

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
September 23, 2015**

**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-15-212	Construct a Semi-detached House with front and rear verandas, fireplaces, and Basement developments (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage). 10836 - 73 Avenue NW Project No.: 174592929-001
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II	11:00 A.M.	SDAB-D-15-213	Construct a Semi-detached House with front balconies (1.23m x 1.39m), with rear uncovered decks (3.05m x 5.33m), and Basement Developments (Not to be used as an additional Dwelling), and to demolish a Single Detached House and an existing rear Detached Garage. 11147 - 72 Avenue NW Project No.: 174658189-001
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III	2:00 P.M.	SDAB-D-15-214	Construct a Single Detached House, fireplace, rear attached Garage, and side rear uncovered deck (3.12m x 3.53m), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage). 16010 - 95 Avenue NW Project No.: 174442218-001
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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-15-212

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 174592929-001

ADDRESS OF APPELLANT: 10836 - 73 Avenue NW

APPLICATION TO: Construct a Semi-detached House with front and rear verandas, fireplaces, and Basement developments (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 10, 2015

DATE OF APPEAL: August 23, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10836 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 5765Q Blk 9 Lot 27

ZONE: RF6 Medium Density Multiple Family Zone

OVERLAY: Mature Neighbourhood Overlay
Medium Scale Residential Infill Overlay

STATUTORY PLAN: 109 Street Corridor Area Redevelopment Plan

Grounds for Appeal

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

I am appealing the development refusal and all supported documents will be available / presented at the hearing. [unedited]

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, or

...

The decision of the Development Authority was dated August 10, 2015. The Notice of Appeal Period expired on August 24, 2015 and the Notice of Appeal was filed on August 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 170.2, “Semi-detached Housing... on a Site 1.4 ha or less” is a **Permitted Use** in the RF6 Medium Density Multiple Family Zone.

Section 170.4(13) states the following with respect to **Semi-detached Housing** within the RF6 Medium Density Multiple Family Zone:

Notwithstanding the other regulations in this Zone... Semi-detached Housing... in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

Under section 7.2(8), **Semi-detached Housing** is defined as follows:

...development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

Section 140.1 states the following with respect to the **General Purpose** of the **RF6 Medium Density Multiple Family Zone**:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Site Regulations for Semi-detached Housing

The *Edmonton Zoning Bylaw* states the following:

150.4 Development Regulations for Permitted and Discretionary Uses

...

2. Site Regulations for Semi-detached Housing and Duplex Housing:

- a. the minimum Site area shall be 442.2 m²;
- b. the minimum Site Width shall be 13.4 m, where a Lane exists;
- c. the minimum Site Width shall be 15.0 m, where no Lane exists;
and
- d. the minimum Site depth shall be 30.0 m.

...

Development Officer's Determination

1.) Section 150.4(2)(a): the minimum Site area shall be 442.2 m²
Proposed: 404.69 sqm
Deficient: 37.51 sqm

2.) Section 150.4(2)(b): the minimum Site Width shall be 13.4 m, where a Lane exists
Proposed: 10.04m
Deficient: 3.36m

3.) Section: 150.4(5)(d): Maximum Site Coverage for Principal Dwelling
= 32%
Proposed: 136.55 sqm or 33.74%
Over by: 1.74% or 7.041 sqm [unedited]

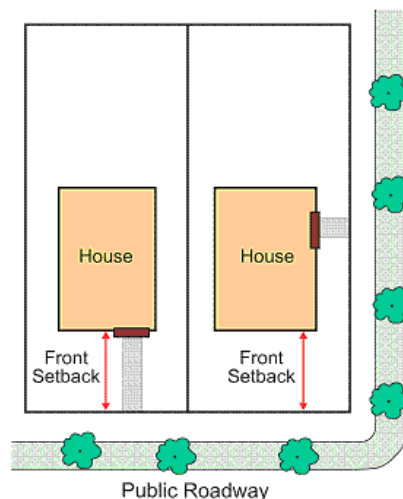
Mature Neighbourhood Overlay: Front and Rear Setbacks

The *Edmonton Zoning Bylaw* states the following:

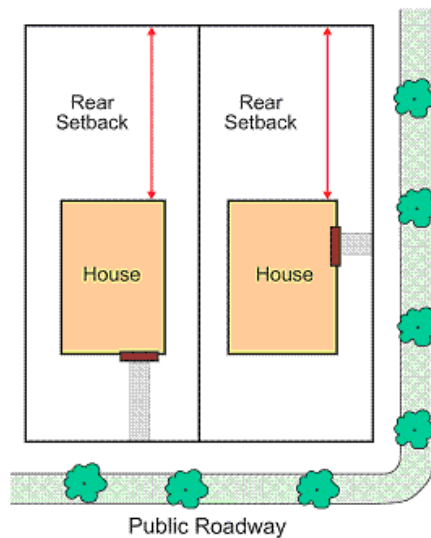
814.3 Development Regulations

1. The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane.
...
5. The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.
...

Section 6.1(39) defines **Front Setback** as “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.”



Section 6.1(82) defines **Rear Setback** as “the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.”



Development Officer’s Determination

4.) Section 814.3(1): The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface.

