

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 16, 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-15-206	To construct a rear uncovered deck (irregular shape, 3.61m x 2.43m @ 1.28m Height), existing without permits
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12243 - 93 Street NW
Project No.: 172396971-003

BREAK: 10:15 A.M. TO 10:30 A.M.

II	10:30 A.M.	SDAB-D-15-207	To construct a Semi-detached House with verandas, fireplaces, rear covered decks (0.91m X 1.52m)
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7326 - 81 Avenue NW
Project No.: 172593585-001

LUNCH BREAK: 12:30 P.M. TO 1:30 P.M.

III	1:30 P.M.	SDAB-D-15-208	To construct a Single Detached House with attached Garage, rear balcony (1.52m x 3.35m), fireplace, and Basement development (NOT to be used as an additional Dwelling)
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9027 Saskatchewan Drive NW
Project No.: 175354514-001

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-15-206

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 172396971-003

ADDRESS OF APPELLANT: 12243 - 93 Street NW

APPLICATION TO: Construct a rear uncovered deck (irregular shape, 3.61m x 2.43m @ 1.28m Height), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused (See pages 10-11 for Decision)

DECISION DATE: August 12, 2015

DATE OF APPEAL: August 25, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12243 - 93 Street NW

LEGAL DESCRIPTION: Plan 0221556 Blk 22 Lot 11

ZONE: RF3 Small Scale Infill Development 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:

The concluding statement of the Development Officer expressed that "the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties"

In our opinion, we respectfully disagree with the above statement, for the following reasons:

- 1) There is absolutely no infringement on communal or "neighbourhood" property/areas. The structure in question is completely confined and enclosed within the property boundaries.

- 2) The property, on which the deck is located, is not a corner property. There is no visibility of the structure from general "neighbourhood" areas, such as public boulevards, parks, sidewalks, and/or the back alleys. There are existing neighbouring properties on all sides of the structure.
- 3) The structure has been in place since 2009. In the approximately eight years since it has existed, there have been no complaints expressed by any neighbours (formally or informally). No one has complained that the structure interferes with any of the neighbourhood amenities or that it negatively impacts the enjoyment of their properties.
- 4) The adjacent property (i.e. the adjoined unit, the property is a duplex) has the exact same deck structure in place. As a result, there would be no negative impact on that neighbour's property as a result of the structure in place at the aforementioned property location. Furthermore, the neighbouring properties on the west side of said deck are actually owned by one of the applicants, Marijan Kolar. Marijan Kolar does not believe his properties (duplex) are negatively impacted (financially, functionally or aesthetically) as a result of the deck's existence.
- 5) Please refer to the attached document entitled "Neighbour Approval Letter", which documents support of the structure by the current owner and immediate property neighbours.
- 6) The property on which the deck is located exists within an established, older neighbourhood in which a variety of home styles (new, old, detached, duplex, etc.) exist. Many of these homes have individual and unique elements. We believe these features add character and interest, not only to the home but to the neighbourhood as well. This said deck, serves to maximize the outdoor space on said property, which is a unique and desirable feature for this property.

In conclusion, we do not believe that the concluding statement provided by the Development Officer is a fair assessment of the impacts associated with the deck located at the property location. We do not believe the structure yields any negative financial, functional or aesthetic impacts on the neighbouring properties and/or neighbourhood in general. [unedited]

<i>General Matters</i>

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 August 12, 2015. The Notice of Appeal Period expired on August 26, 2015 and the Notice of Appeal was filed on August 25, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 130.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

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

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Section 6.1(2) defines **Accessory** to mean, "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 50.1(2) states that "Accessory Uses and buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued."

Under Section 140.2(8), Semi-detached Housing is a **Permitted Use** in the RF3 Small Scale

Infill Development Zone.

Maximum Site Coverage

Section 140.4(10)(d) states the following with respect to **Maximum Site Coverage**:

10. Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
d. Semi-detached Housing - Site area less than 600 m ²	28%	14%	42%	42%

Development Officer’s Determination:

1.) Section 140.4(10)(d): Maximum Site Coverage shall be as follows: Principal Dwelling/ building (28%), Total Site Coverage (42%)

Proposed coverage for Principal Dwelling: 90.21 sqm or 38.53 %
Exceeds by: 10.53%

Proposed total Site coverage (including detached Garage): 125.52 sqm or 53.61%
Exceeds by: 11.61%
[unedited]

Projection into Setbacks and Separation Spaces

Section 44(3)(b) states the following with respect to **Projection into Setbacks and Separation Spaces**:

The following features may project into a required Setback or Separation Space as provided for below:

...

3. a) ...

b) Platform Structures provided such projections do not exceed 0.60 m for Setbacks or Separation Spaces with a depth of less than 4.0 m; and

...

Section 6.1(74) defines **Platform Structures** to mean “structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.”

Section 814.3(22) states that “A principal building shall be separated from a rear detached Garage by a minimum of 3.0 m.”

Development Officer’s Determination:

- 2.) Section 44.3(b): Platform Structures provided such projections do not exceed 0.60 m for Setbacks or Separation Spaces with a depth of less than 4.0 m.
Minimum Separation space between the Garage and Principal Dwelling as per Section 814.3(22) = 3.0m
Total proposed projection: 1.80m
Over by: 1.2m
[unedited]

Projection into Setbacks and Separation Spaces: Rear Setback

Section 44(3)(a) states the following with respect to **Projection into Setbacks and Separation Spaces:**

The following features may project into a required Setback or Separation Space as provided for below:

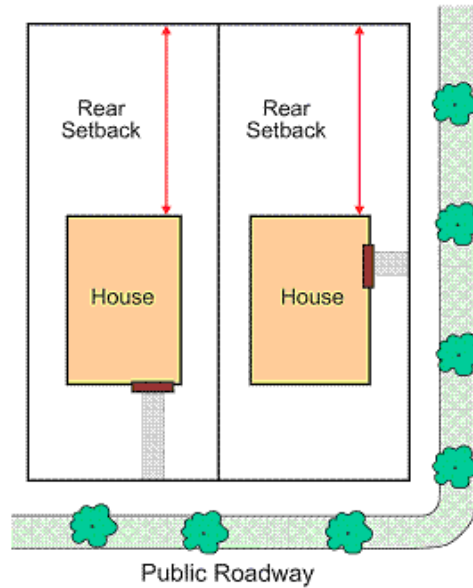
...

