

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Thursday, 9:00 A.M.**  
**October 8, 2020**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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I 9:00 A.M. SDAB-D-20-134

Construct an Accessory Building (Play Structure)

6203 - 109A Street NW

Project No.: 303824659-004

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**NOTE:** *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-134

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 303824659-004

APPLICATION TO: Construct an Accessory Building Play Structure)

DECISION OF THE  
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 21, 2020

DATE OF APPEAL: September 11, 2020

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 6203 - 109A Street NW

LEGAL DESCRIPTION: Plan 2609HW Blk 22 Lot 19

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

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***Grounds for Appeal***

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

I wish to appeal the decision because the treehouse is built I only built it in a temporary that I plan to take it down in five years so I didn't realize I needed a permit.

***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, or
    - (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*:**

Under section 110.2(6), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

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

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton’s main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

***Height***

Section 50.3(3) provides the following to Accessory Buildings in Residential Zones:

an Accessory building or structure shall not exceed 4.3 m in Height.

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

**Development Officers Determination**

**Height (to the midpoint of roof) - Accessory building shall not exceed 4.3m in height (Section 50.3.3).**

**Maximum: 4.3m**

**Proposed: 7.0m**

**Exceeds by 2.7m**

[unedited]

***Height and Grade***

Section 52.2(c) states:

Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

**Development Officers Determination**

**Height (to the top of roof) - The ridge line of the roof shall not extend more than 1.5m above the maximum permitted building height of 4.3m (Section 52.2.c).**

**Maximum: 5.8m**

**Proposed: 7.8m**

**Exceeds by 2.0m**

[unedited]

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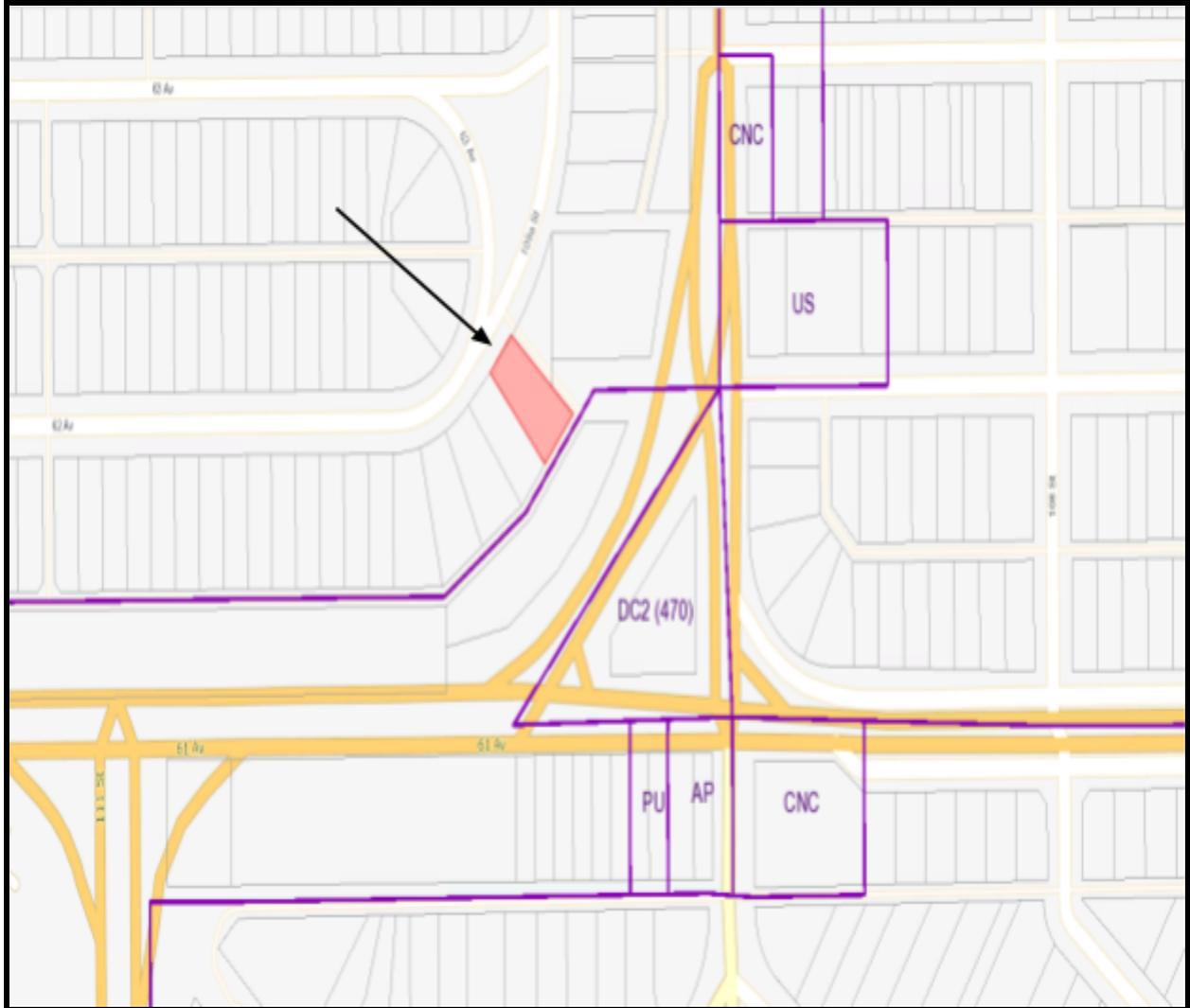
**Notice to Applicant/Appellant**

