

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 27, 2025**

**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-25-021

To construct a Residential Use building in the form of a Backyard House (One Dwelling with Garage, 9.75m x 7.62m)

22403 - 88 Avenue NW
Project No.: 544334661-002

II 10:30 A.M. SDAB-D-25-022

To construct an Accessory building (mutual detached Garage, 5.87m x 12.2m)

11040 - 122 Street NW
Project No.: 540800795-002

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-25-021AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 544334661-002

APPLICATION TO: Construct a Residential Use building in the form of a Backyard House (One Dwelling with Garage, 9.75m x 7.62m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 28, 2025

DATE OF APPEAL: January 29, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 22403 - 88 Avenue NW

LEGAL DESCRIPTION: Plan 2420537 Blk 4 Lot 55

ZONE: RSF - Small Scale Flex Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Lewis Farms Area Structure Plan
Rosenthal Neighbourhood Structure Plan

DISTRICT PLAN: West Henday District Plan

Grounds for Appeal

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

I am writing to respectfully appeal the decision regarding my variance application for the proposed garage suite at Lot 55, Block 4, Plan 242-0537, located at 22403 88 Avenue NW. The variance application seeks

to allow a garage suite with a second-storey floor area greater than the standard limit set by Zoning Bylaw 20001, Section 6.10.

I understand the regulations surrounding garage suite floor area, but I believe that the unique circumstances of the property and the surrounding neighborhood warrant approval of this variance. Below are the key reasons for this appeal:

- 1. Support for Increased Density:** I strongly support efforts to increase density within Edmonton, and this project aligns with the city's broader goals for urban growth. The addition of a garage suite will help maximize the use of land in west Edmonton, where affordable housing suitable for small families is in limited supply.
- 2. Off-Street Parking Availability:** The proposed project will include four off-street parking stalls, which will ensure minimal impact on neighboring properties by avoiding any street parking. This design exceeds the minimum parking requirements and will help maintain the flow of traffic in the area.
- 3. Reduced Lot Coverage:** The proposed garage suite has a lot coverage of 17.9%, which is similar to the average lot coverage of surrounding homes in Rosemont. For example, similar properties in the area (Lot 16, Block 2, Plan 242-0537) have house coverages of up to 29.2%, with garage coverage around 17%. By contrast, my proposed project has a more modest footprint and would have a minimal impact on the character of the neighborhood.
- 4. Proximity to Amenities:** The location of the property supports Edmonton's efforts to build 15-minute neighborhoods. The site is within walking distance of key amenities such as a school, grocery store, and recreation center, ensuring that residents will have easy access to essential services without the need for a car. This aligns with the city's goal of reducing reliance on vehicles and promoting sustainable living.
- 5. Careful Lot Selection:** The property is a pie-shaped corner lot, chosen specifically to minimize impact on the neighboring properties. The unique shape of the lot allows for optimal placement of the garage suite, ensuring adequate privacy and sunlight for adjacent homes.
- 6. Contextual Compatibility:** The surrounding neighborhood features a variety of architectural styles and lot sizes, with other properties having garage suites with varying second-storey floor areas. Approving this variance would maintain consistency with the existing neighborhood character and further support the goal of increasing housing availability.

I respectfully request that the Subdivision and Development Appeal Board reconsider the variance application, taking into account the unique

characteristics of my property and the surrounding area. I believe this proposal aligns with the city's goals of increasing housing density while being mindful of the impact on the surrounding neighborhood.

Attached are revised site plans and supporting documentation, including neighborhood lot coverage analysis and architectural drawings. Follow the link below to view site photos, uploaded to Google Drive. I would be happy to discuss this further and address any questions you may have. Thank you for your time and consideration.

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 the decision in accordance with subsection (2.1).

...

(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 the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

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

- (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 board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (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 *Zoning Bylaw 20001*:

Under section 2.20.2.2, a **Residential Use** is a **Permitted Use** in the **RSF - Small Scale Flex Residential Zone**.

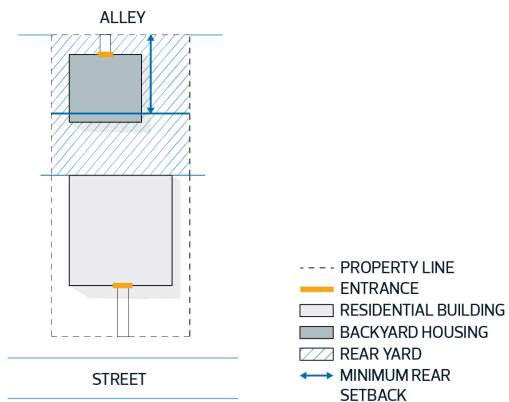
Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Backyard Housing** means:

a building containing 1 or more Dwellings, that is located wholly within the Rear Yard, and partially or wholly within the Rear Setback of the applicable Zone, of a Residential Site.



