

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
July 19, 2018

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-18-105	Add one additional Dwelling to an existing Apartment House (total of 26 Dwellings), existing without permits. 10620 - 105 Street NW Project No.: 280807879-001
<hr/>			
II	10:30 A.M.	SDAB-D-18-106	Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, fireplace, rear uncovered deck, and to demolish a Single Detached House. 10325 - 132 Street NW Project No.: 277389618-001
<hr/>			
III	1:30 P.M.	SDAB-D-18-107	Construct an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom). 10345 - 133 Street NW Project No.: 280926123-001
<hr/>			

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-18-105

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 280807879-001

APPLICATION TO: Add one additional Dwelling to an existing Apartment House (total of 26 Dwellings), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 15, 2018

DATE OF APPEAL: June 26, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10620 - 105 Street NW

LEGAL DESCRIPTION: Condo Common Area (Plan 0727388)

ZONE: (CB1) Low Intensity Business Zone

OVERLAY: Main Streets Overlay

STATUTORY PLAN: Central McDougall / Queen Mary Park Area Redevelopment Plan

Grounds for Appeal

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

The application has been refused because of the zoning and that there has to be commercial in the main floor. The building never has commercial on the main floor. The space in the application for a new suite in legal and part of the adjacent suite. The previous owner built a wall and made an extra room. The space wasn't meant to be for amenities for the building. Most suites have balconies and extra storage for every suite. I have the drawing that will explain in more details.

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,

- (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 clause (d), must comply with any land use bylaw in effect;

...

- (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.

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,**

- (b) **for routine maintenance of the building, if the development authority considers it necessary, or**
- (c) **in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.**

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 330.3(1), **Apartment Housing** is a **Discretionary Use** in the (CB1) Low Intensity Business Zone.

Under section 7.2(1), **Apartment Housing** means:

development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Under section 6, **Dwelling** means:

a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

Section 330.1 states that the **General Purpose** of the **(CB1) Low Intensity Business Zone** is:

to provide for low intensity commercial, office and service uses located along arterial roadways that border residential areas. Development shall be sensitive and in scale with existing development along the commercial street and any surrounding residential neighbourhood.

Section 819.1 states that the **General Purpose** of the **Main Streets Overlay** is:

to encourage and strengthen the pedestrian-oriented character of Edmonton's main street commercial areas that are located in proximity to residential and transit-oriented areas, by providing visual interest, transparent storefront displays, and amenities for pedestrians.

Discretionary Use

Development Officer's Determination

1) Discretionary Use - Apartment House is refused as a Discretionary Use (Section 12.4 & 330.3.1). [unedited]

Additional Development Regulations for Discretionary Uses in the (CB1) Zone

Section 330.5(1) states the following regulations shall apply to Apartment Housing developments:

- a. Apartment Housing shall be permitted only in buildings where the first Storey is used for commercial purposes;
- b. the housing component shall have access at ground level, which is separate from the access for the commercial premises;
- c. Amenity Area shall be provided in accordance with Section 46 of this Bylaw;
- d. ...

Development Officer's Determination

**2) Use - Apartment Housing shall be permitted only in buildings where the first Storey is used for commercial purposes (Section 330.5.1.a).
- There is no Commercial Use on the first Storey of the existing Apartment House. [unedited]**

Non-conforming building

Development Officer's Determination

**3) Non-conforming Building - This Apartment House no longer conforms to current zoning rules, which may have changed since it was originally constructed (Section 11.2.2).
- This non-conforming building interferes with the amenities of the neighbourhood as the intent of the CB1 Zone is to provide for low intensity Commercial Uses on the first Storey of buildings that are located along arterial roadways. [unedited]**

Amenity Area

Section 46.2 states “unless otherwise specified in this Bylaw, Amenity Area shall be provided in accordance with Table 46(2).”