- 3. a) Platform Structures provided such projections do not exceed 2.0 m into Setbacks or Separation Spaces with a depth of at least 4.0 m;

...

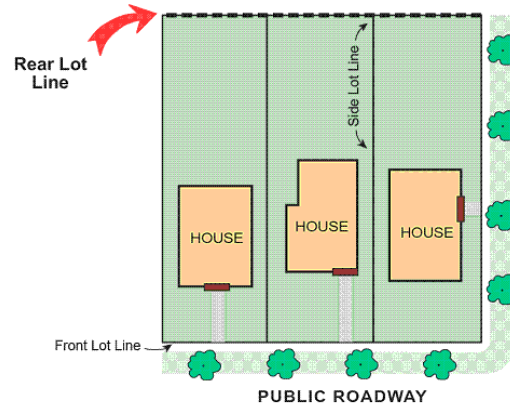
Section 6.1(82) defines **Rear Setback** as follows:

...the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



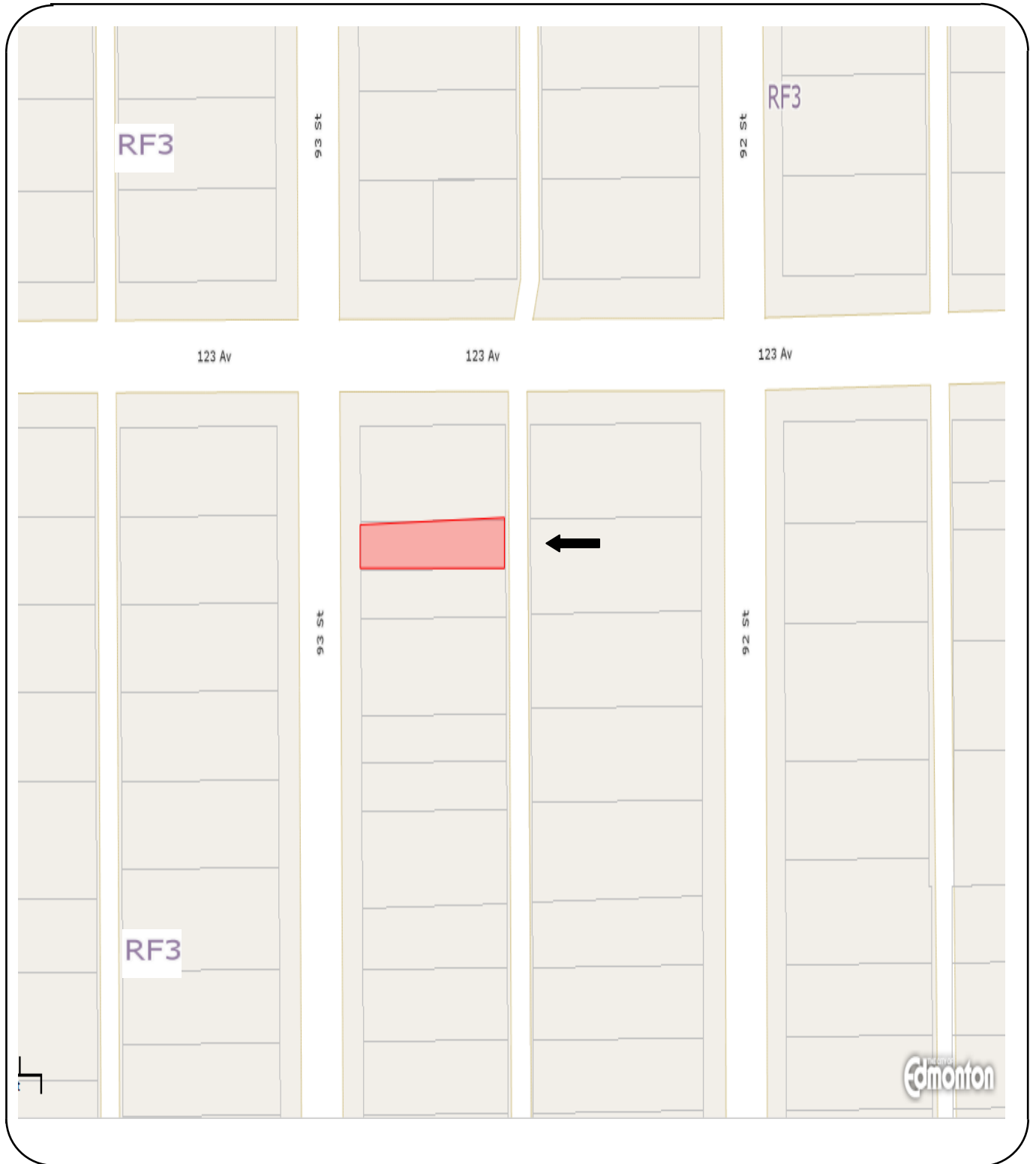
Section 6.1(81) defines **Rear Lot Line** as follows:

... either the property line of a lot which is furthest from and opposite the Front Lot Line, or, where there is no such property line, the point of intersection of any property lines other than a Front Lot Line which is furthest from and opposite the Front Lot Line;



Development Officer's Determination:

