

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 23, 2019**

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

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

I	9:00 A.M.	SDAB-D-19-009	Construct exterior alterations to a Single Detached House (increase in height) 8807 - 148 Street NW Project No.: 256997689-013
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II	9:00 A.M.	SDAB-D-19-010	Construct exterior alterations to a Single Detached House (increase in height) 8809 - 148 Street NW Project No.: 257013833-014
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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 / II: 9:00 A.M.

FILE: SDAB-D-19-009 / 010

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 256997689-013
257013833-014

APPLICATION TO: Construct exterior alterations to a Single Detached House (increase in height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 19, 2018

DATE OF APPEAL: December 19, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8807 – 148 Street NW
8809 – 148 Street NW

LEGAL DESCRIPTION: Plan 1722061 Blk 8 Lot 16A
Plan 1722061 Blk 8 Lot 16B

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:

The existing sewer invert was higher than originally specified by the city which required us to raise the height of the building footings resulting in the building being over height by 9.5". We learned this exact number after having the RPR done and main floor height shot by the surveyor on request of the Development permit report department after construction was completed. We adjusted our grading so that the building would not look different than the original application and have met and had approved by the city all grading changes which resulted in no impact to properties around us.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

Under section 7.2(8), **Single Detached Housing** means “development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.”

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Garden Suites, Semi-detached Housing and Duplex Housing.”

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Height

Section 814.3(5) states “The maximum Height shall not exceed 8.9 m.”

Development Officer’s Determination

8807 – 148 Street NW

Proposed Height: 9.2 m
Exceeds by: 0.3 m [unedited]

8809 – 148 Street NW

Proposed Height: 9.1 m
Exceeds by: 0.2 m [unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and


- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(5) – Height

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.

	<h2 style="margin: 0;">Application for Alterations Permit</h2>	<p>Project Number: 256997689-013 Application Date: NOV 13, 2018 Printed: December 19, 2018 at 10:04 AM Page: 1 of 1</p>																				
<p>This document is a Development Permit Decision for the development application described below.</p>																						
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 8807 - 148 STREET NW Plan 1722061 Blk 8 Lot 16A</p>																					
<p>Scope of Application To construct exterior alterations to a Single Detached House (increase in height).</p>																						
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; border: none;"> Site Area (sq. m.): 302.78 </td> </tr> </table>			Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 302.78																		
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<p>I/We certify that the above noted details are correct. Applicant signature: _____</p>																						
<p>Development Application Decision Refused</p> <p>Issue Date: Dec 19, 2018 Development Authority: FOLKMAN, JEREMY</p> <p>Reason for Refusal Proposed Height: 9.2 m Exceeds by: 0.3 m</p> <p>Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>																						
<p>Building Permit Decision Refused</p>																						
<p>Fees</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev Application Fee</td> <td style="text-align: right;">\$170.00</td> <td style="text-align: right;">\$170.00</td> <td>05470588</td> <td>Nov 13, 2018</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$170.00</td> <td style="text-align: right; border-top: 1px solid black;">\$170.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Dev Application Fee	\$170.00	\$170.00	05470588	Nov 13, 2018	Total GST Amount:	\$0.00				Totals for Permit:	\$170.00	\$170.00		
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<p>THIS IS NOT A PERMIT</p>																						



Application for Alterations Permit

Project Number: **257013833-014**
 Application Date: NOV 13, 2018
 Printed: December 19, 2018 at 10:03 AM
 Page: 1 of 1

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

Applicant	Property Address(es) and Legal Description(s) 8809 - 148 STREET NW Plan 1722061 Blk 8 Lot 16B
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Scope of Application
 To construct exterior alterations to a Single Detached House (increase in height).

