

SUBDIVISION

AND

DEVELOPMENT APPEAL BOARD

AGENDA

Meeting No. 48HR2/12

Thursday, 9:00 A.M.
November 29, 2012

Hearing Room No. 3
Main Floor, Churchill Building

Meeting No.: 48HR3/12

Thursday, November 29, 2012

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

9:00 A.M. 130762690-001	SDAB-D-12-318	Construct exterior alterations (add a second driveway) existing without permits since 2005 16823 – 79 Street NW	I
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BREAK – 10:30 A.M. TO 10:45 A.M.

10:45 A.M. 130486380-001	SDAB-D-12-319	Construct an overheight Fence – 6 feet of solid fence with a decorative 2 foot lattice for a total of 8 feet running along the south side of property 3816 – 116 Street NW	II
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**TABLED TO
DECEMBER 12, 2012**

LUNCH TO FOLLOW

NOTE: *Unless otherwise stated, all references to “Section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

Meeting No. 48HR3/12

Thursday, November 29, 2012

I

ITEM I: 9:00 A.M.

FILE: SDAB-D-12-318

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT: Application No.: 130762690-001.

DEVELOPMENT OFFICER'S DECISION DATE: October 23, 2012.

ADDRESS OF APPELLANT: 16823 – 79 Street NW, Edmonton AB T5Z 3Y6.

DATE OF APPEAL: November 2, 2012.

APPLICATION FOR PERMISSION TO: Construct exterior alterations (add a second driveway) existing without permits since 2005.

ZONE: RF1 Single Detached Residential Zone.

LEGAL DESCRIPTION: Lot 23, Block 1, Plan 0423131.

MUNICIPAL DESCRIPTION: 16823 – 79 Street NW.

DEVELOPMENT OFFICER'S DECISION

“REFUSED - The proposed development is refused for the following reasons:

- 1) 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 the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

a minimum width of 3.1 metres; and

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.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area. (Reference Section 54.1(4)(a) and (b) of the Edmonton Zoning Bylaw)

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9:00 A.M.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

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

A Parking Area when comprised of parking spaces required under this Bylaw, 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 (Reference Section 44.6 of the Edmonton Zoning Bylaw).

- 3) In 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:

vehicles shall not be located on the landscaped portion of the Yard; and

vehicles shall only be allowed on a Driveway or within an attached or detached Garage. (Reference Section 45.7 (a) and (b) of the Edmonton Zoning Bylaw).

- 4) All Yards, visible from a public roadway, other than a Lane, on a Site developed with Single Detached, Semi-detached, Duplex or Secondary Suite or, in the RF5 or UCRH Zone, Row Housing or Stacked Row Housing, 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. (Reference Section 55.2(4)(b) of the Edmonton Zoning Bylaw).

- 5) In the opinion of the Development Authority the vehicular parking space in the required front yard unduly interferes with the amenities of the neighbourhood.”

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FILE: SDAB-D-12-318

9:00 A.M.

APPELLANT'S SUBMISSION

"I am writing this letter as an appeal on the refused Development Application given by Development Officer, Glenn Alexander on October 23, 2012. I applied for a building permit (even though I was sure that I had one given by Development Officer, Susan Pearsell on May 16, 2005; Project No.: 46784387-001 for an existing second driveway since October, 2005.

I am quite confused as to why I got a Violation Notice (File No.:129034957-001) in the first place and why I have to apply for the building permit again.

While I was in a process of getting my development permit (application submitted on April 29, 2005 and decision made on May 16, 2005 by Development Officer, Susan Pearsell), my husband and I saw Ms. Pearsell and we talked about the second driveway and how we were looking particularly for a corner lot so that we could have that kind of driveway since it appealed to us so much.

We were told that there is no problem for that shape of driveway since our property has a roll face curb construction. On our house Development and Building Permit issued on May 16, 2005 it says:

Note:

Due to the roll face curb construction at this property, there are no requirements for a separate curb crossing permit under Section 1210 and 1211 of Traffic Bylaw No. 5590. Approval is given for the access under this Development Permit.

