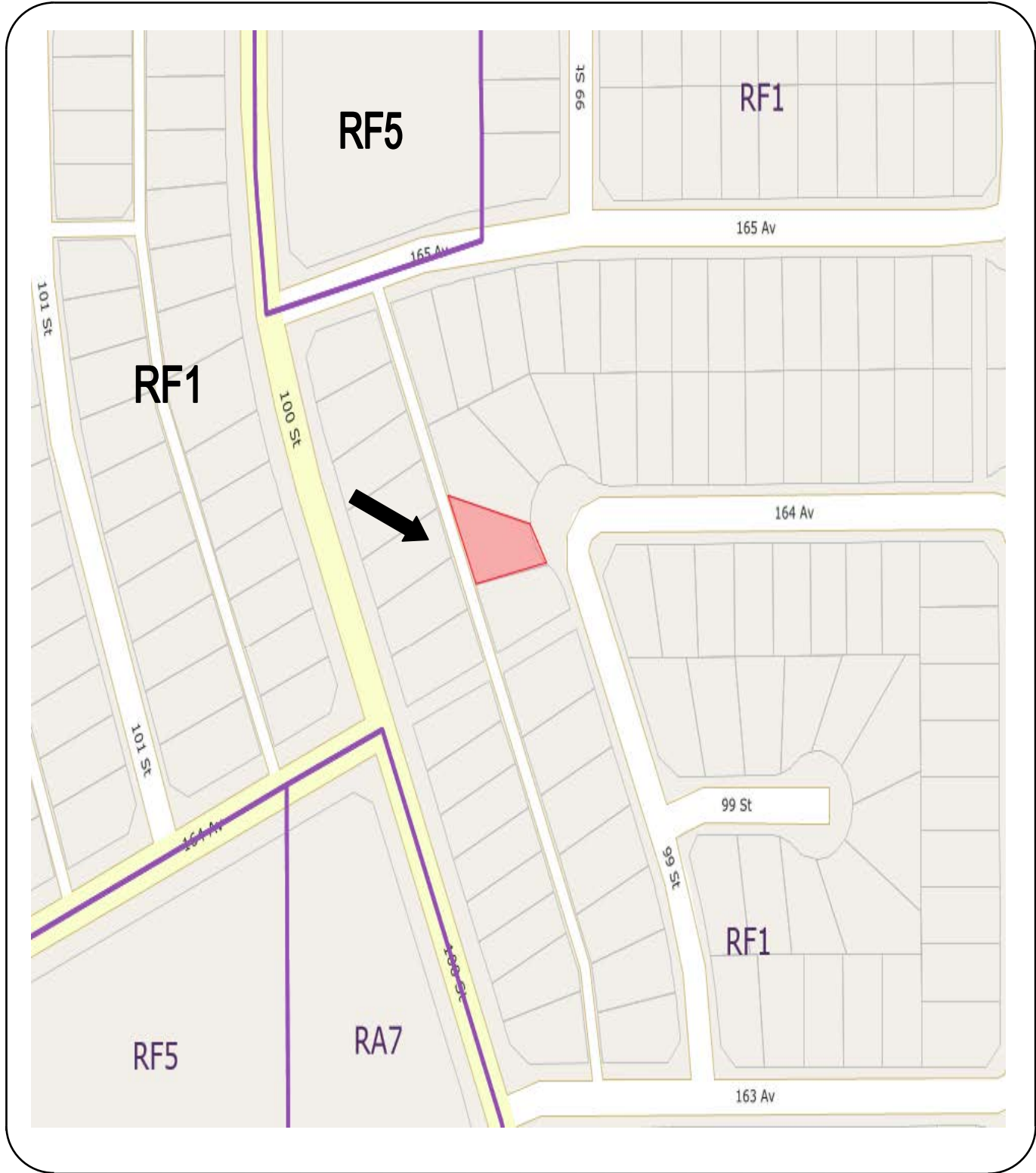
Rights of Appeal

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.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$310.00	\$310.00	01730142	Jun 17, 2014
DP Notification Fee	\$40.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$350.00	\$310.00		
(\$40.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-177



ITEM II: 10:00 A.M.

