



**Subdivision and
Development Appeal Board**

Office of the City Clerk
Main Floor, Churchill Building
10019 – 103 Avenue NW
Edmonton, AB T5J 0G9
Telephone: (780) 496-6079
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DATE: July 19, 2013
APPLICATION NO: 137983676-001
FILE NO.: SDAB-D-13-144

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated June 10, 2013, from the decision of the Development Authority for permission to:

Construct exterior alterations to a Single Detached House - hardsurfacing in the Front Yard - Driveway extension

on Lot 6, Block 58, Plan 0720564, located at 13516 – 160 Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on July 4, 2013. The decision of the Board was as follows:

SUMMARY OF HEARING:

“At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct exterior alterations to a Single Detached House - hardsurfacing in the Front Yard - Driveway extension, located at 13516 – 160 Avenue NW. The subject site is zoned RF1 Single Detached Residential Zone. The development permit application was refused due to the Front Yard of any at-grade Dwelling unit in any Residential Zone may include a maximum of one Driveway, the Driveway shall lead directly from the roadway to the required Garage or Parking Area, a Parking Area is not permitted within the Front Yard, and vehicles shall only be allowed on a Driveway or within an attached Garage. It was the opinion of the Development Authority that the vehicular parking space

SUMMARY OF HEARING: (CONTINUED)

in the required Front Yard unduly interferes with the amenities of the neighbourhood.

The Board heard from Mr. K. Omar, the Appellant, who provided the following information in support of the proposed development:

1. He had sold his home and was required to obtain a Compliance Certificate as a part of that transaction.
2. The purchaser wants the property to remain as is.
3. The Appellant provided eight signatures of support from surrounding property owners (Exhibits "A1" through "A3").
4. In his opinion, he has the smallest driveway extension of neighbouring property owners.
5. The Appellant reviewed a photograph summary of properties along 160 Avenue with extended driveways, specifically, 13520 – 160 Avenue, 13512 – 160 Avenue, 13508 – 160 Avenue, 13504 – 160 Avenue, and 13604 – 160 Avenue which all had driveway extensions of a substantial nature.
6. He did not know whether or not these properties had permits for those extended driveways.
7. His house, along with the neighbouring houses began construction around 2008 and they were all completed in 2009 with driveway extensions.

DECISION:

that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the requirement of the following Sections of the Edmonton Zoning Bylaw be waived:

- 1) Section 54.1(4) which states that the Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or flanking Side Yard in any Residential Zone may include a maximum of one Driveway. The area hard surfaced for a Driveway, not including the area used as a walkway, shall have:
 - a) a minimum width of 3.1 metres; and
 - b) a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

DECISION: (CONTINUED)

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

2) Section 44.6 which states that a Parking Area, when comprised of parking spaces required under this Bylaw, may project into a required Setback or Separation Space provided that no Parking Area in any Zone shall be located within the Front Yard. This shall not prohibit the use of a Front Yard for Driveways.

3) Section 45.7, which states that the Front Yard of any Site in any Residential Zone, or in the case of a corner Site, in the Front Yard or the flanking Side Yard in any Residential Zone:

- a) vehicles shall not be located on the landscaped portion of the Yard; and
- b) vehicles shall only be allowed on a Driveway or within an attached or detached Garage.

REASONS FOR DECISION:

The Board finds the following:

- 1. The proposed development, a Driveway extension, is accessory to a Permitted Use in the RF1 Single Detached Residential Zone.
- 2. The extended portion of the Driveway also serves as a walkway to the front door of the Principal Dwelling and the rear of the property, respectively.
- 3. Extended front Driveways are very common along 160 Avenue. The photographic evidence viewed by the Board including the photographs provided by Board staff together with the submissions of the Appellant, support his argument that neighbouring properties have similar extended Driveways for the purpose of facilitating access to the front door and Rear Yard.
- 4. Eight signatures of support from the surrounding area were provided by the Appellant.