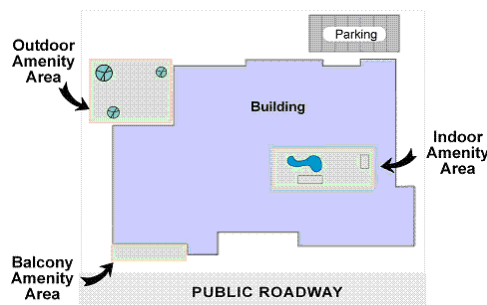
Table 46(2) Amenity Area requirements:

	Minimum Amenity Area provided on Site per Dwelling	Minimum percentage of total required Amenity Area provided on Site at ground level	Maximum percentage of total required Amenity Area provided on Site in a Yard abutting a public roadway other than a Lane at ground level
d. Apartment Housing	7.5 m ²	0%	50%

Under section 6, **Amenity Area** means:

- a. with respect to Residential Uses, space outside a Dwelling or Sleeping Unit provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw;
- b. with respect to non-Residential Uses, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development, subject to the regulations of this Bylaw; and
- c. with respect to both Residential and non-Residential Uses, may include indoor or outdoor space, Platform Structures, Rooftop Terraces, and Accessory structures.

The following is an example provided for illustrative purposes only:



Development Officer's Determination

4) Amenity Area - 7.5m² of Amenity Area is required on Site per Dwelling

- Number of Dwellings: 26

- Required: 195m²

- Proposed: Nil [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.



Application for Major Development Permit

Project Number: **280807879-001**
 Application Date: APR 30, 2018
 Printed: June 15, 2018 at 11:53 AM
 Page: 1 of 2

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

Applicant	Property Address(es) and Legal Description(s) 10620 - 105 STREET NW Condo Common Area (Plan 0727388)
	Specific Address(es) Entryway: 10620 - 105 STREET NW Building: 10620 - 105 STREET NW

Scope of Application
 To add one additional Dwelling to an existing Apartment House (total of 26 Dwellings), existing without permits.

Permit Details Class of Permit: Gross Floor Area (sq.m.): 27.1 New Sewer Service Required: Y Site Area (sq. m.): 1627.09	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 9 Stat. Plan Overlay/Annex Area: Main Street Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal

Development Permit application to add one additional Dwelling to an existing Apartment House (total of 26 Dwellings), existing without permits, is refused for the following reasons:

- 1) Discretionary Use - Apartment House is refused as a Discretionary Use (Section 12.4 & 330.3.1).
- 2) Use - Apartment Housing shall be permitted only in buildings where the first Storey is used for commercial purposes (Section 330.5.1.a).
 - There is no Commercial Use on the first Storey of the existing Apartment House.
- 3) Non-conforming Building - This Apartment House no longer conforms to current zoning rules, which may have changed since it was originally constructed (Section 11.2.2).
 - This non-conforming building interferes with the amenities of the neighbourhood as the intent of the CB1 Zone is to provide for low intensity Commercial Uses on the first Storey of buildings that are located along arterial roadways.
- 4) Amenity Area - 7.5m2 of Amenity Area is required on Site per Dwelling
 - Number of Dwellings: 26
 - Required: 195m2
 - Proposed: Nil

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.

