

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
October 21, 2015**

**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-15-245	Erect an over height Fence in the Side and Rear Yard (2.44m in Height) 9645 - 68A Street NW Project No.: 172772780-002
---	-----------	---------------	--

II	10:30 A.M.	SDAB-D-15-246	Construct exterior alterations (driveway extension, 9.0m x 1.52m) to an existing Single Detached House 5104 Edgemont Boulevard NW Project No.: 174718919-001
----	------------	---------------	--

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-15-245

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 172772780-002

ADDRESS OF APPELLANT: 9645 - 68A STREET NW

APPLICATION TO: Erect an over height Fence in the Side and Rear Yard (2.44m in Height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 22, 2015

DATE OF APPEAL: September 28, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9645 - 68A STREET NW

LEGAL DESCRIPTION: Plan 6083KS Blk 17 Lot 37

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 was given wrong information at city planning, when I first went in to find out the max height of a fence. Second time in the information was interpreted differently. Still unsure of how to measure the correct height of the fence.

I have had multiple run ins with one neighbor, and want privacy from him. That same neighbor has also threatened to kill my dog (police report filed), so again i want privacy from him.

I followed the exact instructions from neighbor regarding the build of the fence, and a much greater cost to myself to have the fence how he wanted. He contributed nothing, and is now refusing the permit.

[unedited]

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, 2015. The Notice of Appeal Period expired on October 6, 2015 and the Notice of Appeal was filed on September 28, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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.

Maximum Fence Height

The *Edmonton Zoning Bylaw* states the following:

49. Fences, Walls and Gates in Residential Zones

...

3. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 m in Height, measured from the general ground level 0.5 m back of the property line of the Site on which the fence, wall, or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting:
 - a. the Front Yard, or
 - b. Side Yard abutting a public roadway other than a Lane.

Development Officer's Determination

1. Section 49.3 - A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 m in Height, measured from the general ground level 0.5 m back of the property line of the Site on which the fence, wall, or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting: the Front Yard, or Side Yard abutting a public roadway other than a Lane.

Maximum Fence Height: 1.85m
Proposed Fence Height: 2.44m
Deficient by: 0.59m
[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: 172772780-002 Application Date: JUN 17, 2015 Printed: October 14, 2015 at 12:46 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 WELLS, JORDAN 	Property Address(es) and Legal Description(s) 9645 - 68A STREET NW Plan 6083KS Blk 17 Lot 37										
Scope of Application To erect an over height Fence in the Side and Rear Yard (2.44m in Height).											
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay								
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A 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 1. Section 49.3 - A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 m in Height, measured from the general ground level 0.5 m back of the property line of the Site on which the fence, wall, or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting: the Front Yard, or Side Yard abutting a public roadway other than a Lane. Maximum Fence Height: 1.85m Proposed Fence Height: 2.44m Deficient by: 0.59m 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, 2015 Development Authority: HAMILTON, FIONA Signature: _____											
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;">Dev. Application Fee</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></td> <td style="text-align: right;">\$161.00</td> <td style="text-align: right;">\$161.00</td> <td style="text-align: right;">02513023</td> <td style="text-align: right;">Jun 17, 2015</td> </tr> </tbody> </table>		Dev. Application Fee	Fee Amount	Amount Paid	Receipt #	Date Paid		\$161.00	\$161.00	02513023	Jun 17, 2015
Dev. Application Fee	Fee Amount	Amount Paid	Receipt #	Date Paid							
	\$161.00	\$161.00	02513023	Jun 17, 2015							
THIS IS NOT A PERMIT											