REASONS FOR DECISION: (CONTINUED)

5. There were no letters of opposition received and no one appeared in opposition.
6. The Board notes that the regulations necessitated granting of the above variances were part of a Bylaw Amendment passed September 26, 2011. The Board finds that the entire front Driveway, including the Driveway extension, was constructed in 2009.
7. Based on the above, it is the opinion of the Board, that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.”

IMPORTANT INFORMATION FOR APPLICANT/APPELLANT

1. **THIS IS NOT A BUILDING PERMIT.** A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
3. A Development Permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. However, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed. For further information, refer to Section 22 of the Edmonton Zoning Bylaw, 12800.
4. Notwithstanding clause (3) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefore shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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Mr. I. Wachowicz, Presiding Officer
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DATE: July 19, 2013
APPLICATION NO: 139401575-001
FILE NO.: SDAB-D-13-145

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated June 6, 2013, from the decision of the Development Authority for permission to:

Construct a front uncovered deck (5.49 metres by 7.13 metres)

on Lot 8, Block 122, Plan 2804AF, located at 14B – Wellington Crescent NW, was heard by the Subdivision and Development Appeal Board at its hearing held on July 4, 2013. The decision of the Board was as follows:

SUMMARY OF HEARING:

“At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct a front uncovered deck (5.49 metres by 7.13 metres), located at 14B – Wellington Crescent NW. The subject site is zoned RF1 Single Detached Residential Zone and is within the Mature Neighbourhood Overlay. The development permit application was refused because of a deficiency in the minimum required Rear Setback, that being 40 percent of the Site Depth, and an excess in the maximum allowable Site Coverage for a Principal Dwelling.

The Board notes that two letters of support were received prior to the hearing. No letters of opposition were received.

SUMMARY OF HEARING: (CONTINUED)

The Board heard from the Appellant, Mr. R. Beaucage, who provided the following information in support of the proposed development:

1. He advised that a swimming pool and a rear deck/balcony shown on the Site Plan have been removed.
2. He was unsure as to whether or not these deletions had been included or considered when the Development Officer prepared the calculations for allowable Site Coverage.
3. In his opinion, the rear deck/balcony had been included in the Development Officer's calculations for the allowable Site Coverage.
4. He stated he was not in a position to provide a revised accurate figure for the size of the Principal Dwelling but submitted that it would be less than what is being identified in the Reasons for Refusal issued by the Development Officer.
5. He attempted to provide the size of the deck/balcony that had been removed and indicated that the width of that structure had been at least 36 inches wider than the size of the proposed deck/balcony.
6. He reiterated that his appeal does not show the rear deck/balcony being removed.
7. In regards to the support of adjacent property owners, he indicated that he had more support than the two letters of support for the proposed development.
8. The proposed development would be constructed in a character and manner that is consistent with structures in the local neighbourhood and would be in keeping with the architectural tone of the area.
9. The proposed development would project from his house less than several other decks in the neighbourhood.
10. In regards to any infringement on the Front Setback, he felt his house would not be part of that infringement.

DECISION:

that the appeal be ALLOWED and the DEVELOPMENT GRANTED subject to the following condition:

1. The rear deck/balcony as shown on the Site Plan submitted to the Development Officer shall be removed, if it is not already removed and no deck/balcony shall be built in its place.

REASONS FOR DECISION:

The Board finds the following:

1. The proposed development, an uncovered front deck, is an addition to a Permitted Use in the RF1 Single Detached Residential Zone.
2. Based on the evidence submitted, the Board finds that the original calculation of maximum allowable Site Coverage for a Principal Building was incorrect.
3. The Board finds that the Site Coverage for the Principal Building, including the proposed addition, is approximately 245.8 square metres which is within the maximum allowable Site Coverage for a Principal Building in this Zone. Accordingly, there is no violation of Section 110.4(6)(a) of the Edmonton Zoning Bylaw.
4. The deficiency of 1.03 metres in the minimum required Rear Setback results from Section 814.3(5) of the Mature Neighbourhood Overlay and is a non-conforming structure as set out in Section 643 of the *Municipal Government Act*. The proposed development does not add to the existing non-conformity.
5. Based on the above, it is the opinion of the Board, that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.”