Permit Details Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 286.63
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I/We certify that the above noted details are correct.
 Applicant signature: _____

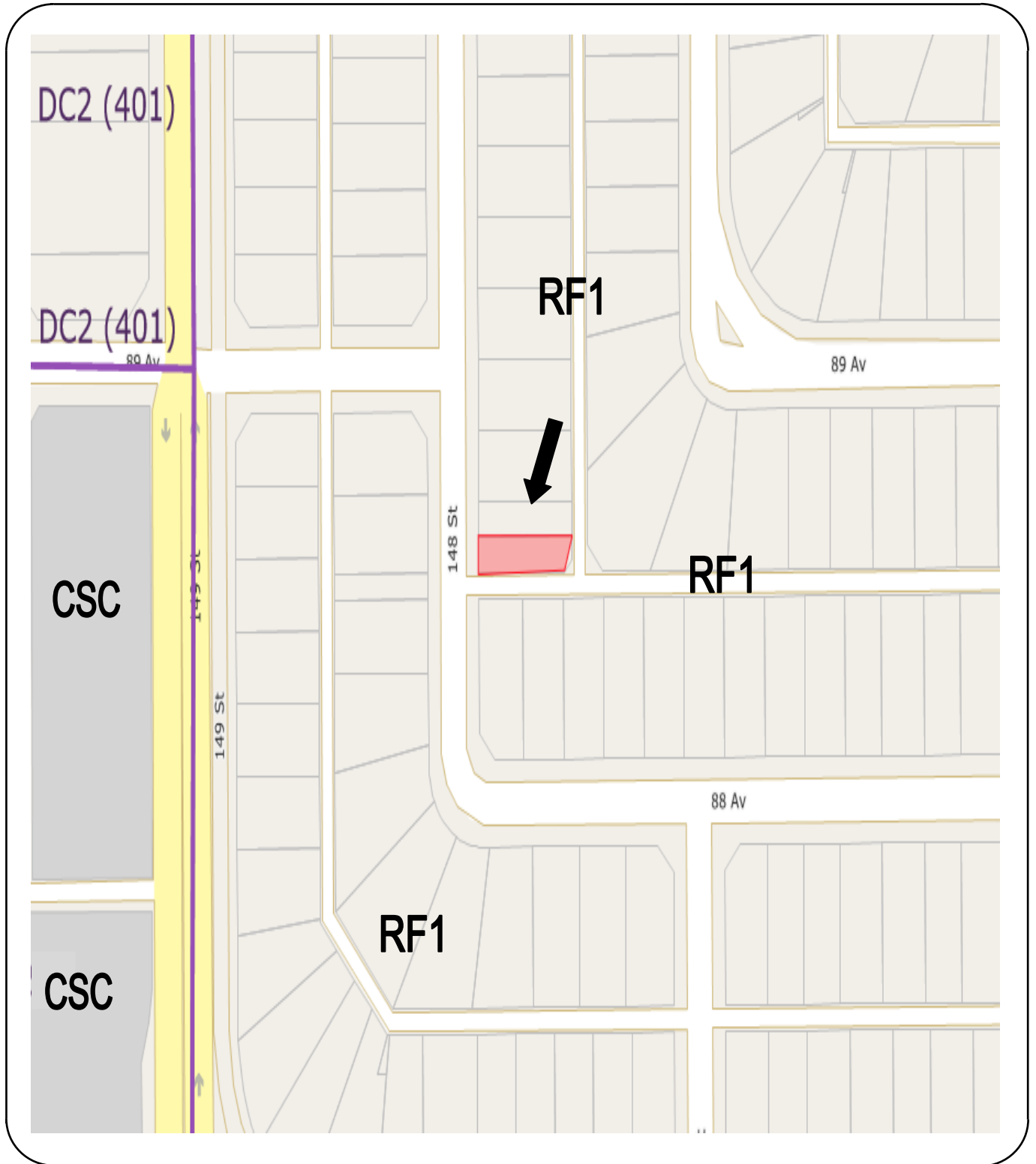
Development Application Decision
 Refused
Issue Date: Dec 19, 2018 **Development Authority:** FOLKMAN, JEREMY
Reason for Refusal
 Proposed Height: 9.1 m
 Exceeds by: 0.2 m
Rights of Appeal
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Building Permit Decision
 Refused

Fees				
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Dev Application Fee	\$170.00	\$170.00	05470589	Nov 13, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$170.00	\$170.00		