Blockface average = 6.895m +/- 1.5m (Minimum = 5.395m)

Proposed: 5.029m

Deficient: 0.366m

5.) Section: 814.3(5): The minimum Rear Setback shall be 40% of Site depth (40% x 40.23m =16.092m)

Proposed: 13.259m

Deficient: 2.833m [unedited]

Maximum Height and Development Officer’s Variance Powers

Section 814.3(13) states that “The maximum Height shall not exceed 8.6 m, in accordance with Section 52.”

Section 11.4(2) states that “In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following: ... except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations.”

Development Officer’s Determination

6.) Section 814.3(13): The maximum Height shall not exceed 8.6 m, in accordance with Section 52

Proposed: 10.16m

Over by: 1.56m

Section 11.4(2): except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations
[unedited]

Mature Neighbourhood Overlay: Windows and Amenity Areas

The *Edmonton Zoning Bylaw* states the following:

814.3 Development Regulations

- ...
4. Where a structure is two or more Storeys and an interior Side Setback is less than 2.0 m, the applicant may be required to provide information regarding the location of windows and Amenity Areas on adjacent properties, and the windows of the proposed development shall be located to minimize overlook into adjacent properties.

Development Officer's Determination:

7.) Section 814.3(4): Where a structure is two or more Storeys and an interior Side Setback is less than 2.0 m, the applicant may be required to provide information regarding the location of windows and Amenity Areas on adjacent properties, and the windows of the proposed development shall be located to minimize overlook into adjacent properties.

There are windows located in habitable spaces on the sides of the proposed development, these windows would overlook the amenity areas of the abutting properties. Also, there are two balconies located on the roof of the structure. These balconies would overlook into the adjacent properties creating a lack of privacy for adjacent neighbours. [unedited]

Mature Neighbourhood Overlay: General Purpose

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Development Officer's Determination:

8.)Section 814.1 (General Purpose): The purpose of this 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

The proposed structure is not sensitive to the scale of the existing development. In the opinion of the Development Officer the overall size and length of this structure would limit the sunlight penetration to the neighbouring property. This development would also create a lack of privacy between the subject site and the surrounding properties because of the location of the second floor bedroom windows along with the balconies located on the roof.

Section 11.4(3): except as otherwise provided in this Bylaw, there shall be no variance from...the General Purpose of the appropriate Zone.
[unedited]

Board Officer Comments:

The Development Officer's Determination references section 11.4(3) of the *Edmonton Zoning Bylaw*. The exact quotation of section 11.4(3) is as follows:

11.4 Limitation of Variance

In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following:

- ...
- 3. the General Purpose of the appropriate Zone.

Required Off-street Vehicular Accessory Parking

Section 54.2(4)(a)(i) states the following:

54.2 Required Off-street Vehicular Accessory Parking

- 4. Vehicular Parking Dimensions and Configuration
 - a. All required parking spaces shall be clear of any access driveways, aisles, ramps, columns, Signs or other similar obstructions, and shall conform to the following minimum dimensions:

- i. except as provided below, each required off-street parking space shall be a minimum of 2.6 m width with a minimum clear length of 5.5 m exclusive of access drives or aisles, ramps, columns. Parking spaces shall have a vertical clearance of at least 2.0 m. For parallel parking, the length of the parking spaces shall be increased to 7.0 m, except that an end space with an open end shall be a minimum length of 5.5 m.

Development Officer's Determination

9.) Section 54.2(4)(a)(i): except as provided below, each required off-street parking space shall be a minimum of 2.6 m width with a minimum clear length of 5.5 m Section 54.2(4)(a)(v): where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, Total Width required: $((2.7\text{m} \times 2) + (2.6\text{m} \times 2)) = 10.6\text{m}$

Proposed Parking stalls = 4 along the width of the Site.
The current Site width (10.06m) would not accommodate all 4 proposed parking stalls.

Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, and value of neighbouring properties. [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. 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: **174592929-001**
Application Date: JUN 18, 2015
Printed: August 10, 2015 at 1:52 PM
Page: 1 of 3

Application for Minor Development Permit

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

Applicant TRISTATE SIGNATURE HOMES LTD 	Property Address(es) and Legal Description(s) 10836 - 73 AVENUE NW Plan 5765Q Blk 9 Lot 27 Specific Address(es) Entryway: 10836 - 73 AVENUE NW Entryway: 10838 - 73 AVENUE NW Building: 10836 - 73 AVENUE NW
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Scope of Application

To construct a Semi-Detached House with front and rear verandas, fireplaces, and Basement developments (NOT to be used as an additional Dwelling) , and to demolish an existing Single Detached House and Accessory Building (rear detached Garage) .

