## SUBDIVISION

# AND

# DEVELOPMENT APPEAL BOARD

# AGENDA

Thursday, 9:00 A.M. October 26, 2017

Hearing Room No. 3 Churchill Building, 10019 - 103 Avenue NW, Edmonton, AB

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD **HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-17-199	Construct an Accessory building (detached Garage, 7.31 metres by 9.14 metres)
			9818 - 159 Street NW Project No.: 259231987-001
II	10:30 A.M.	SDAB-D-17-200	Convert a Single Detached House to a Lodging House (6 residents)
			11008 - 85 Avenue NW Project No.: 258181585-001

the authority under the Edmonton Zoning Bylaw 12800.

### <u>ITEM I: 9:00 A.M.</u> <u>FILE: SDAB-D-17-199</u>

### AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 259231987-001

APPLICATION TO: Construct an Accessory building

(detached Garage, 7.31 metres by 9.14

metres)

**DECISION OF THE** 

DEVELOPMENT AUTHORITY: Refused

DECISION DATE: September 27, 2017

DATE OF APPEAL: October 2, 2017

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 9818 - 159 Street NW

LEGAL DESCRIPTION: Plan 1909HW Blk 15 Lot 13

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Jasper Place Area Redevelopment Plan

### **Grounds for Appeal**

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

Parking to accommodate the household & rental downstairs.

### **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

. . .

### **Hearing and Decision**

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

. . .

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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:

Under Section 110.2(4), **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 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.

Under Section 6.1(2), **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 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.

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.

### Site Coverage

Section 110.4(7) states the maximum Site Coverage shall be as follows:

	Principal	Accessory	Principal building	Total Site
	Dwelling	building	with attached	Coverage
	/		Garage or where	
	building		parking is provided	
			underground	
(a) Single	28	12 percent	40 percent	40 percent
Detached	percent			
Housing				
- Site greater				
than 300 m2				

Under section 6.1(102), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

### **Development Officer's Determination**

Section 110.4(7) states the maximum total site coverage shall not exceed 40 percent, with a maximum of 28 percent for the principal building and a maximum of 12 percent for accessory buildings. Where a garage is attached to or designed as an integral part of a Dwelling the maximum for the principal building shall be 40 percent.

Total Site Coverage proposed: 303.3 square metres (44.1 percent)

Site Area:	688.00 square metres
<ul><li>12 percent Allowable Site Coverage:</li><li>28 percent Allowable Site Coverage:</li><li>40 percent Allowable Site Coverage:</li></ul>	82.56 square metres 192.64 square metres 275.20 square metres
Existing Principal Dwelling: Proposed Accessory Building:	236.48 square metres 66.89 square metres
Proposed Total Site Coverage: (including Accessory building)	303.37 square metres

### Previous Subdivision and Development Appeal Board Decision

<b>Application Number</b>	Description	Decision
SDAB-D-16-212	To construct an	July 27, 2016; the
	Accessory Building	appeal is DENIED and
	(rear detached Garage,	the decision of the
	7.31 metres by 9.75	Development Authority
	metres).	is CONFIRMED. The
		development is
		REFUSED.

<b>Application Number</b>	Description	Decision
SDAB-D-01-254	To construct a single	September 21, 2001;
	detached house with	that the appeal be
	attached garage, deck	ALLOWED and the
	and fireplace and to	DEVELOPMENT
	demolish a single	GRANTED and the
	detached house	requirement for no
		vehicular access from
		the front public
		roadway, setbacks as
		they relate to the
		protrusion of the garage
		beyond the wall of the
		principal building; the
		width of the garage on
		the property and the size
		of the above grade deck
		protruding into the rear
		yard all be waived
		subject to a condition

### 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*.



# Application for

Project Number: 259231987-001 AUG 08, 2017 Application Date: Printed: September 27, 2017 at 10:33 AM

# **Accessory Building Development and Building Permit**

This document is a record of a Development Permit and/or Building 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, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edm

