

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 2, 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-15-198	Construct an addition to an existing Single Detached House (rear covered patio 4.56m x 3.20m) 7398 - May Common NW Project No.: 136283926-005
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II	10:30 A.M.	SDAB-D-15-199	Park a recreational vehicle in the front Driveway of a Single Detached House 132 - Elsinore Close NW Project No.: 173955878-001
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III	1:15 P.M.	SDAB-D-15-200	Construct an Accessory Building (rear detached Garage, 10.36m x 7.93m) and to demolish an existing Accessory Building (rear detached Garage, 7.96m x 4.30m) 12250 - 95 Street NW Project No.: 173878369-001

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-15-198

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 136283926-005

APPLICATION TO: Construct an addition to an existing Single Detached House (rear covered patio 4.56m x 3.20m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 31, 2015

DATE OF APPEAL: August 5, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7398 - May Common NW

LEGAL DESCRIPTION: Plan 1224344 Blk 8 Lot 54

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Magrath Heights Neighbourhood Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. Section 115.4(7) - The minimum Rear Setback shall be 7.5 m.

Proposed: 4.31m
Deficient by: 3.19m

2. Section 115.4(5) - The maximum total Site Coverage shall not exceed 45%, inclusive of the attached Garage and any other Accessory buildings.

Proposed: 46.4%
Exceeds by: 1.6%

ADVISEMENTS:

This refusal is subject to appeal and has been reviewed strictly against the provisions of the Edmonton Zoning Bylaw 12800.

APPELLANT’S SUBMISSION

The proposed development will provide significant beneficial enjoyment for the owners with no significant impact on surrounding property owners.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS

Single Detached Housing is a Permitted Use in the RSL Residential Small Lot Zone, section 115.2(4).

Section 115 states the following with respect to the **RSL Residential Small Lot Zone**:

...

115.4 Development Regulations for Permitted and Discretionary Uses

- 5. The maximum total Site Coverage shall not exceed 45%, inclusive of the attached Garage and any other Accessory buildings.

...

The Development Officer made the following determination:

Proposed: 46.4%
Exceeds by: 1.6%

- 7. The minimum Rear Setback shall be 7.5 m, except in the case of a corner Site it shall be 4.5 m.

The Development Officer made the following determination:

Proposed: 4.31m
Deficient by: 3.19m

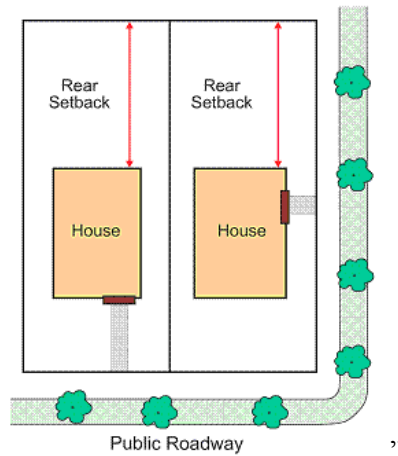
...

Under section 6.1(93), “**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.”