Permit Details

of Dwelling Units Add/Remove: 2
 Client File Reference Number:
 Minor Dev. Application Fee: Semi-Detached House
 Secondary Suite Included?: N

Class of Permit: Class A
 Lot Grading Needed?: Y
 New Sewer Service Required: Y
 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **174592929-001**
 Application Date: JUN 18, 2015
 Printed: August 10, 2015 at 1:52 PM
 Page: 2 of 3

Application for Minor Development Permit

Reason for Refusal

1.) Section 150.4(2)(a): the minimum Site area shall be 442.2 m²
 Proposed: 404.69 sqm
 Deficient: 37.51 sqm

2.) Section 150.4(2)(b): the minimum Site Width shall be 13.4 m, where a Lane exists
 Proposed: 10.04m
 Deficient: 3.36m

3.) Section: 150.4(5)(d): Maximum Site Coverage for Principal Dwelling = 32%
 Proposed: 136.55 sqm or 33.74%
 Over by: 1.74% or 7.041 sqm

4.) Section 814.3(1): The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface.
 Blockface average = 6.895m +/- 1.5m (Minimum = 5.395m)
 Proposed: 5.029m
 Deficient: 0.366m

5.) Section: 814.3(5): The minimum Rear Setback shall be 40% of Site depth (40% x 40.23m =16.092m)
 Proposed: 13.259m
 Deficient: 2.833m

6.) Section 814.3(13): The maximum Height shall not exceed 8.6 m, in accordance with Section 52
 Proposed: 10.16m
 Over by: 1.56m

Section 11.4(2): except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations

7.) Section 814.3(4): Where a structure is two or more Storeys and an interior Side Setback is less than 2.0 m, the applicant may be required to provide information regarding the location of windows and Amenity Areas on adjacent properties, and the windows of the proposed development shall be located to minimize overlook into adjacent properties.

There are windows located in habitable spaces on the sides of the proposed development, these windows would overlook the amenity areas of the abutting properties. Also, there are two balconies located on the roof of the structure. These balconies would overlook into the adjacent properties creating a lack of privacy for adjacent neighbours.

8.)Section 814.1 (General Purpose): The purpose of this 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

The proposed structure is not sensitive to the scale of the existing development. In the opinion of the Development Officer the overall size and length of this structure would limit the sunlight penetration to the neighbouring property. This development would also create a lack of privacy between the subject site and the surrounding properties because of the location of the second floor bedroom windows along with the balconies located on the roof.

Section 11.4(3): except as otherwise provided in this Bylaw, there shall be no variance from...the General Purpose of the appropriate Zone.

THIS IS NOT A PERMIT



Project Number: **174592929-001**
 Application Date: JUN 18, 2015
 Printed: August 10, 2015 at 1:52 PM
 Page: 3 of 3

Application for Minor Development Permit

9.) Section 54.2(4)(a)(i): except as provided below, each required off-street parking space shall be a minimum of 2.6 m width with a minimum clear length of 5.5 m

Section 54.2(4)(a)(v): where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m,

Total Width required: $((2.7m \times 2) + (2.6m \times 2)) = 10.6m$

Proposed Parking stalls = 4 along the width of the Site.

the current Site width (10.06m) would not accommodate all 4 proposed parking stalls.

Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, and value of neighbouring properties.

Rights of Appeal

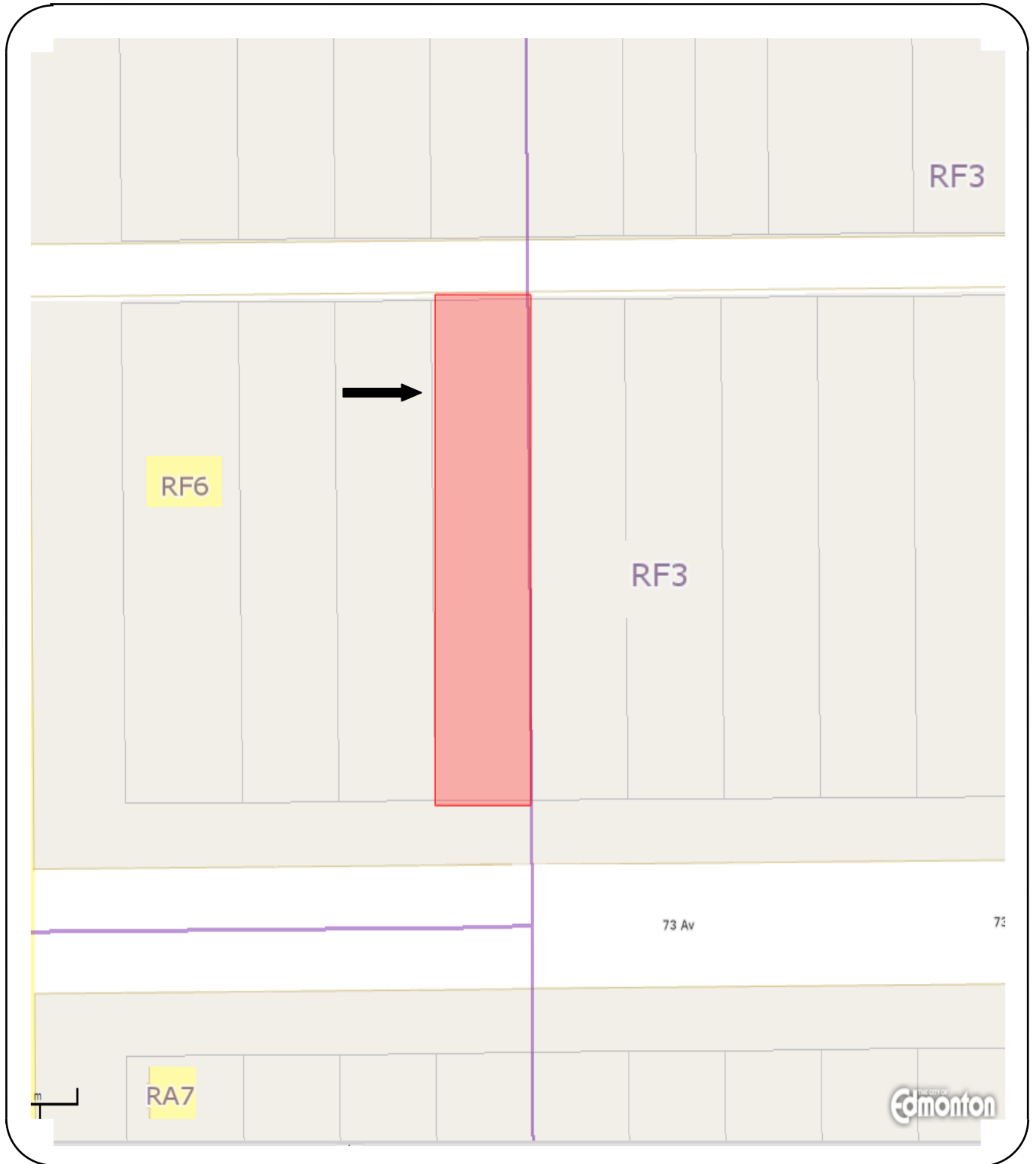
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 10, 2015 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$447.00	\$447.00	02517965	Jun 18, 2015
Lot Grading Fee	\$270.00			
Sanitary Sewer Trunk Fund	\$2,860.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,577.00	\$447.00		
(\$3,130.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-212