IMPORTANT INFORMATION FOR APPLICANT/APPELLANT

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3. A Development Permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. However, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed. For further information, refer to Section 22 of the Edmonton Zoning Bylaw, 12800.
4. Notwithstanding clause (3) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefore shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
7. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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DATE: July 19, 2013
APPLICATION NO: 137644651-001
FILE NO.: SDAB-D-13-146

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated June 7, 2013, from the decision of the Development Authority for permission to:

Construct an addition to a Detached Garage (stairs, landing, and upper door)

on Lot 3, Block 22, Plan 4851HW, located at 10311 – 79 Street NW, was heard by the Subdivision and Development Appeal Board at its hearing held on July 4, 2013. The decision of the Board was as follows:

SUMMARY OF HEARING:

“At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct an addition to a Detached Garage (stairs, landing, and upper door), located at 10311 – 79 Street NW. The subject site is zoned RF3 Small Scale Infill Development Zone and is located within the Mature Neighbourhood Overlay. The development permit application was refused because of an excess in the maximum allowable number of Storeys for an Accessory Building or Structure.

SUMMARY OF HEARING: (CONTINUED)

The Board heard from Mr. D. Booeey, the Appellant. The Appellant had previously provided a written submission and a list of signatures in support from property owners within the 60-metre notification radius. He provided the following information in support of his proposed development:

1. He had made a development permit application in 2012 for a Detached Garage with an exterior stair access and exterior door for the second floor. However, after discussions with the Development Officer, he withdrew that application and made an application for a Detached Garage without the exterior stair access and exterior door.
2. He candidly acknowledged that he knew the exterior stair case and exterior door was not standard and initially would be rejected. Due to the practicalities of the construction season in Edmonton, he opted to build the Detached Garage without the exterior staircase and exterior door and return at a later date to apply for a renovation/addition to the Detached Garage in order to add the exterior staircase and exterior door.
3. He provided a letter from the Forest Heights Community League in support of the proposed alterations.
4. He confirmed that electricity was installed in the Detached Garage but there were no plans to install sanitary sewer or water.
5. The structure was going to remain as a Detached Garage and would not, in the future, be used as a rental suite.
6. He installed roof trusses which are capable of carrying additional load to allow for storage in the attic space. The attic space was accessed by a ladder he had installed from the interior of the Detached Garage.
7. Neighbouring property owners use a pull-down type of ladder to access their ceiling spaces.
8. His current application was to construct a stairway on the exterior of the garage and access the storage space through a man door located 6.5 feet above Grade. The addition would be built in accordance with current Safety and Building Code regulations and, in his opinion, aesthetically blend in with nearby structures and the neighbourhood overall.
9. All neighbouring residents had been consulted in regards to the proposed development within the 60-metre notification radius and all of them provided signatures of support.

SUMMARY OF HEARING: (CONTINUED)

10. He reiterated that the roof space would not be used as a rental suite in the future.
11. The major reason for the exterior staircase and exterior door is to allow practical access to the second floor which he found awkward when accessing the space internally.
12. He stated that the garage roof pitch is somewhat higher than normal but, to his mind, compliant with the bylaws.
13. He stated that storage in the attic space in other garages in the area was a common usage.
14. With regards to the original permit and the application for that permit, he understood that he had received a permit that would allow him to build a Detached Garage structure as it currently exists with reinforced floor joists and to allow the use of the attic area for storage.
15. He had introduced trusses to the construction which were consistent with the regulations for load bearing for the use of the attic area for storage.
16. In response to a question from the Board, he stated that the height from the top of the garage wall plate to the top of the truss that would form the floor of the storage area was less than 24 inches.

DECISION:

that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the excess of a half-Storey in the maximum allowable number of Storeys for an Accessory Building or Structure be permitted

REASONS FOR DECISION:

The Board finds the following:

1. The proposed development is an addition to a Detached Garage that is Accessory to a Permitted Use in the RF3 Small Scale Infill Development Zone.
2. The Board finds that the space above the first floor of the Garage is a half-Storey as that space exists under a gable roof and the wall plates of which, on two opposite walls, are not more than 0.66 metres above the floor.
3. It is an unnecessary hardship to have made the access to the storage space from the interior of the garage.

