

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Tuesday, 9:00 A.M.
September 25, 2018**

**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-18-153

Construct a Single Detached House with rear attached Garage and to demolish a Single Detached House and Accessory Building (Detached Garage)

9747 - 152 Street NW
Project No.: 282439929-001

II 10:30 A.M. SDAB-D-18-154

WITHDRAWN

Operate a Major Home Based Business (To create 0.5m x 0.5m plaster wall panels - MODERN PLASTERWORKS)

6126 - Maynard Crescent NW
Project No.: 286124849-001

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-18-153

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 282439929-001

APPLICATION TO: Construct a Single Detached House with rear attached Garage and to demolish a Single Detached House and Accessory Building (Detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 28, 2018

DATE OF APPEAL: August 28, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9747 - 152 Street NW

LEGAL DESCRIPTION: Plan 934AI Blk 45 Lot 20

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:

Since we have 685.829 m2 corner lot without any side walk along 97th Ave. We have lot of green space along 152 Street, along 97th Ave and at the rear.

We would like to have 3 garages so we can park the car inside garage not on the road . We just wonder why the community league allow 2 skinny house 9745 - 152 street and 9742 - 152 street which have little green space.

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,

- (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, [...]

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 clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(5), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

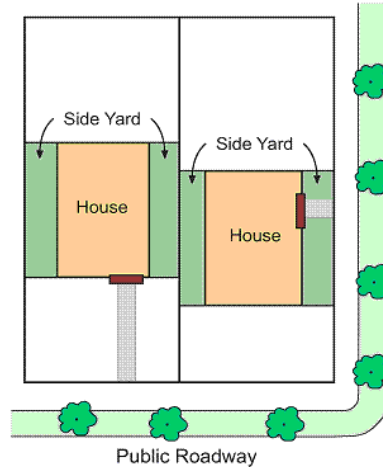
Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing 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.

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, **Side Yard** means:

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Under section 6.1, **Garage** means “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.”

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, 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:

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.

Drive Access

Section 814.3(17) states “Regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists.”

Development Officer’s Determination

Driveway - The driveway is located off of 98 Ave (flanking) instead of the alley (Section 814.3.17) [unedited]

Rear Attached Garage

Section 814.3(19) states “Rear attached Garages shall not be allowed.”

Development Officer’s Determination

Attached Garage - The rear garage is proposed to be attached, instead of detached (Section 814.3.19) [unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a 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) and 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 11.2 and 11.3.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the	814.3(17) – Drive Access

	President of each Community League	President of each Community League	
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(19) – Rear Attached Garage

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.



Application for Minor Development Permit

Project Number: **282439929-001**
 Application Date: MAY 16, 2018
 Printed: August 29, 2018 at 8:11 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) 9747 - 152 STREET NW Plan 934AI Blk 45 Lot 20
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Scope of Application
 To construct a Single Detached House with rear attached Garage and to demolish a Single Detached House and Accessory Building (Detached Garage).

Permit Details	Permit Details
# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: Y New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

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

Development Application Decision
 Refused
Issue Date: Aug 28, 2018 **Development Authority:** Zhou, Rowley

Reason for Refusal
 Driveway - The driveway is located off of 98 Ave (flanking) instead of the alley (Section 814.3.17)
 Attached Garage - The rear garage is proposed to be attached, instead of detached (Section 814.3.19)

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	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$143.00	\$143.00	05025144	May 16, 2018
Development Permit Inspection Fee	\$204.00	\$204.00	05025144	May 16, 2018
Dev. Application Fee	\$485.00	\$485.00	05025144	May 16, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$832.00	\$832.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-153



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-154

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

APPELLANT:

APPLICATION NO.: 286124849-001

APPLICATION TO: Operate a Major Home Based Business
(To create 0.5m x 0.5m plaster wall panels
- MODERN PLASTERWORKS)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: August 14, 2018

DATE OF APPEAL: September 2, 2018

NOTIFICATION PERIOD:

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6126 - Maynard Crescent NW

LEGAL DESCRIPTION: Plan 0626678 Blk 4 Lot 14

ZONE:

OVERLAY:

STATUTORY PLAN:

WITHDRAWN