

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
September 23, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-122

Construct a Semi-detached House with
Unenclosed Front Porch(s) and side door(s)

11716 - 129 Avenue NW
Project No.: 362821309-002

II 10:30 A.M. SDAB-D-20-123

Construct exterior alterations to a Single Detached
House (new second Driveway, 7.55 m x 5.60 m)

15015 - 15 Street NW
Project No.: 367074046-002

III 1:30 P.M. SDAB-D-20-124

Construct a Single Detached House with front and
rear Balconies, Unenclosed Front Porch, rear
uncovered deck (3.66m x 7.62m), walkout
Basement and to develop a Secondary Suite in the
Basement

9714 - 85 Avenue NW
Project No.: 356111643-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-122

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 362821309-002

APPLICATION TO: Construct a Semi-detached House with Unenclosed Front Porch(s) and side door(s)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 24, 2020

DATE OF APPEAL: August 24, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11716 - 129 Avenue NW

LEGAL DESCRIPTION: Plan 1971AA Blk 8 Lot 5

ZONE: (RF2) Low Density Infill 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 client wants to build a front-and-back duplex in 11716 129 Ave. The zoning is RF2 Low density infill zone and duplex or semi-detached is permitted use.

We submitted the DP application on May 21, 2020, the former Development officer for this project is Mr. Aaron Seltz. Aaron provided

his review comment to us in Mid June, everything is good with 2 variances:

1. The rear setback is 12.23m (37%) instead of 13.31m (40%).
2. Site Area at 345.15m² instead of 442.2m².

At that time Aaron just discussed with us about the rear setback variance, asking if we can move the building front so there is no rear setback variance. I replied that since this property is in Mature Neighborhood Overlay, the Overlay requests the front setback should be within 1.5m from the average frontage of the block, we can move the building front by 1.1m, but the building will be more than 1.5m from the average frontage. We think the front setback is more important than the rear setback. Aaron accepted that and didn't have any other comments.

Then Aaron started the 21-day community consultation period for the requested variances from June 19 to July 10. On July 21 Aaron sent us an email that there is no any responses or objection from the neighbor in the consultation period. He asked us to obtain a letter of support from property owners of the abutting properties at 11718 -129 Avenue NW and 11708 -129 Avenue NW to show that the neighbors aware of the variances and they support the development before he can render the DP decision.

The client due diligent to talk to both neighbors and got the support letters from both. Please see attached for your review. We sent the support letters to Aaron as requested.

On Aug 11 we received a letter from Ms Kerry Bauer that she was re-assigned this project, and asked us to send all drawings and documents to her. We forwarded everything to her right away.

On Aug 13, we received an email from Kerry that she would refuse the application due to the site area variance. Though we had provided all the project review and coordination record, as well as the neighbors' support letter, Kerry said that she just can't approve it due to the site area variance.

We can't accept the decision and want to file an appeal, the reasons are:

1. There have been many site area variance projects in Edmonton that had been approved with stie area variance, our former approved projects with that variance include: 11602 82 St. Duplex (Kerry was the D.O. and she approved that with site area variance), 10916/10918 71 Ave. RF1 (front and back), 10711 74 Ave RF3 (front and back), 10750 72 Ave RF3 (front and back), 9743 81 Ave RF3 (front and back), 8513 83 Ave. RF3 (front and back)...
2. The RF2 zoning's requirement of site area is:
Site regulations for Duplex Housing:

- a. the minimum Site area shall be 300 m²;
- b. the minimum Site Width shall be 10.0 m; and
- c. the minimum Site depth shall be 30.0 m.

Site Regulations for Semi-detached Housing:

- a. the minimum Site area shall be 442.2 m²;
- b. on a non-Corner Lot, the minimum Site Width shall be 13.4 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 m;
- c. on a Corner Lot, the minimum Site Width shall be 14.8 m; and
- d. the minimum Site depth shall be 30.0 m.

