

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

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

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3
(PAGE 1 OF 2)**

I	9:00 A.M.	SDAB-D-18-055	Operate a Major Home Based Business in a Single Detached House - Auto repair (C & M ENTERPRIZES INC.) 11318 - 38 Street NW Project No.: 089885265-004
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II	10:30 A.M.	SDAB-D-18-056	Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), front uncovered deck 5.18 metres by 3.05 metres), rear uncovered deck (1.22 metres by 1.52 metres), second floor balcony and rooftop terrace 10336 - 133 Street NW Project No.: 272711352-001
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III	10:30 A.M.	SDAB-D-18-057	Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), second floor balcony, front uncovered deck (1.52 metres by 2.16 metres), rear uncovered deck (1.22 metres by 1.52 metres) and rooftop terrace (Proposed North Lot) 10340 - 133 Street NW Project No.: 272709914-001

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3
(PAGE 2 OF 2)**

IV	1:30 P.M.	SDAB-D-18-058	Construct four Row House buildings (12 Dwellings) with attached Garages and balconies. 9745 / 9751 – 92 Street NW Project No.: 238906941-002
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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-18-055

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 089885265-004

APPLICATION TO: Operate a Major Home Based Business in a Single Detached House - Auto repair (C & M ENTERPRIZES INC)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 7, 2018

DATE OF APPEAL: February 27, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11318 - 38 Street NW

LEGAL DESCRIPTION: Plan 2107KS Blk 8 Lots 12-13

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Ground for Appeal

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

The development officer erred in that under the bylaw 110.7 the development qualifies under the definition of major home business in that: It does meet all the criteria and it is not included in the prohibited list (it is NOT general retail nor anything to do with cannabis

There is nothing in the criteria with respect to "it would be better suited in a industrial area..." and that statement is false

This development as stated 1 visit per day CANNOT be sustained in a commercial leased/purchased property.

Further under mga 687 3.D.a.b This development has existed for 15 plus years with NO Unduly interference with the amenities of the neighborhood... enjoyment of the neighbors... or value of the neighbors property.

It is a hobby/side business that as per requirements, requires a license as it generated SOME revenue albeit as per application minimal amount from some friends and neighbor customers.

This is evident in previous appeal letters of support petition AND several personal appearances of support from affected neighbors".

<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 decision is made 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*:

Automotive and Equipment Repair Shops is **neither** a Permitted Use **nor** a Discretionary Use in the (RF1) Single Detached Residential Zone.

Under section 7.4(4), **Automotive and Equipment Repair Shops** means:

development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use does not include body repair and paint shops.

Under section 110.3(5), a **Major Home Based Business** is a **Discretionary Use** in the (RF1) Single Detached Residential Zone.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales.

Section 7 states the following with respect to *Use Definitions*:

7.1 General

1. Uses, as set out in subsections 7.2 through 7.9 inclusive, are grouped according to common functional or physical impact characteristics.
2. Use definitions are used to define the range of Uses, which are Permitted Uses or Discretionary Uses, within the various Zones of this Bylaw.
3. The following guidelines shall be applied in interpreting the Use definitions:
 - a. the typical purposes or activities, which may be listed in the definitions, are not intended to be exclusive or restrictive;
 - b. where specific purposes or activities do not conform to any Use definition or generally conform to the wording of two or more Use definitions, the Development Officer may, at their discretion, deem that the purposes or activities conform to and are included in that Use which they consider to be the most appropriate. In such a case, the Use shall be considered a Discretionary Use, whether or not the Use is listed as a Permitted Use or Discretionary Use within the applicable Zone; and
 - c. the headings such as Residential Uses or Commercial Uses do not mean that the Uses listed under these headings are permitted only in Residential or Commercial Zones of this Bylaw. Reference must be made to the lists of Permitted Uses and Discretionary Uses within each Zone.

Under section 6.1(121), **Use** means “the purposes or activities for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.”

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.

Development Officer's Determination

1. The proposed development does not qualify as a Major Home Based Business. It is an Automotive and Equipment Repair Shop which is neither a Permitted nor Discretionary use in the RF1 Single Detached Residential Zone. (Section 110 (2 & 3)) [unedited].