REASONS FOR DECISION: (CONTINUED)

4. There is support of every occupied residence within the 60-metre notification radius and specifically from the immediately adjacent property owners.
5. The Appellant also has the support of the Forest Heights Community League.
6. The granting of the variance for a half-Storey does not affect the overall Height of the structure which remains within the Height stipulated by Section 50.3(2) of the Edmonton Zoning Bylaw.
7. Except for the addition of an exterior stairwell and an exterior door, the effect of allowing the additional half-Storey is entirely internal and does not cause any privacy issues.
8. The proposed development complies with all other regulations of the Edmonton Zoning Bylaw.
9. Based on the above, it is the opinion of the Board, that the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.”

IMPORTANT INFORMATION FOR APPLICANT/APPELLANT

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3. A Development Permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. However, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed. For further information, refer to Section 22 of the Edmonton Zoning Bylaw, 12800.

4. Notwithstanding clause (3) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefore shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
8. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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DATE: July 19, 2013
APPLICATION NO: 135683107-001
FILE NO.: SDAB-D-13-147

NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This appeal dated June 4, 2013, from the decision of the Development Authority for permission to:

Construct a four-Dwelling Unit Row Housing with an Accessory Building (6.706 metres by 11.582 metres rear Detached Garage) and to demolish an existing Single Detached House and existing rear Detached Garage

on Lot 1, Block 8, Plan RN64, located at 12504 – 119 Avenue NW, was heard by the Subdivision and Development Appeal Board at its hearing held on July 4, 2013. The decision of the Board was as follows:

SUMMARY OF HEARING:

“At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

The Board heard an appeal of the decision of the Development Authority to refuse an application to construct a four-Dwelling Unit Row Housing with an Accessory Building (6.706 metres by 11.582 metres rear Detached Garage) and to demolish an existing Single Detached House and existing rear Detached Garage, located at 12504 – 119 Avenue NW. The subject site is zoned RF3 Small Scale Infill Development Zone and is within the Mature Neighbourhood Overlay. The development permit application was refused because of a deficiency in the minimum required Front Setback,

SUMMARY OF HEARING: (CONTINUED)

that being consistent within 1.5 metres of the Front Setback on Abutting Lots and within the general context of the blockface, a deficiency in the minimum required Rear Setback, that being 40 percent of the Site Depth, a deficiency in the minimum required Site Area, a deficiency in the minimum required Site Width, a deficiency in the minimum required width of Private Outdoor Amenity Area and the lack of a Landscaping Plan and architectural features which is not in keeping with the Edmonton Zoning Bylaw.

The Board notes there were no letters of support or opposition received prior to the hearing.

The Board heard from the Appellant, Robert Gomien, representing Artistic Hands Group. He provided a PowerPoint presentation and written statement (Exhibit "A" and "B") and submitted the following information:

1. He expressed concerns about the Development Officer not dealing with him fairly or allowing him the opportunity to complete the lengthy process of Community Consultation prior to denying the development permit application.
2. He referred to four developments in the larger area similar to the proposed development which successfully proceeded and, in his view, fit well with the zone and the objective of densification.
3. The purpose of the proposed development is to provide four dwelling units with the ability to increase the density through the approval of Secondary Suites at a future date.
4. With respect to the Front and Rear Setbacks, he took issue with the calculations of the Development Officer and argued again that similar projects have been approved with similar variances in the past.
5. Mr. Gomien indicated he has a landscaping plan which he had submitted to the City but surmises it has been lost. He felt that the proposed landscaping also meets the requirements of the Edmonton Zoning Bylaw.
6. Community Consultation has been a difficult process. The residence immediately adjacent to the subject site is currently abandoned and boarded up. He stated he has just received information about the adjacent site being purchased and has made attempts to contact the new owner. The property owner across the street initially expressed opposition to the proposed development but after receiving details, expressed support for the development.

