

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
May 5, 2016**

**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-16-115

To develop a Secondary Suite in the Basement
of a Single Detached House

11418 - 62 Street NW
Project No.: 186028989-003

II 10:30 A.M. SDAB-D-16-116

To construct a Single Detached House with
front attached Garage, front veranda (4.32
metres by 2.97 metres), fireplace, and Basement
development (NOT to be used as an additional
Dwelling).

34, 18343 - Lessard Road NW
Project No.: 173779193-001

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-16-115

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 186028989-003

ADDRESS OF APPELLANT: 11418 - 62 Street NW

APPLICATION TO: Develop a Secondary Suite in the Basement of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 29, 2016

DATE OF APPEAL: April 6, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11418 - 62 Street NW

LEGAL DESCRIPTION: Plan 1525670 Blk 5 Lot 15B

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

To help increase density in mature neighbourhoods. Site is 8 percent deficient in site area, however, we are providing 4 parking spots (1 more than required) to ensure parking is not an issue.

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.

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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states 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.

Section 814.1 states the **General Purpose** of the **Mature Neighbourhood Overlay** is 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.

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

Under Section 110.2(3), **Secondary Suites** is a **Permitted Use** in the **RF1 Single Detached Residential Zone**.

Under Section 7.2(9), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Under Section 7.2(7), **Secondary Suite** means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Housing. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or

rear of the structure. This Use Class includes the Development or Conversion of Basement space or above Grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Apartment Housing, Duplex Housing, Garage Suites, Garden Suites, Semi-detached Housing, Lodging Houses, Blatchford Lane Suites, Blatchford Accessory Suites, or Blatchford Townhousing.

Section 110.4(17) states **Secondary Suites** shall comply with Section 86 of this Bylaw.

Site Area

Section 86.1 states the **minimum Site area** for a Single Detached Dwelling containing a Secondary Suite is 360 square metres.

Development Officer's Determination

Section 86.1 - The minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 square metres.

Proposed: 331 square metres

Deficient by: 29 square metres (8 percent)

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*.



Project Number: **186028989-003**
 Application Date: JAN 20, 2016
 Printed: April 6, 2016 at 12:08 PM
 Page: 1 of 1

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant 1191979 ALBERTA LTD. O/A MONARCH FRAMING <div style="border: 1px solid black; width: 200px; height: 20px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 11418 - 62 STREET NW Plan 1525670 Blk 5 Lot 15B Specific Address(es) Suite: BSMT, 11418 - 62 STREET NW Entryway: 11418 - 62 STREET NW Building: 11418 - 62 STREET NW
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Scope of Application
 To develop a Secondary Suite in the Basement of a Single Detached House.

Permit Details # of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Secondary Suite Secondary Suite Included?: Y	Class of Permit: Class A Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area:
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused
Reason for Refusal
 Section 86.1 - The minimum Site area for a Single Detached Dwelling containing a Secondary Suite is 360 m2.