In our own opinion, the zoning-by-law's min. site area requirement is determined mostly by the side-by-side semi-detached. For a typical 132' (40m) deep lot, it is hard to design a side-by-side semi-detached when the lot width is less than 36' (11m) That is how the 442 sm was decided. Our application is a front-and-back, with smaller building area and floor area, the site density meets the zoning-by-law's requirement. And many similar front-andback had been built in different area with the variance all got approval.

3. Our development's building foot print is small and similar to the adjacent houses. We meet all zoning requirements except for the site area and rear setback.

4. There are several semi-detached buildings in the same neighborhood, within 60 - 100 m from our application. (11614/16 129 Ave, 11618/20 129 Ave., 11622/24 129 Ave, 12905/09 117 St.)

We sincerely hope the SDAB can review our case and support our development, please let me know if any questions, or other info is needed.

<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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 120.2(6), **Semi-detached Housing** is a **Permitted Use** in the **(RF2) Low Density Infill Zone**.

Under section 7.2(7), **Semi-detached Housing** means:

development consisting of a building containing two principal Dwellings joined in whole or in part at the side or rear with neither of those Dwellings being placed over another in whole or in part. Each principal Dwelling has separate, individual, and direct access to ground level. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use does not include Duplexes.

Section 120.1 states that the **General Purpose** of the **(RF2) Low Density Infill Zone** is “to allow for Single Detached Housing, infill on narrow lots, Semi-detached Housing, Duplex Housing, Secondary Suites and Garden Suites.”

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 area

Section 120.4(3)(a) states “the minimum Site area shall be 442.2 m².”

Development Officers Determination

1. The minimum Site area shall be 442.2m2 (Section 120.4.3(a))

Proposed: 345.1m2

Deficient by: 97.1m2 (22%)

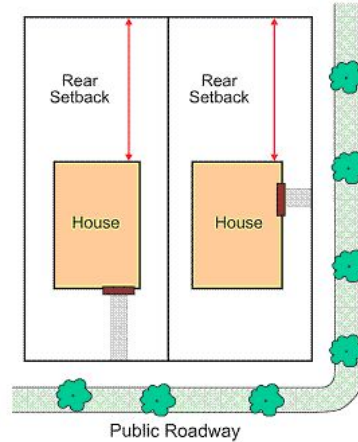
[unedited]

Rear Setback

Section 814.3(4) states “The minimum Rear Setback shall be 40% of Site Depth, [...]”

Under section 6.1, **Rear Setback** means:

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 Officers Determination

**2. The minimum Rear Setback shall be 13.3m (40% of Site Depth).
(Section 814.3.4)**

Proposed: 12.2m (36.8% of Site Depth)

Deficient by: 1.1m (3.3% of Site Depth)

[unedited]

Mature Neighbourhood Overlay - Community Consultation

Section 814.5(1) states:

When the Development Officer receives a Development Permit Application for a new principal building or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and


- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback

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.