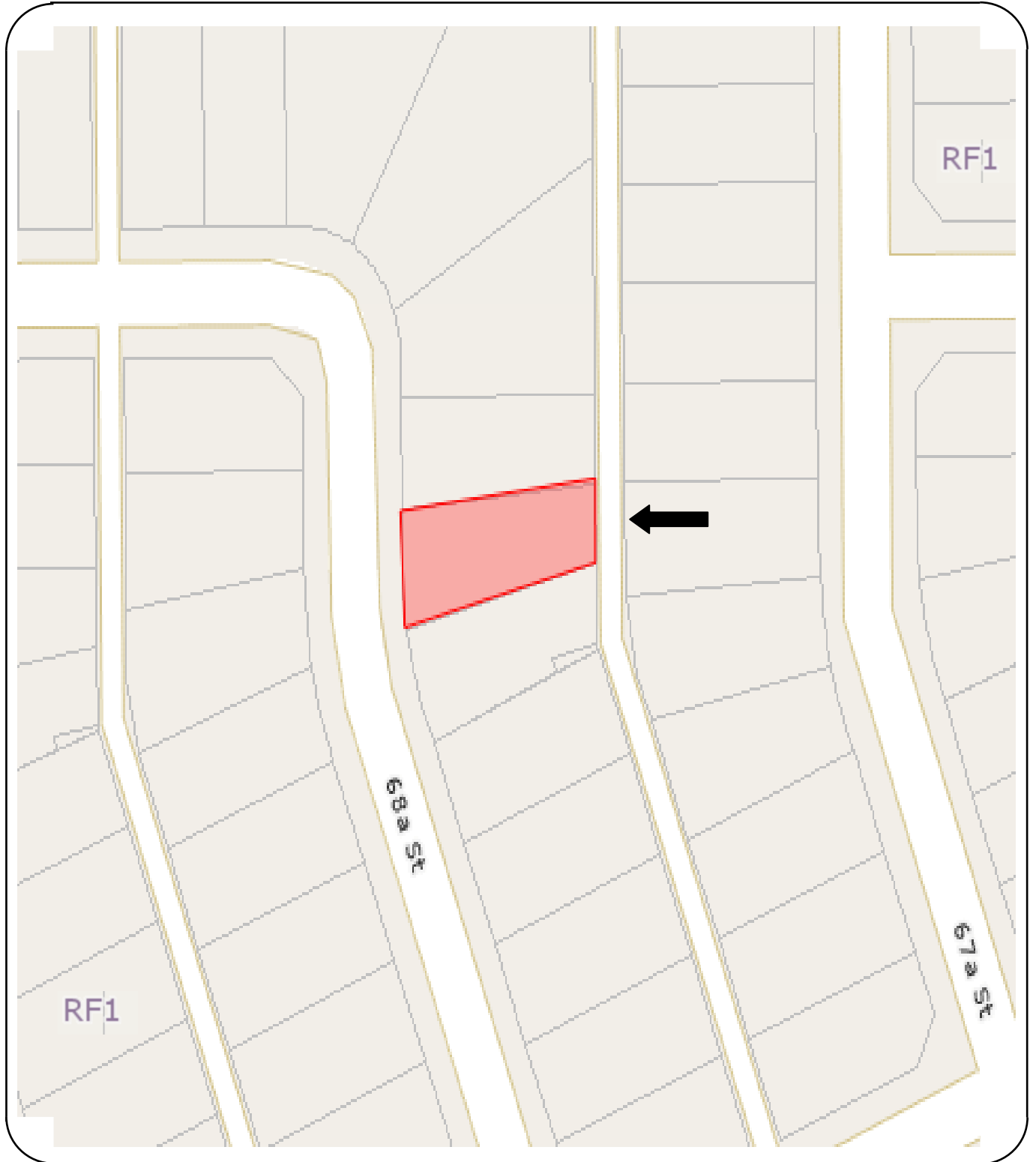
Project Number: 172772780-002
Application Date: JUN 17, 2015
Printed: October 14, 2015 at 12:46 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$40.00	\$40.00	02513023	Jun 17, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$201.00	\$201.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-245



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-246

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

APPELLANT:

APPLICATION NO.: 174718919-001

ADDRESS OF APPELLANT: 14310 - 111 Avenue NW

APPLICATION TO: Construct exterior alterations (driveway extension, 9.0m x 1.52m) to an existing Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Appr. with Notices

DECISION DATE: September 17, 2015

DATE OF APPEAL: September 23, 2015

NOTIFICATION PERIOD: Sep 24, 2015 through Oct 7, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 5104 Edgemont Boulevard NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5104 Edgemont Boulevard NW

LEGAL DESCRIPTION: Plan 1320806 Blk 12 Lot 16

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Edgemont Neighbourhood Area Structure Plan

Grounds for Appeal

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

Walton Development and Management as the Developer of the Woodhaven Edgemont community is currently administering the

Architectural approvals on behalf of the Woodhaven Edgemont Homeowners Association.

These Architectural Guidelines are registered on title as part of the Homeowners Association Caveat. The extended driveway is not permitted as per these Architectural Guidelines.

The purpose of the Guidelines is to maintain a consistent environmental landscape throughout the community which focuses on maintaining natural elements such as vegetation like sod or other natural materials.

For more information please visit http://www.woodhavenedgemont.com/pdf/architectural_guidelines.pdf.