SUMMARY OF HEARING: (CONTINUED)

7. He indicated that the proposed development met the architectural requirements noting that the building materials for the individual units would be high quality and varied.
8. He provided the Board with maps, plans and a Real Property Report showing the location and similarity of two other developments by his company in the Spruce Avenue neighbourhood. He noted that these projects had been approved on identical lots and while the Spruce Avenue Community initially demonstrated negative reactions to the development, the Community is now supportive.
9. The Front Setback proposed is similar to other developments on other corner lots, but he did not provide specific details.
10. He acknowledged that the other developments he referenced were approved prior to the March, 2013 amendments to the Edmonton Zoning Bylaw and therefore, those developments were of less significance to the proposed development.
11. The Board referred Mr. Gomein to the seven reasons for refusal and one comment provided by the Development Officer to deny the development permit application, noting that two of the reasons cite regulations applicable to Apartment Housing and not Row Housing. He reiterated that while Secondary Suites may be allowed in the future where they are not currently allowed, he had only applied for four Row Housing units and the regulations for Apartment Housing should not be referred to in terms of his development permit application.
12. He noted that there was no intent for current Secondary Suites and when the Board pointed out that given the layout of the plans and the wet bar, in particular, these units could easily be upgraded to add four Secondary Suites. He clarified that he only wanted four Row Housing units and not Apartment Housing. The basement development and wet bar were not intended to create Secondary Suites but merely to add value for investors.
13. In his opinion, with the high cost of mortgages and housing, renting a developed basement would help future owners to offset these costs.
14. The Appellant confirmed there is no intention to develop Secondary Suites but only a basement development with a wet bar, bathroom, bedroom and recreation area. He indicated he was willing to remove these elements from the plans to conform to the definition of Row Housing.

SUMMARY OF HEARING: (CONTINUED)

15. With regards to Site Area and Site Width, no variances are required for a Row Housing development.

In response to questions from the Board, Mr. Gomien provided the following:

1. He clarified that he is using different building materials with varied textures as indicated in his PowerPoint presentation. This included stone detailing, use of Hardiboard, Hardishakes, and unique detailing around bay windows and dormers to satisfy the requirements of the regulations to individually define each of the units.
2. As to the Community Consultation, he explained that this had been an ongoing and difficult process not yet complete. He expects reaction to the proposed development to be split but had not been able to contact all households within the notification area despite attempting numerous times to contact them. He had not received any strong negative responses.
3. He confirmed he had not contacted the relevant Community League.
4. With regards to the Secondary Suite issue, he conceded the basement electrical plans indicate “kitchen counters” and his ultimate hope is that someday in the future this area could allow Secondary Suites if so desired by the unit owner.
5. He confirmed he could remove the wet bar from the plans because having this area could make the conversion to a Secondary Suite relatively easy. This would, under the existing Bylaw, result in the development to be identified as Apartment Housing and subject to the regulations for Apartment Housing. He was amenable to complying with any changes in order to maintain the Row Housing definition.
6. He conceded that a variance was required to the width of the Private Outdoor Amenity Area but argued that the variance would not have a negative impact on the amenities of the area as there is a park and playground within walking distance. The proposed Private Outdoor Amenity Area is sufficient to have a barbeque or picnic area.

SUMMARY OF HEARING: (CONTINUED)

7. This type of development does not provide as much Private Outdoor Amenity Area, as residents will choose to use the neighbourhood amenities and reiterated there is a park located within walking distance.

DECISION:

that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 3.15 metres in the minimum required Front Setback, the deficiency of 1.39 metres in the minimum required Rear Setback, and the deficiency of 0.50 metres in the minimum Width of the Private Outdoor Amenity Area be permitted, and the requirements of Section 814.3(24) are waived, subject to the following conditions:

1. The wet bar in the basement portion of each of the four Row Housing units and the “roughed-in” plumbing associated with the subject wet bar shall be removed. The basement floor space shall not be developed as a Dwelling nor a Suite.
2. Immediately upon demolition of the buildings, the Site shall be cleared of all debris.
3. Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.
4. All yards, visible from a public roadway, other than a Lane shall be seeded or sodded within 18 consecutive months of the occupancy of the development. Alternate forms of Landscaping, including hard decorative pavers, washed gravel, shale or similar treatments, flower beds or cultivated gardens, may be substituted for seeding or sodding, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens. (Section 55.2).
5. The Outdoor Amenity Area shall be permanently retained as an open space.
6. An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