ITEM II: 11:00 A.M.

FILE: SDAB-D-15-213

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 174658189-001

ADDRESS OF APPELLANT: 11147 - 72 Avenue NW

APPLICATION TO: Construct a Semi-detached House with front balconies (1.23m x 1.39m), with rear uncovered decks (3.05m x 5.33m), and Basement Developments (Not to be used as an additional Dwelling), and to demolish a Single Detached House and an existing rear Detached Garage

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 20, 2015

DATE OF APPEAL: August 31, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11147 - 72 Avenue NW

LEGAL DESCRIPTION: Plan 1602HW Blk 17 Lot 25

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

PLANS IN EFFECT: Parkallen Community Development Plan

Grounds for Appeal

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

There are other duplexes in the neighbourhood on smaller lots. Location of the structure on the lot can be moved back by a meter to take care of the balcony issue. [unedited]

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, or

...

The decision of the Development Authority was dated August 20, 2015. The Notice of Appeal Period expired on September 3, 2015 and the Notice of Appeal was filed on August 31, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.3(10), Semi-detached Housing is a **Discretionary Use** within the RF1 Single Detached Residential Zone.

Under section 7.2(8), **Semi-detached Housing** is defined as follows:

...development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

Section 140.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

The purpose of this 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 following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Site Regulations for Semi-detached Housing

Section 110.4(3)(b) of the *Edmonton Zoning Bylaw* states that "on a non-Corner Site, the minimum Site Width shall be 14.8 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be 12.0 m".

Development Officer's Determination

- 1.) Section 110.3(10): Semi-detached Houses are a Discretionary Use within the RF1 Zone.
- 2.) Section 110.4(3)(b): Site regulations for Semi-detached Housing: on a non-Corner Site, the minimum Site Width shall be 14.8 m.
Proposed: 13.38m
Deficient: 1.42m

Location of Semi-detached Housing

Section 110.4(4) states the following:

4. Semi-detached Housing and Duplex Housing shall only be located:
 - a. on Corner Sites;
 - b. on Sites abutting an arterial or service road;
 - c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or
 - d. where a minimum of one Side Lot Line:

- i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use, or
- ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide.

Development Officer’s Determination

3.) Section 110.4(4)(a): Semi-detached Housing and Duplex Housing shall only be located on Corner Sites.

Proposed location: Interior lot where the proposed development does not meet any of the other location criteria within Section 110.4(4).

Projection into Setbacks and Separation Spaces: Front Setback

Section 44(1)(a) of the *Edmonton Zoning Bylaw* states the following:

The following features may project into a required Setback or Separation Space as provided for below:

1. a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade; and

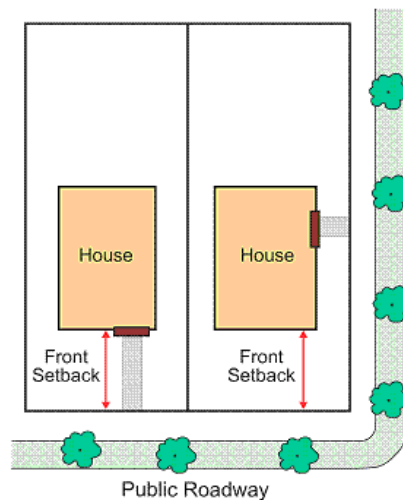
...

