

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Wednesday, 9:00 A.M.

March 19, 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-25-037	Franken Homes Ltd.
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Construct an Accessory building (Mutual detached Garage, 5.79m x 12.49m)

11935 - 128 Street NW
Project No.: 541351565-002

II	10:30 A.M.	SDAB-D-25-034	Franken Homes Ltd.
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Construct an Accessory building (Mutual detached Garage, 12.19m x 5.87m)

10335 - 135 Street NW
Project No.: 541109222-002

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-25-037AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Franken Homes

APPLICATION NO.: 541351565-002

APPLICATION TO: Construct an Accessory building (Mutual detached Garage, 5.79m x 12.49m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 25, 2025

DATE OF APPEAL: February 26, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11935 - 128 Street NW

LEGAL DESCRIPTION: Plan 4068HW Blk 1 Lot 20

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:

We are writing to request a variance to allow for the construction of a 4-car garage at 11935- 128 str

During the initial design phase, there was uncertainty about the feasibility of a 4-car garage. Based on feedback from the City of Edmonton Waste

Services, our original design included a 3- car garage to ensure compliance with waste bin requirements, as we were informed that a 4- car garage would not be approved.

Over the subsequent months, we collaborated with Waste Services to determine the optimal garage and waste bin configurations. At that time, Waste Services instructed us that only a 3- car garage would be permitted. However, later in the process, we were informed of an alternative design that would allow for a 4-car garage while still providing ample space for garbage bins. This design includes larger waste bins and a fenced enclosure for proper waste storage.

Since our original intent was to provide a 4-car garage to accommodate tenant needs and reduce the number of vehicles parked on the street, we are requesting a variance to allow this design. The 4-car garage is the preferred solution, as it meets tenant preferences while still maintaining sufficient space for waste management. Additionally, the community supports more private parking versus public street parking and have expressed their support for this appeal to offer more private parking, seeing it as a way to ease street congestion and enhance the community's functionality.

We believe this design achieves a balance between tenant satisfaction, community endorsement and compliance with waste service requirements. We appreciate your consideration of this request and are happy to provide any additional information or work collaboratively to address any concerns.

<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 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 2.10.2.2, 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, **Multi-unit Housing** means a building that contains:

- a. 1 or more Dwellings combined with at least 1 Use other than Residential or Home Based Business; or
- b. any number of Dwellings that do not conform to any other definition in the Zoning Bylaw.

Typical examples include stacked row housing, apartments, and housing in a mixed-use building.

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

a building that contains 3 or more principal Dwellings joined in whole or in part at the side, the rear, or the side and the rear, with none of the principal Dwellings being placed over another. Each principal Dwelling has separate, individual, and direct access to ground level.

Under section 8.10, **Secondary Suite** means:

a Dwelling that is subordinate to, and located within, a building in the form of Single Detached Housing, Semi-detached Housing, Row Housing, or Backyard Housing. A Secondary Suite is not a principal Dwelling. A Secondary Suite has a separate entrance from the principal Dwelling, either from a common indoor landing or directly from outside the building. A Secondary Suite has less Floor Area than the principal Dwelling. A Secondary Suite is not separated from the principal Dwelling by a condominium conversion or subdivision.

Under section 8.10, **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, **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.

<i>Site Coverage</i>

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 Planner's Determination


Site coverage - The maximum total Site coverage should not exceed 45%. (Subsection 2.10.4.1.7)


- Proposed total site coverage 52 % (exclusive 2% porches area in the Row House)
- Exceeded by 7%

[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: 541351565-002 Application Date: NOV 18, 2024 Printed: February 25, 2025 at 8:44 AM Page: 1 of 2		
		<h2 style="text-align: center;">Application for Accessory Building Permit</h2>		
This document is a Development Permit Decision for the development application described below.				
Applicant Project Name: 11935-128 str (4-car garage)		Property Address(es) and Legal Description(s) 11935 - 128 STREET NW Plan 4068HW Blk 1 Lot 20		
		Location(s) of Work Suite: 1, 11935 - 128 STREET NW Suite: 2, 11935 - 128 STREET NW Suite: 3, 11935 - 128 STREET NW Suite: 4, 11935 - 128 STREET NW Entryway: 1, 11935 - 128 STREET NW Entryway: 2, 11935 - 128 STREET NW Entryway: 3, 11935 - 128 STREET NW Entryway: 4, 11935 - 128 STREET NW Building: 1, 11935 - 128 STREET NW		
Scope of Application To construct an Accessory building (Mutual detached Garage, 5.79m x 12.49m).				
Details				
Development Category: Site Area (sq. m.): 662.81		Overlay: Statutory Plan:		
Development Application Decision Refused Issue Date: Feb 25, 2025 Development Authority: LAI, ECHO Reason for Refusal Site coverage - The maximum total Site coverage should not exceed 45%. (Subsection 2.10.4.1.7) - Proposed total site coverage 52 % (exclusive 2% porches area in the Row House) - Exceeded by 7% Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.				
Building Permit Decision No decision has yet been made.				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.00	\$4.00	048451001001790	Nov 18, 2024
Building Permit Fee (Accessory Building)	\$115.00	\$115.00	048451001001790	Nov 18, 2024
Development Application Fee	\$140.00	\$140.00	048451001001790	Nov 18, 2024
THIS IS NOT A PERMIT				