Act RSA 2000, Safety Codes Act Fermit Regulation, Alberta Building	Code 2000 and City of Editionion Bylaw 15654 Safety Codes Ferrint		
Applicant	Property Address(es) and Legal Description(s) 9818 - 159 STREET NW Plan 1909HW Blk 15 Lot 13		
	Location(s) of Work		
	Entryway: 9818 - 159 STREET NW		
	Building: 9818 - 159 STREET NW		
Scope of Application			
To construct an Accessory building (detached Garage, 7.31m x 9.	.14m).		
Permit Details			
Building Area (sq. ft.): 720	Class of Permit:		
Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Type of Accessory Building: Detached Garage (010)		
I/We certify that the above noted details are correct.			
Applicant signature:			
Development Application Decision Refused			
	exceed 40%, with a maximum of 28% for the principal building and is attached to or designed as an integral part of a Dwelling the		

Total Site Coverage proposed: 303.3 m2 (44.1%)

### 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 27, 2017 Development Authority: HETHERINGTON, FIONA Signature:

	es					
Fee Amount	Amount Paid	Receipt #	Date Paid			
\$4.50	\$4.50	04355534	Aug 08, 2017			
\$113.00	\$113.00	04355534	Aug 08, 2017			
\$105.00	\$105.00	04355534	Aug 08, 2017			
\$0.00						
\$222.50	\$222.50					
	\$4.50 \$113.00 \$105.00 \$0.00	\$4.50 \$4.50 \$113.00 \$113.00 \$105.00 \$105.00	\$4.50 \$4.50 04355534 \$113.00 \$113.00 04355534 \$105.00 \$105.00 04355534 \$0.00			

### THIS IS NOT A PERMIT



# SURROUNDING LAND USE DISTRICTS

Site Location

■ File: SDAB-D-17-199

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### <u>ITEM II: 10:30 A.M.</u> <u>FILE: SDAB-D-17-200</u>

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

APPELLANT:

APPLICATION NO.: 258181585-001

APPLICATION TO: Convert a Single Detached House to a

Lodging House (6 residents)

**DECISION OF THE** 

DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: September 13, 2017

NOTIFICATION PERIOD: September 19, 2017 through October 3,

2017

DATE OF APPEAL: October 3, 2017

**RESPONDENT:** 

MUNICIPAL DESCRIPTION

OF SUBJECT PROPERTY: 11008 - 85 Avenue NW

LEGAL DESCRIPTION: Plan I23A Blk 164 Lot 2

ZONE: (RF6) Medium Density Multiple Family

Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

### Grounds for Appeal

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

Does not encourage family-oriented housing (see GARP G.1) not enough parking for a lodging house, no guarantee of only 6 renters, 3 adjacent congregate housing units on 85<sup>th</sup> Ave., increase of current traffic and parking problems.

Please see attached documents including Kijiji advertisement for rooms, garage and parking for rent at 11008 – 85 Ave NW. Also see attached 10 signed support of the appeal documents form residents of 85 Ave between 110 and 111 Street NW.

- 1. The location of this house is part of The Gameau Area Redevelopment Plan (GARP) and the development permit does not conform to GARP Policy G.1 Land Use Residential that Council encourages the development of family oriented housing in Gameau.
- 2. See Attached Exhibit 1— Advertisement on Kiiiii Room for rent.
   under the title Description this advertisement indicates that there are more than 6 rooms available for rent. By its wording Section 76(1) of the Zoning Bylaw states "The maximum occupancy of a Lodging House in a Zone where Lodging Houses are a Discretionary Use shall be a maximum of 6 residents". Based on Exhibit I how will the Development Officer/Compliance Officer ensure that there are only 6 renters in this house?
- 3. See Attached Exhibit I which also indicates there is a double garage and 3 parking stalls available for the public to rent. Edmonton Zoning Bylaw 12800 Section 54.2 Schedule 1— Vehicular Parking Requirement for a Lodging house is 1 parking space for 2 sleeping units there must be 3 parking spaces available for the lodging house tenants.

### 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 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

. . .

(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.

### **Hearing and Decision**

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

. . .

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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:

Under section 170.3(5), Lodging Houses is a Discretionary Use in the (RF6) Medium Density Multiple Family Zone.

Under section 7.3(6), **Lodging Houses** means:

a building or part of building, used for Congregate Living, containing Sleeping Units and four or more persons, and where there is no provision of on-site care, treatment or professional services of a physical or mental health nature. This Use does not include Extended Medical Treatment Services, Detention and Correction Facilities, Fraternity and Sorority Housing, Group Homes, and Limited Group Homes.

