

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

September 30, 2020

9:00 A.M.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-20-126

Construct two Recreational Acreage Farms Use buildings (hay shed, 12.22 metres by 13.21 metres; shed, 3.40 metres by 3.11 metres), existing without permits

14604 - 33 Street NE
Project No.: 306786880-001

II 10:30 A.M. SDAB-D-20-127

Construct exterior alterations to a Single Detached House (Driveway extension, irregular shape 5.5 metres by 8.0 metres)

7527 - 174 Avenue NW
Project No.: 364757224-002

III 1:30 P.M. SDAB-D-20-128

Construct an Accessory Building (rear detached Garage, 6.1 metres by 6.1 metres)

11234 - 84 Street NW
Project No.: 370311654-002

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-20-126

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 306786880-001

APPLICATION TO: Construct two Recreational Acreage Farms Use buildings (hay shed, 12.22 metres by 13.21 metres; shed, 3.40 metres by 3.11 metres), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 18, 2020

DATE OF APPEAL: August 31, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14604 - 33 Street NE

LEGAL DESCRIPTION: Plan 815NY Lot B

ZONE: (RR) Rural Residential Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I am seeking a variance of the maximum height allowed for the existing hay shed and a variance of the set back requirements for the existing accessory building location (shed)

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 240.3(5), **Recreational Acreage Farms** is a **Discretionary Use** in the **(RR) Rural Residential Zone**.

Under section 7.6(4), **Recreational Acreage Farms** means:

development for small-scale, non-commercial agricultural pursuits Accessory to Residential or Residential Related Uses in rural residential areas. This Use shall be developed so that it does not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only. This Use does not include Livestock Operations, Rural Farms, Urban Indoor Farms, Urban Outdoor Farms, Urban Gardens, or Cannabis Production and Distribution, unless licensed and operating pursuant to federal legislation.

Section 240.1 states that the **General Purpose** of the **(RR) Rural Residential Zone** is “to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.”

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.

Section 50.1(1) states: A Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw.

Section 50.1(3) states: Accessory Uses and buildings are discretionary in a Zone when Accessory to a principal Use which is a Discretionary Use in that same Zone and for which a Development Permit has been issue

Discretionary Use

Development Officers Determination

1. Discretionary Use - Recreational Acreage Farms Use is a Discretionary Use in the Rural Residential Zone (Section 240.3.5).

[unedited]

Height

Section 50.3(3) states “an Accessory building or structure shall not exceed 4.3 m in Height”

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

Development Officers Determination

2. Height (hay shed) - An Accessory building or structure shall not exceed 4.3m in Height (Section 50.3.3).

Maximum: 4.3m

Proposed: 7.2m

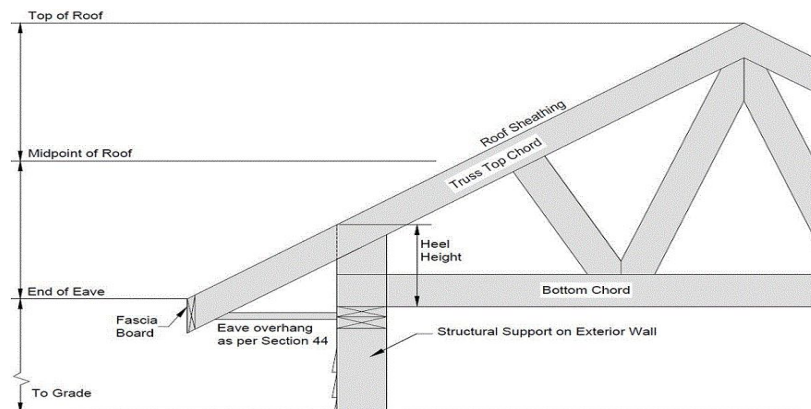
Exceeds by: 2.9m

[unedited]

Height and Grade

Section 52.1(a) states:

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;



Section 52(2)(c) states “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 Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.”

Development Officers Determination

3. Height (hay shed)- The Accessory building roof ridge line shall not extend more than 1.5m above the permitted building Height of 4.3m (Section 52.2.c).