I telephoned regarding the Violation Notice and I was told that I needed to apply for the permit. When I came to submit my application for the second driveway on October 15, 2012, even the staff of the 5th Floor of the City of Edmonton (information desk; development officer) agreed after reading the note on my Development Permit that I do not need to apply because it is written on my permit that I am approved for it. I said that I got a Violation Notice regarding my permit and went to check with somebody else to see what was going on with it. He came back and said, "Unfortunately you need to apply for a permit which is going to be refused by the City and then you can appeal the refusal to the Subdivision and Development Appeal Board with the evidence and information that you have.

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9:00 A.M.

APPELLANT'S SUBMISSION (CONTINUED)

I really cannot understand this complaint because I still think that I have approval for my second driveway. My property is not the only one in my neighbourhood with this kind of driveway. In Schonsee Subdivision (between 79 Street and 71 Street and 167 Avenue and Schonsee Drive) there are 11 corner lot houses with the same kind of driveway. It is not only in the Schonsee are but everywhere you go, you can find the same kind of driveway on the corner lots. My neighbours have nothing against my driveway (which is proven with the attached signed letter of support) which has existed since October 2005. Please review my file with the information and evidence I have provided and make your decision according to that.

Thank you in advance for your time and consideration.”

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to construct Exterior Alterations (add a second driveway) existing without permits since 2005.

The site is located on the southeast corner of 168a Avenue and 79 Street and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw. The site is within the Edmonton North Area Structure Plan under Bylaw 5739 (as amended), approved by City Council in August 1979 and within Schonsee Neighbourhood Structure Plan under Bylaw 12951 (as amended), approved by City Council in March 2002.

NOTE: The submitted Real Property Report, created by Northland Surveys, dated April 14, 2005, shows an irregular shaped lot. There are two existing Driveways. The first Driveway leads to the north elevation of the front attached garage and is accessed from 168A Avenue to the north. The second Driveway (**which is the subject matter of this application**) is 4.54 metres by 8.46 metres in size and extends to portions of the required Front Yard. This Driveway connects to the east side of the first Driveway. Access to this Driveway is from 79 Street to the west.

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FILE: SDAB-D-12-318

9:00 A.M.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Section 54.1(4) states 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 the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced 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.

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

It is the opinion of the Development Officer that the proposed development does not meet this requirement.

Section 44.6 states 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.

It is the opinion of the Development Officer that the proposed development does not meet this requirement.

Section 45.7 states in 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.

It is the opinion of the Development Officer that the proposed development does not meet this requirement.

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FILE: SDAB-D-12-318

9:00 A.M.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Section 55.2(4)(b) states except in the case that Dwellings are part of a Multi-unit Project Development, all Yards, visible from a public roadway, other than a Lane, on a Site developed with Single Detached, Semi-detached, Duplex or Secondary Suite or, in the RF5 or UCRH Zone, Row Housing or Stacked Row Housing, 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

It is the opinion of the Development Officer that the proposed development does not meet this requirement.

Under Section 6.1(38), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.

Under Section 6.1(86) **Setback** means the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.

Under Section 6.1(65), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

Under Section 6.1(24), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Under Section 6.1(40), **Garage** means an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

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FILE: SDAB-D-12-318

9:00 A.M.SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Under Section 6.1(52), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls and sculpture.

The following permit applications are listed in the Sustainable Development Department POSSE system:

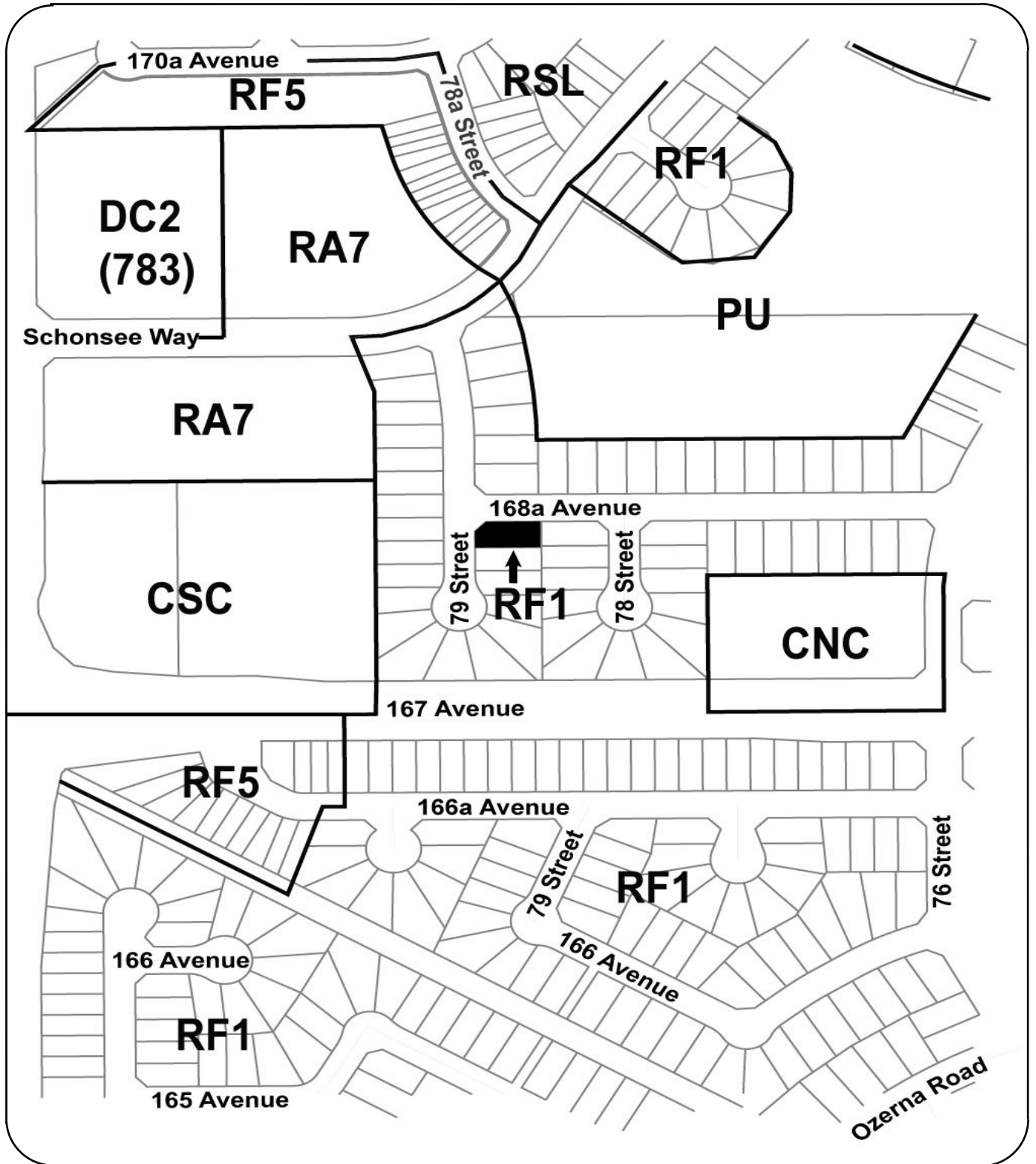
Application Number	Description	Decision
129034957-001	Violation Notice	<p>September 12, 2012; An inspection of the above noted property by this Department revealed the Landscaping has not been completed in accordance with the condition(s) of approval for Development Permit 046784387-001 issued on May 25, 2005.</p> <p>Section 55.2(4)(b) of the Edmonton Zoning Bylaw states, as follows:</p> <p>all Yards, visible from a public roadway, other than a Lane, on a Site developed with Single Detached, Semi-detached, Duplex or Secondary Suite or, in the RF5 or UCRH Zone, Row Housing or Stacked Row Housing, shall be</p>

129034957-001 (continued)		<p>seeded or sodded within 18 consecutive months of the occupancy of the development.</p> <p>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 (Reference Section 55.2(4)(b) of the Edmonton Zoning Bylaw).</p> <p>NOTE: Alternate forms of landscaping does not include monolithic concrete.</p> <p>You must comply with the conditions of Development Permit 046784387-001 and the Edmonton Zoning Bylaw.</p>
128743893-001	To construct an exterior alterations (Storage under the uncovered deck – 11 feet by 12 feet @ 5 feet 10 inches high) to a Single Detached House. Existing without permits.	September 6, 2012; Approved with conditions
127644665-001	Compliance Certificate	<p>August 12, 2012; Your Real Property Report, dated July 19, 2012 showed a Single Detached House with Attached garage that complies with the RF1 (Single Detached Residential) Zone development regulations.</p> <p>You are also advised that a search of our files revealed no record of development approval for the 3.37 metres by 3.66 metres rear deck.</p> <p>A Development Permit and Building Permit must be obtained</p>