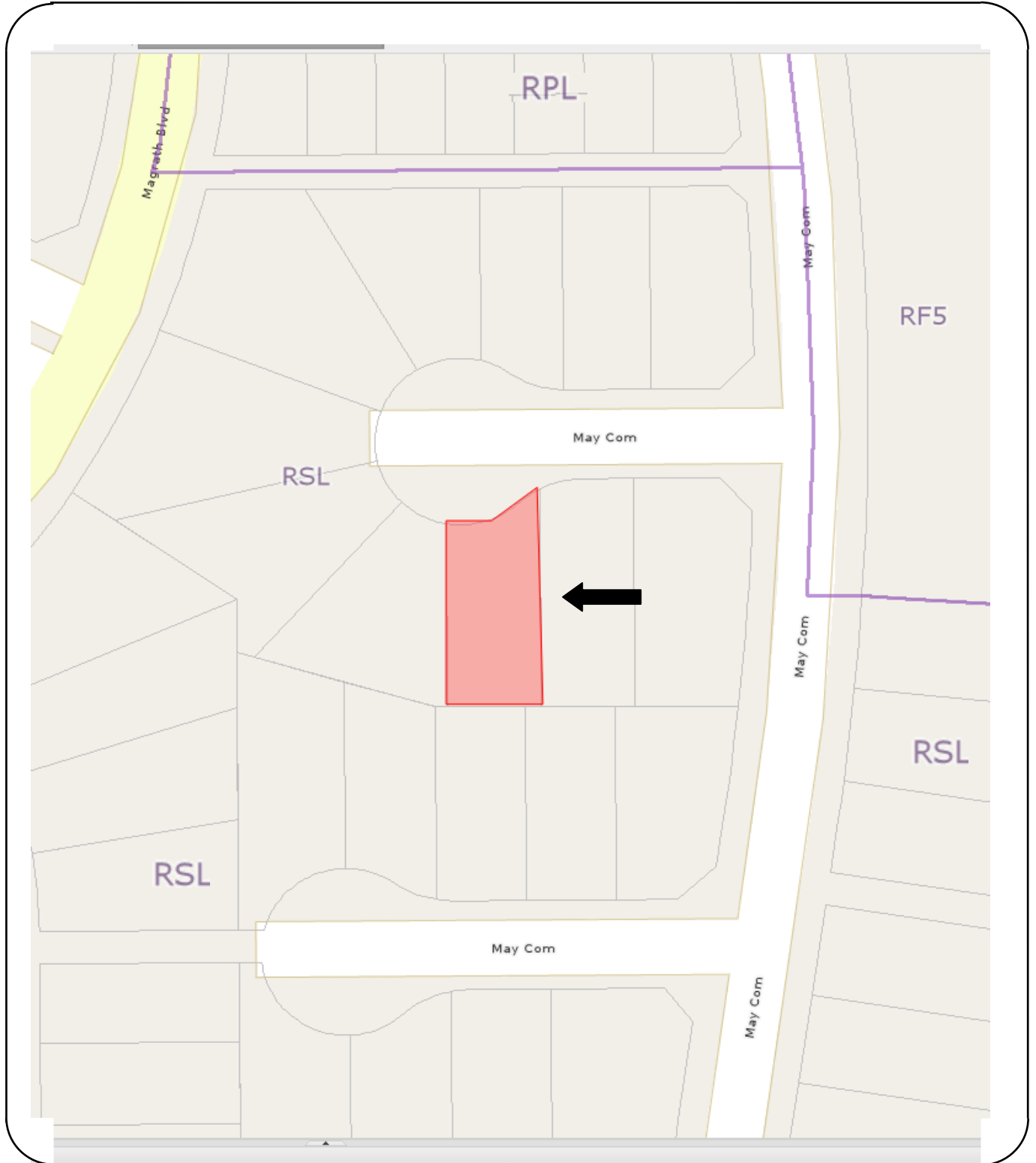
Under section 6.1(82), “**Rear Setback** means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



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.”

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*.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-198



ITEM II: 10:30 A.M.

FILE: SDAB-D-15-199

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173955878-001

APPLICATION TO: Park a recreational vehicle in the front Driveway of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 10, 2015

DATE OF APPEAL: August 10, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 132 - Elsinore Close NW

LEGAL DESCRIPTION: Plan 8922401 Blk 67 Lot 54

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Castle Downs Extension Area Structure Plan
Chambery Neighbourhood Structure Plan
Elsinore Neighbourhood Structure Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. Section 45.4 - April 1 through October 31 inclusive, on a residential Site with no rear Lane, large Recreational Vehicles may be parked to within 2.0 m of the interior edge of the sidewalk, or within 2.0 m of the curb if there is no sidewalk.

- On a residential Site with no rear Lane, a travel trailer (a large Recreational Vehicle), is parked to within 0m of the interior edge of the sidewalk and onto the sidewalk itself. In the opinion of the Development Officer, the proposed parking of the travel trailer would be unsightly and unduly interfere with the neighbourhood's use and enjoyment of the sidewalk amenity. The desirable curb appeal of the neighbourhood is negatively affected.

APPELLANT'S SUBMISSION

After receiving a notice of compliance from the city regarding my trailer on the city property I went to the city to make a proposal to change the trailer on the opposite side of my driveway which will clear the sidewalk. There is no more health and safety issue for pedestrians in the cul-de-sac. I have a 10,000 square foot lot but can't access the backyard since they are building new houses without installing the back alley. Living in a cul-de-sac doesn't allow me to park the trailer and truck without blocking my neighbours driveway.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

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

Section 45 states the following with respect to **Objects Prohibited or Restricted in Residential Zones**

...