FILE: SDAB-D-18-178

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 275363097-001

APPLICATION TO: Construct a four Dwelling Row House with Unenclosed Front Porches, uncovered decks, Basement developments (NOT to be used as additional Dwellings), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 20, 2018

DATE OF APPEAL: October 9, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11627 - 122 Street NW

LEGAL DESCRIPTION: Plan 1916HW Blk 36 Lot 1

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

There are other 4-plex building has been built in same area with similar situation on the same street.

General Matters

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)
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Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or

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

and

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

General Provisions from the *Edmonton Zoning Bylaw*

Section 140.2(6) states **Row Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under Section 7.2(5), **Row Housing** means:

a development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to ground level. This Use does not include Stacked Row Housing or Blatchford Town housing.

Under section 6.1, **Dwelling** means:

a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Under Section 140.1, the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

Under Section 814.1, 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.

Site Area

Section 140.4(4)(a) states the minimum Site area shall be equal to the sum of:

- i. 186 square metres for each end Dwelling, plus
- ii. 150 square metres for each internal Dwelling.

Development Officer's Determination

Site Area - The area of the site is 634.5m² instead of 672m² (Section 140.4.4.a).

Site Width

Section 140.4(4)(b) states on a non-Corner Site the minimum Site Width shall be equal to the sum of:

- i. 6.2 metres for each end Dwelling, plus
- ii. 5.0 metres for each internal Dwelling;

Development Officer's Determination

Site Width - The width of the site is 14.0m instead of 22.4m (Section 140.4.4.b.).

Location Criteria

Section 140.4(6) states Row Housing shall be located:

- a. on Corner Sites,
- b. on Sites Abutting an arterial or service road, or
- c. where a minimum of one Side Lot Line Abuts a Site where a Commercial Use, or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

Development Officer's Determination

Location - The row house is proposed on an interior lot, instead of on a Corner Site, a Site abutting an arterial or service road, or abutting a Commercial or Apartment Use (Section 140.4.6).

Building Entrances


Section 140.4(23) states except for Garden Suites and Secondary Suites, each Dwelling that has direct access at ground level shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line. However, Row Housing and Stacked Row Housing shall orient a minimum of one entrance door or entrance feature towards each adjacent public roadway, other than a Lane. Sliding patio doors shall not serve as the entrance door or entrance feature.

Development Officer's Determination

Building Entrances - The entrances to three of four units are oriented to the side lane, instead of the front public roadway (122 Street NW) (Section 140.4.23).

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: 275363097-001 Application Date: FEB 22, 2018 Printed: October 9, 2018 at 10:28 AM Page: 1 of 2																				
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I/We certify that the above noted details are correct. Applicant signature: _____																					
Development Application Decision Refused Issue Date: Sep 20, 2018 Development Authority: YEUNG, KENNETH Reason for Refusal This Development Permit application is refused for the following reasons: Site Area - The area of the site is 634.5m ² instead of 672m ² (Section 140.4.4.a). Site Width - The width of the site is 14.0m instead of 22.4m (Section 140.4.4.b). Location - The row house is proposed on an interior lot, instead of on a Corner Site, a Site abutting an arterial or service road, or abutting a Commercial or Apartment Use (Section 140.4.6). Building Entrances - The entrances to three of four units are oriented to the side lane, instead of the front public roadway (122 Street NW) (Section 140.4.23). 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.																					
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$464.00</td> <td style="text-align: right;">\$464.00</td> <td style="text-align: right;">70547105640I0010</td> <td style="text-align: right;">Feb 22, 2018</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">\$500.00</td> <td style="text-align: right;">70547105640I0010</td> <td style="text-align: right;">Feb 22, 2018</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$835.00</td> <td style="text-align: right;">\$835.00</td> <td style="text-align: right;">70547105640I0010</td> <td style="text-align: right;">Feb 22, 2018</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$464.00	\$464.00	70547105640I0010	Feb 22, 2018	Development Permit Inspection Fee	\$500.00	\$500.00	70547105640I0010	Feb 22, 2018	Dev. Application Fee	\$835.00	\$835.00	70547105640I0010	Feb 22, 2018
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THIS IS NOT A PERMIT																					



Application for Minor Development Permit

Project Number: **275363097-001**
Application Date: FEB 22, 2018
Printed: October 9, 2018 at 10:28 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$3,023.00	\$3,023.00	7054710564010010	Feb 22, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$4,822.00</u>	<u>\$4,822.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-178