Issue Date: Jun 15, 2018 **Development Authority:** YEUNG, KENNETH

Fees

THIS IS NOT A PERMIT



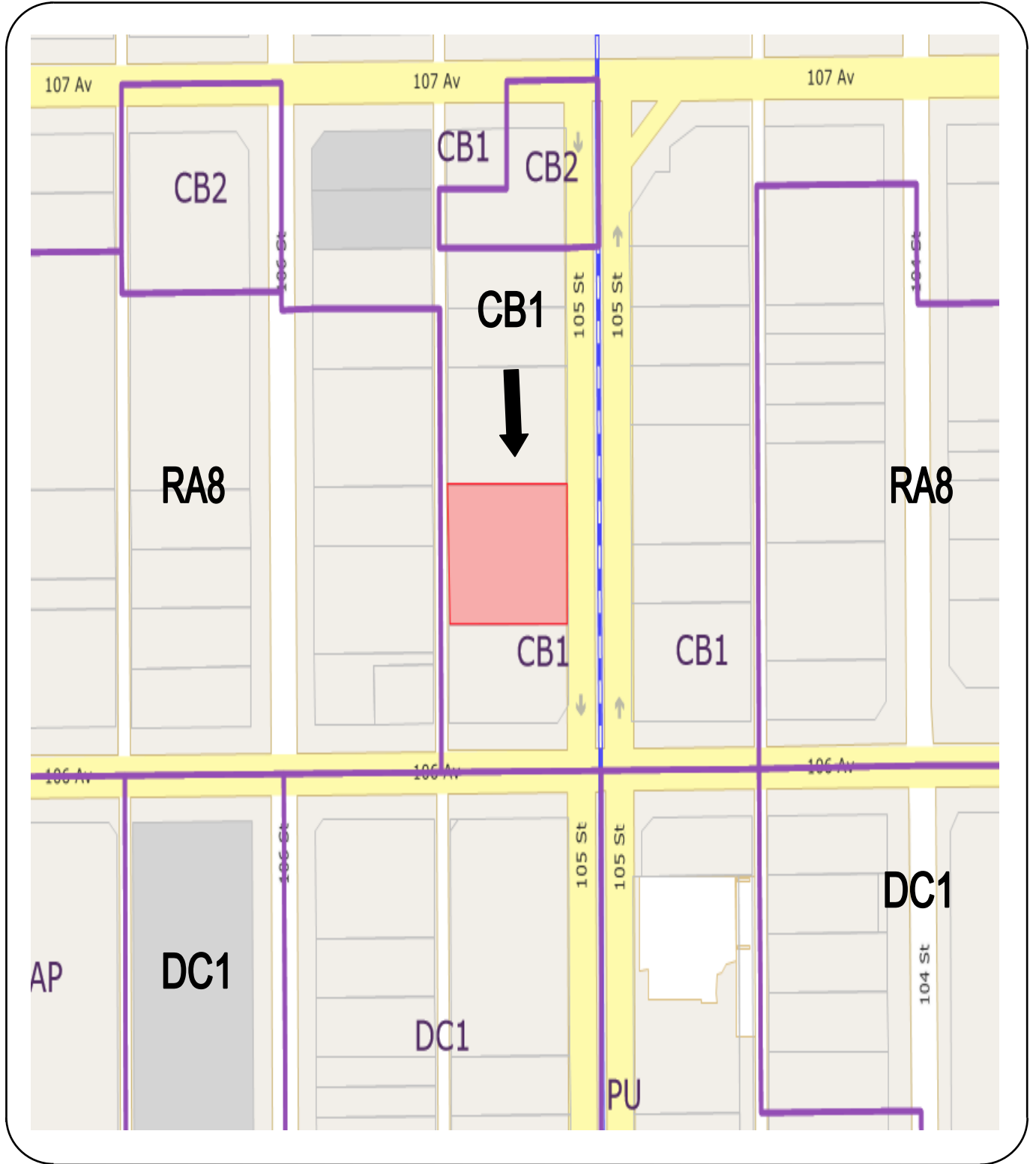
Application for Major Development Permit

Project Number: **280807879-001**
Application Date: APR 30, 2018
Printed: June 15, 2018 at 11:53 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$835.00	\$835.00	04979602	Apr 30, 2018
Sanitary Sewer Trunk Fund 2012+	\$1,629.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,464.00</u>	<u>\$835.00</u>		
(\$1,629.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-105



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-106

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 277389618-001

APPLICATION TO: Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, fireplace, rear uncovered deck, and to demolish a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 26, 2018

DATE OF APPEAL: June 27, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10325 - 132 Street NW

LEGAL DESCRIPTION: Plan 2803AF Blk 88 Lots 12-13

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 house meant to be demolished already has driveway access (two vehicles) from 132 Street. The new house is designed to still have front drive access but would be much smaller and less imposing (single vehicle access). Every household within the 60m radius for the notification period was visited and all signatures collected with majority in support and no one opposed. A number of community members were pleased to learn the lot would not be split into 4 with skinny houses built. There actually is no rear lane developed for this property.

