

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 2, 2015**

**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-15-197	Construct an addition to a General Industrial building (Gilead chemical synthesis plant) 1021 Hayter Road NW Project No.: 165900281-002
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LUNCH BREAK – 12:00 P.M. TO 1:00 P.M.

TO BE RAISED

II	1:00 P.M.	SDAB-D-15-179	Construct exterior alterations (extension of front Driveway) to a Single Detached House 4640 - 26 Avenue NW Project No.: 170501713-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-197

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 165900281-002

APPLICATION TO: Construct an addition to a General Industrial building (Gilead chemical synthesis plant)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 7, 2015

DATE OF APPEAL: August 11, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1021 Hayter Road NW

LEGAL DESCRIPTION: Plan 1220538 Blk 1 Lot 2

ZONE: IM Medium Industrial Zone

OVERLAY: Edmonton-Strathcona County Joint Planning Study Area Secondary and Garage Suites Overlay

STATUTORY PLAN: Yellowhead Corridor Area Structure Plan

DEVELOPMENT OFFICER'S DECISION

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

The maximum building Height shall not exceed 18 m. [Reference Section 420.4(4)]

Proposed: 23.4 m
Excessive by: 5.4 m

APPELLANT'S SUBMISSION

For this Pharmaceutical building we need room for piping and equipment in the new addition to do the work. This is a handicap.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Under section 420.2(5), **General Industrial Uses** is a Permitted Use in the IM Medium Industrial Zone, and includes “the processing of raw materials”.

Section 7.5(2) further defines **General Industrial Uses** as follows:

...development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use Class includes vehicle body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

With respect to the Development Regulations for Permitted and Discretionary Uses governing the IM Medium Industrial Zone, section 420.4(4) states that “The **maximum building Height** shall be 18.0 m”.

The Development Officer determined the following:

The maximum building Height shall not exceed 18 m. [Reference Section 420.4(4)]

**Proposed: 23.4 m
Excessive by: 5.4 m**

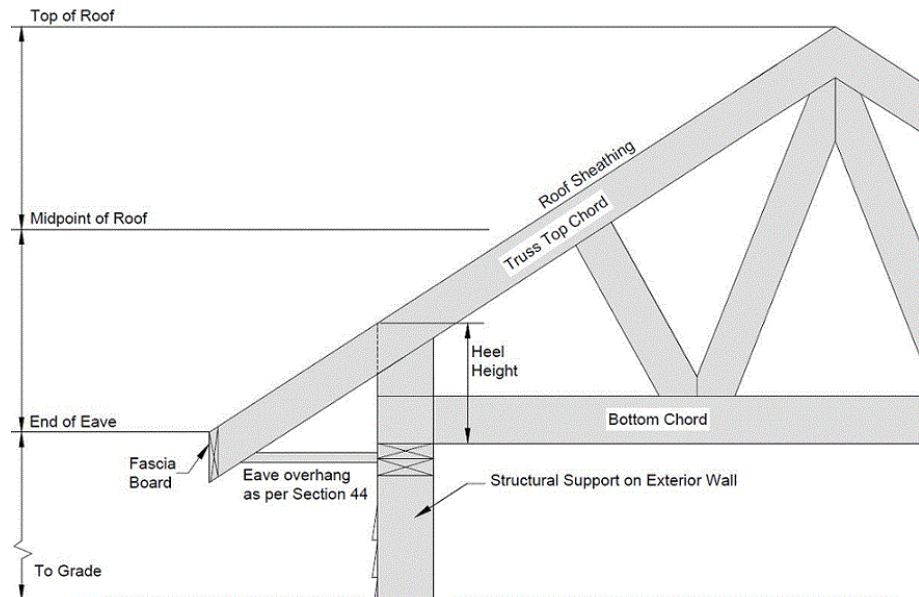
Section 420.1 states that the **General Purpose** of the **IM Medium Industrial Zone** is:

...to provide for manufacturing, processing, assembly, distribution, service and repair Uses that carry out a portion of their operation outdoors or require outdoor storage areas. Any nuisance associated with such Uses should not generally extend beyond the boundaries of the Site. This Zone should normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that Uses are separated from any adjacent residential areas by a higher quality Industrial or Commercial Zone.