Section 814.3(1) states the following:

814.3 Development Regulations

1. The Front Setback shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. However, the Front Setback shall not be less than 3.0 m. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane.

Section 6.1(39) defines **Front Setback** as “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.”



Development Officer's Determination

4.) Section 44.1(a): verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater.

Proposed: front second floor balcony. (minimum front setback as per Section 814.3(1) = 8.25m) ($8.25\text{m} - 0.6\text{m} = 7.65\text{m}$ allowable front setback to balcony)

Proposed: 7.28m (total projection into the minimum front setback = 0.97m)

Over the allowable projection by= 0.37m

It is in the opinion of the development officer that the proposed Semi-detached House is not suitable for the proposed location. Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

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: **174658189-001**
Application Date: JUN 19, 2015
Printed: August 20, 2015 at 1:32 PM
Page: 1 of 2

Application for Minor Development Permit

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

Applicant MOHAN, ROMESH 	Property Address(es) and Legal Description(s) 11147 - 72 AVENUE NW Plan 1602HW Blk 17 Lot 25 Specific Address(es) Entryway: 11147 - 72 AVENUE NW Entryway: 11149 - 72 AVENUE NW Building: 11147 - 72 AVENUE NW
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Scope of Application
 To construct a Semi-Detached House with front balconies (1.23m x 1.39m), with rear uncovered decks (3.05m x 5.33m), and Basement Developments (Not to be used as an additional Dwelling), and to demolish a Single Detached House and an existing rear Detached Garage

Permit Details

# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: Y 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

THIS IS NOT A PERMIT



Project Number: **174658189-001**
 Application Date: JUN 19, 2015
 Printed: August 20, 2015 at 1:32 PM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

- 1.) Section 110.3(10): Semi-detached Houses are a Discretionary Use within the RF1 Zone.

- 2.) Section 110.4(3)(b): Site regulations for Semi-detached Housing: on a non-Corner Site, the minimum Site Width shall be 14.8 m.
 Proposed: 13.38m
 Deficient: 1.42m

- 3.) Section 110.4(4)(a): Semi-detached Housing and Duplex Housing shall only be located on Corner Sites.
 Proposed location: Interior lot where the proposed development does not meet any of the other location criteria within Section 110.4(4).

- 4.) Section 44.1(a): verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater.
 Proposed: front second floor balcony. (minimum front setback as per Section 814.3(1) = 8.25m) (8.25m - 0.6m = 7.65m allowable front setback to balcony)

 Proposed: 7.28m (total projection into the minimum front setback = 0.97m)
 Over the allowable projection by= 0.37m

It is in the opinion of the development officer that the proposed Semi-detached House is not suitable for the proposed location. Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Note:
 Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

Rights of Appeal

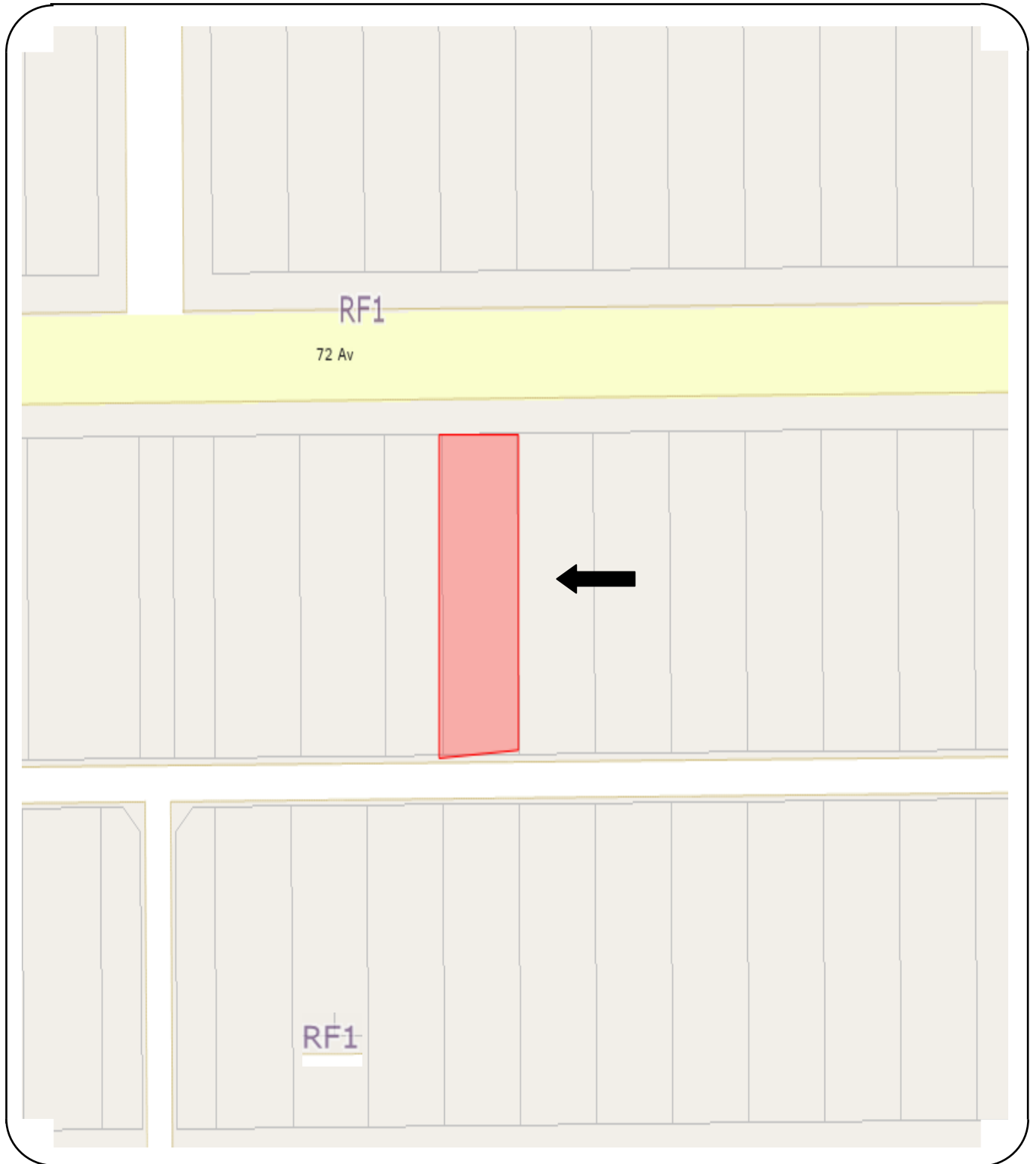
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 20, 2015 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$447.00	\$447.00	02520861	Jun 19, 2015
Lot Grading Fee	\$270.00	\$270.00	02520861	Jun 19, 2015
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02520861	Jun 19, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,147.00	\$2,147.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-213