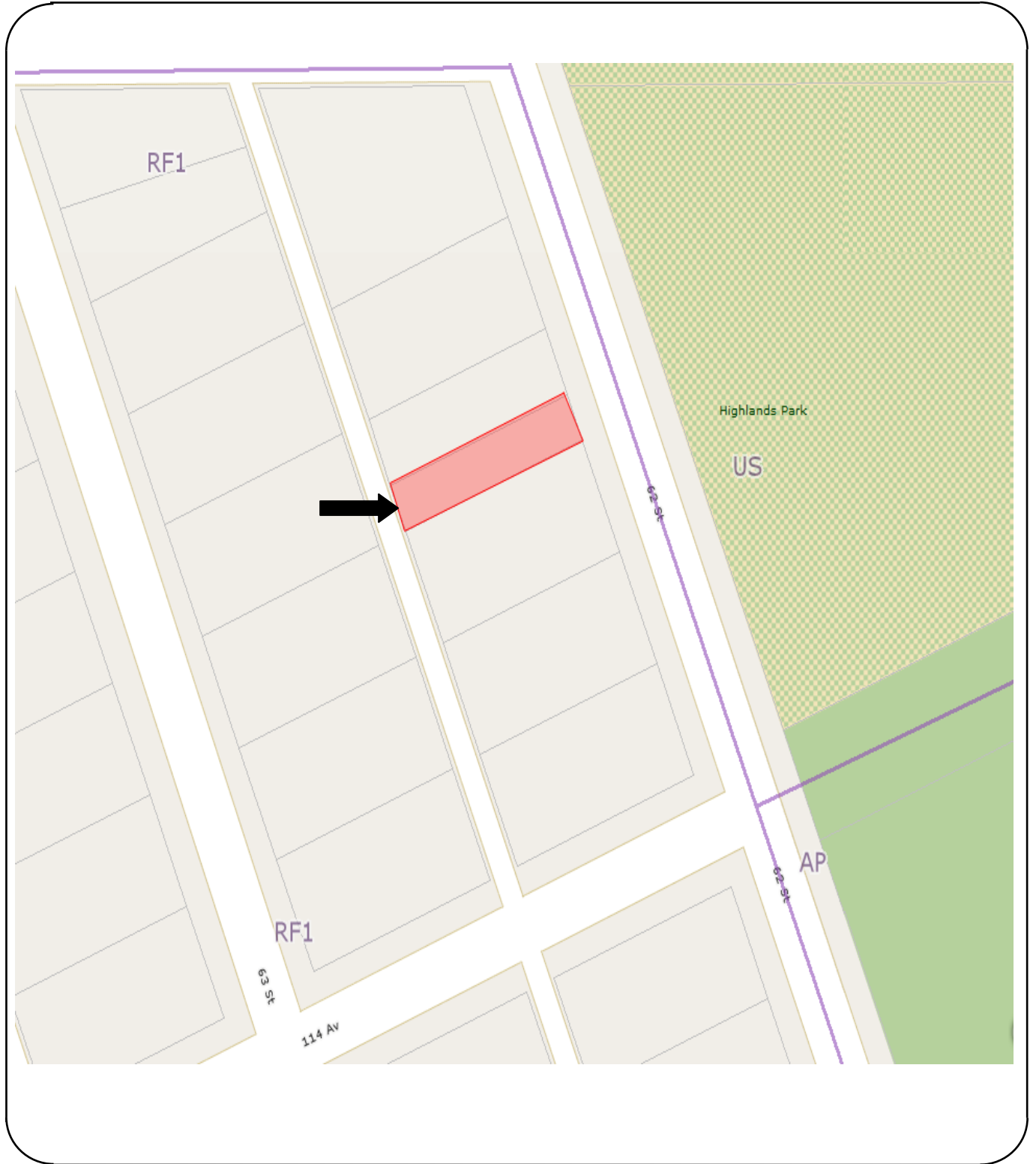
 Proposed: 331m2
 Deficient by: 29m2 (8%)

Rights of Appeal
 The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Mar 29, 2016 **Development Authority:** YEUNG, KENNETH **Signature:** _____

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$266.00	\$266.00	03016323	Jan 20, 2016
Sanitary Sewer Trunk Fee for Secondary Suite	\$693.00	\$693.00	03016323	Jan 20, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$959.00	\$959.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-115



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-116

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 173779193-001

ADDRESS OF APPELLANT: 5116 – Woolsey Link NW/
1400, 10303 Jasper Avenue NW

APPLICATION TO: Construct a Single Detached House with front attached Garage, front veranda (4.32 metres by 2.97 metres), fireplace, and Basement development (NOT to be used as an additional Dwelling).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 6, 2016

DATE OF APPEAL: April 11, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 34, 18343 - Lessard Road NW

LEGAL DESCRIPTION: Plan 1223111 Unit 34

ZONE: DC2- Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: Donsdale Neighbourhood Structure Plan
West Jasper Place South Area Structure Plan

Grounds for Appeal

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

We are solicitors for Celebration Homes Inc., the Applicant in the above noted matter. Our client’s House Development and Building Permit has been refused. On behalf of our clients, we hereby appeal the refusal on the following grounds:

1. The Development Officer failed to follow the directions of Council as set out in section DC2.853.4, Section A, (g) by applying the current configuration of the adjacent park site instead of the configuration of the proposed park site as the same was at the time the Direct control Zoning was initially applied.

2. The Development Officer failed to follow the directions of Council as set out in sections 720.3, 11.2(5) and 11.3 of the Zoning Bylaw to the extent the Development Officer failed to consider the propriety of granting a variance relative to the Appellant's Development Permit Application.
3. In the particular circumstances of this application, the proposed development meets the requirements for a variance as provided in section 687(3)(d) of the *Municipal Government Act*.
4. Such further and other reasons as may be presented at the hearing of this appeal.

<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

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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.