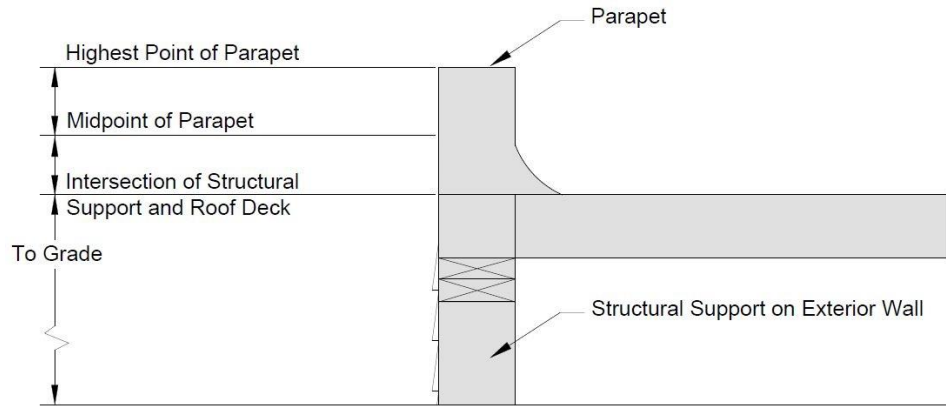
Section 6.1(49) defines **Height** as “a vertical distance between two points.”

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

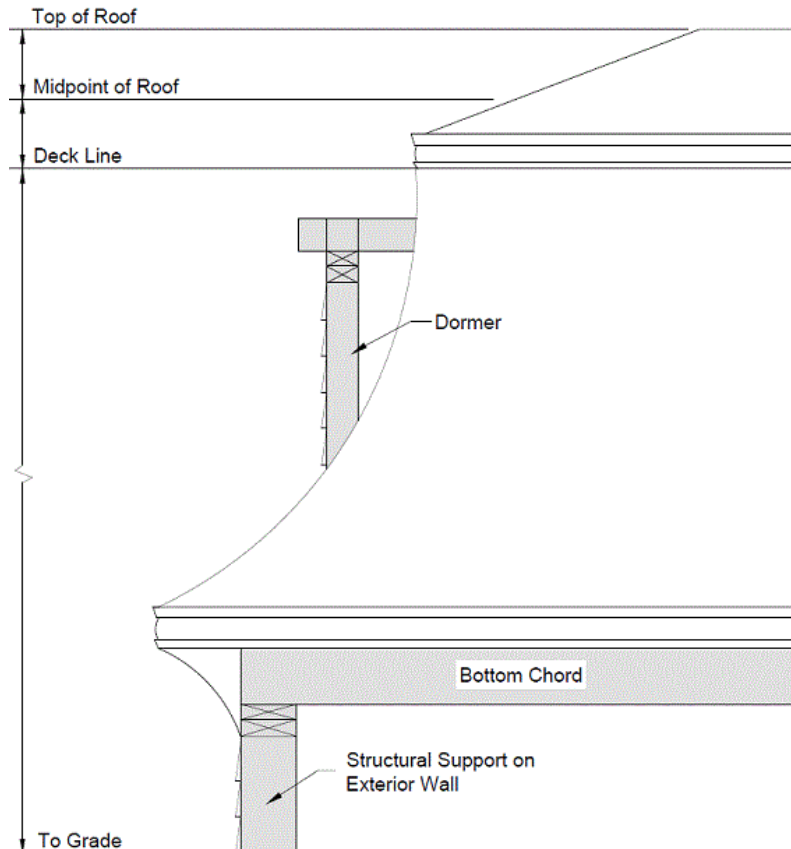
1. The Development Officer shall calculate building Height by determining the roof type, and applying the following:
 - a. For hip and gable roof types Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest roof. The midpoint is determined to be 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