The developed lane ends at the north property line. Locating the house and driveway closer to the north property line allows an abundance of south light to enter the house instead of light being blocked by a side drive garage. Having the south yard free for yard/ patio/ deck space also provides privacy toward the north neighbour.

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,

- (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 clause (d), must comply with any land use bylaw in effect;

...

(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(5), **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 only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. 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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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.

Driveway Access

Section 814.3(17) states "Regardless of whether a Site has existing vehicular access from a public roadway, other than a Lane, no such access shall be permitted to continue where an Abutting Lane exists."

Development Officer's Determination

1. Driveway - The proposed driveway is located off of 132 Street NW (front) instead of the alley (Section 814.3.17). [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 60.0 m 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 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) – Driveway Access

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.

	Project Number: 277389618-001 Application Date: MAR 19, 2018 Printed: June 26, 2018 at 4:44 PM Page: 1 of 2																									
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">House Development and Building Permit</h3>																										
<p>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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p>																										
Applicant	Property Address(es) and Legal Description(s) 10325 - 132 STREET NW Plan 2803AF Blk 88 Lot 13 10325 - 132 STREET NW Plan 2803AF Blk 88 Lot 12																									
	Location(s) of Work Entryway: 10325 - 132 STREET NW Building: 10325 - 132 STREET NW																									