Project Number: **541351565-002**

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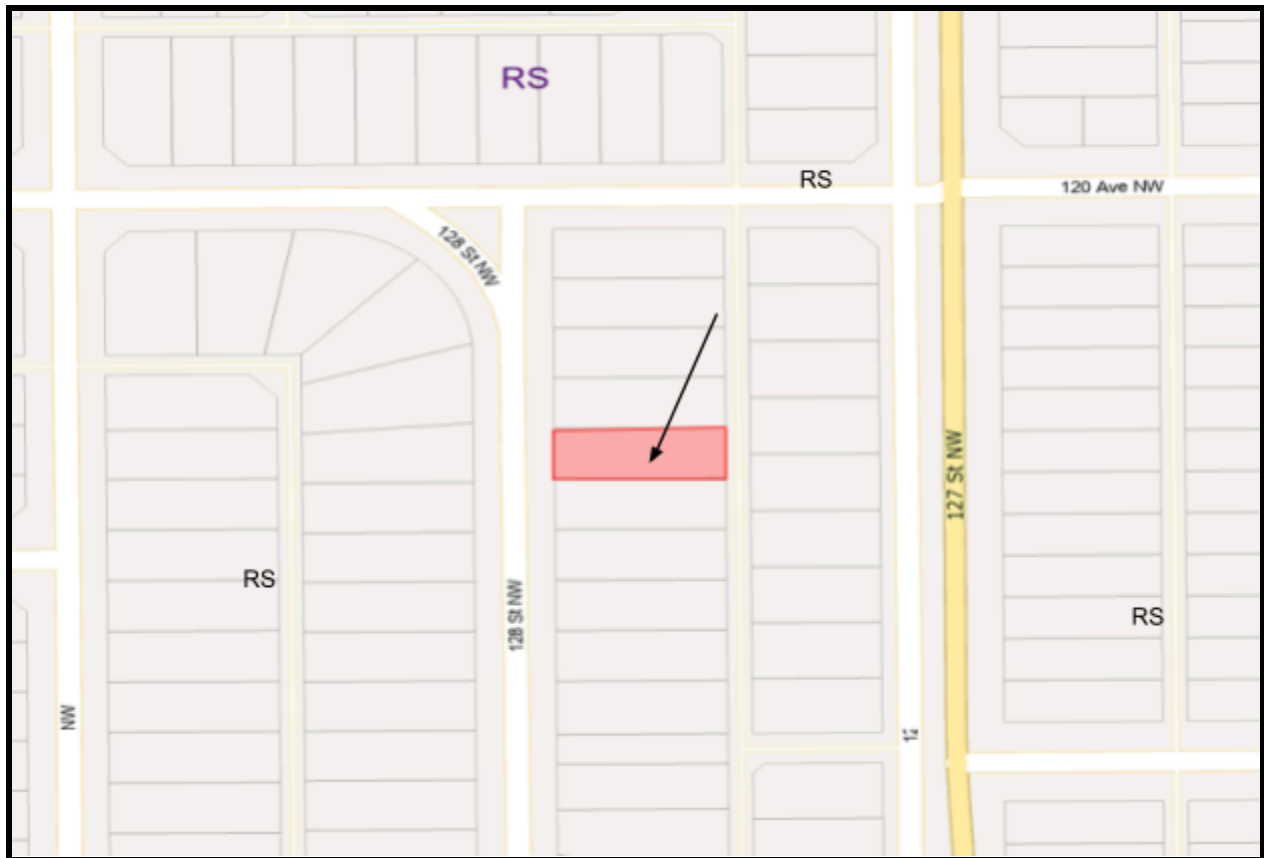
Page: 2 of 2

Application for

Accessory Building Permit

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$259.60	\$259.60		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-037

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ITEM II: 10:30 A.M.FILE: SDAB-D-25-034AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT: Franken Homes

APPLICATION NO.: 541109222-002

APPLICATION TO: Construct an Accessory building (Mutual detached Garage, 12.19m x 5.87m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 20, 2025

DATE OF APPEAL: February 20, 2025

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10335 - 135 Street NW

LEGAL DESCRIPTION: Plan 3875P Blk 92 Lot 6

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:

We are writing to request a variance to allow for the construction of a 4-car garage at 10335-135 str

During the initial design phase, there was uncertainty about the feasibility of a 4-car garage. Based on feedback from the City of Edmonton Waste

Services, our original design included a 3- car garage to ensure compliance with waste bin requirements, as we were informed that a 4-car garage would not be approved.

Over the subsequent months, we collaborated with Waste Services to determine the optimal garage and waste bin configurations. At that time, Waste Services instructed us that only a 3-car garage would be permitted. However, later in the process, we were informed of an alternative design that would allow for a 4-car garage while still providing ample space for garbage bins. This design includes larger waste bins and a fenced enclosure for proper waste storage.