127644665-001 (continued)		for this structure. ... You are further advised that Section 45.7 requires that no parking area in any District shall be located within the required Front Yard. You are required to apply for a curb crossing to have a second driveway access from 79 Street.
46784387-001	To construct a single detached house with attached garage, deck, fireplace and basement development.	May 16, 2005; Approved with conditions

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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-12-318



SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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Thursday, November 29, 2012

II

ITEM II: 10:45 A.M.

FILE: SDAB-D-12-309

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY
AN ADJACENT PROPERTY OWNER

APPELLANT: Application No. 130486380-001.
DEVELOPMENT OFFICER'S DECISION DATE: October 19, 2012.
NOTICE OF APPEAL PERIOD: October 25, 2012 through November 7, 2012.
ADDRESS OF APPELLANT: 3808 – 116 Street NW, Edmonton, AB T6J 1R4.
DATE OF APPEAL: November 2, 2012.
RESPONDENT: 3816 – 116 Street NW, Edmonton AB T6J 1R4.
ADDRESS OF RESPONDENT: 3816 – 116 Street NW, Edmonton AB T6J 1R4.
APPLICATION FOR PERMISSION TO: Construct an overheight Fence – 6 feet
of solid fence with a decorative 2 foot
lattice, for a total of 8 feet running
along the south side of property.
ZONE: RF1 Single Detached Residential Zone.
LEGAL DESCRIPTION: Lot 5, Block 60, Plan 3614NY.
MUNICIPAL DESCRIPTION: 3816 – 116 Street NW.

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BUSINESS LAID OVER (Page 1 of 2)

SDAB-D-12-287	An appeal to construct a Single Detached House with attached Garage and a 3.66 metres by 4.11 metres uncovered rear deck and demolish existing Single Detached House and Detached Garage <i>December 6, 2012</i>
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SDAB-D-12-280	An appeal to construct and operate as a Gas Bar (canopy structure with 2 stations) and reconfigure the accessory parking lot in a Shopping Centre <i>December 6, 2012</i>
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SDAB-D-12-293	An appeal to comply with an Order to cease the operation of the “Non-Accessory Parking” and completely prohibit vehicular access to the site with barricades on or before October 22, 2012 <i>December 6, 2012</i>
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SDAB-D-12-294	An appeal to comply with an Order to cease the operation of the “Non-Accessory Parking” and completely prohibit vehicular access to the site with barricades on or before October 22, 2012 <i>December 6, 2012</i>
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SDAB-D-12-277	An appeal to construct one On-premises Freestanding Major Digital Sign (CHATEAU NOVA with 3.09 metres by 6.02 metres Digital panel) <i>December 6, 2012</i>
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SDAB-D-12-319	An appeal to construct an overheight fence, 6 feet of solid fence with a decorative 2 foot lattice for a total of 8 feet running along the south side of property. <i>December 12, 2012</i>
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SDAB-D-12-304	An appeal to construct a Detached Garage (7.62 metres by 10.97 metres (with a Garage Suite above Grade) <i>December 13, 2012</i>

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BUSINESS LAID OVER (Page 2 of 2)

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- | | |
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| SDAB-D-12-275 | An appeal to construct a Single Detached House with attached Garage, front covered veranda, fireplace and the demolition of an existing Single Detached House and Garage.
<i>December 19, 2012</i> |
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| SDAB-D-12-118 | An appeal to construct an Accessory Building (6.71 metres by 6.71 metres Detached Garage) and to demolish a Detached Garage (7.38 metres by 4.00 metres)
<i>December 19, 2012</i> |
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| SDAB-D-12-217 | An appeal to comply with an Order to remove all large recreational vehicles, campers, motor homes, trailers and automobiles from this property location.
<i>January 24, 2013</i> |
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