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Affected Floor Area (sq. ft.): 3098 Class of Permit: Front Yard (m): 6.86 Rear Yard (m): 17.07 Side Yard, left (m): 2.61 Site Area (sq. m.): 1298.9 Site Width (m): 30.44 </td> <td style="width: 50%; border: none;"> Building Height to Midpoint (m): 8.7 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 8.01 Site Depth (m): 42.67 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 3098 Class of Permit: Front Yard (m): 6.86 Rear Yard (m): 17.07 Side Yard, left (m): 2.61 Site Area (sq. m.): 1298.9 Site Width (m): 30.44	Building Height to Midpoint (m): 8.7 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 8.01 Site Depth (m): 42.67 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 Reason for Refusal 1. Driveway - The proposed driveway is located off of 132 Street NW (front) instead of the alley (Section 814.3.17). 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.																										
Issue Date: Jun 26, 2018 Development Authority: ROBINSON, GEORGE																										
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Fee Amount</th> <th style="width: 15%;">Amount Paid</th> <th style="width: 15%;">Receipt #</th> <th style="width: 25%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Electrical Fee (Service)</td> <td>\$81.00</td> <td>\$81.00</td> <td>71175806205Z001</td> <td>Mar 19, 2018</td> </tr> <tr> <td>Building Permit Fee</td> <td>\$2,703.00</td> <td>\$2,703.00</td> <td>71175806205Z001</td> <td>Mar 19, 2018</td> </tr> <tr> <td>Electrical Safety Codes Fee</td> <td>\$17.98</td> <td>\$17.98</td> <td>71175806205Z001</td> <td>Mar 19, 2018</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td>\$0.00</td> <td>\$204.00</td> <td>71175806205Z001</td> <td>Mar 19, 2018</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Electrical Fee (Service)	\$81.00	\$81.00	71175806205Z001	Mar 19, 2018	Building Permit Fee	\$2,703.00	\$2,703.00	71175806205Z001	Mar 19, 2018	Electrical Safety Codes Fee	\$17.98	\$17.98	71175806205Z001	Mar 19, 2018	Development Permit Inspection Fee	\$0.00	\$204.00	71175806205Z001	Mar 19, 2018
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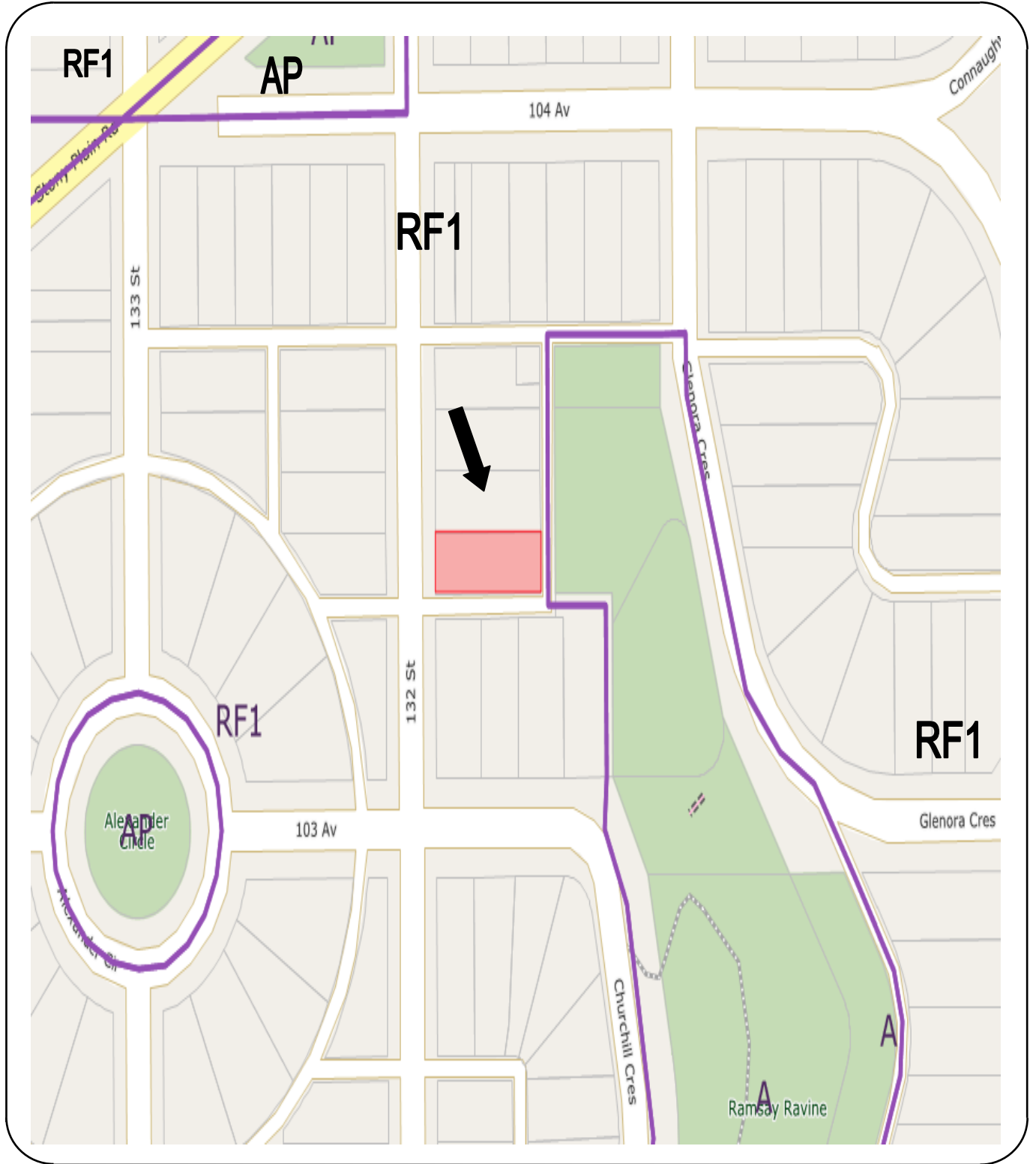
Application for House Development and Building Permit

Project Number: **277389618-001**
Application Date: MAR 19, 2018
Printed: June 26, 2018 at 4:44 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$337.00	\$337.00	71175806205Z001	Mar 19, 2018
Water Usage Fee	\$84.70	\$84.70	71175806205Z001	Mar 19, 2018
Safety Codes Fee	\$108.12	\$108.12	71175806205Z001	Mar 19, 2018
Lot Grading Fee	\$143.00	\$143.00	71175806205Z001	Mar 19, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$3,474.80</u>	<u>\$3,678.80</u>		
(overpaid by (\$204.00))				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-106



ITEM III: 1:30 P.M.