ITEM III: 2:00 P.M.

FILE: SDAB-D-15-214

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 174442218-001

ADDRESS OF APPELLANT: 16010 - 95 Avenue NW

APPLICATION TO: Construct a Single Detached House, fireplace, rear attached Garage, and side rear uncovered deck (3.12m x 3.53m), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 17, 2015

DATE OF APPEAL: August 28, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16010 - 95 Avenue NW

LEGAL DESCRIPTION: Plan 6077KS Blk 26 Lot 10

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:

I would like to have an attached Garage in the back of the house because of a couple of reasons:

- 1) We have seen a couple of houses and we like the idea.
- 2) We are trying to upgrade to a modern house design and improve the community appearance.
- 3) Winter is very severe and cold and would like to get to the house through a warm space.

[unedited]

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, or

...

The decision of the Development Authority was dated August 17, 2015. The Notice of Appeal Period expired on August 31, 2015 and the Notice of Appeal was filed on August 28, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.3(10), Single Detached Housing is a **Permitted Use** within the RF1 Single Detached Residential Zone.

Under section 7.2(8), **Single Detached Housing** is defined as follows:

... 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.

Section 140.1 states the following with respect to the **General Purpose** of the **RF1 Single Detached Residential Zone**:

The purpose of this 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.

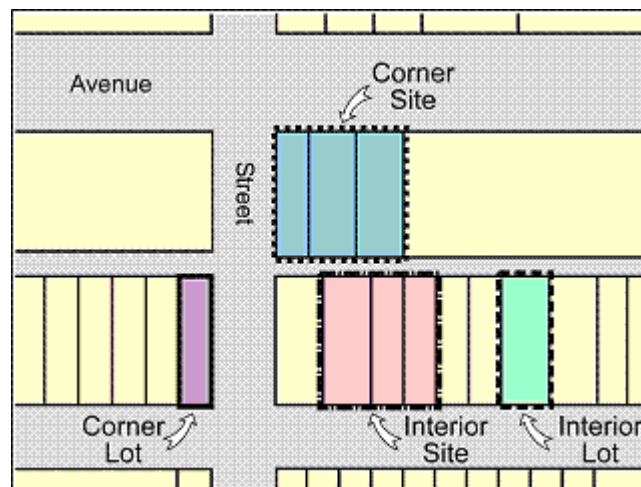
Mature Neighbourhood Overlay: Rear Attached Garages

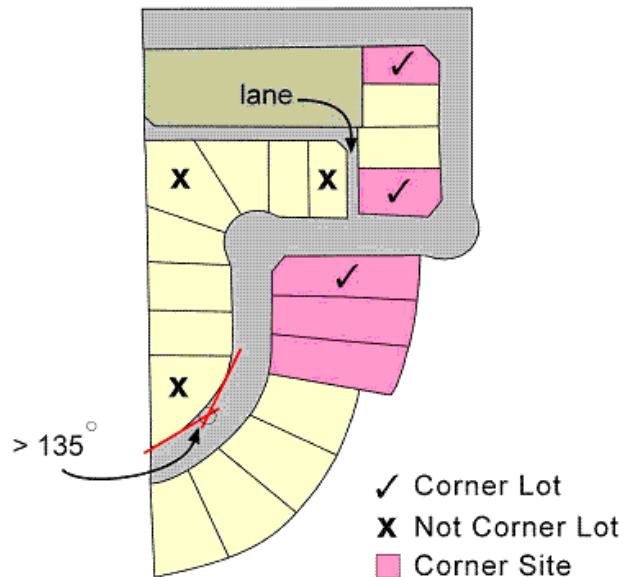
Section 814.3(18) states that “Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.”