Maximum ridge height: 5.8m (4.3m + 1.5m)

Proposed ridge height: 8.4m

Exceeds by: 2.6m

[unedited]

Front Lot Line

Section 50.3(5)(a) states an Accessory building or structure shall be located not less than 18.0 m from the Front Lot Line, unless it complies with the Setback requirements for a principal building

Development Officers Determination


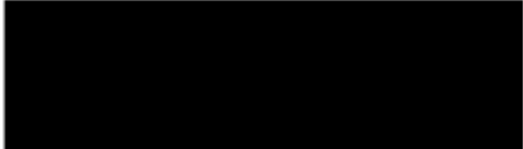
4. Accessory building location (shed) - An Accessory building or structure shall be located not less than 18.0 m from the Front Lot Line, unless it complies with the Setback requirements for a principal building (Section 50.3.5.a).

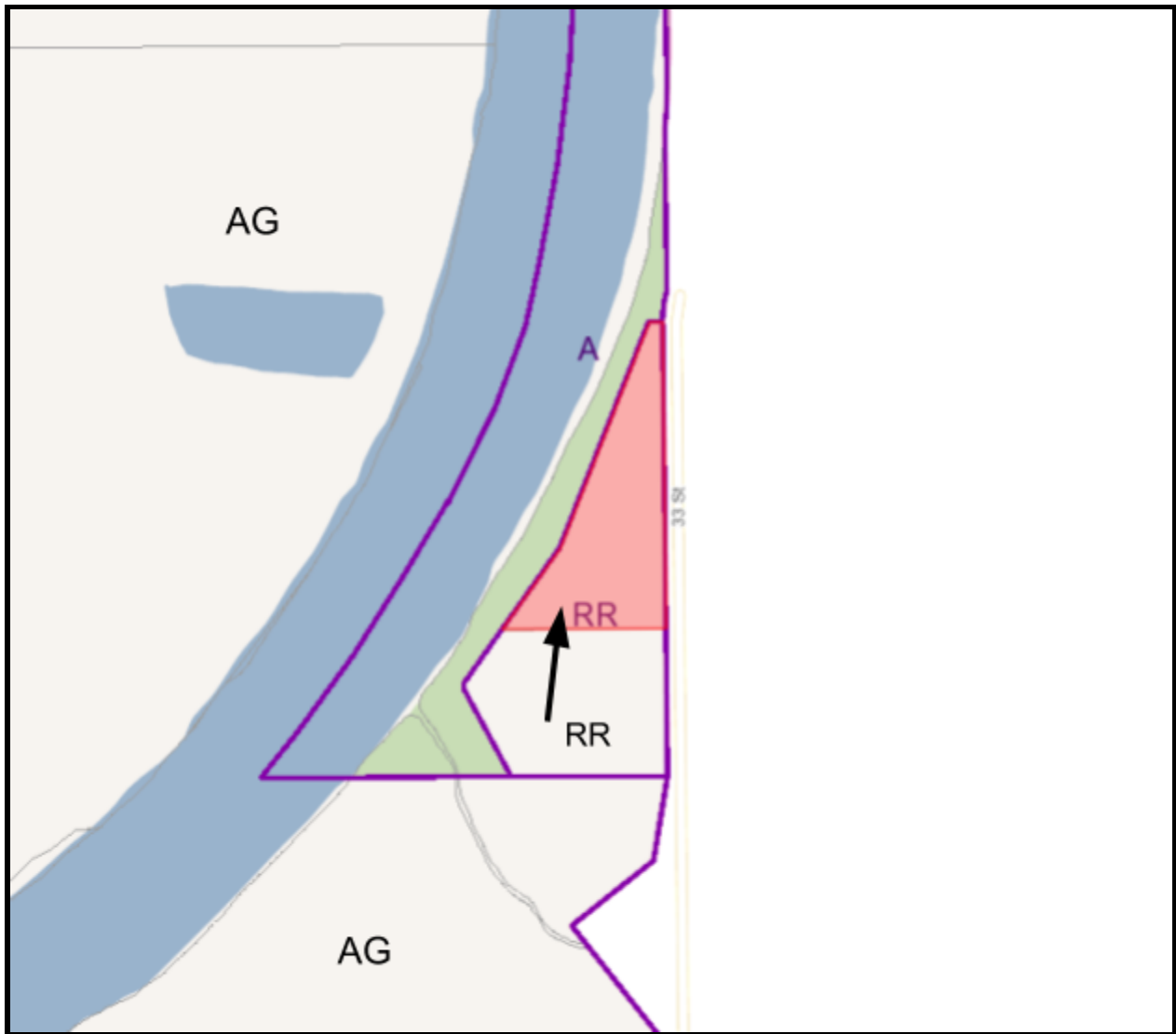
Proposed: 5.0m from the Front Lot Line to the shed

[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.