FILE: SDAB-D-18-107

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

APPELLANT:

APPLICATION NO.: 280926123-001

APPLICATION TO: Construct an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 24, 2018

DATE OF APPEAL: June 20, 2018

NOTIFICATION PERIOD: May 31, 2018 through June 21, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10345 - 133 Street NW

LEGAL DESCRIPTION: Plan 2803AF Blk 89 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:

Our home and lot is located to the immediately east adjacent to the subject property. We understand that the owner proposes a two storey addition to the northeast corner of his home that will significantly diminish the enjoyment of our home and yard, and we expect will diminish it's market value somewhat.

We do understand that the City of Edmonton Development Officer has approved the addition, however we were advised by that Officer that the existing property is non-conforming and does not meet the mandatory front setback rules for development. It is this front setback rule that we wish to see observed, as the development as proposed will not only mass forward on the lot significantly out of context with our and the other homes on our block, but it will also obstruct our view to the north and west from our living room windows. The house presently does encroach on that setback at the front northwest corner, however that nonconformity does not currently interfere with our enjoyment of our home. That said, we do not wish that the present profile of the home be built out to the same extent on the northeast corner as it is on the northwest. Also, we presently do enjoy some sunlight penetration into our home in the evening during the summer, which will almost entirely be diminished should the addition be constructed as proposed. We do appreciate that the owner has been advised that the east windows that view into our yard must be made opaque, these windows were opaque at one time and a previous owner replaced them with clear windows during a renovation. We appreciate your kind consideration of our request.

<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.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

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 clause (d), must comply with any land use bylaw in effect;

...

- (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.

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) **to make it a conforming building,**
- (b) **for routine maintenance of the building, if the development authority considers it necessary, or**
- (c) **in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.**

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(5), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential Zone.

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, and Garden Suites, as well as Semi-detached Housing and Duplex Housing under certain conditions.

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.

Non-conforming building

Section 11.3(2) states:

The Development Officer may approve, with or without conditions as a Class B Discretionary Development, an enlargement, alteration or addition to a non-conforming building if the non-conforming building complies with the Uses prescribed for that land in this Bylaw and the proposed development would not, in their opinion:

- a. unduly interfere with the amenities of the neighbourhood; or
- b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Development Officer's Determination

Non-Conforming Building - This Single Detached House no longer conforms to current zoning rules, which may have changed since it was originally constructed. This permit does not increase the non-conformity of the building Front Setback. (Section 11.3.2). Non-conforming areas: (Section 814.3.17, Section 814.3.1, Section 110.4.11.a, Section 44.3.b) [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.

	Project Number: 280926123-001 Application Date: MAY 01, 2018 Printed: June 21, 2018 at 1:47 PM Page: 1 of 2		
Minor Development Permit			
This document is a record of a Development 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.			
Applicant	Property Address(es) and Legal Description(s) 10345 - 133 STREET NW Plan 2803AF Blk 89 Lot 10 Specific Address(es) Suite: 10345 - 133 STREET NW Entryway: 10345 - 133 STREET NW		
Scope of Permit To construct an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N 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 Permit Decision Approved Subject to the Following Conditions This Development Permit authorizes the development of an addition to an existing Single Detached House (new main floor Garage and second floor bedroom with bathroom). The two main floor windows on the East side of the Garage shall be frosted to prevent overlook. There shall be no vehicle access from 133 Street to the overhead door of the garage addition. The development shall be constructed in accordance with the stamped and approved drawings. Immediately upon completion of the addition, the site shall be cleared of all debris. As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development. ADVISEMENTS: An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site. (Reference Section 5.2) Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.			