Since our original intent was to provide a 4-car garage to accommodate tenant needs and reduce the number of vehicles parked on the street, we are requesting a variance to allow this design. The 4-car garage is the preferred solution, as it meets tenant preferences while still maintaining sufficient space for waste management.

We believe this design achieves a balance between tenant satisfaction and compliance with waste service requirements. We appreciate your consideration of this request and are happy to provide any additional information or work collaboratively to address any concerns.

Thank you for your time and support.

<i>General Matters</i>

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

Development Planner's Determination

Site coverage - The maximum total Site coverage should not exceed 45%. (Subsection 2.10.4.1.7)


- Proposed total Site Coverage 49% (exclusive 2% porches area in the Row House)


- exceeded by 4%

[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.

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THIS IS NOT A PERMIT																							



Project Number: **541109222-002**

Application Date: NOV 18, 2024

Printed: February 20, 2025 at 8:49 AM

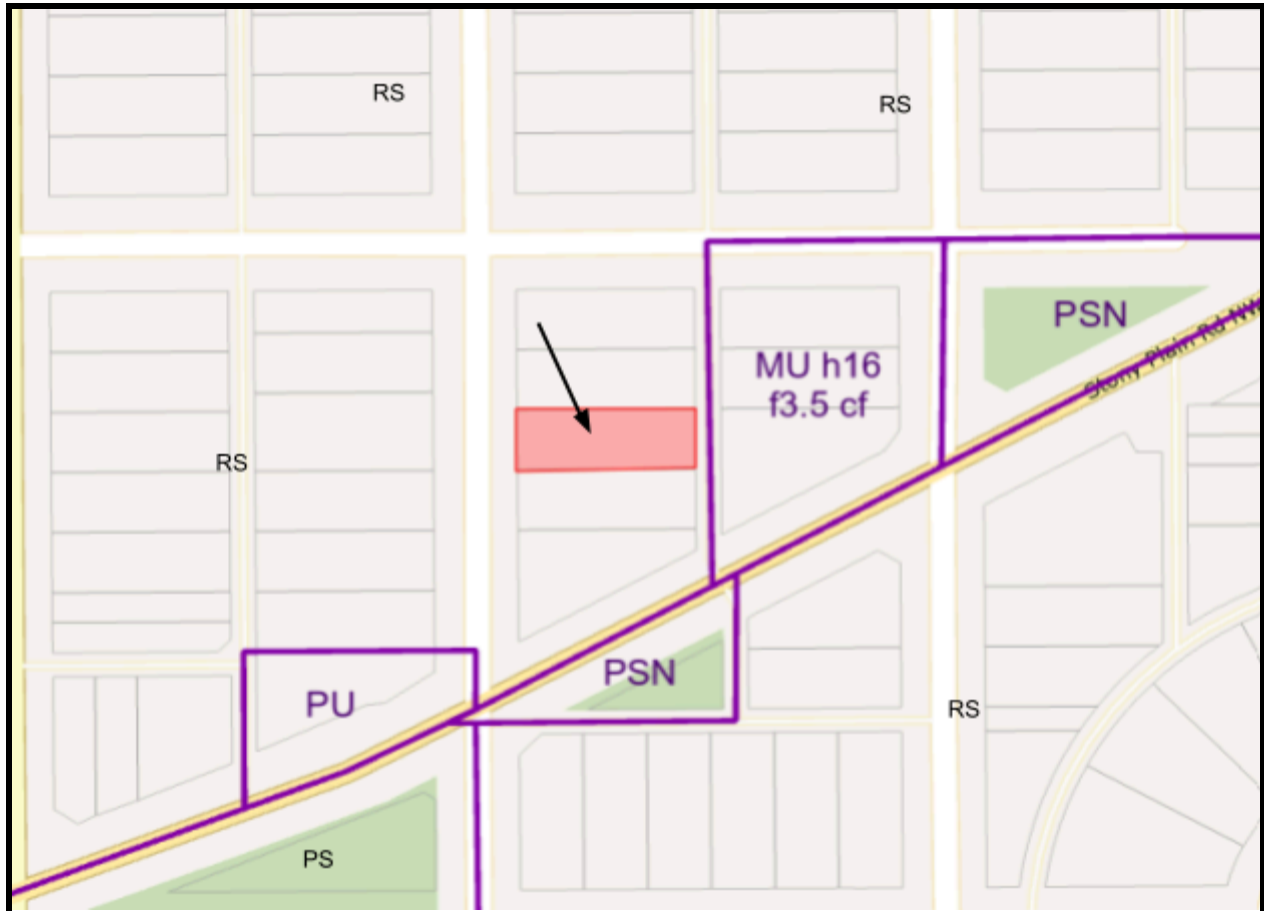
Page: 2 of 2

Application for

Accessory Building Permit

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Total GST Amount:	\$0.00			
Totals for Permit:	\$259.60	\$259.60		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-25-034

▲
N