<i>Major Home Based Business regulations – Section 75</i>
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A Major Home Based Business shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;

6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
9. **the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.**
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

Development Officer’s Determination

2. The proposed development would more appropriately be located in an Industrial or Commercial Zone having regard for the overall compatibility of the use with the residential character of the area. (Section 75 (9)) [unedited]

Previous Subdivision and Development Appeal Board Decisions

Application Number	Description	Decision
SDAB-D-11-101	Operate a Major Home Based Business, Vehicle Repair (2 to 3 vehicles per week)	June 17, 2011; that the appeal be ALLOWED and the DEVELOPMENT GRANTED, subject to the following conditions: 1.the development is approved for a period of five years and


		<p>will expire on June 17, 2016;</p> <p>2.hours of operation shall be 9:00 a.m. to 8:00 p.m.;</p> <p>3.all work shall be done inside the garage so as to minimize noise pollution;</p> <p>4.all vehicles associated with the business shall be parked on site;</p> <p>5.there shall be no outdoor storage;</p> <p>6.no air or welding tools shall be used on site;</p> <p>7.there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 centimetres by 30.5 centimetres in size located on the Dwelling.</p> <p>The Development Authority's decision of approval contained the following conditions:</p> <p>1. this Development Permit may be revoked or invalidated, at any time, if the Home Based Business as stated in the Permit Details, or if the character or appearance of the Dwelling or Accessory Building, changes. This includes mechanical or electrical equipment used which creates external noise or interference with home electronic equipment in adjacent Dwellings. (Reference Section 23.5);</p> <p>2. ABSOLUTELY NO OUTDOOR STORAGE OF BUSINESS RELATED GOODS OR EQUIPMENT ALLOWED;</p>
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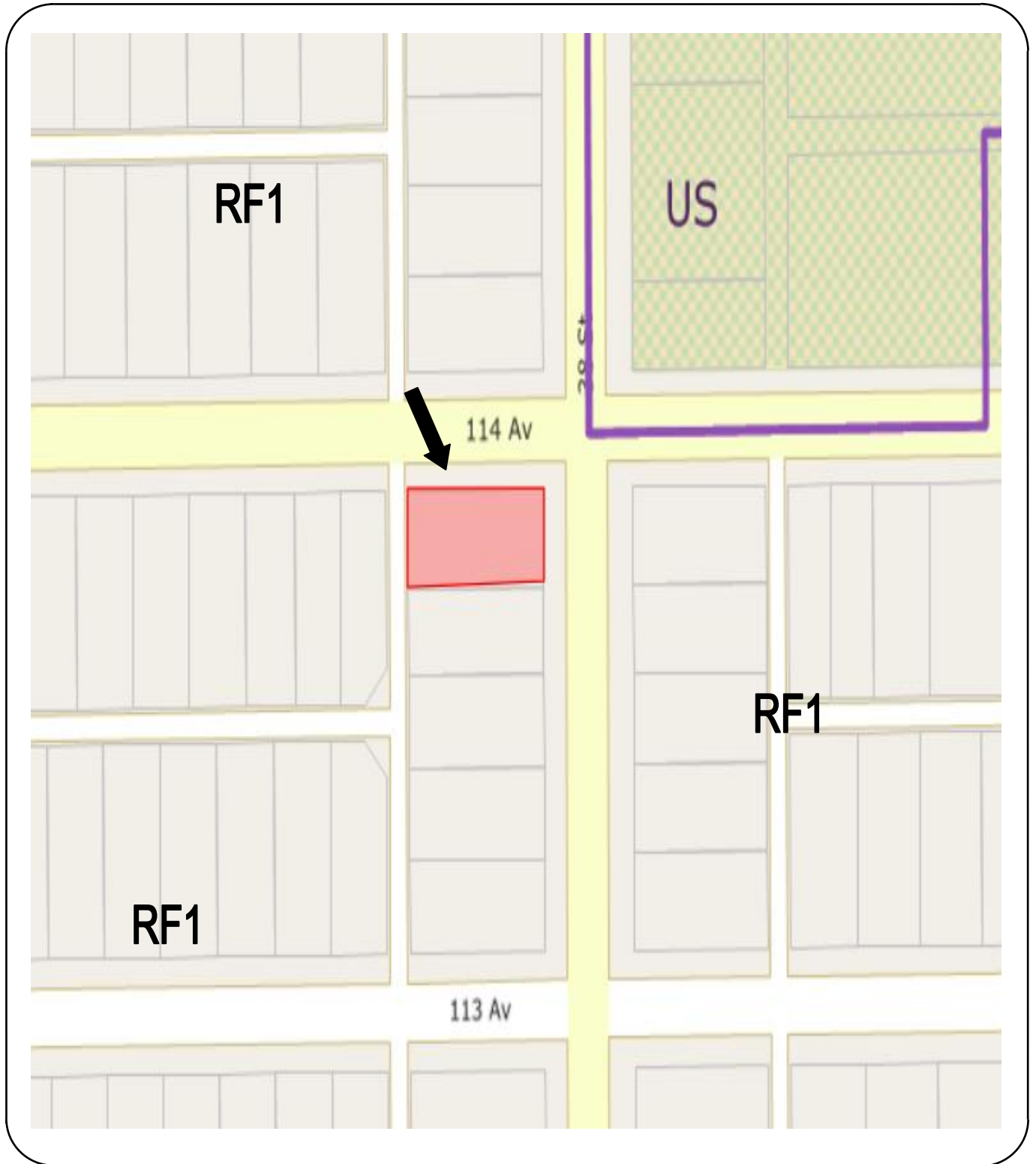
		<p>3. there shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 centimetres (8 inches) by 30.5 centimetres (12 inches) in size located on the dwelling;</p> <p>4. this approval is for a 5 year period ONLY from the date of this decision. A new Development Permit must be applied for prior to July 25, 2016 to continue to operate the business from this location;</p> <p>5. 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site. (Reference Section 5.2).</p>
<p>SDAB-D-07-089</p>	<p>Construct an addition to a Single Detached House (second storey, rear covered patio, reconstruct rear covered deck)</p>	<p>May 18, 2007; that the appeal be ALLOWED and the DEVELOPMENT GRANTED and the deficiency of 0.30 metres in the minimum side yard requirement abutting the flanking public roadway be permitted</p>
<p>SDAB-D-01-053</p>	<p>Operate a Major Home Occupation (Automotive Repair Shop)</p>	<p>March 23, 2001; that the appeal be ALLOWED and the development GRANTED subject to the following conditions:</p> <p>1. All work be done inside the garage so as to minimize noise</p>