REASONS FOR DECISION:

The Board finds the following:

1. The proposed development, Row Housing, is a Permitted Use in the RF3 Small Scale Infill Development Zone.
2. The Board finds that, with the above conditions, the proposed development is a four Dwelling unit Row Housing project with a rear Detached Garage.
3. Accordingly, the variances as noted above are granted for the following reasons:
 - a) Minimum Front Setback – the Board notes that as the subject site is a Corner Lot and the regulations point out that a Corner Lot is the optimal location for Row Housing development, the proposed development would create a presence on the corner thereby meeting the General Purpose of the Mature Neighbourhood Overlay which states that a development should provide a pedestrian friendly design of the streetscape on that particular block. The Board also notes that the Setback required is the difference between the proposed Front Setback of 6.87 metres and the blockface average calculated at 10.02 metres.
 - b) Minimum Rear Setback – the Board notes the rear of the subject site abuts a Lane resulting in minimal impact on surrounding properties caused by the needed variance of 1.39 metres in the Rear Setback. Also, the variance granted allows for the development of a rear Detached Garage for the proposed Row House complex.
 - c) The Width of the Private Outdoor Amenity Area – the Board notes and finds from the Site Plan that the smallest Amenity Area for any one unit is 3.5 metres in width. The Board notes the proximity of the proposed development to a Public Park and the fact this style of development encourages residents to use the general amenities of the community. The Board concludes that the variance in the Private Outdoor Amenity Area will not have a negative impact on surrounding properties.

REASONS FOR DECISION: (CONTINUED)

4. The Board is of the opinion that the proposed development is compatible with the General Purpose of the RF3 Small Scale Infill Development Zone. In addition, the proposed development is in accordance with the directions set out in the Municipal Development Plan, including Section 4.4.1.1, to provide a broad and varied range of housing choices for various demographic and income groups in all neighbourhoods. These are both factors which the Board considered when granting the above variances.
5. The Board finds the proposed development to be a four Dwelling Row House, and therefore no variances are required for Site Area or Site Width as the Development Officer applied the Site Area and Site Width requirements for Apartment Housing and not Row Housing.
6. The Board does not find the provision of a landscape plan to be mandatory for this type of development. Section 140.4(16) states that "Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area." The Board notes the Appellant has prepared a landscaping plan which was provided to the Board as part of Exhibit "B".
7. The Board is satisfied that the proposed development does individually define each Dwelling within the Row Housing development and achieves this through the use of varying building materials for each unit, rooflines and colour schemes which identify each Dwelling effectively satisfying the regulations in Section 140.4(18).
8. The Board has waived the requirements of Community Consultation as set out in the Mature Neighbourhood Overlay as the Board notes that there was no opposition to the appeal and the Appellant had commenced some Community Consultation but did not complete it due to discussions with the Development Authority."

IMPORTANT INFORMATION FOR APPLICANT/APPELLANT

1. **THIS IS NOT A BUILDING PERMIT.** A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
3. A Development Permit shall expire and shall no longer be valid after one year from the date of approval of the Permit, if no construction has been initiated. However, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed. For further information, refer to Section 22 of the Edmonton Zoning Bylaw, 12800.
4. Notwithstanding clause (3) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefore shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
9. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

NOTE: Citizens can call 311, 24-hours a day, every day of the year for access to City of Edmonton information, programs and services.

Mr. I. Wachowicz, Presiding Officer
SUBDIVISION AND DEVELOPMENT
APPEAL BOARD

SDAB-D-13-148

Application No. 138849413-001

An appeal to operate a Major Home Based Business (home office and storage for general contractor), on Lot 21, Block 27, Plan 6143NY, located at 7315 – 149A Avenue NW, was **TABLED TO JULY 24, 2013**.

Subdivision and Development Appeal Board, (enter date), Agenda, Decisions, Index