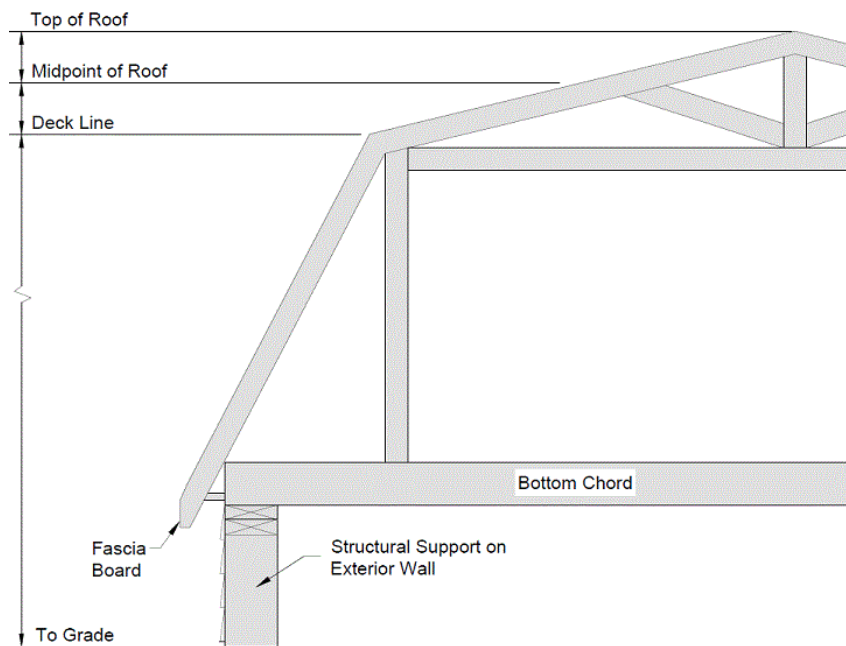
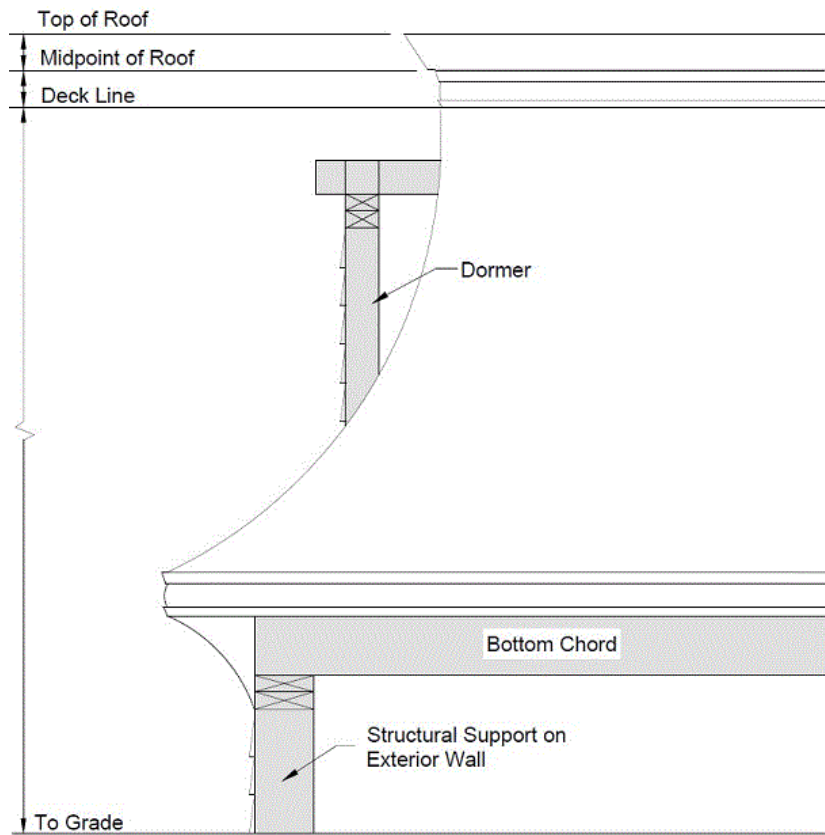


