

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

**Wednesday, 9:00 A.M.**  
**April 22, 2015**

**Hearing Room No. 3**  
**Churchill Building,**  
**10019 - 103 Avenue NW,**  
**Edmonton, AB**

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

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I	9:00 A.M.	SDAB-D-15-065	Operate a Major Home Based Business (chiropractic clinic with 15 clients a day, 60 clients a week, and 1 non-resident employee)
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**WITHDRAWN**

4607 - 201 Street NW  
Project No.: 166199855-001

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**LUNCH BREAK: 11:30 A.M. TO 12:30 P.M.**

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II	12:30 P.M.	SDAB-D-15-080	Leave as built an Accessory Building (rear detached Garage, 6.80 m x 6.50 m)  9842 - 90 Avenue NW Project No.: 168989973-001
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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-15-065

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 166199855-001

ADDRESS OF APPELLANT: 4607 - 201 Street NW

APPLICATION TO: Operate a Major Home Based Business  
(Chiropractic Clinic with 15 clients a day,  
60 clients a week, and 1 non-resident  
employee)

DECISION OF THE DEVELOPMENT AUTHORITY: Proposed

DECISION DATE: March 3, 2015

DATE OF APPEAL: March 9, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4607 - 201 Street NW

LEGAL DESCRIPTION: Plan 0623976 Blk 7 Lot 2

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: The Grange Area Structure Plan

**WITHDRAWN**



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-080

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

APPELLANT:

ADDRESS OF APPELLANT: 9846 – 90 Avenue NW

APPLICATION NO.: 168989973-001

APPLICATION TO: Leave as built an Accessory Building (rear detached Garage, 6.80 m x 6.50 m)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with condition

DECISION DATE: March 12, 2015

DATE OF APPEAL: March 30, 2015

NOTIFICATION PERIOD: March 17, 2015 through March 30, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 9842 - 90 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9842 - 90 Avenue NW

LEGAL DESCRIPTION: Plan I21 Blk 125 Lot 36

ZONE: RF2 Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

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DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes to Leave as Built an Accessory Building (rear detached Garage, 6.80 m x 6.50 m) only.

The development shall be constructed in accordance with the stamped and approved drawings.

An accessory building or structure shall not exceed 4.3m nor one storey in height. (Reference Section 6.1(49) and 50.3(2))

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.

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

VARIANCE:

Section 50.3(4)(b) - relaxed - an Accessory building or structure shall be located not less than 0.9 m from the Side Lot Line.

Required Side Setback: 0.90 m  
Distance from East Lot Line: 0.77 m  
Deficient by: 0.13 m

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

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APPELLANT'S SUBMISSION

I have been informed that the garage next to my property at 9846-90th Ave. has been given an allowance under Section 50.3(4)(b). The variance for this development permit is deficient. The garage is required to be 0.90 meters from my property, however, it is 0.77 meters from my lot, a deficiency of 0.13 meters.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**Single Detached Housing** is a Permitted Use in the RF2 Low Density Infill Zone, Section 120.2(6).

Under Section 50.1(2), Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

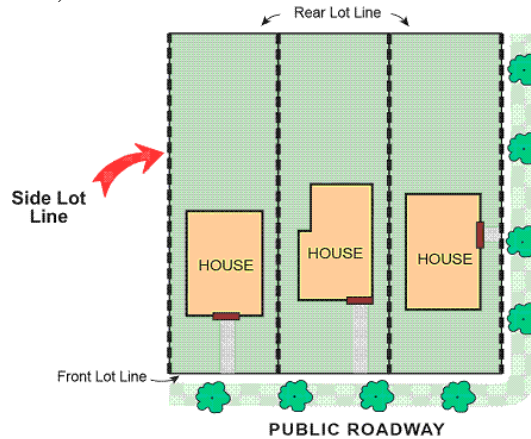
Section 50.3(4)(b) states an Accessory building or structure shall be located not less than 0.9 metres from the Side Lot Line, except where it is a mutual Garage erected on the common property line to the satisfaction of the Development Officer, or where a Garage is placed on the common property line in accordance with the provisions of the RPL Zone, or where the Accessory Building does not exceed the permitted fence height or in the case of Garage Suites, where the minimum Side Setback shall be in accordance with Section 87.

**The Development Officer determined the required (east) Side Setback is 0.90 metres. The proposed development provides an (east) Side Setback of 0.77 metres, and the Development Officer granted a relaxation of 0.13 metres.**

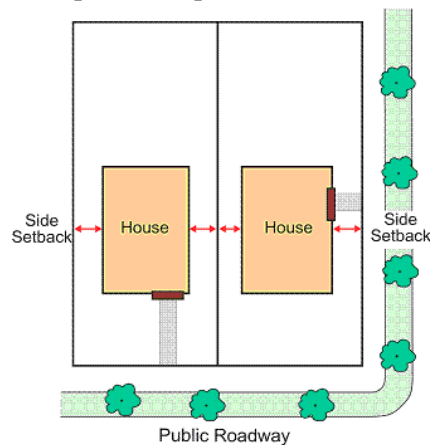
The submitted Real Property Report created by Hagen Surveys (1982) Ltd., dated January 27, 2015 shows the subject site has a Site Width of 10.08 metres, and a Site depth of 40.45 metres. The existing Garage is 6.80 metres by 6.50 metres in size and is located 0.77 metres from the (west) Side Lot Line, 2.50 metres from the (east) Side Lot Line, 1.74 metres from the (north) Rear Lot Line, and 11.73 metres from the Principal Dwelling to the south. Vehicular access is from the (north) rear Lane.

Under Section 6.1(2), **Accessory** means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under Section 6.1(89), **Side Lot Line** means the property line of a lot other than Front Lot Line or Rear Lot Line;



Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.



Section 120.1 states the purpose of the RF2 Low Density Infill Zone is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

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.

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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-080



**BUSINESS LAID OVER**

<b>SDAB-D-15-075</b>	An appeal by D. Bourgeois to construct exterior alterations to an existing single detached house (extension to front concrete driveway 9.50 metres x 15.5 metres <i>May 6, 2015</i>
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**APPEAL HEARINGS TO BE SCHEDULED**

<b>154362913-002</b>	An appeal by Gill Gurdeep to construct exterior alterations to a Single Detached House (driveway extension) – existing without permits <i>May 7, 2015</i>
<b>159253875-001; LDA14-0384</b>	An appeal by Stantec Consulting Ltd. / Frederick A. Laux, Q.C., Barrister & Solicitor to create 31 Single Detached Residential lots, 46 Semi-detached Residential Lots and 30 Row Housing Lots. <i>May 20, 2015</i>