		<p>pollution;</p> <p>2. There be no on-street parking;</p> <p>3. No air or welding tools be used on site;</p> <p>4. There will be no outdoor storage;</p> <p>5. All vehicles associated with the business be parked on site;</p> <p>6. The business be allowed to operate for two years;</p> <p>7. The hours of operation be from 9:00 a.m. to 8:00 p.m.; and</p> <p>8. There be no business identification sign on the property.</p>
SDAB-D-97-265	Operate a Major Home Occupation (auto repair)	October 2, 1997; that SDAB-D-97-265 be STRUCK FROM THE AGENDA and the BOARD NOT ASSUME JURISDICTION on the basis that the proposed use is an Automotive and Equipment Repair Shop which is neither a Permitted nor a Discretionary Use in the RF1 Single Detached Residential District.

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*.

	Project Number: 89885265-004 Application Date: JAN 04, 2018 Printed: February 27, 2018 at 11:32 AM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Home Occupation</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	Property Address(es) and Legal Description(s) 11318 - 38 STREET NW Plan 2107KS Blk 8 Lots 12-13 Specific Address(es) Suite: 11318 - 38 STREET NW Entryway: 11318 - 38 STREET NW																				
Scope of Application To operate a Major Home Based Business in a Single Detached House - Auto repair (C & M ENTERPRIZES INC).																					
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Auto Repair Shop. Expiry Date: </td> </tr> </table>		# of business related visits/day: 1 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Auto Repair Shop. Expiry Date:																		
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I/We certify that the above noted details are correct. Applicant signature: _____																					
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. The proposed development does not qualify as a Major Home Based Business. It is an Automotive and Equipment Repair Shop which is neither a Permitted nor Discretionary use in the RF1 Single Detached Residential Zone. (Section 110 (2 & 3)) 2. The proposed development would more appropriately be located in an Industrial or Commercial Zone having regard for the overall compatibility of the use with the residential character of the area. (Section 75 (9)) Rights of Appeal The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.																					
Issue Date: Feb 07, 2018 Development Authority: LAI, ECHO Signature: _____																					
Fees <table style="width: 100%; border-collapse: collapse;"> <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: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$316.00</td> <td style="text-align: right;">\$316.00</td> <td style="text-align: right;">04774784</td> <td style="text-align: right;">Jan 31, 2018</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$316.00</td> <td style="text-align: right;">\$316.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$316.00	\$316.00	04774784	Jan 31, 2018	Total GST Amount:	\$0.00				Totals for Permit:	\$316.00	\$316.00		
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Totals for Permit:	\$316.00	\$316.00																			
THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-055



ITEM II: 10:30 A.M.

FILE: SDAB-D-18-056

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 272711352-001

APPLICATION TO: Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), front uncovered deck 5.18 metres by 3.05 metres), rear uncovered deck (1.22 metres by 1.52 metres), second floor balcony and rooftop terrace

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 20, 2018

DATE OF APPEAL: March 21, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10336 - 133 STREET NW

LEGAL DESCRIPTION: Plan 1820774 Blk 90 Lot 3A

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Ground for Appeal

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

The height of the proposed property is slightly over due to the calculation of the grade and the roof point. Our property in particular is being affected by the average grade of the neighbouring properties. The property to the south of this one is in support of our development and the property to the north belongs to us as a part of this infill development (Side by side new homes).

<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 decision is made 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.

General Provisions from the *Edmonton Zoning Bylaw*:

Under Section 110.2(4) states **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 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.

Height

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Under Section 6.1(55), Height means a vertical distance between two points.