- b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



- 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



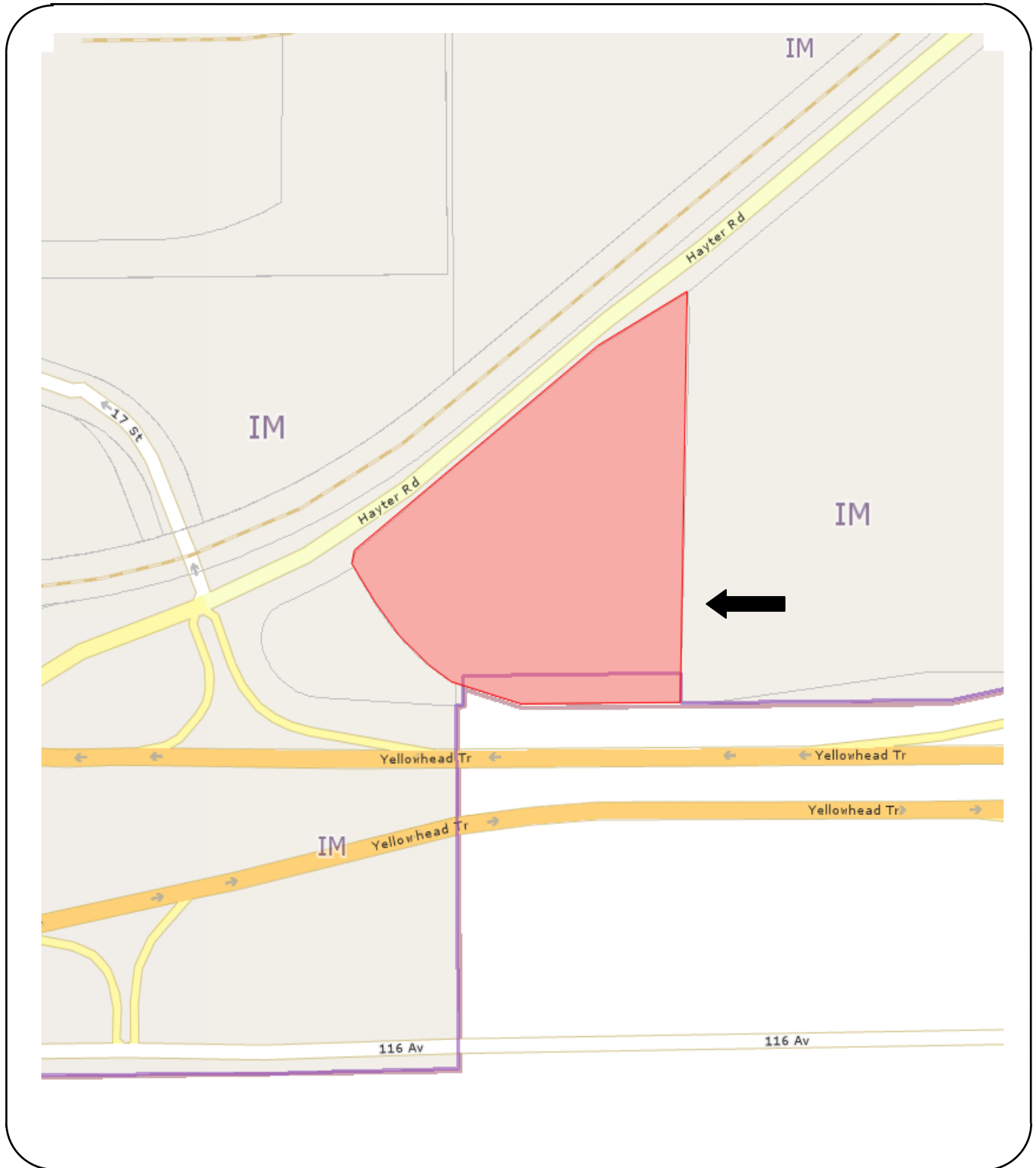


- d. For all other roof types, including saddle, dome, dual-pitch, shed, butterfly or combination roofs, the Development Officer shall determine Height by applying one of the previous three types that is most appropriate for balancing the development rights and the land use impact on adjacent properties.
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.