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 362821309-002 Application Date: MAY 20, 2020 Printed: August 25, 2020 at 7:40 AM Page: 1 of 2																									
This document is a Development Permit Decision for the development application described below.																											
Applicant	Property Address(es) and Legal Description(s) 11716 - 129 AVENUE NW Plan 1971AA Blk 8 Lot 5 Specific Address(es) Suite: 11714 - 129 AVENUE NW Suite: 11716 - 129 AVENUE NW Entryway: 11714 - 129 AVENUE NW Entryway: 11716 - 129 AVENUE NW Building: 11714 - 129 AVENUE NW																										
Scope of Application To construct a Semi-detached House with Unenclosed Front Porch(s) and side door(s).																											
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none;"> # of Primary Dwelling Units To Construct: 2 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stn. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>			# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 2 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Y Stn. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																							
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Development Application Decision Refused Issue Date: Development Authority: BAUER, KERRY Reason for Refusal 1. The minimum Site area shall be 442.2m ² (Section 120.4.3(a)) Proposed: 345.1m ² Deficient by: 97.1m ² (22%) 2. The minimum Rear Setback shall be 13.3m (40% of Site Depth). (Section 814.3.4) Proposed: 12.2m (36.8% of Site Depth) Deficient by: 1.1m (3.3% of Site Depth) Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.																											
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Sanitary Sewer Trunk Fund</td> <td style="text-align: right;">\$1,712.00</td> <td style="text-align: right;">\$1,712.00</td> <td style="text-align: right;">958472250548001</td> <td style="text-align: right;">May 22, 2020</td> </tr> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$298.00</td> <td style="text-align: right;">\$298.00</td> <td style="text-align: right;">06539937</td> <td style="text-align: right;">May 21, 2020</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$502.00</td> <td style="text-align: right;">\$502.00</td> <td style="text-align: right;">06539937</td> <td style="text-align: right;">May 21, 2020</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$211.00</td> <td style="text-align: right;">\$211.00</td> <td style="text-align: right;">06539937</td> <td style="text-align: right;">May 21, 2020</td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Sanitary Sewer Trunk Fund	\$1,712.00	\$1,712.00	958472250548001	May 22, 2020	Lot Grading Fee	\$298.00	\$298.00	06539937	May 21, 2020	Dev. Application Fee	\$502.00	\$502.00	06539937	May 21, 2020	Development Permit Inspection Fee	\$211.00	\$211.00	06539937	May 21, 2020
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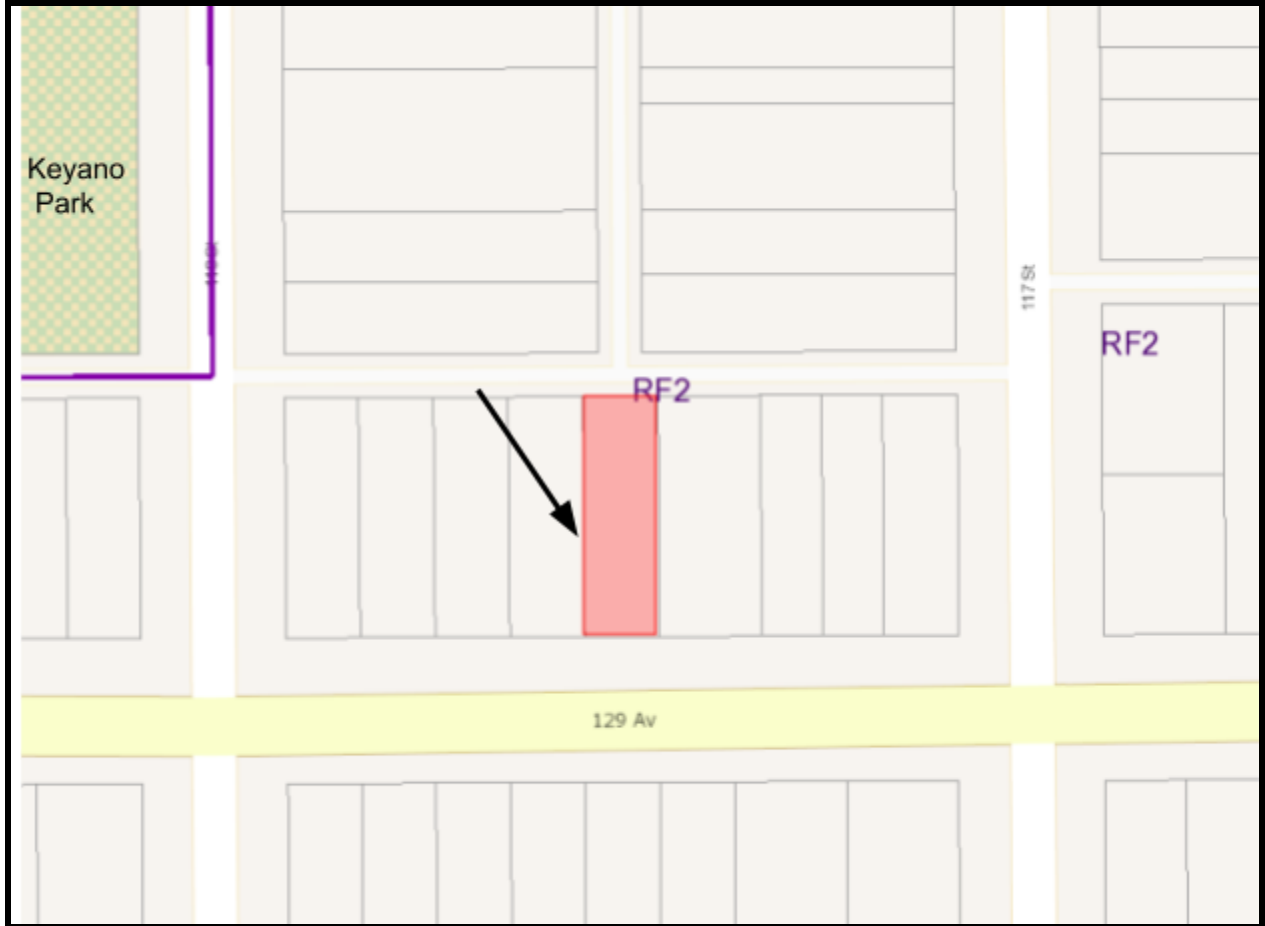
Project Number: **362821309-002**
Application Date: MAY 20, 2020
Printed: August 25, 2020 at 7:40 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,721.00</u>	<u>\$2,721.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-20-122 ▲
N