### Under section 6.1(18), **Congregate Living** means:

four or more individuals occupying Sleeping Units in a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities. Typical Uses where Congregate Living is found include Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses.

### Under section 6.1(106), **Sleeping Unit** means:

- a Habitable Room in a building used for Congregate Living in which the room is occupied by a person under any form of accommodation agreement providing remuneration for the room, and the room:
  - a. does not include provision for cooking or food preparation except as provided for in Section 76 and 79 of this Bylaw;
  - b. may or may not be equipped with sanitary facilities; and
  - c. provides accommodation for a maximum of two persons.

Section 170.4(14) states "Fraternity and Sorority Housing, Limited Group Homes, Group Homes and Lodging Houses shall comply with Section 96 of this Bylaw."

Section 170.1 states that the **General Purpose** of the **(RF6) Medium Density Multiple Family Zone** is "to provide for medium density housing, where some units may not be at Grade."

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

### **Development Officer's Determination:**

Discretionary Use - A Lodging House is approved as a Discretionary Use in the RF6 Zone (Section 170.3) [unedited]

### Special Land Use Provisions - Lodging Houses

Section 76 provides the following with respect to Lodging Houses:

In addition to the regulations in <u>Section 96</u> of this Bylaw, Lodging Houses shall comply with the following regulations:

- 1. The maximum occupancy of a <u>Lodging House</u> in a Zone where Lodging Houses are a Discretionary Use shall be a maximum of 6 residents;
- 2. The maximum occupancy of a Lodging House in a Zone where Lodging Houses are a Permitted Use shall be the greater of 6 residents or 1 resident per 60 m2 of Lot size;
- 3. The Development Officer may restrict the occupancy of a Lodging House to less than the maximum number of residents allowed having regard for the threshold purpose identified in Section 96, the level of traffic generation, parking demand, and frequency of visits by emergency vehicles relative to that which is characteristic of the Zone in which the Lodging House is located;
- 4. A Lodging House shall be developed as either a purpose-built freestanding structure, or Single Detached Housing converted for the purpose, or part of an Apartment Housing development;
- 5. A Lodging House may be located in <u>Duplex Housing</u> or <u>Semi-detached Housing</u> converted for the purpose in a Zone where Lodging Houses are a Permitted Use and both units are operated by a single provider;
- 6. In a Zone where Lodging Houses are a Permitted Use and where more than 12 Sleeping Units are allowed in a development, Sleeping Units may include limited food preparation facilities such as bar fridge, minisink, and microwave:

- 7. No <u>Major Home Based Business</u>, <u>Secondary Suite</u>, <u>Garden Suite</u> or Garage Suite shall be permitted as part of a Lodging House development or on the Site of such development;
- 8. Where a Lodging House is designed as a freestanding structure it shall be of a size, scale, and outward appearance that is typical of surrounding residential development; and
- 9. Increases in vehicular traffic generation and parking demand must be to the satisfaction of the Development Officer and/or Transportation Services.

### 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: **258181585-001**Application Date: JUL 26, 2017
Printed: October 3, 2017 at 10:00 AM

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# **Major 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) 11008 - 85 AVENUE NW

Plan I23A Blk 164 Lot 2

Specific Address(es)

Building: 11008 - 85 AVENUE NW

Scope of Permit

To convert a Single Detached House to a Lodging House (6 residents).

Permit Details

Class of Permit: Class B

Gross Floor Area (sq.m.):

New Sewer Service Required: N/A Site Area (sq. m.): Contact Person:

Lot Grading Needed?: N/A

NumberOfMainFloorDwellings:

Stat. Plan Overlay/Annex Area: (nonc)

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: **258181585-001**Application Date: JUL 26, 2017
Printed: October 3, 2017 at 10:00 AM

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## Major Development Permit

#### Subject to the Following Conditions

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

This Development Permit authorizes development to convert a Single Detached House to a Lodging House (6 residents). The development shall be constructed in accordance with the stamped and approved drawings.