Project Number: **280926123-001**
 Application Date: MAY 01, 2018
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 Page: 2 of 2

Minor Development Permit

Variations

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 . Non-conforming areas: (Section 814.3.17, Section 814.3.1, Section 110.4.11.a, Section 44.3.b)

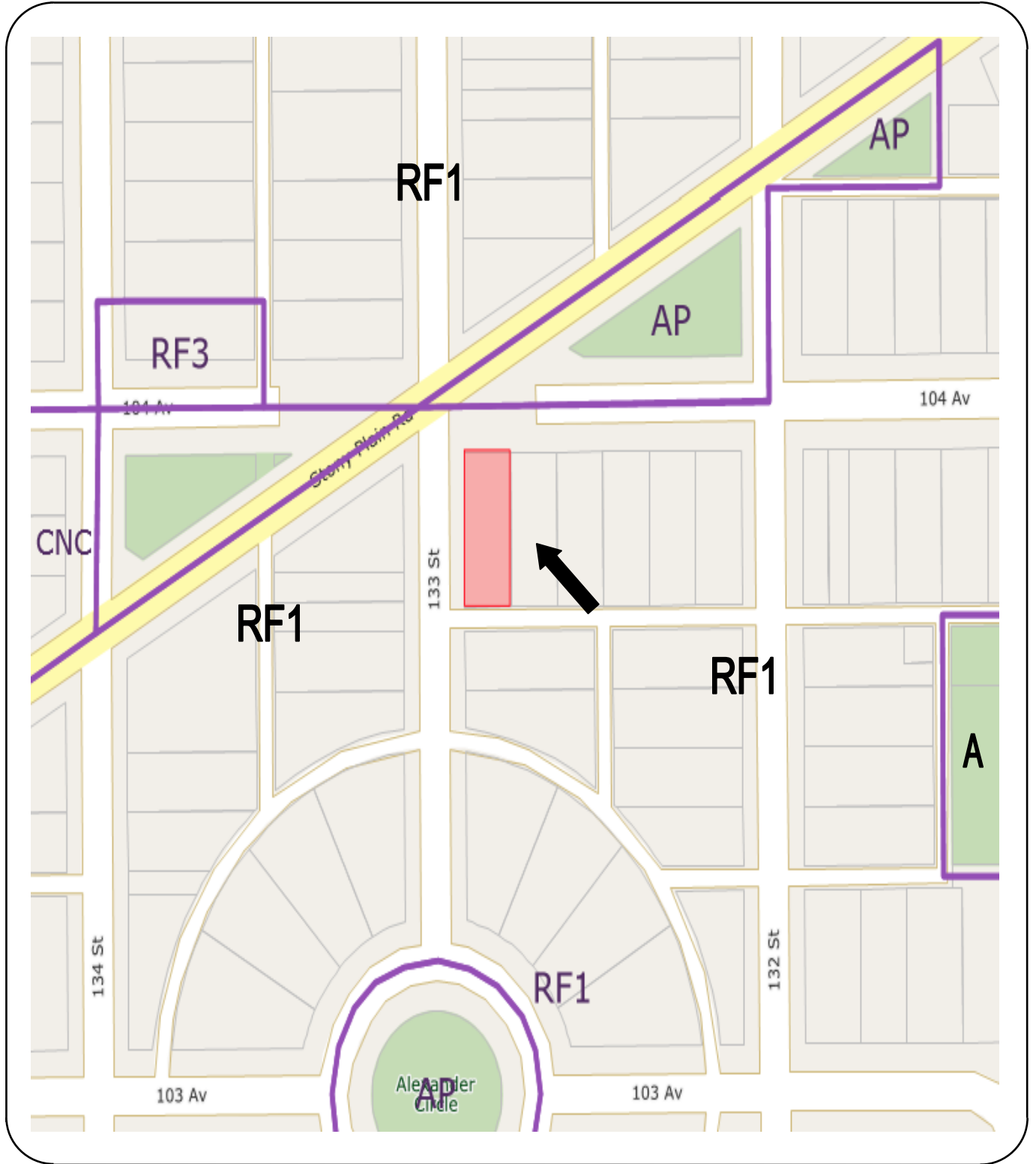
Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 24, 2018 **Development Authority:** WATTS, STACY
Notice Period Begins: May 31, 2018 **Ends:** Jun 21, 2018

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$418.00	\$418.00	04983747	May 01, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$418.00	\$418.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-107