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-15-197



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-179

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 170501713-001

APPLICATION TO: Construct exterior alterations (extension of front Driveway) to a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 14, 2015

DATE OF APPEAL: July 21, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4640 - 26 Avenue NW

LEGAL DESCRIPTION: Plan 8021673 Blk 28 Lot 57

ZONE: RF4 Semi-Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

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

- 1) Parking spaces shall not be located within a Front Yard (Reference Section 54.2(2)(e)(i))
- 2) The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the required Garage or Parking Area. (Reference Section 54.1(4))
- 3) A Parking Area may project into a required Setback or Separation Space as provided when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways. (Section 44(6))

APPELLANT'S SUBMISSION

I have Garage in back alley and I own four cars in winter I don't have enough space to park my cars and most of the time even not able to go in back alley and in front seasonal ban parking signs in affect and there is not any choice to park my cars I already have Driveway which is not enough wide and not directly attached with the road due to these situation please consider my request.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Under section 150.2(6), **Single Detached Housing** is a permitted Use in the RF4 Semi-Detached Residential Zone.

The *Edmonton Zoning Bylaw* states the following with respect to the **Location of Vehicular Parking Facilities**:

54.2(2)(e) Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard;
and
- ii. ...

The Development Officer determined the following:

1) Parking spaces shall not be located within a Front Yard (Reference Section 54.2(2)(e)(i))

The *Edmonton Zoning Bylaw* states the following with respect to **Off-street Parking and Loading Regulations**:

54.1(4) The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall [have]:

- a. a minimum width of 3.1 m;
- b. for a Site 10.4 m wide or greater, have a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; and

- c. for a Site less than 10.4 m wide, have a maximum width of 3.1 m.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

The Development Officer determined the following:

2) The Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the required Garage or Parking Area. (Reference Section 54.1(4))

Section 44(6) 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:

...

- 6. a Parking Area when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways; and

...

The Development Officer determined the following:

3) A Parking Area may project into a required Setback or Separation Space as provided when comprised of parking spaces required under this Bylaw, provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways. (Section 44(6))

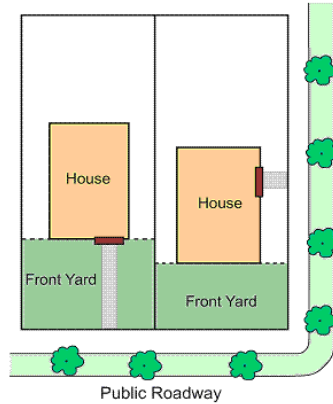
Section 150.1 states that the **General Purpose** of the RF4 Semi-detached Residential Zone “is to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

Section 6.1(26) defines **Driveway** as “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

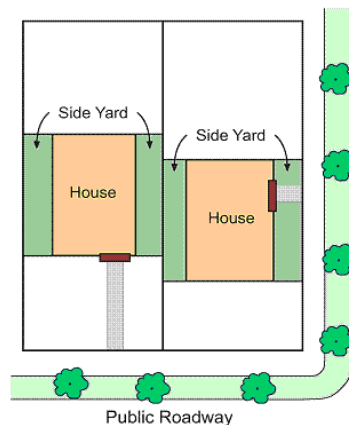
Section 6.1(41) defines **Garage** as “an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport”.

Section 6.1(69) defines **Parking Area** as “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.”

Section 6.1(40) defines **Front Yard** as “the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.”