Development Officer's Determination

1. Height - The proposed Height to the midpoint of the roof is 9.67m, instead of 8.9m (Reference Section 814.3.5)

Community Consultation

Section 814.5 states the following:


1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or 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) or 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;

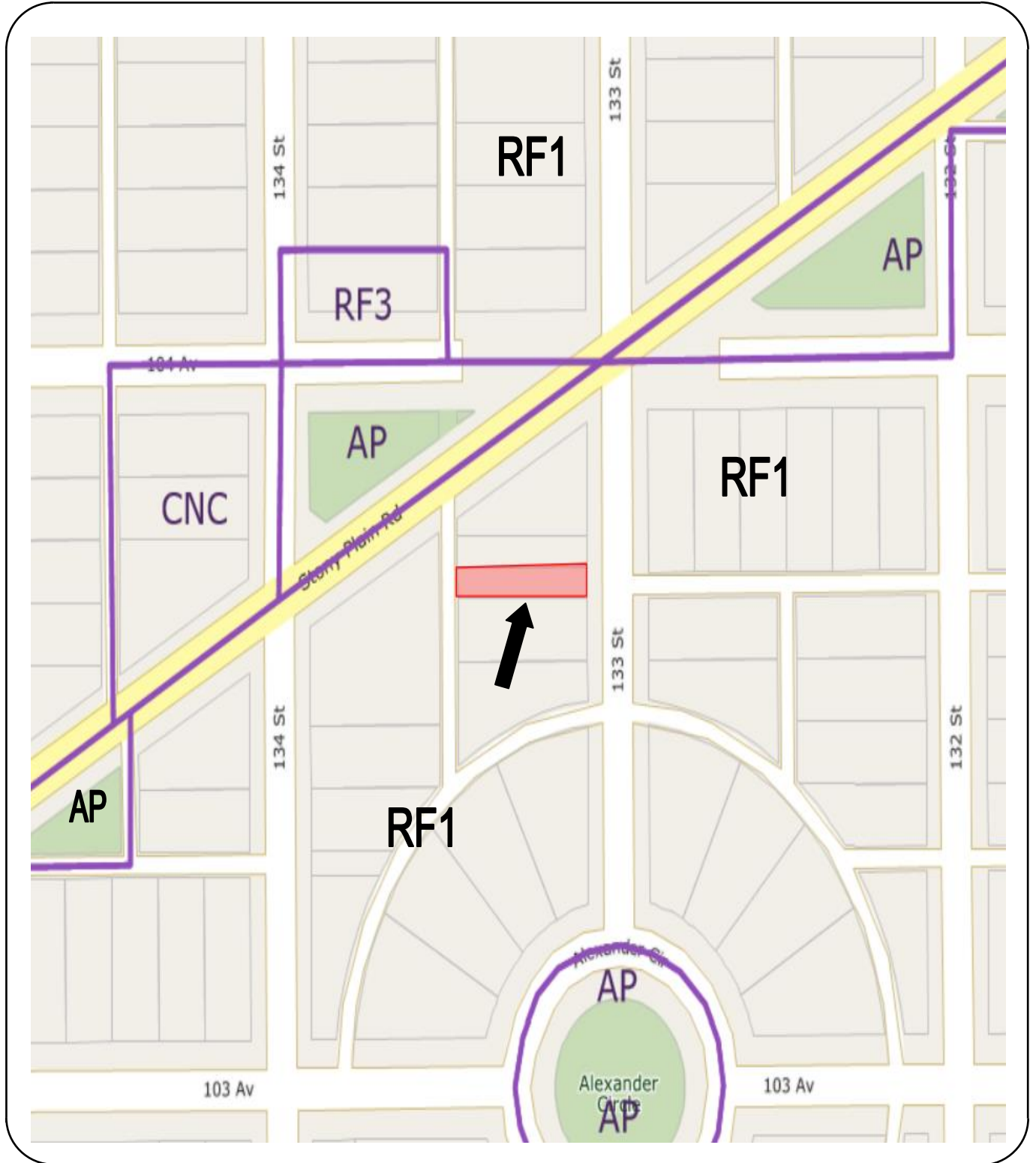
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider 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.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed 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(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. 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*.

	Project Number: 272711352-001 Application Date: JAN 18, 2018 Printed: March 21, 2018 at 8:12 AM Page: 1 of 2																																								
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																																									
<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>																																									
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Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 2266 Class of Permit: Class B Front Yard (m): 7.62 Rear Yard (m): 19.11 Side Yard, left (m): 1.21 Site Area (sq. m.): 325.78 Site Width (m): 7.62 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 9.67 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 42.73 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 2266 Class of Permit: Class B Front Yard (m): 7.62 Rear Yard (m): 19.11 Side Yard, left (m): 1.21 Site Area (sq. m.): 325.78 Site Width (m): 7.62	Building Height to Midpoint (m): 9.67 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 42.73 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay																																						
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-056



ITEM III: 10:30 A.M.