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>			Project Number: 306786880-001 Application Date: MAR 08, 2019 Printed: September 1, 2020 at 8:45 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) 14604 - 33 STREET NE Plan 815NY Lot B						
Scope of Application To construct two Recreational Acreage Farms Use buildings (hay shed, 12.22m x 13.21m; shed, 3.40m x 3.11m), existing without permits.							
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys. </td> </tr> </table>				# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys.		
# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys.						
Development Application Decision Refused Issue Date: Development Authority: ZHOU, ROWLEY Reason for Refusal <ol style="list-style-type: none"> 1. Discretionary Use - Recreational Acreage Farms Use is a Discretionary Use in the Rural Residential Zone (Section 240.3.5). 2. Height (hay shed) - An Accessory building or structure shall not exceed 4.3m in Height (Section 50.3.3). Maximum: 4.3m Proposed: 7.2m Exceeds by: 2.9m 3. Height (hay shed)- The Accessory building roof ridge line shall not extend more than 1.5m above the permitted building Height of 4.3m (Section 52.2.c). Maximum ridge height: 5.8m (4.3m + 1.5m) Proposed ridge height: 8.4m Exceeds by: 2.6m 4. Accessory building location (shed) - An Accessory building or structure shall be located not less than 18.0 m from the Front Lot Line, unless it complies with the Setback requirements for a principal building (Section 50.3.5.a). Proposed: 5.0m from the Front Lot Line to the shed 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 border="0" style="width: 100%; text-align: center;"> <tr> <td>Fee Amount</td> <td>Amount Paid</td> <td>Discount %</td> <td>Date Paid</td> </tr> </table>				Fee Amount	Amount Paid	Discount %	Date Paid
Fee Amount	Amount Paid	Discount %	Date Paid				
THIS IS NOT A PERMIT							



SURROUNDING LAND USE DISTRICTS

Site Location ←

▲
N

File: SDAB-D-20-126

ITEM II: 10:30 A.M.

FILE: SDAB-D-20-127

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 364757224-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension, irregular shape 5.5 metres by 8.0 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 25, 2020

DATE OF APPEAL: September 1, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7527 - 174 Avenue NW

LEGAL DESCRIPTION: Plan 1223878 Blk 9 Lot 6

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Edmonton North Area Structure Plan
Schonsee Neighbourhood Structure Plan

Grounds for Appeal

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

We would like to appeal the decision made by the development officer to extend the width of our driveway. We feel our project is similar to a lot of other driveways in our area that exceed the rules stated in Sections 55.3.1e,

54.3.3a, 54.3.3.c, 45.7 and 54.3.4, which our project was denied upon. We understand these driveways were likely constructed prior to these rules coming into effect, which is why we are also willing to negotiate the design of our project in terms of overall width and shape. We are also willing to spend money on contractors to complete the project to ensure the driveway is clean and professional looking and has the proper slopes for drainage.

Overall, we want the driveway larger so we can park more vehicles on the driveway. We believe this will be better for ourselves, but also an advantage to the neighbourhood by keeping more vehicles off the curb of the street which is fairly crowded as is.

<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*:

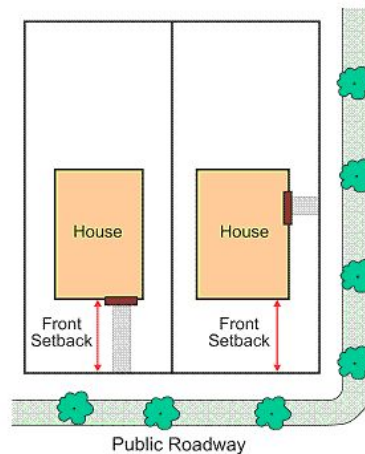
Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RSL) Residential Small Lot Zone**.

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]

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;
- ...
- c. for a Garage or Parking Area with two or more Vehicle Parking spaces, the width of the garage or parking area or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less; and
- ...

Development Officer's Determination

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

The proposed Driveway extension is wider than the existing front attached Garage and thereby does not lead to the Garage.

3. The Driveway shall be the width of the garage or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less. (Section 54.3.3.c)

- The total proposed width of the Driveway, as a result of the extension, is 11.0m which exceeds the maximum allowed 7.4m by 3.6m.

[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.