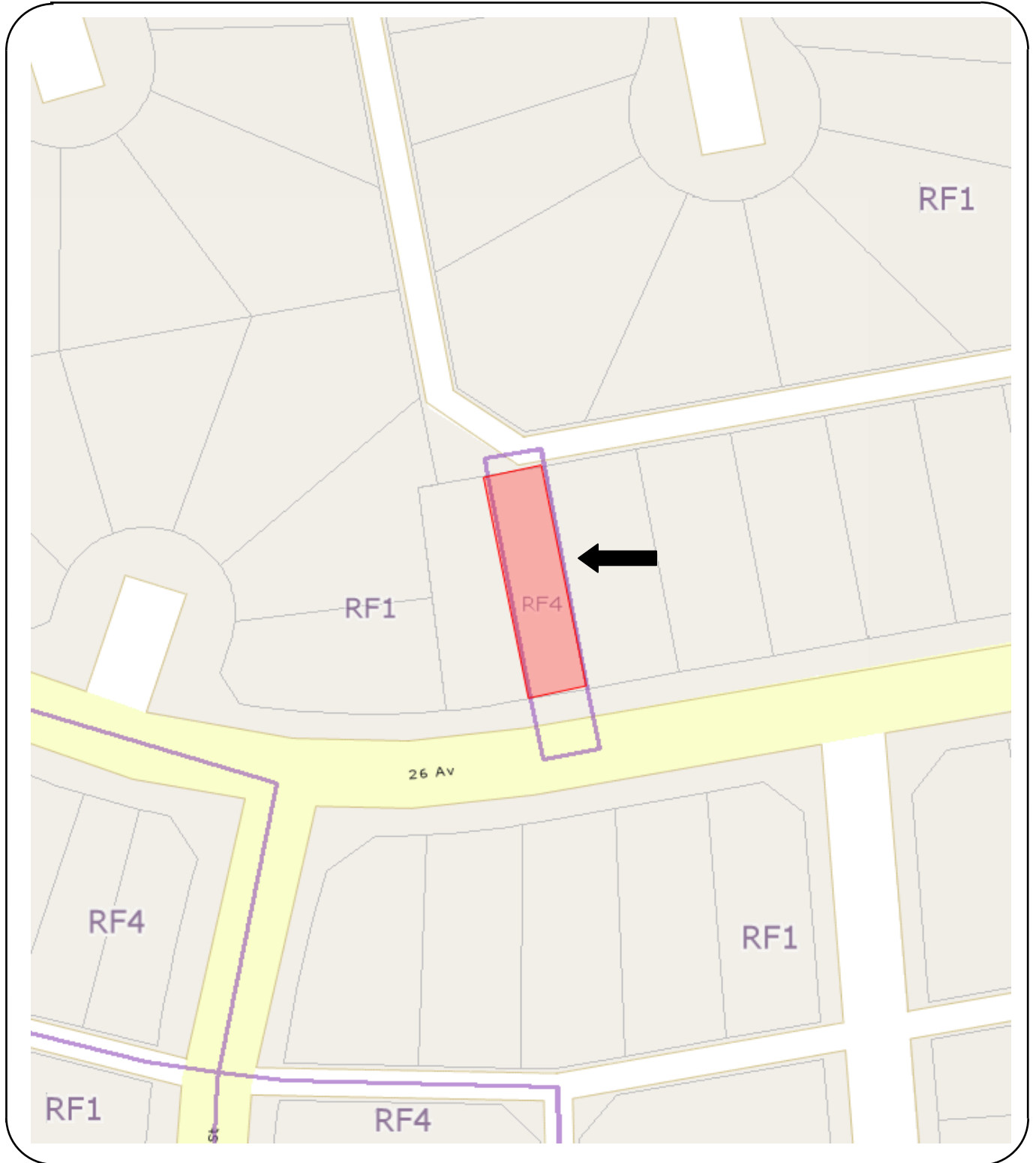


Section 6.1(91) defines **Side Yard** as “that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.”



NOTICE TO APPLICANT/APPELLANT

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-179



BUSINESS LAID OVER

SDAB-D-15-161	An appeal by <u>Ali Abdulhadi</u> 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>
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APPEAL HEARINGS TO BE SCHEDULED

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