FILE: SDAB-D-18-057

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 272709914-001

APPLICATION TO: Construct a Single Detached House with Basement development (NOT to be used as an additional Dwelling), second floor balcony, front uncovered deck (1.52 metres by 2.16 metres), rear uncovered deck (1.22 metres by 1.52 metres) and rooftop terrace (Proposed North Lot)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 20, 2018

DATE OF APPEAL: March 21, 2018

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10340 - 133 Street NW

LEGAL DESCRIPTION: Plan 1820774 Blk 90 Lot 3B

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighborhood Overlay

STATUTORY PLAN: N/A

Ground for Appeal

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

The height of the proposed property is slightly over, due to the calculation of the grade and the roof point. Our property in particular is being affected by the average grade of the neighbouring properties. The property to the north of this one is being purchased by the city (Closing June 30, 2018) and potentially being demolished in conjunction with the LRT Development. Meanwhile, the property to the south belongs to us as a part of our infill development (Side by side new homes). We are being respectful to the mature neighborhood overlay as many of the neighboring properties on this street are 3 story homes that are much higher than what we are proposing.

We feel we have designed two homes that respect the neighborhood and match the presence and heritage of the neighboring homes.

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.

(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 decision is made 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.

General Provisions from the *Edmonton Zoning Bylaw*:

Under Section 110.2(4) states **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 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.

Height

Section 814.3(5) states the maximum Height shall not exceed 8.9 metres.

Under Section 6.1(54), Height means a vertical distance between two points.

Section 52.2(c) states where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garden Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer's Determination

1. The proposed Height to the midpoint of the roof is 10.21m, instead of 8.9m (Reference Section 814.3.5)
2. The proposed Height to the ridge of the roof is 10.79m, instead of 10.4m (Reference Section 52.2(c))

Community Consultation

Section 814.5 states the following:

1. When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, or 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) or 814.3(9) of this Overlay:

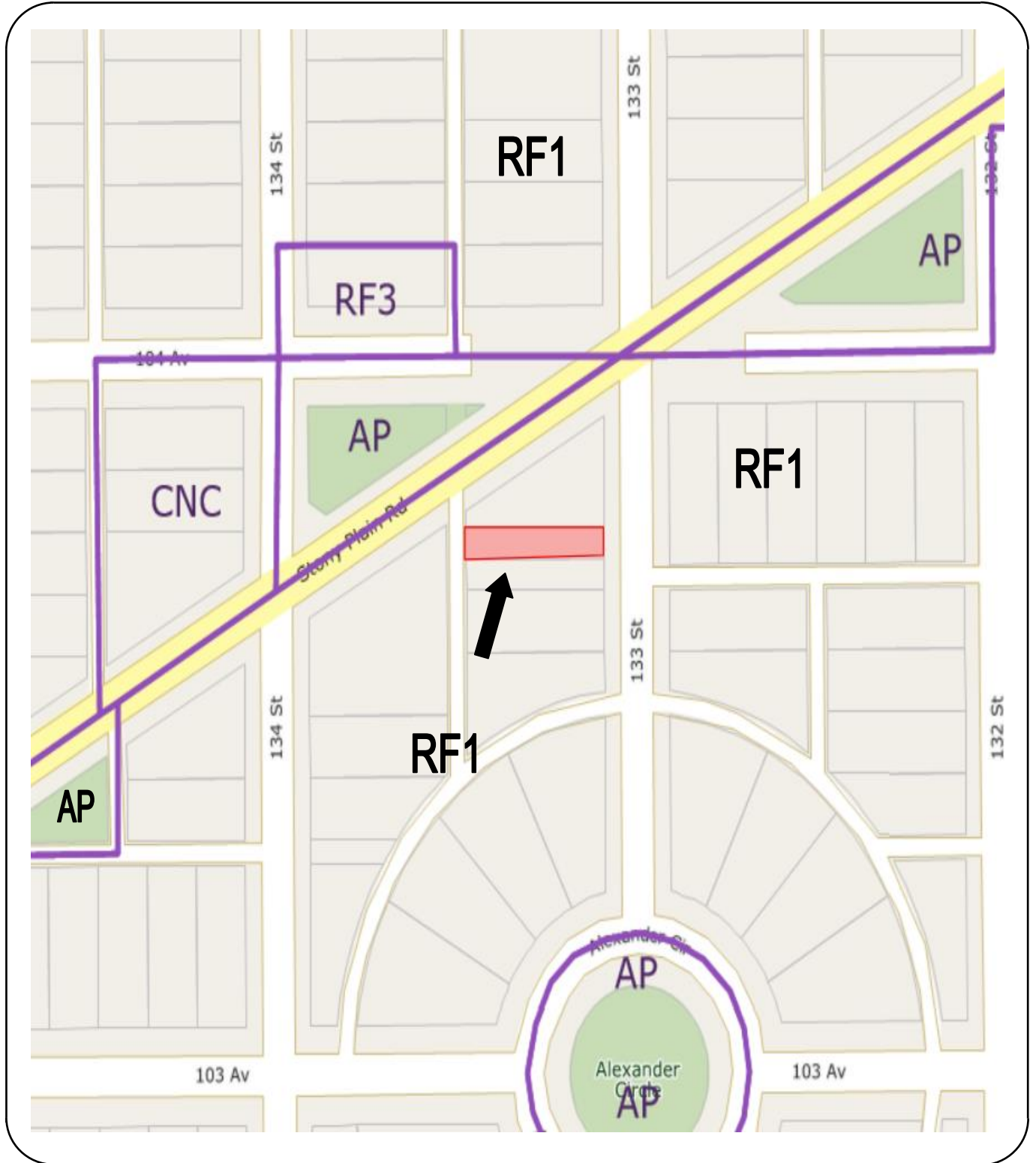
- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application 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.