3.) Section 44.3(a): Platform Structures provided such projections do not exceed 2.0 m into Setbacks or Separation Spaces with a depth of at least 4.0 m.
 Required Minimum Rear Setback for Dwelling: 14.05m
 Minimum Rear Setback for deck: 14.05m - 2.0m =12.05m
 Proposed rear setback to deck= 10.16m
 Total proposed projection: 3.89m
 Over by: 1.89m
 [unedited]



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-206





Project Number: **172396971-003**
 Application Date: JUN 15, 2015
 Printed: August 12, 2015 at 12:42 PM
 Page: 1 of 2

Application for Deck 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 Edmonton Bylaw 15894 Safety Codes Permit

<p>Applicant</p> <p style="text-align: center;">KOLAR, MARIJAN & MICH</p> <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p style="text-align: center;">12243 - 93 STREET NW Plan 0221556 Blk 22 Lot 11</p> <hr/> <p>Location(s) of Work</p> <p>Entryway: 12243 - 93 STREET NW Building: 12241 - 93 STREET NW</p>
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Scope of Application
 To construct a rear uncovered deck (irregular shape, 3.61m x 2.43m @ 1.28m Height), existing without permits.

<p>Permit Details</p> <p>Class of Permit: Class A Guardrail (decks): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>	<p>Deck Height Above Grade: 1.28m Size of Structure(s): 8.77 Total Deck (Railing) Height Above Grade: 2.13m</p>
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

THIS IS NOT A PERMIT



Project Number: **172396971-003**
 Application Date: JUN 15, 2015
 Printed: August 12, 2015 at 12:42 PM
 Page: 2 of 2

Application for Deck Development and Building Permit

Reasons for Refusal

1.) Section 140.4(10)(d): Maximum Site Coverage shall be as follows: Principal Dwelling/ building (28%), Total Site Coverage (42%)

Proposed coverage for Principal Dwelling: 90.21 sqm or 38.53 %
 Exceeds by: 10.53%

Proposed total Site coverage (including detached Garage): 125.52 sqm or 53.61%
 Exceeds by: 11.61%

2.) Section 44.3(b): Platform Structures provided such projections do not exceed 0.60 m for Setbacks or Separation Spaces with a depth of less than 4.0 m.

Minimum Separation space between the Garage and Principal Dwelling as per Section 814.3(22) = 3.0m

Total proposed projection: 1.80m
 Over by: 1.2m

3.) Section 44.3(a): Platform Structures provided such projections do not exceed 2.0 m into Setbacks or Separation Spaces with a depth of at least 4.0 m.

Required Minimum Rear Setback for Dwelling: 14.05m
 Minimum Rear Setback for deck: 14.05m - 2.0m =12.05m

Proposed rear setback to deck= 10.16m
 Total proposed projection: 3.89m
 Over by: 1.89m

Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

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: Aug 12, 2015 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$100.00	\$100.00	02508617	Jun 15, 2015
Dev. Application Fee	\$105.00	\$105.00	02508617	Jun 15, 2015
Safety Codes Fee	\$4.50	\$4.50	02508617	Jun 15, 2015
Existing Without Permit Penalty Fee	\$205.00	\$205.00	02508617	Jun 15, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$414.50	\$414.50		

THIS IS NOT A PERMIT

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*.

ITEM II: 10:30 A.M.

FILE: SDAB-D-15-207

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 172593585-001

ADDRESS OF APPELLANT: 7326 - 81 AVENUE NW

APPLICATION TO: Construct a Semi-detached House with verandas, fireplaces, rear covered decks (0.91m X 1.52m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused (See page 17 for Decision)

DECISION DATE: August 17, 2015

DATE OF APPEAL: August 19, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7326 - 81 Avenue NW

LEGAL DESCRIPTION: Plan 7884AH Blk 21 Lot 7

ZONE: RF3 Small Scale Infill Development 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:

We would like to appeal the Development Officer’s refusal to construct a family oriented Semi-Detached House at 7326-81 Avenue. The semi-detached house conforms to the intent of the RF3 Small Scale Infill Development Zone, was designed to be characteristic of the neighbourhood and will provide an opportunity for families to call home. This development is also supported by City Council and Neighbourhood objectives outlined in the City of Edmonton’s Residential Infill Guidelines including:

1. To increase the supply of available family-oriented housing; defined as 3-bedroom homes with at grade access
2. Provide additional housing opportunities in mature

neighbourhoods

3. To develop near community shopping centres (the site is abutting commercial uses at the rear)
4. Locate homes where they can support transit and maximize walkability (the site is one block south of Whyte Avenue and major transit routes)
5. Contribute to the renewal of old housing stock (the current home is vacant and has become dilapidated, our semi-detached will rejuvenate the property)
6. The home is compatible with the neighbourhood in terms of scale and architecture

[unedited]

<i>General Matters</i>

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 August 17, 2015. The Notice of Appeal Period expired on August 31, 2015 and the Notice of Appeal was filed on August 19, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 130.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

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

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Under Section 140.2(8), Semi-detached Housing is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

<i>Minimum Site Area</i>

Section 140.4(3)(a) states the following:

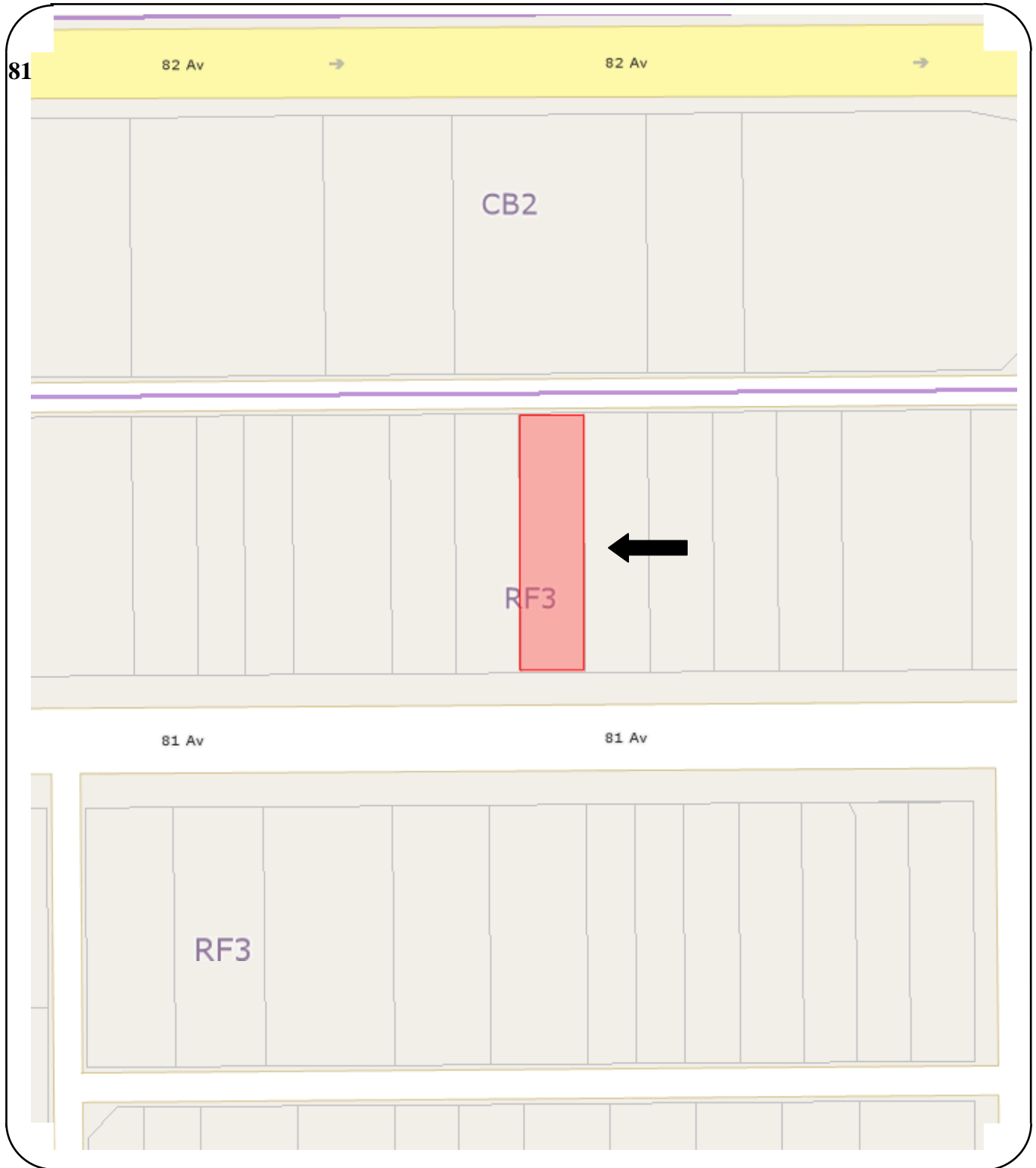
- 3. Site regulations for Semi-detached Housing:
 - a. the minimum Site area shall be 442.2 m²;

...

Development Officer's Determination:

1) Section 140.4(3)(a) The minimum Site area for Semi-Detached Housing shall be 442.2 m²;

Proposed: 399.5 m²
Deficient by: 42.7 m²
[unedited]



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-207





Project Number: **172593585-001**
 Application Date: MAY 15, 2015
 Printed: August 17, 2015 at 11:36 AM
 Page: 1 of 1

Application for Minor Development Permit

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

<p>Applicant</p> <p>1750672 ALBERTA LTD O/A PANNU HOMES</p> <div style="background-color: black; width: 100%; height: 20px; margin-top: 5px;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p>7326 - 81 AVENUE NW Plan 7884AH Blk 21 Lot 7</p> <hr/> <p>Specific Address(es)</p> <p>Entryway: 1, 7326 - 81 AVENUE NW Entryway: 2, 7326 - 81 AVENUE NW Building: 1, 7326 - 81 AVENUE NW</p>
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Scope of Application
 To construct a Semi-Detached House with verandas, fireplaces, rear covered decks (0.91m X 1.52m).

<p>Permit Details</p> <p># of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N</p>	<p>Class of Permit: (none) Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal
 1) Section 140.4(3)(a) The minimum Site area for Semi-Detached Housing shall be 442.2 m2;

Proposed: 399.5 m2
 Deficient by: 42.7 m2

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: Aug 17, 2015 **Development Authority:** HETHERINGTON, FIONA **Signature:** _____

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02431513	May 15, 2015
Lot Grading Fee	\$270.00	\$270.00	02431513	May 15, 2015
Dev. Application Fee	\$447.00	\$447.00	02431513	May 15, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,147.00	\$2,147.00		

THIS IS NOT A PERMIT

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*.

ITEM III: 1:30 P.M.

FILE: SDAB-D-15-208

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 175354514-001

ADDRESS OF APPELLANT: 9027 Saskatchewan Drive NW

APPLICATION TO: Construct a Single Detached House with attached Garage, rear balcony (1.52m x 3.35m), fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused (See pages 31-32 for Decision)

DECISION DATE: August 21, 2015

DATE OF APPEAL: August 24, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9027 Saskatchewan Drive NW

LEGAL DESCRIPTION: Plan 2212HW Blk 2 Lot 5

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:

Our reasons for appeal;

1. Height of building;
 - a. Precedent is set with other homes on the block and neighbourhood. Photo's to be provided.
 - b. The roof exceeding max building height could be classified as a skylight, as this is one of it's primary purposes.
 - c. All main roofs are within bylaw height. Only the main entrance (centrally located) clerestory skylight roof exceeds the max height and when measured in the context of a sloped roof,

would not exceed any roof line of a sloped roof that is measured to mid-point and would otherwise fall within zoning bylaw (if this were a sloped roof house).