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.

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	<p>Project Number: <b>303824659-004</b>                  Application Date: AUG 05, 2020                  Printed: August 21, 2020 at 11:32 AM                  Page: 1 of 2</p> <h2 style="text-align: center;">Application for Accessory Building Permit</h2>																							
<p>This document is a Development Permit Decision for the development application described below.</p>																								
<p><b>Applicant</b></p>	<p><b>Property Address(es) and Legal Description(s)</b>                  6203 - 109A STREET NW                  Plan 2609HW Blk 22 Lot 19</p> <p><b>Location(s) of Work</b>                  Entryway: 6203 - 109A STREET NW                  Building: 6203 - 109A STREET NW</p>																							
<p><b>Scope of Application</b>                  To construct an Accessory Building (play Structure).</p>																								
<p><b>Permit Details</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">                     Class Of Permit: Class B                      Stat. Plan Overlay/Annes Area: Mature Neighbourhood Overlay                 </td> <td style="width: 50%;">                     Site Area (sq. m.): 777.85                 </td> </tr> </table>					Class Of Permit: Class B Stat. Plan Overlay/Annes Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 777.85																		
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<p><b>Development Application Decision</b>                  Refused  <b>Issue Date:</b> Aug 21, 2020 <b>Development Authority:</b> YEUNG, KENNETH</p> <p><b>Reason for Refusal</b>                  Height (to the midpoint of roof) - Accessory building shall not exceed 4.3m in height (Section 50.3.3).                   Maximum: 4.3m                  Proposed: 7.0m                  Exceeds by 2.7m</p> <p>Height (to the top of roof) - The ridge line of the roof shall not extend more than 1.5m above the maximum permitted building height of 4.3m (Section 52.2.c).                   Maximum: 5.8m                  Proposed: 7.8m                  Exceeds by 2.0m</p> <p><b>Rights of Appeal</b>                  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.</p>																								
<p><b>Building Permit Decision</b>                  Refused</p>																								
<p><b>Fees</b></p> <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">Fee Amount</th> <th style="text-align: center;">Amount Paid</th> <th style="text-align: center;">Receipt #</th> <th style="text-align: center;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: right;">\$120.00</td> <td style="text-align: center;">06658521</td> <td style="text-align: center;">Aug 07, 2020</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Building Permit Fee (Accessory Building)</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$120.00	\$120.00	06658521	Aug 07, 2020	Safety Codes Fee	\$0.00				Building Permit Fee (Accessory Building)	\$0.00			
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	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Total GST Amount:	\$0.00			
Totals for Permit:	\$120.00	\$120.00		
<b>THIS IS NOT A PERMIT</b>				



**SURROUNDING LAND USE DISTRICTS**

**Site Location** ←                      **File: SDAB-D-20-134**                      **N** ▲