Section 54.3(4) states:

Except as otherwise provided for in this Bylaw, Vehicle Parking spaces, not including Driveways, shall be located in accordance with the following:

- a. Vehicle Parking spaces shall not be located within a Front Yard, other than those located on a Driveway

Development Officer's Determination



4. In the Front Yard of any Site in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard (Section 45.7.a & Section 54.3.4).

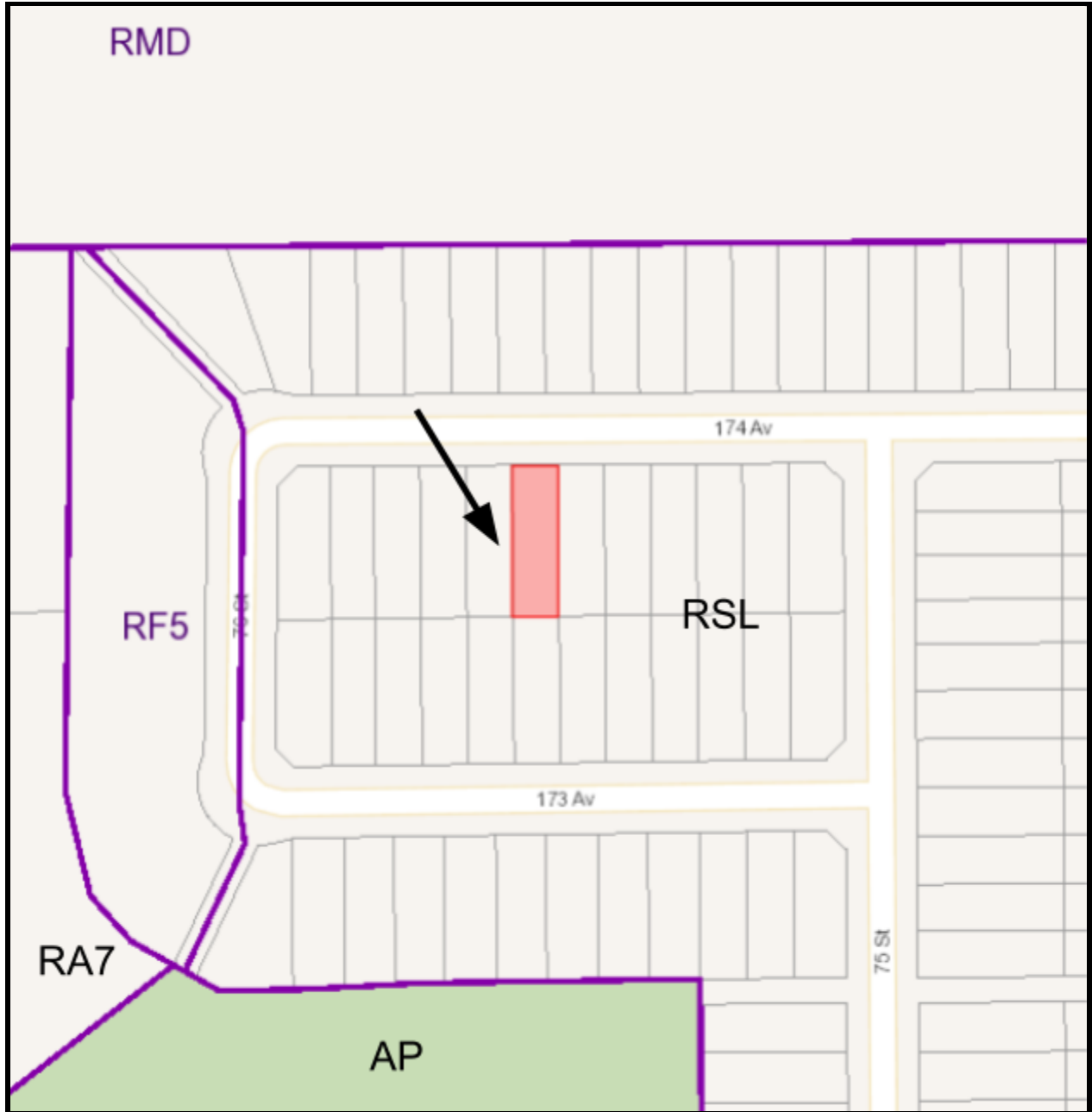
- The proposed Driveway extension will allow vehicular parking in the required landscaped portion of the Front Yard.

[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.