4. Notwithstanding subsection 45.3, from April 1 through October 31 inclusive, on a residential Site with no rear Lane, large Recreational Vehicles may be parked to within 2.0 m of the interior edge of the sidewalk, or within 2.0 m of the curb if there is no sidewalk:
 - a. where vehicular access is solely available through the Front Yard; or
 - b. in the case of a corner Site, where vehicular access is solely available through the Front Yard or through the exterior flanking Side Yard.
5. For the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall include any motorhome, travel trailer, or fifth wheel trailer; any camper when it is not mounted on a truck, but placed on the ground, on a stand or otherwise stored; or any similar vehicles.
6. For the purposes of subsections 45.3 and 45.4, a "large Recreational Vehicle" shall not include: small utility trailers; camper van conversions; tent trailers; campers which are mounted in trucks; boats; snowmobiles; all-terrain vehicles; jet skis; or motorcycles and trailers to carry them.

...

The Development Officer made the following determination:

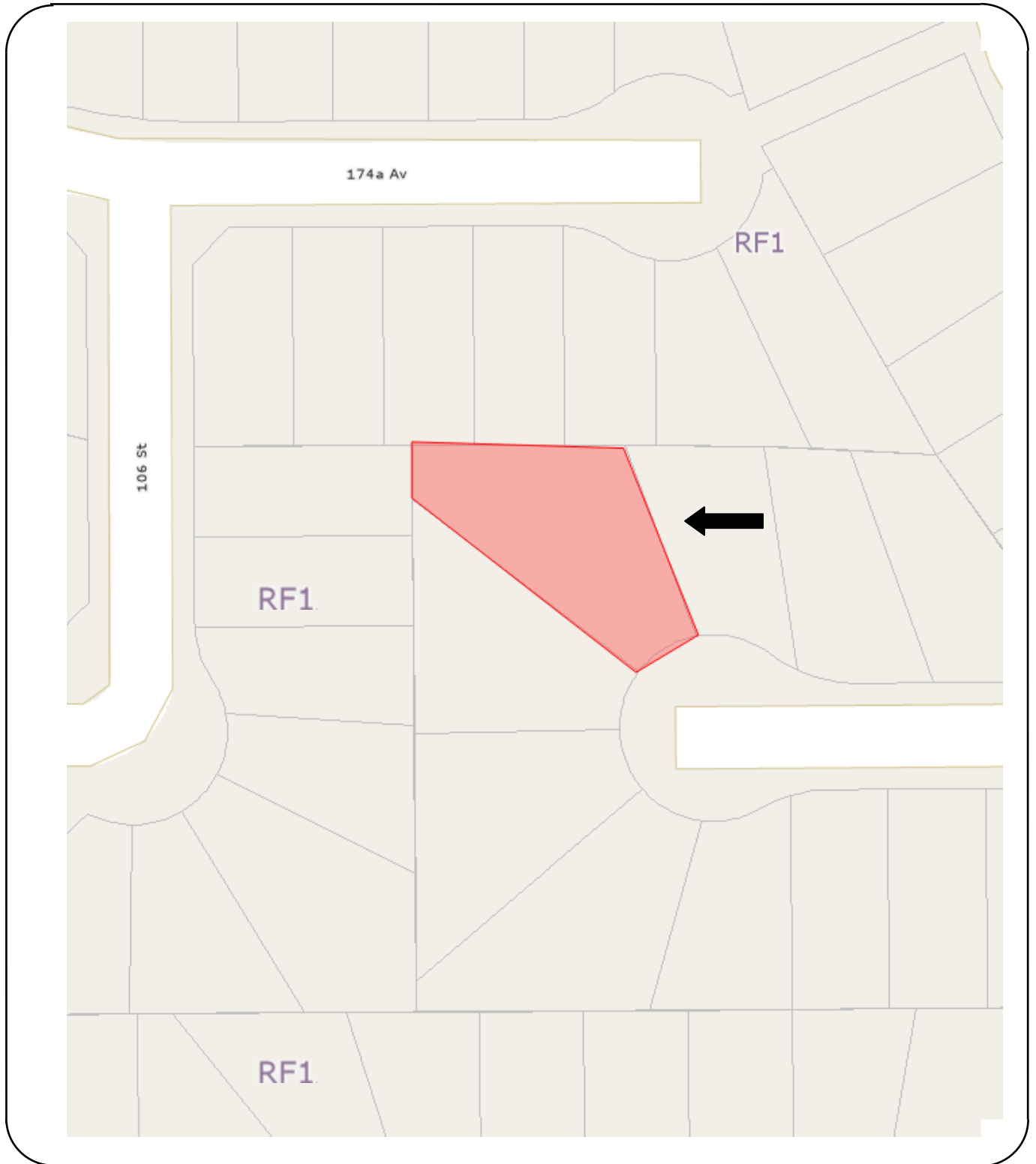
On a residential Site with no rear Lane, a travel trailer (a large Recreational Vehicle), is parked to within 0m of the interior edge of the sidewalk and onto the sidewalk itself. In the opinion of the