Table 814.5(2)			
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay Proposed 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(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. 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*.

	Project Number: 272709914-001 Application Date: JAN 18, 2018 Printed: March 21, 2018 at 9:04 AM Page: 1 of 2																														
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>																															
<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>																															
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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-057



ITEM IV: 1:30 P.M.

FILE: SDAB-D-18-058

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

APPELLANT NO. 1:

ADDRESS OF APPELLANT NO. 1: 9203 – 98 Avenue

APPELLANT NO. 2:

ADDRESS OF APPELLANT NO. 2: 9739 – 92 Street

APPLICATION NO.: 238906941-002

APPLICATION TO: Construct four Row House buildings (12 Dwellings) with attached Garages and balconies.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: March 1, 2018

DATE OF APPEALD: March 20, 2018 and March 28, 2018

NOTIFICATION PERIOD: March 8, 2018 through March 29, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9745 /9751 - 92 Street NW

LEGAL DESCRIPTION: Plan 6447AL Blk 27 Lot 9, Plan 6447AL Blk 27 Lots 10-12

ZONE: (DC1) Direct Development Control Provision (Area 1 – Cloverdale Area Redevelopment Plan)

OVERLAY: N/A

STATUTORY PLAN: Cloverdale Area Redevelopment Plan

<i>Grounds for Appeal</i>

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

(Appellant No. 1)

I am writing to appeal the approval of a development permit for the construction of a large multi-unit property development near my property on 92 Street in the Cloverdale neighbourhood. I am writing in hopes you will overturn this development permit until accommodations can be made by the developer to ensure the existing scale and character of the 92 Street area, and the Cloverdale neighbourhood more generally, are respected.

As it stands, the approved development permit requires variances in, literally, every dimension from the requirements set out in the Cloverdale Area Redevelopment Plan (Cloverdale ARP) – variances which will impact the character, the sight lines, the privacy and the feel of the Cloverdale community and which ultimately will cause property values, and so municipal tax bases, to drop.

The Cloverdale ARP was developed by the city indirect consultation with the residents of the neighbourhood. It provides guidance for future development in the neighbourhood that is sustainable, supporting increasing population and medium-density, and respects the existing character, scale and sight lines of the neighbourhood.

The development permit I am appealing has approved variances from every significant development criteria identified in section 5.7.4 of the Cloverdale ARP, most notably:

1. The approved height is four storeys; whereas the ARP requires a maximum of three storeys (section 5.7.4.5), with provisions taken to set the face of the 3rd storey significantly back from the face of the building to give the illusion of a two or two and a half storey building (section 5.7.4.5.a). The development, as currently approved, would, quite literally, stand out like a sore thumb in an area of tasteful two or three storey buildings, with 3rd storeys set back, as required, where they do exist.
2. Reduce setbacks on all sides – front, side and rear – mean the approved development will occupy a footprint on the land that is very different from that maintained by other buildings in the area and impact sight lines on already busy back lanes and where lanes meet roadways. The approved rear setback is less than half of what is required in the Cloverdale ARP (section 5.7.4.7), leading to further decreased sight lines in the back lanes and a new development with a rear wall only three metres from the back property line that will rise up four storeys to tower over its back lane neighbours.

3. No allotment for visitor parking is provided, as opposed to the two parking spaces required in the ARP (section 5.7.4.17). The development provides for two spaces per dwelling but as we have seen from other such row house developments in the immediate area, the provision of two spaces is often not enough and significant resident, not to mention visitor, parking spills out onto 92 Street, 92 Street is narrow and busy – parking is only allowed on one side and is already at a premium due in large part to the situation I've just described with residents of pre-existing row-house developments with similar parking variances to what is being proposed on this one. Put simply, we cannot afford another dense development on 92 Street without the provision of the minimum required visitor parking.

Because of the significant variances in the approved development permit, the proposed development will have a significant, detrimental effect on local property values. I can tell you from personal experience that one of the main deciding factors why I purchased my current home, at a premium price, was because of the large, private south-facing balcony with great view of a natural conservation area just on the east border of Cloverdale. If this development is built as currently approved, my private balcony will be in full view of anyone on the completely unnecessary fourth storey of this development. I know that many of my neighbours share similar views and concerns. The approved development permit simply does not fit in this part of the neighbourhood because of its unnecessary size in all measurable dimensions, but most significantly its height. If it is built as approved, property values around it will be negatively affected, and so too will the municipal tax base the area provides.