ITEM II: 10:30 A.M.

FILE: SDAB-D-20-123

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 367074046-002

APPLICATION TO: Construct exterior alterations to a Single Detached House
(new second Driveway, 7.55 m x 5.60 m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 25, 2020

DATE OF APPEAL: August 26, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 15015 - 15 Street NW

LEGAL DESCRIPTION: Plan 1523406 Blk 115 Lot 32

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Fraser Neighbourhood Area Structure Plan

Grounds for Appeal

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

I am appealing the decision made for the second driveway for property address 15015-15 Street NW. I hope you review my reasons listed below and reconsider your decision. We will guarantee that this property will be maintained and will add curb appeal.

The purpose of this secondary driveway is for the legal basement suite that has the side entrance on the back end of the house on the same side of the driveway. We need this parking as we will not have enough. Our neighbour to the right located 150 ave and 14 street also has a front driveway so there will not be enough space. We are a family of 6 people consisting of 4 drivers. We understand it is a 3-car garage but there will be only 2 vehicles parked inside which will need to access the driveway daily to go to work. The other spot will be for storage of items such as lawnmower, equipment and lawn furniture. Essentially that driveway will only be accessible for 3 vehicles. 2 going in and out and one parked in the driveway.

There will be no access to the Garage for the renters so they will have to use side entrance and separate driveway.

There are no mailboxes, light posts or any street furniture that will be in the way or cause any issues with the proposed driveway and parking spaces. This is a roll faced curve and no major alternations required.

I have full neighbour support, see signed letters attached.

I am under the percentage allowance for my lot. I am at 68.94% and the allowance is at 70% for the area.

I will be using “exposed aggregated concrete” to add value to the property. I will be putting a fancy water fountain with rocks and shrubs in the front between the two driveways to distract the vehicles that would be potentially parked on both driveways. You will see that we will be upgrading our landscaping to add extra curb appeal to the Fraser area. We will also follow the recommended landscaping requirements. We have more than enough space to plant trees on the side of the house (along 150 ave).

By doing this driveway, it will only be taking one street parking spot but saving 2 spots on the 15th street to avoid congestion in the area and increasing the amount of available street parking.

As this is a corner lot, the houses around the area have front attached garages, so by putting this 2nd driveway on my property, it will be consistent with the visual landscape/uniformity or the front façade of the area.