	Project Number: 364757224-002 Application Date: JUN 11, 2020 Printed: August 25, 2020 at 4:42 PM Page: 1 of 2			
<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>				
This document is a Development Permit Decision for the development application described below.				
Applicant 	Property Address(es) and Legal Description(s) 7527 - 174 AVENUE NW Plan 1223878 Blk 9 Lot 6			
Scope of Application To construct exterior alterations to a Single Detached House (Driveway extension, irregular shape 5.5m x 8.0m).				
Permit Details <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%; text-align: right;"> Site Area (sq. m.): 397.34 </td> </tr> </table>			Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 397.34
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m.): 397.34			
Development Application Decision Refused Issue Date: Aug 25, 2020 Development Authority: SELTZ, AARON Reason for Refusal <ol style="list-style-type: none"> 1. All open space including Front Yards shall be landscaped (Section 55.3.1.e). <ul style="list-style-type: none"> - The Front Yard will be hardsurfaced as a result of the Driveway extension. 2. The Driveway shall lead directly from the roadway to the Garage or Parking Area (Section 54.3.3.a). <ul style="list-style-type: none"> - The proposed Driveway extension is wider than the existing front attached Garage and thereby does not lead to the Garage. 3. The Driveway shall be the width of the garage or the number of side-by-side Vehicle Parking spaces multiplied by 3.7m; whichever is less. (Section 54.3.3.c) <ul style="list-style-type: none"> - The total proposed width of the Driveway, as a result of the extension, is 11.0m which exceeds the maximum allowed 7.4m by 3.6m. 4. In the Front Yard of any Site in any Residential Zone, vehicles shall not be located on the landscaped portion of the Yard (Section 45.7.a & Section 54.3.4). <ul style="list-style-type: none"> - The proposed Driveway extension will allow vehicular parking in the required landscaped portion of the Front Yard. 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.				
Building Permit Decision Refused				
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-20-127 ▲
N

ITEM III: 1:30 P.M.

FILE: SDAB-D-20-128

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 370311654-002

APPLICATION TO: Construct an Accessory Building (rear detached Garage, 6.1 metres by 6.1 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 31, 2020

DATE OF APPEAL: September 1, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11234 - 84 Street NW

LEGAL DESCRIPTION: Plan RN50 Blk 98 Lot 21

ZONE: (RA9) High Rise Apartment Zone

OVERLAY: High Rise Residential Overlay

STATUTORY PLAN: Stadium Station Area Redevelopment Plan

Grounds for Appeal

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

We're applying to build a new detached garage, but city said it's RA9 zoning. The RA9 may be forseen zoning for future development, this area still dominated by single residential, we hope you can be help us to own a useable garage, so life is not so hard in the winter.
Thanks

General Matters

Appeal Information:

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

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

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

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- (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,
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 - (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

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- (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;

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- (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*:

Single Detaching Housing is neither a Permitted nor Discretionary Use in the (RA9) High Rise Apartment 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 230.1 states that the **General Purpose** of the **(RA9) High Rise Apartment Zone** is “to develop high rise residential buildings that contain active residential or non-residential Frontages at ground level. This Zone is intended to allow supportive non-residential Uses that complement the primary residential Uses, and improve the pedestrian experience at ground level. Design regulations are included in the Zone to manage impacts that tall buildings can have in relation to shadow, wind, parking, context, massing and interface at ground level.”

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.

Section 50.1(1) states: A Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw.

Development Officers Determination



A Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw. (Section 50.1)

A Single Detached House (principal building) is neither a Permitted Use or Discretionary Use within the RA 9 Zone.

[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.

	<h2 style="margin: 0;">Application for Accessory Building Permit</h2>		Project Number: 370311654-002 Application Date: AUG 13, 2020 Printed: August 31, 2020 at 11:28 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)	11234 - 84 STREET NW Plan RN50 Blk 98 Lot 21																															
		Location(s) of Work	Entryway: 11234 - 84 STREET NW Building: 11234 - 84 STREET NW																															
Scope of Application	To construct an Accessory Building (rear detached Garage (6.1m x 6.1m)).																																	
Permit Details	Class Of Permit: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 367.66																																
Development Application Decision	<p>Refused</p> <p>Issue Date: Aug 31, 2020 Development Authority: LAI, ECHO</p> <p>Reason for Refusal</p> <p>A Use shall be Accessory to a Permitted or Discretionary Use which is a principal Use on the Site, if such Use complies with the definition of Accessory in this Bylaw. (Section 50.1)</p> <p>A Single Detached House (principal building) is neither a Permitted Use or Discretionary Use within the RA 9 Zone.</p> <p>Rights of Appeal</p> <p>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>																																	
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