- The required parking spaces shall be wholly provided on the same Site as the building. (Reference Section 54.2(2)(a))
- 2. No Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of the Lodging House development or on the Site of such development (Reference Section 76.7).
- The Lodging House shall be of a size, scale, and outward appearance that is typical of surrounding residential developments (Reference Section 76.8).
- 4. For the purposes of calculating Density for a Group Home or Lodging House each Sleeping Unit shall be considered a Dwelling when a development contains seven or more Sleeping Units (Reference Section 96.4)
- 5. For the purpose of applying these regulations the Development Officer shall maintain a register of all approved Special Residential Facilities. The register shall include the address of the facility, maximum occupancy of the facility, and any other necessary information (Reference Section 96.5)
- 6. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$3132.00. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

### FIRE RESCUE SERVICES ADVISEMENTS:

- i.) If the building will be protected by a Fire Alarm System, ensure that the Fire Alarm Annunciator panel is located in close proximity to the building entrance that faces a street or emergency access route. Reference: ABC 3.2.4.9 Annunciator and Zone Indication
- ii.) Where part of a building continues to be occupied, the occupied part shall be separated from the part being demolished or constructed by a fire separation having a fire-resistance rating of not less than 1 h. Reference: AFC 5.6.1.12. Fire Separations in Partly Occupied Buildings
- iii.) A formal submission of your Fire Safety Plan will be required for a Building Permit to be issued (please do not forward your Fire Safety Plan at this time). If you have any questions at this time, please contact Technical Services at cmsfpts@edmonton.ca.

### DEVELOPMENT PERMIT ADVISEMENTS:

- i.) Signs require separate Development Applications.
- ii.) A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- iii.) This Development Permit is not a Business Licence. A separate application must be made for a Business Licence if one is required.
- iv.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
- v.) Any future deck enclosure or cover requires a separate development and building permit approval.

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



Project Number: **258181585-001**Application Date: JUL 26, 2017
Printed: October 3, 2017 at 10:00 AM

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## **Major Development Permit**

vi.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.

vii.) 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.

### Variances

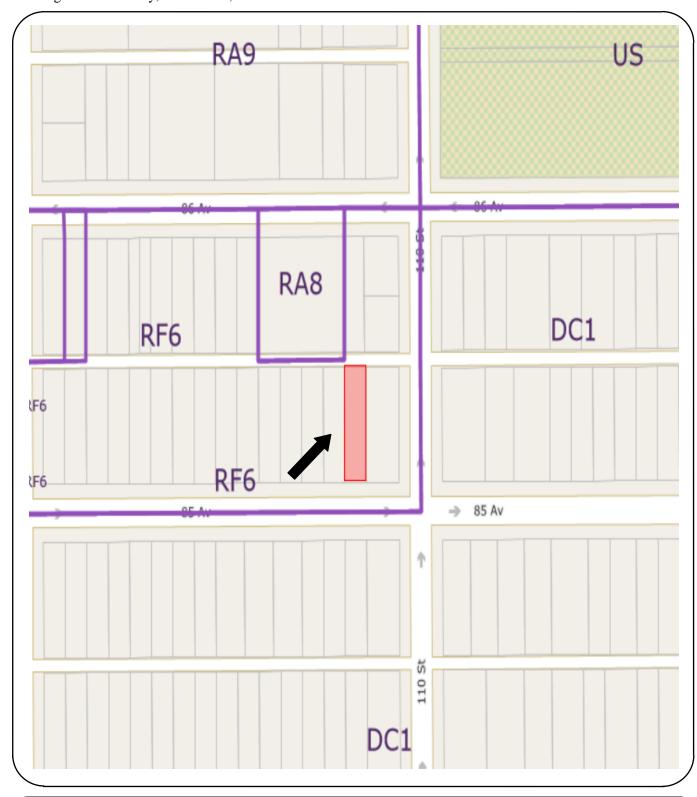
Discretionary Use - A Lodging House is approved as a Discretionary Use in the RF6 Zone (Section 170.3)

### 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.

Issue Date: Sep 13, 2017	Development Authority	y: LANGILLE, BRAND	OON Sign	nature:	
Notice Period Begi	ns:Sep 19, 2017	Ends:Oct 03, 2017			
Fees					
	Fee Amount	Amount Paid	Receipt #	Date Paid	
Major Dev. Application Fee	\$500.00	\$500.00	04321729	Jul 26, 2017	
Total GST Amount:	\$0.00				
Totals for Permit:	\$500.00	\$500.00			

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



# **SURROUNDING LAND USE DISTRICTS**

Site Location

File: SDAB-D-17-200