I thank you for time and hope that you will reconsider your decision based on the above reasons. Please let me know if you have any questions or concerns.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

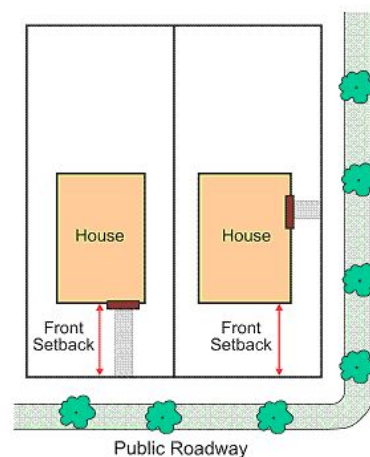
Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

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

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

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.



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

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

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 and Garden Suites.

General Planting Requirements

Section 55.3(1)(e) states:

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

Development Officer's Determination

1. All open space including Front Yards shall be landscaped (Section 55.3.1.e).

The proposed Driveway will remove landscaping in the Front Yard.

[unedited]

Objects Prohibited or Restricted in Residential Zones

Section 45.7(a) states:

In the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone vehicles shall not be located on the landscaped portion of the Yard.

Development Officer's Determination

2. In the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard (Section 45.7.a).

The proposed Driveway will allow vehicular parking in the Front Yard.

[unedited]

Vehicle Parking Design for Low-density Residential

Section 54.3(3) states:

The Front Yard of any ground level Dwelling that is not part of a Multi-Unit Project Development, or in the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;

...

Development Officer's Determination

3. In the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway (Section 54.3.3).

Two Driveways are proposed on this Site which already has an existing Driveway off of 150 Avenue NW.

[unedited]


4. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a).

The proposed Driveway is accessed from 15 Street NW and leads to the wall of the House. Note: the Garage doors face the flanking Side Yard Abutting 150 Avenue NW.

[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.

	<p>Project Number: 367074046-002 Application Date: JUL 06, 2020 Printed: August 25, 2020 at 10:28 AM Page: 1 of 2</p> <h2 style="text-align: center;">Application for Driveway Extension Permit</h2>			
<p>This document is a Development Permit Decision for the development application described below.</p>				
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 15015 - 15 STREET NW Plan 1523406 Blk 115 Lot 32</p>			
<p>Scope of Application To construct exterior alterations to a Single Detached House (new second Driveway, 7.55 m x 5.60 m)</p>				
<p>Permit Details</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) </td> <td style="width: 50%;"> Site Area (sq. m.): 396.48 </td> </tr> </table>			Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 396.48
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 396.48			
<p>Development Application Decision Refused Issue Date: Aug 25, 2020 Development Authority: TESSERA, HERAN</p> <p>Reason for Refusal</p> <ol style="list-style-type: none"> 1. All open space including Front Yards shall be landscaped (Section 55.3.1.e). The proposed Driveway will remove landscaping in the Front Yard. 2. In the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard (Section 45.7.a). The proposed Driveway will allow vehicular parking in the Front Yard. 3. In the case of a corner Site, either the Front Yard or the flanking Side Yard, may include a maximum of one Driveway (Section 54.3.3). Two Driveways are proposed on this Site which already has an existing Driveway off of 150 Avenue NW. 4. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a). The proposed Driveway is accessed from 15 Street NW and leads to the wall of the House. Note: the Garage doors face the flanking Side Yard Abutting 150 Avenue NW. <p>Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>				
<p>THIS IS NOT A PERMIT</p>				