Section 6.1(19) defines Corner Site as follows:

- 19. Corner Site means an area of land consisting of one or more adjacent Lots where at least one Lot is:
 - a. located at the intersection of two public roadways, other than Lanes; or
 - b. abuts a public roadway, other than a Lane, which changes direction at any point where it abuts the Site;

provided that in both cases the Site shall not be considered a Corner Site where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Site shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.





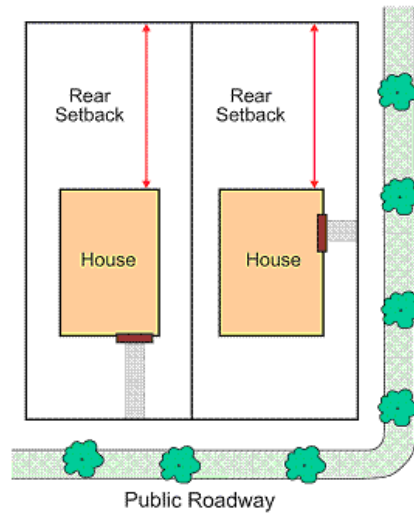
Development Officer’s Determination

1.) Section 814.3(18): Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.

Mature Neighbourhood Overlay: Minimum Rear Setback

Section 814.3(5) states: “The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.”

Section 6.1(82) defines **Rear Setback** as “the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.”



Development Officer’s Determination

2.) Section 814.3(5) : The minimum Rear Setback shall be 40% of Site depth.

Minimum required= 14.62m

Proposed= 9.07m

Deficient= 5.55m

[unedited]

Mature Neighbourhood Overlay: General Purpose

Section 814.1 states the following with respect to the **General Purpose** of the **Mature Neighbourhood Overlay**:

The purpose of this 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.

Development Officer’s Determination

4.) Section 814.1 (General Purpose): The purpose of this 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.

Proposed: rear second floor balcony that can overlook neighbouring properties creating a lack of privacy. In the opinion of the Development Officer, the overall length of the building may impact the sunlight penetration on adjacent properties which would unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment or value of neighbouring properties

Projection into Setbacks and Separation Spaces

Section 44(1)(a) states the following:

The following features may project into a required Setback or Separation Space as provided for below:

1. a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade; and

...

Development Officer's Determination

3.) Section 44.1(a): verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater.

Proposed projection into the rear setback: 8.47m

[unedited]

Development Officer's Variance Powers

Section 11.4 states the following:

11.4 Limitation of Variance

In approving an application for a Development Permit pursuant to Section 11.3, *the Development Officer shall adhere to the following:*

1. a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same Zone;

2. *except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations, and*
3. *the General Purpose of the appropriate Zone.* [emphasis added]

Development Officer's Determination:

5.) Section 11.4(3): except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations, and the General Purpose of the appropriate Zone.

Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties. [unedited]

Board Officer's Comments:

The Development Officer references section 11.4(3), but the quotation provided by the Officer is, in fact, a combination of subsections (2) and (3). The combination of the two subsections into one sentence may provide an inaccurate interpretation of section 11.4. For that reason, the entirety of section 11.4 has been provided.

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: **174442218-001**
 Application Date: JUN 16, 2015
 Printed: August 17, 2015 at 2:37 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>VO CONSTRUCTION </p>	<p>Property Address(es) and Legal Description(s)</p> <p>16010 - 95 AVENUE NW Plan 6077KS Blk 26 Lot 10</p> <hr/> <p>Location(s) of Work</p> <p>Entryway: 16010 - 95 AVENUE NW Building: 16010 - 95 AVENUE NW</p>
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Scope of Application

To construct a Single Detached House, fireplace, rear attached Garage, and side rear uncovered deck (3.12m x 3.53m), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage).

Permit Details

Affected Floor Area (sq. ft.): 1312 Class of Permit: Class B Front Yard (m): 7.47 Rear Yard (m): 9.07 Side Yard, left (m): 1.74 Site Area (sq. m.): 570.49 Site Width (m): 16.48	Building Height to Midpoint (m): 7.15 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.8 Site Depth (m): 36.55 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

THIS IS NOT A PERMIT



Project Number: **174442218-001**
 Application Date: JUN 16, 2015
 Printed: August 17, 2015 at 2:37 PM
 Page: 2 of 2

Application for House Development and Building Permit

Reason for Refusal

- 1.) Section 814.3(18): Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.

- 2.) Section 814.3(5) : The minimum Rear Setback shall be 40% of Site depth.
 Minimum required= 14.62m
 Proposed= 9.07m
 Deficient= 5.55m

- 3.) Section 44.1(a): verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater.
 Proposed projection into the rear setback: 8.47m

- 4.) Section 814.1 (General Purpose): The purpose of this 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.

 Proposed: rear second floor balcony that can overlook neighbouring properties creating a lack of privacy. In the opinion of the Development Officer, the overall length of the building may impact the sunlight penetration on adjacent properties which would unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment or value of neighbouring properties

- 5.) Section 11.4(3): except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations, and the General Purpose of the appropriate Zone.