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 within 14 days,

- (b) in the case of an appeal made by a person referred to in section 685(1),
after
 - (ii) the date on which the person is notified of the order or decision
or the issuance of the development permit,

General Provisions from the *Edmonton Zoning Bylaw*:

Section DC2.853.1 states the **General Purpose of the DC2** is to establish a Site Specific Development Control Provision (Area A, B & C) to accommodate the development of a comprehensively planned, seniors-oriented Continuing Care Retirement Community with low and medium density housing and institutional uses plus a variety of ancillary uses (e.g. dining facilities, health care services, recreation & fitness facilities) with site development regulations to ensure compatibility with adjacent residential development.

Section DC2.853.3, Area A(c), states **Single Detached Housing** is a listed use in the DC2.

Minimum Yard

Section DC2.853.4 states:

Area A

Development within Area A shall be in general conformance with the concept illustrated on the site plan (Appendix 1) and shall comply with the following criteria:

g. the minimum yard adjacent to the Wedgewood Ravine and the proposed park site shall be 4.5 metres (14.8 feet).

Development Officer's Determination

DC2.853.4(Area A)(g) - The minimum yard adjacent to the Wedgewood Ravine and the proposed park site shall be 4.5 metres (14.8 feet).

Proposed yard to park: 1.20 metres

Deficient by: 3.48 metres

NOTE:

The Grade was determined by an alternative method as per Section 52(4)(e) as the geodetic elevation of the front property line (abutting Unit 35) is more than 2.0 metres from the rear property line (abutting Wedgewood Ravine).

Section 52.4 of the Edmonton Zoning Bylaw states 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.

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*.



Project Number: **173779193-001**
 Application Date: JUN 05, 2015
 Printed: April 11, 2016 at 12:18 PM
 Page: 1 of 2

Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

<p>Applicant</p> <p>CELEBRATION HOMES INC.</p> <div style="border: 1px solid black; width: 200px; height: 20px; margin-top: 5px;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p>34, 18343 - LESSARD ROAD NW Plan 1223111 Unit 34</p> <p>34, 18343 - LESSARD ROAD NW Plan 1223111 Unit 34</p> <p>Location(s) of Work</p> <p>Suite: 34, 18343 - LESSARD ROAD NW Entryway: 34, 18343 - LESSARD ROAD NW Building: 34, 18343 - LESSARD ROAD NW</p>
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Scope of Application

To construct Single Detached House with front attached Garage, front veranda (4.32m x 2.97m), fireplace, and Basement development (NOT to be used as an additional Dwelling).

Permit Details

<p>Affected Floor Area (sq. ft.): 2253 Class of Permit: (none) Front Yard (m): 2.5 Rear Yard (m): 4.68 Side Yard, left (m): 1.7 Site Area (sq. m.): 779.3 Site Width (m): 16.26</p>	<p>Building Height to Midpoint (m): 6.5 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.2 Site Depth (m): 79.64 Stat. Plan Overlay/Annex Area: North Sask. River Valley/Ravine Sys.</p>
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

DC2.853.4(Area A)(g) - The minimum yard adjacent to the Wedgewood Ravine and the proposed park site shall be 4.5 m (14.8 ft.).

Proposed yard to park: 1.20 m
 Deficient by: 3.48 m

NOTE:

The Grade was determined by an alternative method as per Section 52(4)(e) as the geodetic elevation of the front property line (abutting Unit 35) is more than 2.0 m from the rear property line (abutting Wedgewood Ravine).

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Apr 06, 2016 **Development Authority:** HETHERINGTON, FIONA **Signature:** _____

THIS IS NOT A PERMIT



Site Location ←

File: SDAB-D-16-116



BUSINESS LAID OVER

SDAB-D-16-093	An appeal to construct and operate a Child Care Services Use Building (95 children – 12, 0-11 months/15, 12-19 months/14, 19 months – 3 years/22, 3 – 4.5 years/15, 4.5 – 6 years/ 17, 6-12 years) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping) <i>May 13, 2016</i>
SDAB-D-16-062	An appeal to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). <i>May 25 or 26, 2016</i>
SDAB-D-16-501	An appeal to demolish an existing building <i>May 25 or 26, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

172854843-001	An appeal to comply with a Stop Order to comply with all conditions of Development Permit No. 139511609-001 before April 1, 2016 or Cease the Use (Operation of Automotive and Minor Recreation Vehicle Sales/Rentals Use and any subsequent Use) before April 1, 2016 and remove all stored material and equipment associated with the Use; including vehicles, tires, and vehicle parts before April 1, 2016 <i>May 25, 2016</i>
175846220-001	An appeal to remove all advertising signs located on the building before April 2, 2016 or submit a complete Development Permit Application which reflects the current sign(s) installed on the building before April 1, 2016 <i>May 25, 2016</i>