- d. Zoning bylaws do not account for modern architecture as a result of point b above.
 - e. Shadowing of the neighbours yards/home are not believed to be affected by this exceeded height of the clerestory skylight.
 - f. The exceeded clerestory skylight roof is not believed to affect neighbours views or sunlight onto property.
2. Front access garage;
 - a. Precedent is set with other homes on the block and neighbourhood. Photo's to be provided.
 - b. To reduce the impact of an additional garage structure in the rear yard and to increase usable landscape and yard space in the rear yard. Zoning permits an area of 12% of the property for a garage, we will use 0% for a garage structure with this plan.
 - c. For convenience and safety of family to have a connected garage to the home.
 3. Front set back;
 - a. The front and rear yards may be considered as discretionary variances and are established by block face plan, not a hard set specific dimension.
 - b. The old home actually was further from the front property line than the new plan is showing, so we are actually improving the previous condition.
 - c. In order to achieve the front driveway to lower level, the home is required to be this far back on the property.
 - d. We feel that the home being further back on the property creates less visual impact on the adjacent neighbours views to the river valley.
 - e. The front set back also allows for some additional front features of the home and landscaping to be less visually impactful on Sask Drive.
 4. Rear yard set back
 - a. The home exceeding the rear set back is only a small corner of the home. The predominant rear area of the home is actually well within the set back. We feel that this is less of an impact than the neighbours to the south and creates more privacy to the neighbours to the north.
 - b. The amount of home projecting into the rear set back is proportionately much less than the permitted amount of exterior rear garage that would otherwise be permitted.
 5. In closing, the variances being requested are thought to be well thought out in a modern design and with the neighbourhood in consideration.
[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 August 21, 2015. The Notice of Appeal Period expired on September 4, 2015 and the Notice of Appeal was filed on August 24, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

The purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Under Section 110.2(4), Single Detached Housing is a **Permitted Use** in the RF1 Single Detached Residential Zone.

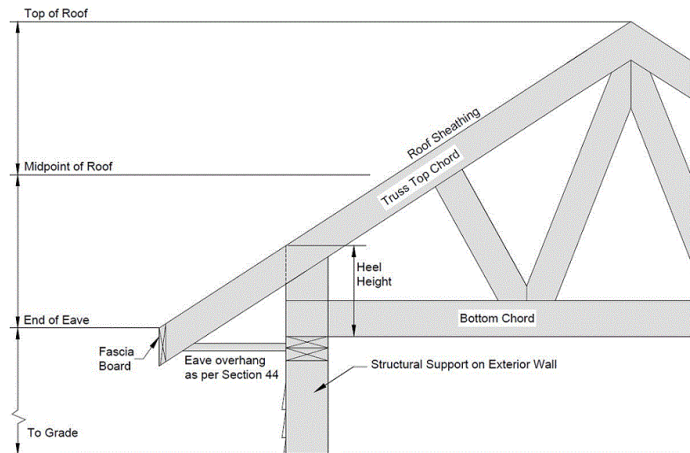
Maximum Height Requirement

Section 814.3(13) states that “The maximum Height shall not exceed 8.6 m, in accordance with Section 52.”

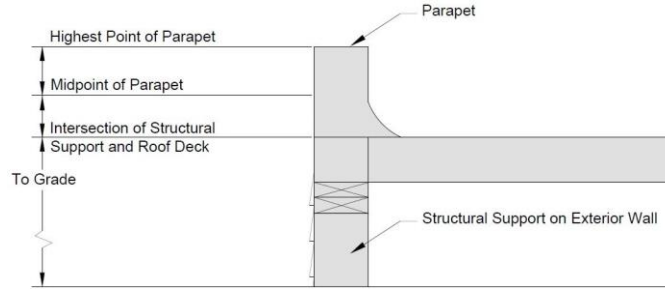
Section 52 states the following with respect to **Height and Grade**:

52. Height and Grade

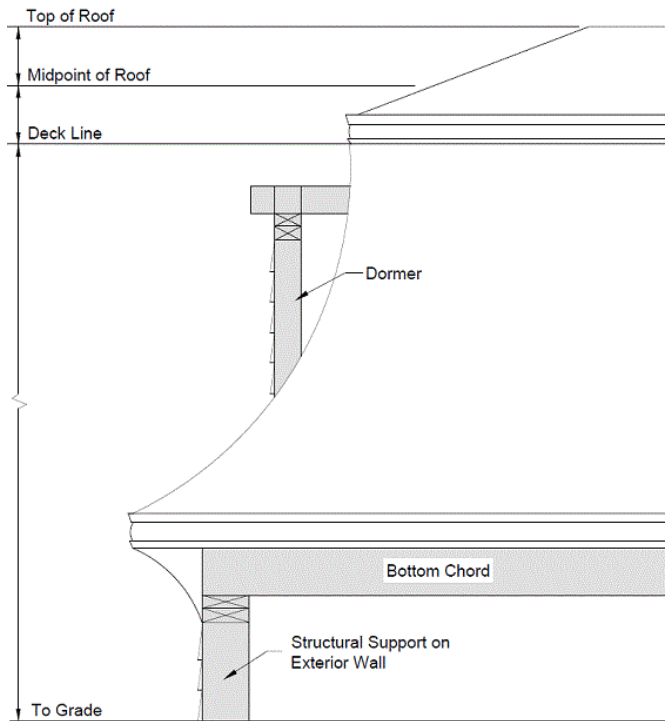
1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
 - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the end of the eave (intersection of the fascia board and the top of the roof sheathing, or less, in accordance with Section 44), and the top of the roof; or