Application for Driveway Extension Permit

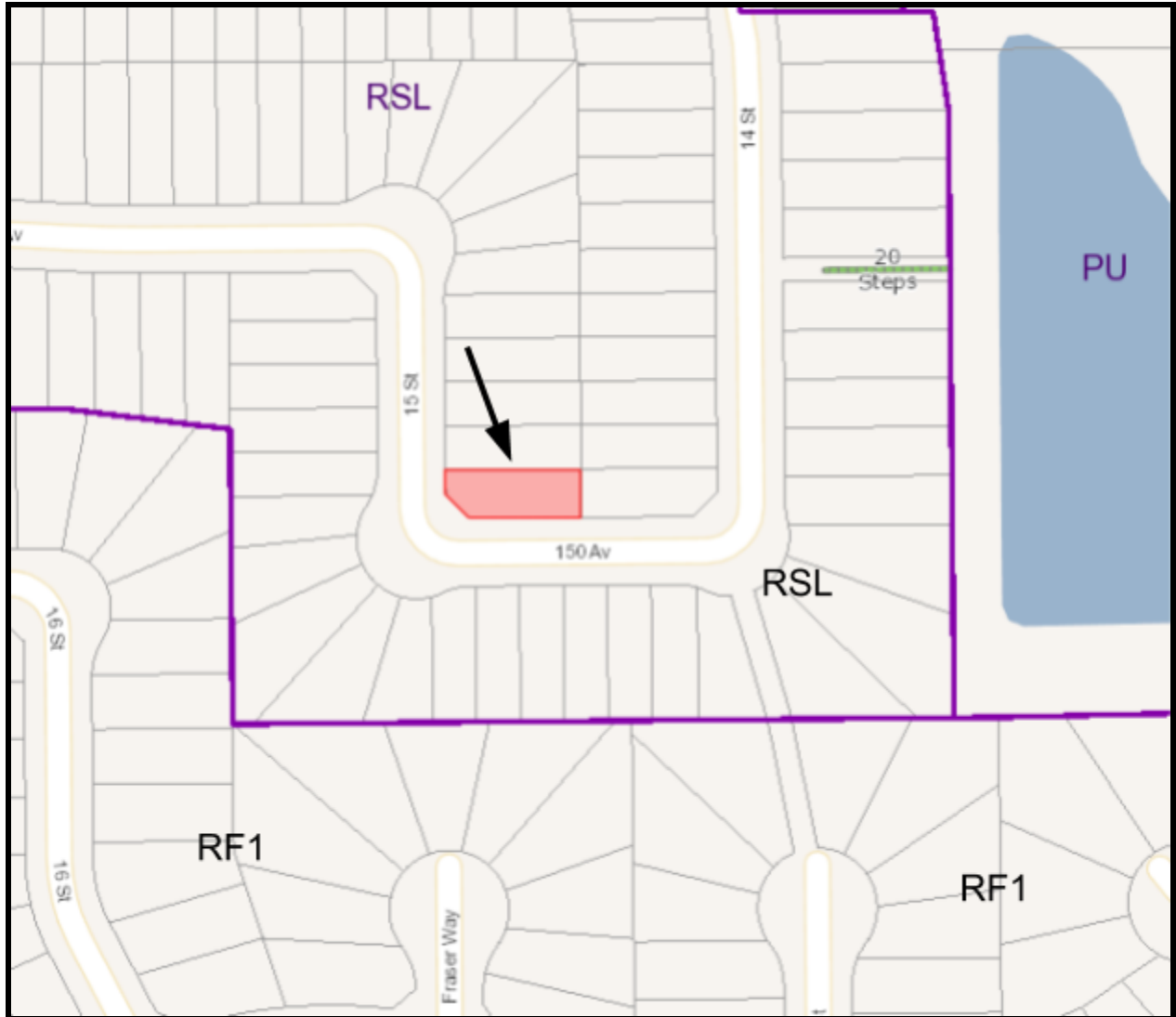
Project Number: **367074046-002**
Application Date: JUL 06, 2020
Printed: August 25, 2020 at 10:28 AM
Page: 2 of 2

Building Permit Decision
Refused

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$176.00	\$176.00	97481100890S001	Jul 06, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$176.00</u>	<u>\$176.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-123

▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-20-124

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 356111643-002

APPLICATION TO: Construct a Single Detached House with front and rear Balconies, Unenclosed Front Porch, rear uncovered deck (3.66m x 7.62m), walkout Basement and to develop a Secondary Suite in the Basement

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 25, 2020

DATE OF APPEAL: August 26, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9714 - 85 AvenueNW

LEGAL DESCRIPTION: Plan I17 Blk 92 Lot 15

ZONE: (RF2) Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

Height:

The 3rd floor is a small percentage of the total building area and recessed from the exterior walls. A sun shadow study will be provided showing there is little impact on adjacent properties.