Development Officer, the proposed parking of the travel trailer would be unsightly and unduly interfere with the neighbourhood's use and enjoyment of the sidewalk amenity. The desirable curb appeal of the neighbourhood is negatively affected.

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, Semi-detached Housing and Duplex Housing under certain conditions."

NOTICE TO APPLICANT/APPELLANT

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-199



ITEM III: 1:15 P.M.

FILE: SDAB-D-15-200

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173878369-001

APPLICATION TO: Construct an Accessory Building (rear detached Garage, 10.36m x 7.93m) and to demolish an existing Accessory Building (rear detached Garage, 7.96m x 4.30m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 28, 2015

DATE OF APPEAL: August 11, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12250 - 95 Street NW

LEGAL DESCRIPTION: Plan 6574ET Blk 3 Lot 8

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1) Section 140.4(10)(a): Maximum allowable Site Coverage for an Accessory Building is 12%

Proposed: 82.15 sqm or 17.69%
Over by: 5.69% or 26.43 sqm

2) The proposed size (10.36m x 7.93m) of Garage at the rear of the Site would be a significant contrast to the surrounding existing Garages. As per Section 814.1 (General Purpose of the Mature Neighborhood 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...

3) As per Section 11.4 (Authority and Responsibility of the Development Officer): a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone.

In the opinion of the Development Officer, there are no cases of unnecessary hardship or practical difficulties that would apply to this proposed development.

In the opinion of the Development Officer the additional coverage and overall size of the proposed Accessory Building is considered excessive. Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood, and materially interfere with or affect the use, enjoyment or value of neighbouring properties.

APPELLANT'S SUBMISSION

I was hoping to appeal the decision of the development board for my garage. I have noticed several other larger garages in the area that I live, One a block over from me with has a roof top patio and one just down the back alley from me is over sized as well. I would like the larger garage for both myself and my mother for only hobby work and storing my cars. I have talked with my neighbors and none of them seem to be worried about the size of the garage. If you could please reconsider my permit it would be very much appreciated.

Just a note, nothing to do with my permit I really appreciate your staff, I honestly can't not get over how much help they have given me. Please if there is a way that you can pass on to their superiors what an awesome job they are doing I would really appreciate. Also if you can send me information on how I can contact their boss personally, that would be great.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Single Detached Housing is a Permitted Use in the RF3 Small Scale Infill Development Zone, section 140.2(9).

Section 6.1(2) states that “**Accessory** means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site”.

Section 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.”

Section 50.3 states the following with respect to **Accessory Buildings in Residential Zones:**

...

3. the Site Coverage of Accessory buildings, with or without a Garage Suite, or structure shall:
 - a. not exceed 12%, unless a different standard is prescribed within the regulations contained within the relevant Zone.

...

Section 140 states the following with respect to the **RF3 Small Scale Infill Development Zone:**

...

140.4 Development Regulations for Permitted and Discretionary Uses

10. Maximum Site Coverage shall be as follows:

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

...

The Development Officer made the following determination:

Proposed: 82.15 sqm or 17.69%
Exceeds by: 26.43 sqm or 5.69%

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

...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.

The Development Officer made the following determination:

The proposed size (10.36m x 7.93m) of Garage at the rear of the Site would be a significant contrast to the surrounding existing Garages. As per Section 814.1 (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...

As per Section 11.4 (Authority and Responsibility of the Development Officer): a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone.

In the opinion of the Development Officer, there are no cases of unnecessary hardship or practical difficulties that would apply to this proposed development.

In the opinion of the Development Officer the additional coverage, and overall size of the proposed Accessory Building is considered excessive. Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood, and materially interfere with or affect the use, enjoyment or value of neighbouring properties.