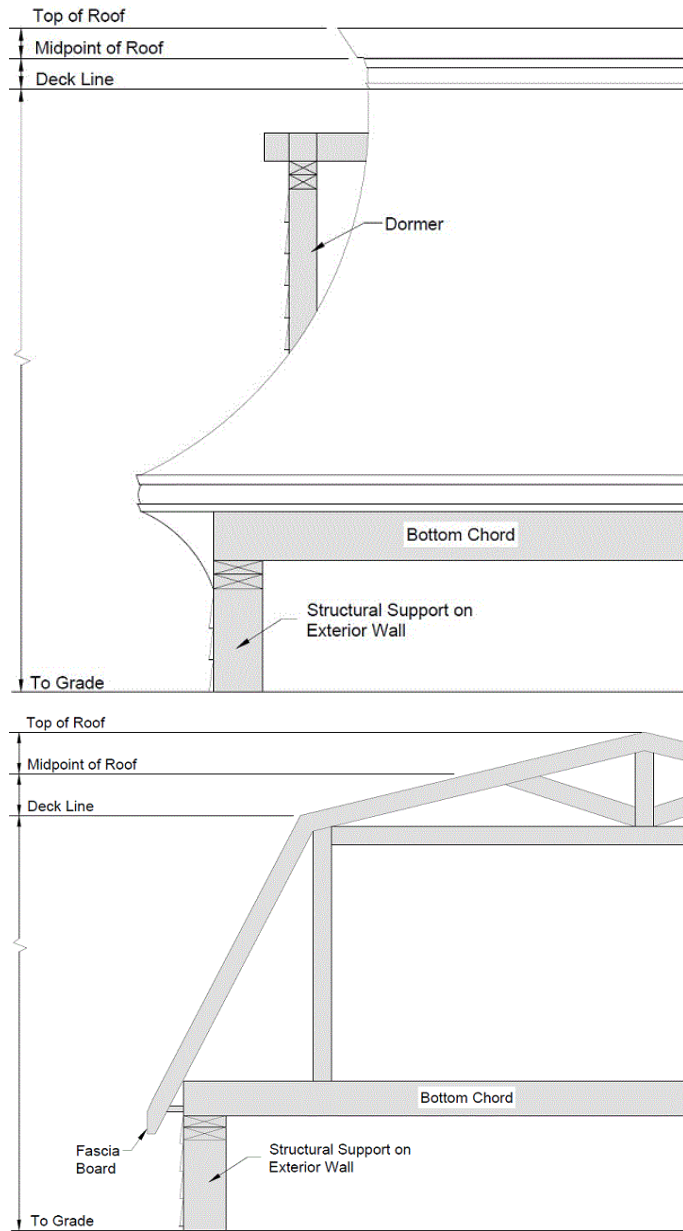


- b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



- c. For mansard and gambrel roof types, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be between the deck line and the top of the roof; or





- d. For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Officer shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.
2. In determining whether a development conforms to the maximum Height permissible in any Zone, the following regulations shall apply:
 - a. in any Zone other than a Residential Zone, the following features shall not be considered for the purpose of Height determination: chimney stacks, either free-standing or roof mounted, steeples, belfries, domes, or spires, monuments,

- elevator housings, roof stairways, entrances, water or other tanks, ventilating equipment, skylights, fire walls, plumbing stacks, receiving or transmitting structures, masts, flag poles, clearance markers or other similar erections;
- b. in any Residential Zone, those features specified in subsection 52.2(a) shall not be considered for the purpose of Height determination, except that the maximum Height of receiving or transmitting structures, where these are Satellite Signal Receiving Antennae or Amateur Radio Antennae and Support Structures, shall be calculated in accordance with the regulations of subsections 50.5 and 50.6, respectively, of this Bylaw. The maximum Height for all other receiving or transmitting structures, other than those which may normally be required for adequate local television reception, shall be the maximum Height in the Zone, and not the maximum Height for Accessory buildings in Residential Zones specified in subsection 50.3(2);
 - c. 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 Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.
3. An applicant shall submit, for any Development Permit to construct, rebuild or increase the Height of a structure, a grading plan that shows the elevation of the Site at each corner of the Site before and after construction;
 4. The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:
 - a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
 - b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
 - c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
 - d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the

Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments; or

- e. the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development.
5. The applicant shall submit all information the Development Officer requires to determine Grade by the method the Development Officer chooses.

Development Officer’s Determination:

- 1. The proposed Single Detached House measures 9.93 m in height, which exceeds the maximum height requirement of 8.6 m, as per subsection 814.3.13 of the Zoning Bylaw. The Development Officer does not have the authority to grant variances to height, as per Section 11.4(2) of the Zoning Bylaw.
- 2. Proposed height to the top of the highest parapets is 10.09 m, which exceeds the maximum height of 9.0m to the top of parapets as per subsection 52.1.b of the Zoning Bylaw. The Development Officer does not have the authority to grant variances to height, as per Section 11.4(2) of the Zoning Bylaw.
[unedited]

<i>Vehicular Access</i>

Section 814.3(10) states the following:

814.3 Development Regulations

- ...
- 10. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and
 - a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
 - b. the Site Width is less than 15.5 m; or
 - c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Development Officer’s Determination:

3. The proposed front vehicular access is not permitted, in accordance with the criteria of subsection 814.3.10 of the Zoning Bylaw regarding access location. A rear lane is present and fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway (1 front access + 2 flanking = 3/11 [27%] of properties have front or flanking access). In the opinion of the Development Officer, front vehicular access is not appropriate in this context, and the rear lane should be used where available. [unedited]

Front Setback

Section 814.3(1) states the following:

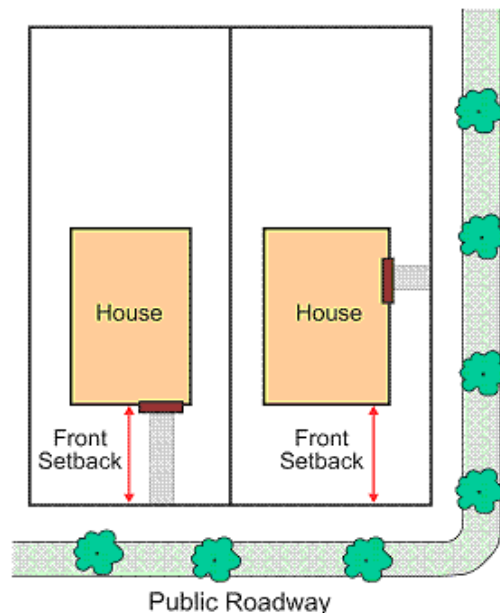
814.3 Development Regulations

1. The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane.

...

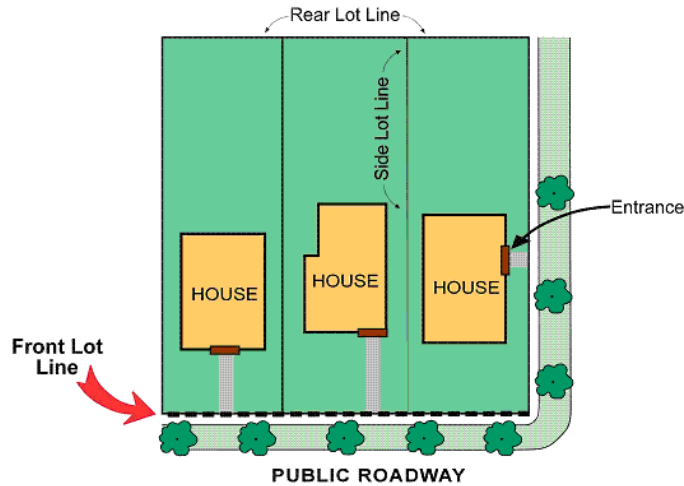
Section 6.1(39) defines **Front Setback** as follows:

...the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Section 6.1(38) defines **Front Lot Line** as follows:

...the property line separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line;



Development Officer’s Determination:

4. The proposed Front Setback of 11.73 m is 3.05 m greater than the maximum Front Setback of 8.68 m, as per subsection 814.3.1 of the Zoning Bylaw. [unedited]

Rear Setback

Section 814.3(5) states the following:

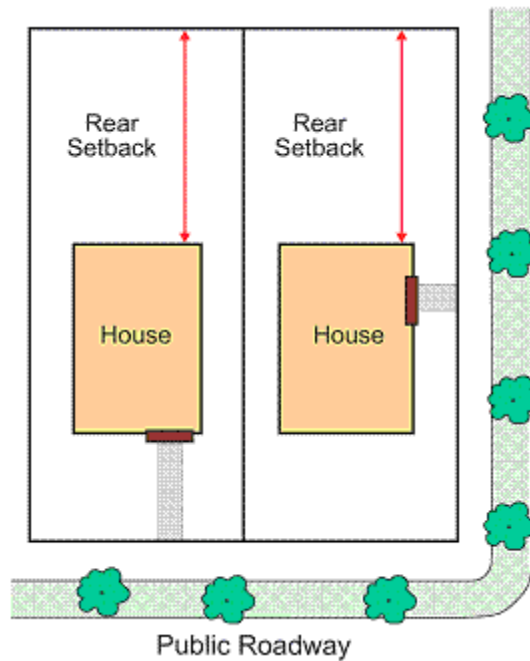
814.3 Development Regulations

...

5. The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement....

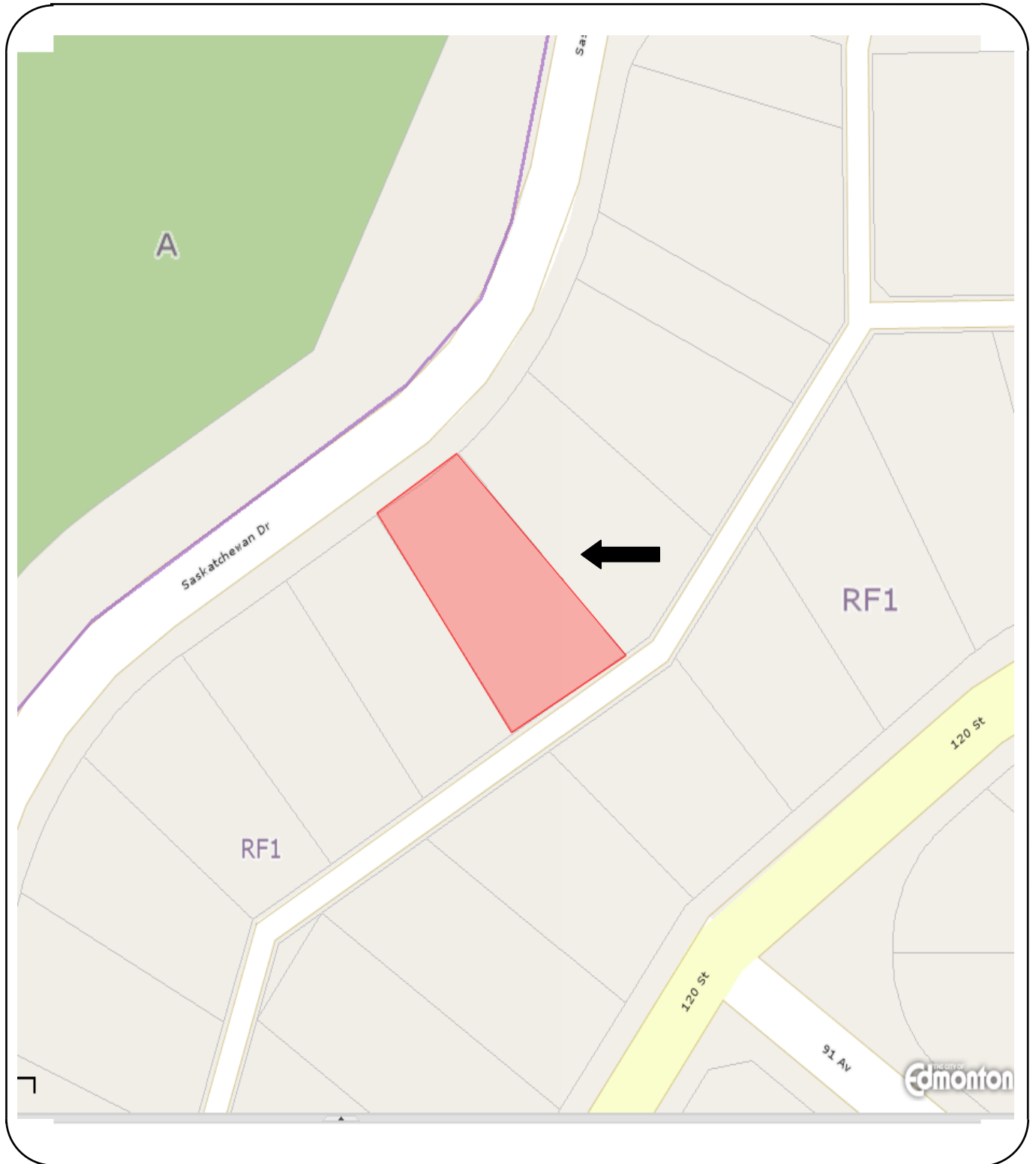
Section 6.1(82) defines **Rear Setback** as follows:

... the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer's Determination:

5. The proposed Rear Setback of 14.78 m (31.6% of Site Depth) is 3.95 m less than the required Rear Setback of 18.73 m (40% of Site Depth), as per subsection 814.3.5 of the Zoning Bylaw. [unedited]



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-208





Project Number: **175354514-001**
 Application Date: JUL 03, 2015
 Printed: August 21, 2015 at 1:54 PM
 Page: 1 of 2

Application for House 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 Edmonton Bylaw 15894 Safety Codes Permit

Applicant RESCOM INC, JOHN WESTERGAARD 	Property Address(es) and Legal Description(s) 9027 - SASKATCHEWAN DRIVE NW Plan 2212HW Blk 2 Lot 5 Location(s) of Work Suite: 9027 - SASKATCHEWAN DRIVE NW Entryway: 9027 - SASKATCHEWAN DRIVE NW Building: 9027 - SASKATCHEWAN DRIVE NW
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Scope of Application
 To construct a Single Detached House with attached Garage, rear balcony (1.52m x 3.35m), fireplace, and Basement development (NOT to be used as an additional Dwelling).

Permit Details Affected Floor Area (sq. ft.): 3920 Class of Permit: Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m):	Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): Site Depth (m): 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

1. The proposed Single Detached House measures 9.93 m in height, which exceeds the maximum height requirement of 8.6 m, as per subsection 814.3.13 of the Zoning Bylaw. The Development Officer does not have the authority to grant variances to height, as per Section 11.4(2) of the Zoning Bylaw.
2. Proposed height to the top of the highest parapets is 10.09 m, which exceeds the maximum height of 9.0m to the top of parapets as per subsection 52.1.b of the Zoning Bylaw. The Development Officer does not have the authority to grant variances to height, as per Section 11.4(2) of the Zoning Bylaw.
3. The proposed front vehicular access is not permitted, in accordance with the criteria of subsection 814.3.10 of the Zoning Bylaw regarding access location. A rear lane is present and fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway (1 front access + 2 flanking = 3/11 [27%] of properties have front or flanking access). In the opinion of the Development Officer, front vehicular access is not appropriate in this context, and the rear lane should be used where available.
4. The proposed Front Setback of 11.73 m is 3.05 m greater than the maximum Front Setback of 8.68 m, as per subsection 814.3.1 of the Zoning Bylaw.
5. The proposed Rear Setback of 14.78 m (31.6% of Site Depth) is 3.95 m less than the required Rear Setback of 18.73 m (40% of Site Depth), as per subsection 814.3.5 of the Zoning Bylaw.

THIS IS NOT A PERMIT



Project Number: **175354514-001**
 Application Date: JUL 03, 2015
 Printed: August 21, 2015 at 1:54 PM
 Page: 2 of 2

Application for House Development and Building Permit

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: Aug 21, 2015 **Development Authority:** ILLINGWORTH, TREVOR **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$75.00	\$75.00	02558400	Jul 03, 2015
Lot Grading Fee	\$135.00	\$135.00	02558400	Jul 03, 2015
Safety Codes Fee	\$122.24	\$122.24	02558400	Jul 03, 2015
Electrical Safety Codes Fee	\$17.62	\$17.62	02558400	Jul 03, 2015
Water Usage Fee	\$96.80	\$96.80	02558400	Jul 03, 2015
Building Permit Fee	\$3,056.00	\$3,056.00	02558400	Jul 03, 2015
Electrical Fees (House)	\$328.00	\$328.00	02558400	Jul 03, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,830.66	\$3,830.66		

THIS IS NOT A PERMIT

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*.

BUSINESS LAID OVER

SDAB-D-15-161	An appeal to construct four Dwellings of Row Housing with attached Garages and to demolish the existing Single Detached House and rear detached Garage <i>September 23 or 24, 2015</i>
SDAB-D-15-195	An appeal to construct 3 Apartment Housing buildings (184 Dwellings) with underground parkcades and an Accessory Building (amenity building) <i>September 23, 2015</i>