Therefore, it is the opinion of the Development Officer that the proposed development will unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

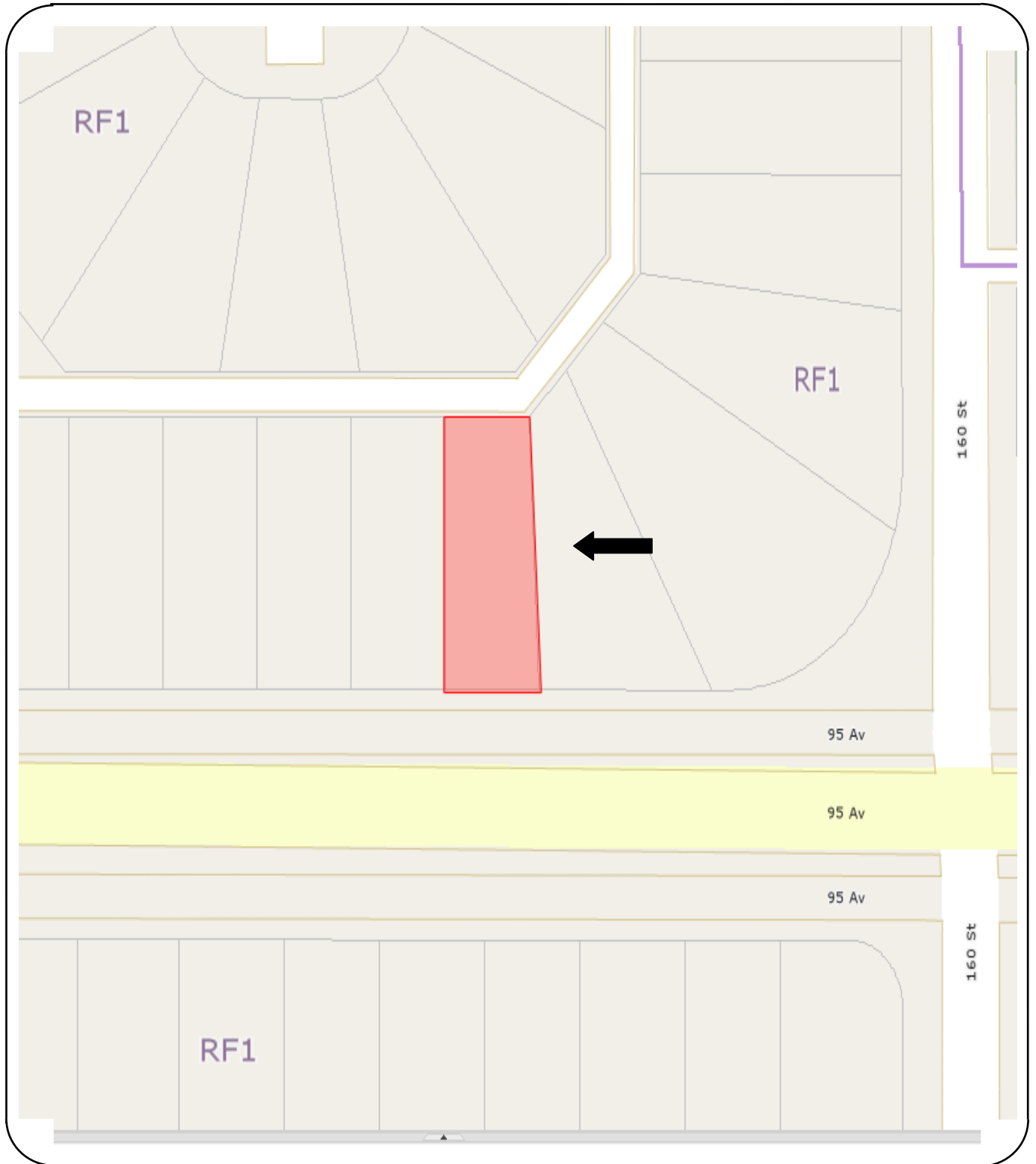
Rights of Appeal

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: Aug 17, 2015 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$75.00	\$75.00	02511544	Jun 16, 2015
Lot Grading Fee	\$135.00	\$135.00	02511544	Jun 16, 2015
Safety Codes Fee	\$54.32	\$54.32	02511544	Jun 16, 2015
Electrical Safety Codes Fee	\$14.10	\$14.10	02511544	Jun 16, 2015
Water Usage Fee	\$35.09	\$35.09	02511544	Jun 16, 2015
Building Permit Fee	\$1,358.00	\$1,358.00	02511544	Jun 16, 2015
Electrical Fees (House)	\$240.00	\$240.00	02511544	Jun 16, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,011.51	\$1,911.51		
(\$100.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-214



BUSINESS LAID OVER

SDAB-D-15-211	An appeal by <u>Bigstone Health Commisson</u> to change the Use from Professional, Financial, and Office Support Services to General Retail Stores (main floor) and Health Services (2 nd floor), and construct additions, interior alterations, and exterior alterations <i>October 29, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

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