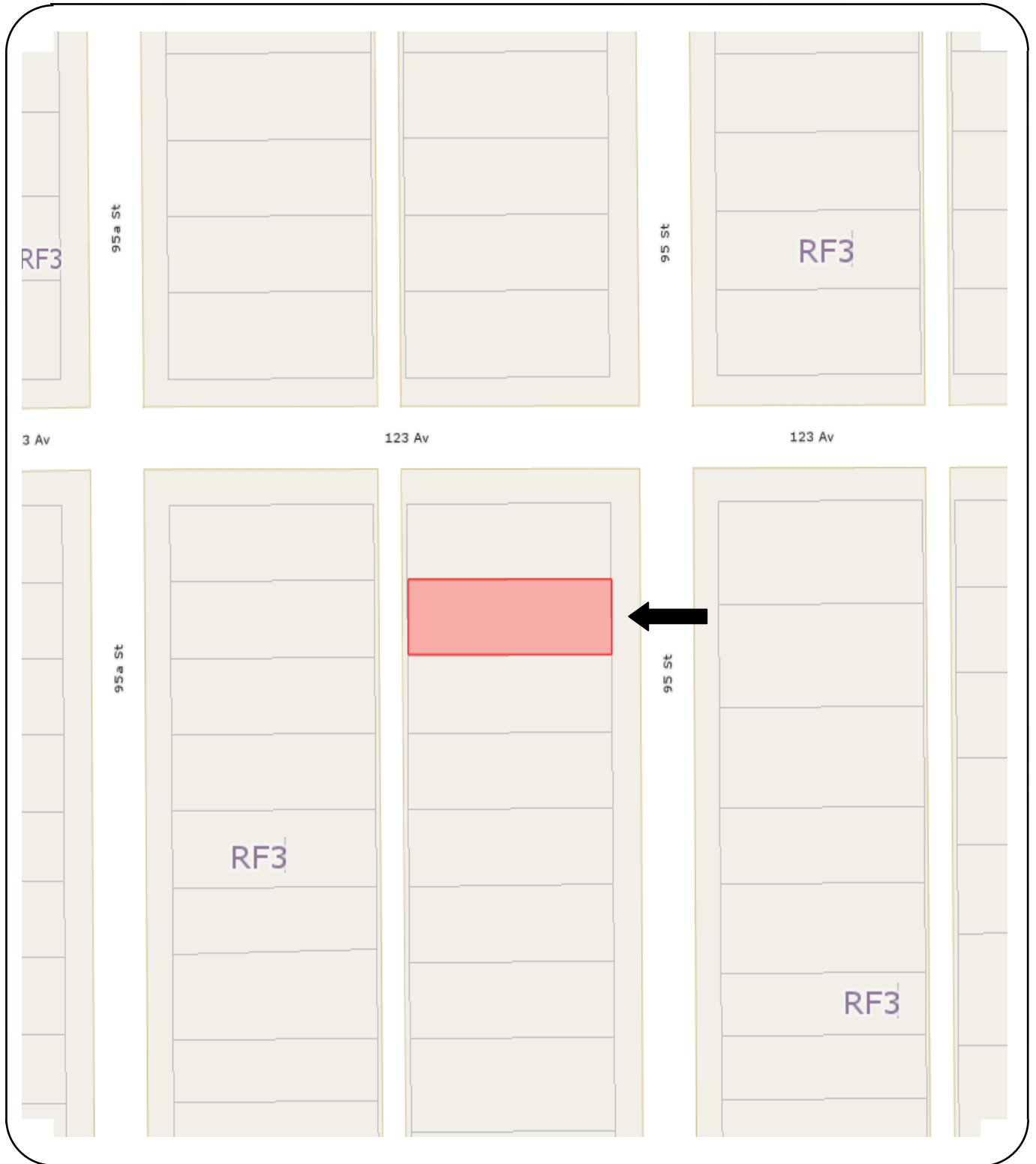
Under section 6.1(93), "**Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located 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."

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** "is 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."

NOTICE TO APPLICANT/APPELLANT

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-200



BUSINESS LAID OVER

SDAB-D-15-181	An appeal to construct (1) Freestanding Minor Digital On-premises Sign (Rogers Broadcasting) <i>September 9, 2015</i>
SDAB-D-15-161	An appeal by 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>