The Cloverdale Area Redevelopment Plan explains its vision for the area this development is planned for as follows in section 5.7.5 “*These provisions are primarily concerned with developments being sensitive towards the existing scale and character of the neighbourhood....*” Ladies and gentlemen I tell you this development, as currently approved, does exactly the opposite of this – through the many variances that were necessary for its approval, the development is *not* sensitive towards the existing scale of the neighbourhood, and it is *not* respectful of the character of the neighbourhood. The Cloverdale ARP was developed for a reason – to meet joint goals of maintaining the neighbourhood character and scale while supporting increasing population through *neighbourhood-appropriate developments*.

I hope you will overturn the approved development permit on the basis that it simply does not fit in the neighbourhood. The evidence for this? The need for the permit to vary in all dimensions – height, width, and depth – as well as other important factors such as parking provision, from the perfectly reasonable requirements of the City of Edmonton’s Cloverdale Area Redevelopment Plan.

(Appellant No. 2):

1. We object to the variances given regarding
 - Back lane setback relaxation
 - Front yard setback relaxation
 - Parking Relaxation
2. Concerns re: loss of enjoyment and value of units in our Condo.

<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 decision is made 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.

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the *Municipal Government Act* respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

- 2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject DC site, the *City of Edmonton Land Use Bylaw 5996* was in effect. A Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

Section 5.7.2 states the **Rationale** of the DC1 (Area 1) is to provide a district for medium-density housing in the neighbourhood, which accommodates an increase in population and allows for a variety of housing forms in order to achieve the intent of Sections 2.3, 2.4, 3.2 and 3.6 of this Plan. These provisions are primarily concerned with developments being sensitive towards the existing scale and character of the neighbourhood, encouraging buildings to “front” public roadways and usable open spaces within the developments.

Section 5.7.4.27 states the Development Officer may grant relaxations to the provisions of this District if, in his opinion, such a variance would be in keeping with the General Purpose of this District and would not affect the amenities, use, enjoyment and value of neighbouring properties.

Discretionary Development

Section 5.7.3.2 states Stacked Row Housing Including **Row Housing** and Linked Housing is a **Listed Use** in the DC1 (Area 1) – Residential District Control District.

Under Section 9.1(5) of the *Land Use Bylaw*, **Row Housing** means development consisting of a building containing a row of two or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Each Dwelling shall be separated from the one adjoining, where they are adjoining, by a vertical party wall which is insulated against sound transmission. Adjoining rooms may or may not be Habitable Rooms. Each Dwelling shall have separate, individual, and direct access to grade. This Use Class includes Linked Housing and Semi-detached Housing.

Development Officer’s Determination

1. Discretionary Development - The Site is designated Direct Control (DC1) - Cloverdale Area Redevelopment Plan (Section 12.4).

Number of Stories

Section 5.7.4.5 states the maximum height shall not exceed 12 metres (39.4 feet) nor 3 storeys.

a) Adjacent to all public roadways, including lanes, the third storey shall be redominantly set back from the building face so as to not compromise the 2 storey appearance of the front. In addition, this appearance is to be enhanced by strong horizontal architectural features at the top of the second storey level, which can be accomplished by cornices, eaves, handrails or other similar features. Every effort shall be made to ensure these features are compatible with adjacent buildings.

Storey means that portion of a building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a Basement is more than 1.83 metres above Grade, such Basement shall be considered a Storey for the purpose of this Bylaw. (Section 9.1(56) of the *Land Use Bylaw*)

Development Officer's Determination

2. Stories - the Row House buildings are four Stories instead of three. The building is under the maximum Height of 12.0m (Section (DC1) 5.7.4.5).

Front Setback

Section 5.7.4.6 states the minimum front yard shall be:

a) 8 metres (26.2 feet) along 98 Avenue, and

b) 4.5 metres (14.8 feet) along other frontages, except that in the area east of 92 Street, the Development Officer may reduce this requirement to 3.0 metres where the front lot line faces a public park. The majority of building face on any site shall be constructed at this minimum front yard line.

Development Officer's Determination

3. Reduced Front Setback - The distance from the row housing to the property line along 92 Street NW (front lot line) is 3.0m instead of 4.5m (Section (DC1) 5.7.4.6).

Rear Setback

Section 5.7.4.7 states the minimum required rear yard shall be 7.5 metres (24.6 feet).

Development Officer's Determination

4. Reduced Rear Setback - The distance from the row housing to the rear property line (abutting the rear alley) is 3.0m instead of 7.5m (Section (DC1) 5.7.4.7).