Under section 8.20, **Single Detached Housing** means:

a building that contains 1 principal Dwelling and has direct access to ground level.

Section 2.20.1 states that the **Purpose of the RSF - Small Scale Flex Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. This Zone has site and building regulations that provide additional development flexibility in appropriate contexts, such as new neighbourhoods and large undeveloped areas. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Backyard Housing

Section 6.10.1 states Backyard Housing must comply with Table 1:

Table 1. Building Regulations

Subsection	Regulation	Value	Symbol
Height			
1.1	Maximum Height	6.8 m	-
Floor Area			

1.4	Maximum second Storey Floor Area per Dwelling	60.0 m2	-
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Under section 8.20, **Dwelling** means:

a self-contained unit consisting of 1 or more rooms used as a bedroom, bathroom, living room, and kitchen. The Dwelling is not intended to be moveable, does not have a visible towing apparatus or visible undercarriage, must be on a foundation, and connected to utilities.

Under section 8.20, **Floor Area** means:

the area of a building or structure, contained within the outside surface of the exterior and Basement walls. Where a wall contains windows, the glazing line of windows may be used.

Under section 8.20, **Height** means:

a vertical distance between 2 points.

Where described as a Modifier in a regulation, this is represented as the letter "h" and a number on the Zoning Map.

Development Planner's Determination

1. Second Floor Area - The Maximum second Storey Floor Area of the Backyard House shall not exceed 60.0 m2. (Reference Section 6.10.1.4)

Maximum: 60.0 m2

Proposed: 72.0 m2

Exceeds by: 12.0 m2

2. Height - The maximum Height shall be 6.8 m. (Reference Section 6.10.1.1).

Maximum: 6.8m

Proposed: 7.4m

Exceeds by: 0.7m

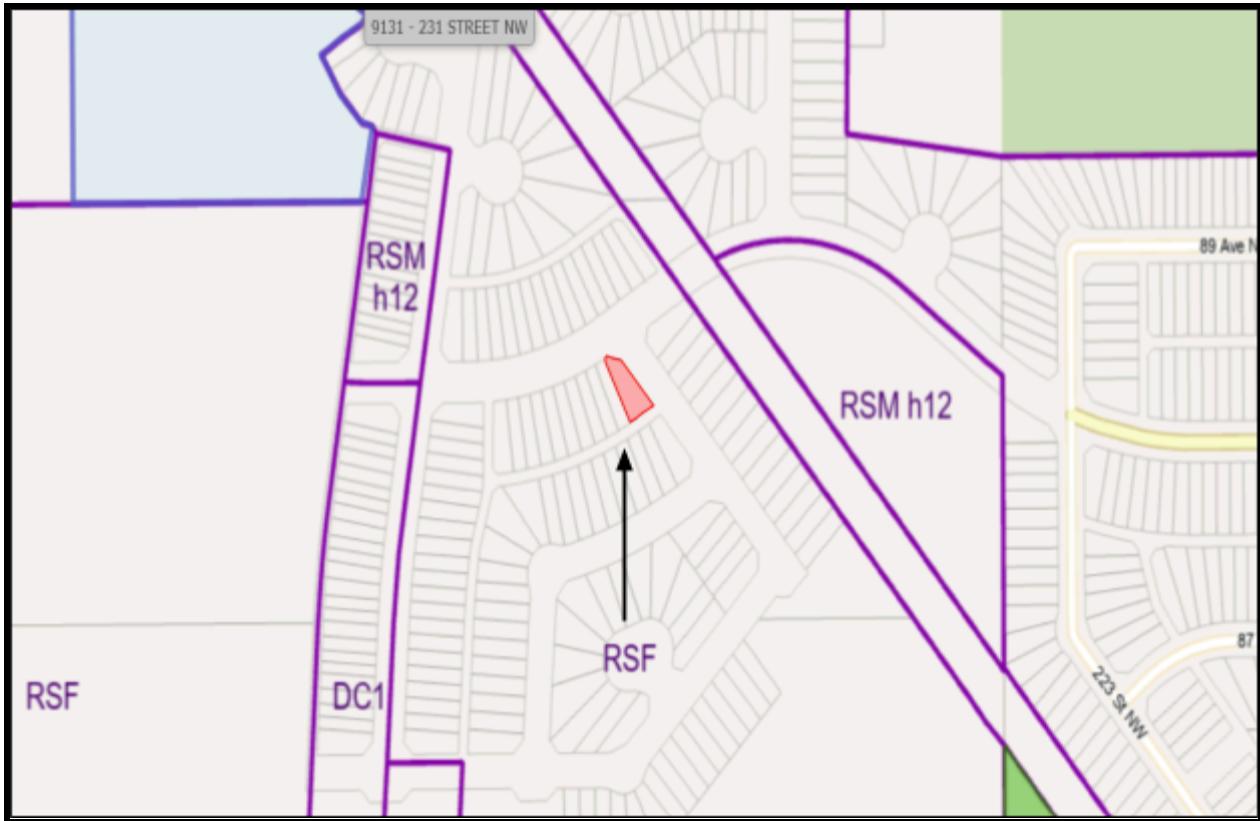
[unedited]