A study showing a conforming house with slope roof will show to have more impact on adjacent neighbours.

Site coverage:

The city bylaw allows an additional 2% site coverage to accommodate a single storey unenclosed front porch. The design is in keeping with the intent of the bylaw and that a conforming design will have the same impact as the proposed design.

A conforming house is allowed to have additional projections (eaves etc.) There are no eaves projecting around the proposed house. A conforming house with eaves would have more effective mass impact.

<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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 120.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF2) Low Density Infill Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 120.1 states that the **General Purpose** of the **(RF2) Low Density Infill Zone** is “to allow for Single Detached Housing, infill on narrow lots, Semi-detached Housing, Duplex Housing, Secondary Suites and Garden Suites.”

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.

<i>Height</i>

Section 814.3(5) states “The maximum Height shall not exceed 10.0 m in the RF5 Zone and 8.9 m in all other Zones.”

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

Development Officers Determination

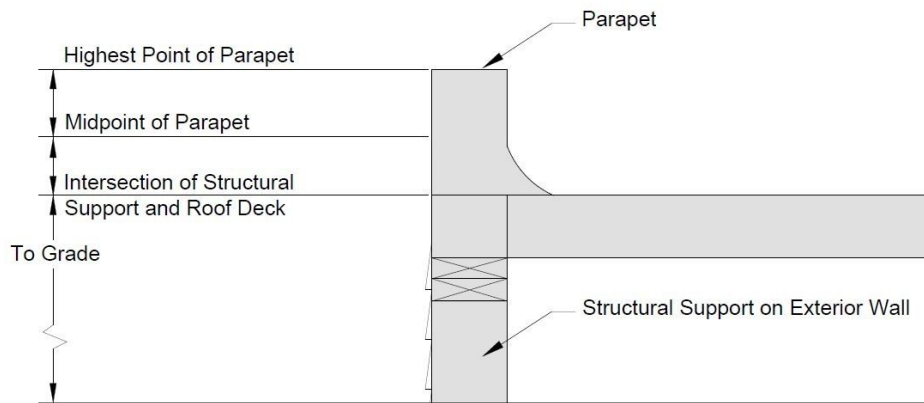
1. Increased Height - The height to the midpoint of the roof is 10.0m instead of 8.9m. (Section 814.3.5)

[unedited]

Height and Grade

Section 52.1(b) states:

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;



Development Officers Determination

2. Increased Height - The height to the peak of the roof is 10.2m instead of 9.3m. (Section 52.1.b)

[unedited]

Site Coverage

Section 120.4(6)(a) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling/	Accessory building	Principal building with	Total Site Coverage
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	building		attached Garage	
Single Detached and Duplex Housing - Site area 300 m2 or greater	28%	12%	40%	40%

Under section 6.1, **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m 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 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.

Development Officers Determination

3. Site Coverage - The house covers 30% of the site, instead of 28%. (Section 120.4.6.a

[unedited]

Mature Neighbourhood Overlay - Community Consultation

Section 814.5(1) states:

When the Development Officer receives a Development Permit Application for a new principal building or new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) or 814.3(9) of this Overlay:


- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

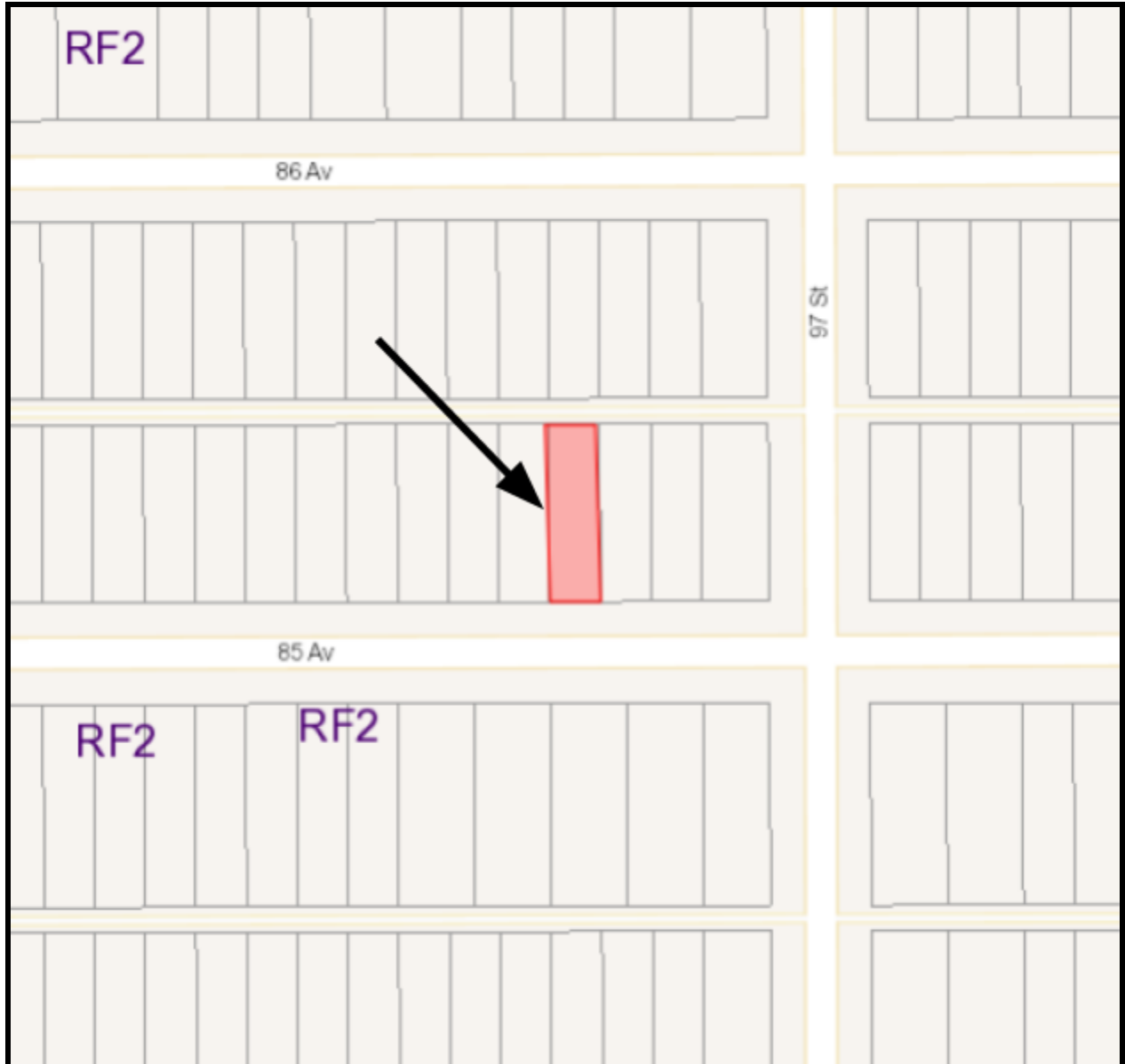
Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(5) – Height

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.

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 356111643-002 Application Date: FEB 27, 2020 Printed: August 27, 2020 at 7:42 AM Page: 1 of 1																																			
This document is a Development Permit Decision for the development application described below.																																					
Applicant	Property Address(es) and Legal Description(s) 9714 - 85 AVENUE NW Plan I17 Blk 92 Lot 15 Specific Address(es) Suite: 9714 - 85 AVENUE NW Suite: BSMT, 9714 - 85 AVENUE NW Entryway: 9714 - 85 AVENUE NW Building: 9714 - 85 AVENUE NW																																				
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THIS IS NOT A PERMIT																																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

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N

File: SDAB-D-20-124