You can contact us directly at info@Waltondm.com

Thank you!

[unedited]

<i>General Matters</i>

Appeal Information:

The decision of the Development Authority was appealed by Walton Development and Management on behalf of the Woodhaven Edgemont Homeowners Association.

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

Grounds for Appeal

685(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) ...

(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.

The decision of the Development Authority was dated September 17, 2015. The Notice of Appeal Period started on September 24, 2015 and expired on October 7, 2015. The Notice of Appeal was filed on September 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

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.

Variance: Driveway Width

The *Edmonton Zoning Bylaw* states the following:

54.1 Off-street Parking and Loading Regulations

4. The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall:
 - a. a minimum width of 3.1 m;
 - b. for a Site 10.4 m wide or greater, have a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; and
 - c. for a Site less than 10.4 m wide, have a maximum width of 3.1 m.

11.3 Variance to Regulations

The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

1. the proposed development would not, in his opinion:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Development Officer's Determination

In the opinion of the Development Officer, the variances granted in this application and noted below will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. (Section 11.3)

Subject to the right of appeal. (Reference Section 21.(1).)

1. Section 54.1(4)(b) relaxed - Driveway width increased from 6.20 m to 7.32 m.
[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: 174718919-001
Application Date: JUN 22, 2015
Printed: October 15, 2015 at 9:34 AM
Page: 1 of 3

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 MCPEAK, JASON & SARAH 	Property Address(es) and Legal Description(s) 5104 - EDMONTON BOULEVARD NW Plan 1320806 Blk 12 Lot 16
--	--

Scope of Permit
To construct exterior alterations (driveway extension, 9.0m x 1.52m) to an existing Single Detached House.

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?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: (none)
--	--

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: 174718919-001
Application Date: JUN 22, 2015
Printed: October 15, 2015 at 9:34 AM
Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

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

This Development Permit authorizes the development of exterior alterations (driveway extension, 9.0m x 1.52m) to an existing Single Detached House.

The development shall be constructed in accordance with the stamped and approved drawings.

Other than the Driveway approved by Development Permit # 146951122-001 and Development Permit # 174718919-001, the Front Yard shall be landscaped or continue to be landscaped with soft landscaping elements such as trees, shrubs, and lawns. (Reference Section 55.4(1), 55.2(4)(b), and 6.1(55)).

Absolutely no parking is allowed within the required Front Yards/Setbacks other than what was approved on the site plan for Development Permit # 146951122-001 and Development Permit # 174718919-001 (Reference Section 54.2)

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.

The Driveway must maintain a minimum clearance of 1.5m from the service pedestal and all other surface utilities.

Notes:

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, 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.

The applicant is advised to research the Land Title for this property and to be aware of any restrictions in any Restrictive Covenants registered against the legal title. This approval does not imply consent for any structure that does not meet the requirements of the Restrictive Covenant.

Variations

In the opinion of the Development Officer, the variations granted in this application and noted below will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring properties. (Section 11.3)

Subject to the right of appeal. (Reference Section 21.(1).)

1. Section 54.1(4)(b) relaxed - Driveway width increased from 6.20 m to 7.32 m.

NOTE: Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

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 17, 2015 Development Authority: COOKE, STEPHEN

Signature: _____

Notice Period Begins: Sep 24, 2015

Ends: Oct 07, 2015

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **174718919-001**
Application Date: JUN 22, 2015
Printed: October 15, 2015 at 9:34 AM
Page: 3 of 3

Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$155.00	\$155.00	02525266	Jun 22, 2015
DP Notification Fee	\$40.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$195.00	\$155.00		
(\$40.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-246



BUSINESS LAID OVER

SDAB-D-15-211	An appeal by <u>Bigstone Health Commission</u> to change the Use from Professional, Financial, and Office Support Services to General Retail Stores (main floor) and Health Services (2 nd floor), and construct additions, interior alterations, and exterior alterations <i>October 29, 2015</i>
SDAB-D-15-242	An appeal by <u>Go Outdoor Advertising Ltd.</u> to install (1) Freestanding Off-premises Sign <i>November 12, 2015</i>
SDAB-D-15-236 to 241	An appeal by <u>Ogilvie LLP</u> to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

175784462-002	An appeal by <u>Jarnail Dhaliwal</u> to construct exterior alterations (front yard concrete extension, 1.20m x 5.30m) to a Single Detached House, existing without permits. <i>November 12, 2015</i>
----------------------	--