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.

Edmonton	Project Number: 544334661-002 Application Date: NOV 27, 2024 Printed: January 28, 2025 at 2:27 PM Page: 1 of 2															
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Minor Development Permit</h3>																
<p>This document is a Development Permit Decision for the development application described below.</p>																
Applicant	Property Address(es) and Legal Description(s) 22403 - 88 AVENUE NW Plan 2420537 Blk 4 Lot 55															
	Specific Address(es) Suite: 22403G - 88 AVENUE NW Entryway: 22403G - 88 AVENUE NW Building: 22403G - 88 AVENUE NW															
Scope of Application To construct a Residential Use building in the form of a Backyard House (1 Dwelling with Garage, 9.75m x 7.62m).																
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Application for Minor Development Permit																			
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-021



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ITEM II: 10:30 A.M.FILE: SDAB-D-25-022AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 540800795-002

APPLICATION TO: To construct an Accessory building (mutual detached Garage, 5.87m x 12.2m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 30, 2025

DATE OF APPEAL: January 31, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11040 - 122 Street NW

LEGAL DESCRIPTION: Plan RN39B Blk 44 Lot 8

ZONE: RS - Small Scale Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

<i>Grounds for Appeal</i>

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

Appeal: Site Coverage - The buildings cover 48% of the site, instead of 45% (Subsection 2.10.4.1.7
Project: 540800795-002

I am submitting this appeal regarding the approval of a 4-car garage on a 50-foot-wide lot that was initially designed to accommodate waste collection through a specific garbage area with a designated concrete driveway for truck access. However, since the City has revised its waste collection approach to utilize 12 larger garbage bins, the original truck access requirements are no longer necessary.

This design revision has created an opportunity to maintain the originally planned 4-car garage while ensuring proper garbage bin storage and enhancing neighborhood functionality. The proposed garage offers several key benefits:

1. Improved Parking for Neighbors and Tenants A 4-car garage will help alleviate the ongoing street parking congestion, benefiting not only the tenants but also neighboring residents.
2. Efficient Waste Collection The new waste system storage aligns with the City's updated waste management plan
3. Better Land Utilization The revised plan ensures all garbage bins are stored properly within the lot boundaries, avoiding clutter and maintaining a clean streetscape.

The previous requirement for truck access was a primary constraint in limiting the garage size. With the removal of this requirement, allowing a 4-car garage is a logical solution that supports both the City's waste management goals and the parking needs of the community.

I kindly request that this appeal be reviewed favorably, considering the significant benefits to tenants, neighbors, and overall neighborhood parking. I appreciate your time and consideration and look forward to discussing this further.

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 the decision in accordance with subsection (2.1).

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(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 the decision in accordance with subsection (2.1).

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

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

(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 board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (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 Zoning Bylaw 20001:

Under section 2.10.2.2, a **Residential Use** is a **Permitted Use** in the **RS - Small Scale Residential Zone**.

Under section 8.10, a **Residential Use** means:

a development where a building or part of a building is designed for people to live in. The building contains 1 or more Dwellings or 1 or more Sleeping Units.

This includes: Backyard Housing, Duplex Housing, Lodging Houses, Multi-unit Housing, Row Housing, Secondary Suites, Semi-detached Housing, Single Detached Housing, and Supportive Housing.

Under section 8.20, **Single Detached Housing** means:

a building that contains 1 principal Dwelling and has direct access to ground level.

Under section 8.20, **Accessory** means “a Use, building or structure that is naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same Lot or Site.”

Section 2.10.1 states that the **Purpose of the RS - Small Scale Residential Zone** is:

To allow for a range of small scale Residential development up to 3 Storeys in Height, including detached, attached, and multi-unit Residential housing. Limited opportunities for community and commercial development are permitted to provide services to local residents.