THIS IS NOT A PERMIT

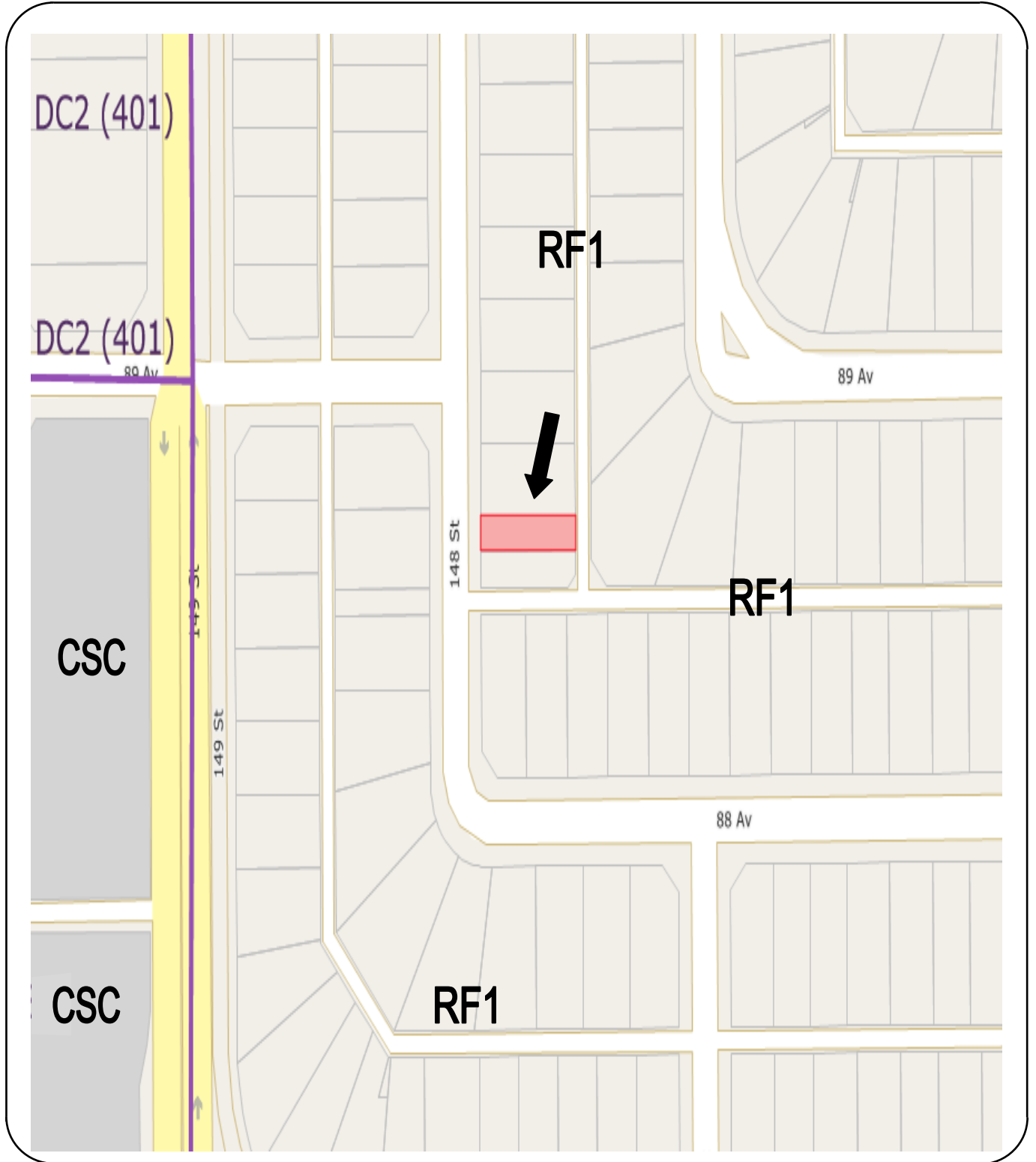


SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-009





SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-010