Site Coverage

Section 2.10.4.1.7 states:

4.1. Development must comply with Table 4.1:

Table 4.1 Site and Building Regulations			
Subsection	Regulation	Value	Symbol
Site Coverage			
4.1.7	Maximum Site Coverage	45%	-

Under section 8.20, **Site Coverage** means:

the total horizontal area on a Site:

- a. covered by buildings and structures that are 1.8 m or more in

Height above Grade; or

- b. covered by a Parkade that is 1.0 m or more in Height above Grade.

This definition includes cantilevers, but does not include steps, eaves, cornices, or other similar projections.

Development Officer's Determination

**Site Coverage - The buildings cover 48% of the site, instead of 45%
(Subsection 2.10.4.1.7)**

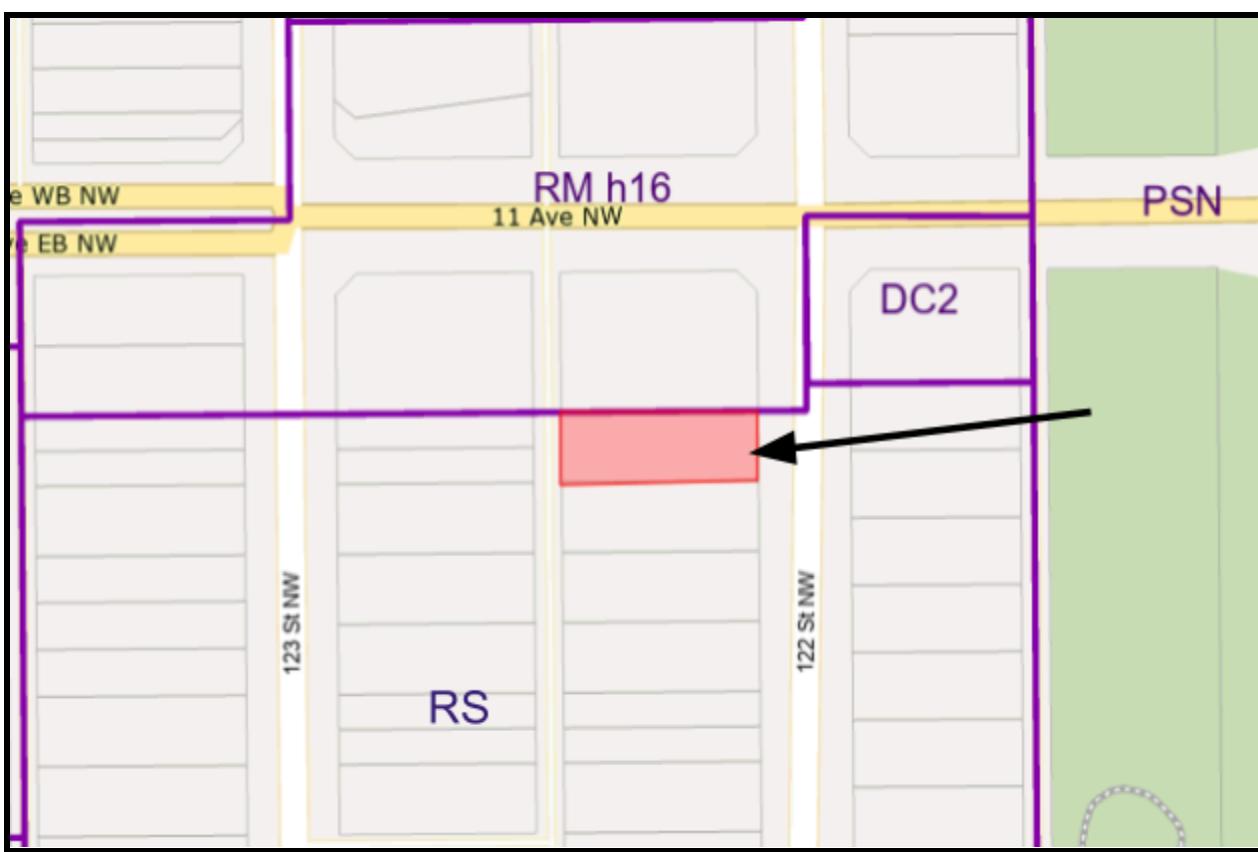
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Notice to Applicant/Appellant

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: 540800795-002 Application Date: NOV 15, 2024 Printed: January 30, 2025 at 4:02 PM Page: 1 of 1																															
<h2>Application for Accessory Building Permit</h2>																																	
<p>This document is a Development Permit Decision for the development application described below.</p>																																	
Applicant	Property Address(es) and Legal Description(s) 11040 - 122 STREET NW Plan RN39B Blk 44 Lot 8																																
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-022

▲ N