Side Setback

Section 5.7.4.9 states the minimum required side yard shall be:

- a) the same as if it were a front yard if adjacent to a public roadway, including a lane, and 63
- b) in all other instances, nil.

Development Officer’s Determination

5. Reduced Side Setback - The distance from the house to the property line shared with the abutting side alley (side lot line) is 3.1m instead of 4.5m.

Parking

Section 5.7.4.17 states Parking shall generally be provided in accordance with the requirements of Section 66 of the Land Use Bylaw; however, the Development Officer may vary, those requirements pursuant to Clause (2) of Section 66.1 of the Land Use Bylaw.

Under Section 66A(2) of the *Land Use Bylaw*:

Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Row Housing	1 parking space per bed-sitting room Dwelling. 1 parking spaces per 1 bedroom Dwelling. 1.5 parking spaces per 2 bedroom Dwelling. 1.75 parking spaces per 3 bedroom Dwelling or larger. Of the total number required, 1 guest parking per ever 7 Dwellings must be readily available to an entrance of the building to be served, and must be clearly identified as guest parking. The Development Officer may accept tandem parking spaces of a number that is equivalent to the total required parking


	minus the total number of Dwellings and minus guest parking. Guest parking spaces shall not be in tandem.
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Development Officer's Determination

6. Parking - The site has no visitor spaces, instead of 2. In total, 24 parking spaces are provided in attached Garages (2 spaces per Dwelling) (Section (DC1) 5.7.4.16).

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*.

	<p>Project Number: 238906941-002 Application Date: JUN 30, 2017 Printed: March 21, 2018 at 8:17 AM Page: 1 of 5</p>		
<h2 style="margin: 0;">Major Development Permit</h2>			
<p>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.</p>			
<p>Applicant</p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p>9751 - 92 STREET NW Plan 6447AL Blk 27 Lot 9</p> <p>9745 - 92 STREET NW Plan 6447AL Blk 27 Lots 10-12</p> <p style="text-align: right; font-size: 2em; font-family: cursive;">DC1</p> <p>Specific Address(es)</p> <p>Entryway: 1, 9745 - 92 STREET NW Entryway: 10, 9745 - 92 STREET NW Entryway: 11, 9745 - 92 STREET NW Entryway: 12, 9745 - 92 STREET NW Entryway: 2, 9745 - 92 STREET NW Entryway: 3, 9745 - 92 STREET NW Entryway: 4, 9745 - 92 STREET NW Entryway: 5, 9745 - 92 STREET NW Entryway: 6, 9745 - 92 STREET NW Entryway: 7, 9745 - 92 STREET NW Entryway: 8, 9745 - 92 STREET NW Entryway: 9, 9745 - 92 STREET NW Building: 1, 9745 - 92 STREET NW Building: 10, 9745 - 92 STREET NW Building: 4, 9745 - 92 STREET NW Building: 7, 9745 - 92 STREET NW</p>		
<p>Scope of Permit</p> <p>To construct 4 Row House buildings (12 Dwellings) with attached Garages and balconies.</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 1630.45 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 12 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 1630.45	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 12 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): New Sewer Service Required: Y Site Area (sq. m.): 1630.45	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 12 Stat. Plan Overlay/Annex Area: (none)		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p>Development Permit Decision</p> <p>Approved</p>			



Project Number: **238906941-002**
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Major Development Permit

Subject to the Following Conditions

This Development Permit authorizes the development of 4 Row House buildings (12 Dwellings) with attached Garages and balconies. The development shall be constructed in accordance with the stamped and approved drawings.

1. WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2)
2. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$13416.00. The SSTC charge is quoted at year 2018 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor cashiers, Sustainable Development, 10111 104 Avenue NW.
3. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$911.00.
4. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Development Permit Inspection Fee of \$500.00.
5. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Curb Crossing Permit application fee of \$50.00.
6. Landscaping shall be in accordance with the approved landscaping plan and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
7. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
8. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.
9. A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.
10. Fences, Walls, Gates, and Privacy Screening shall be constructed in accordance with Section 49 of the Zoning Bylaw.
11. The area hard surfaced for driveways and/or parking areas approved on the site plan for this application shall comply with Section 54.6 of the Zoning Bylaw.
12. All access locations and curb crossings shall have the approval of the City Transportation prior to the start of construction (Reference Section 53(1)).

TRANSPORTATION CONDITIONS:

1. The existing 3.6 m wide access to 92 Street, located 0.8 m from the south property line, must be removed and filled in with the curb, gutter and sidewalk constructed as per City of Edmonton Design and Construction Standards and the boulevard restored to grass. The owner/applicant must obtain a permit to remove the access, available from the Development and Zoning Services Branch, 2nd Floor, 10111-104 Avenue. The applicant must contact Trevor Singbeil (780-496-1799) 48 hours prior to removal or construction within city road right-of-way.
2. There is an existing power pole with Telus facilities in the alley that requires removal and relocation. All costs associated with relocation must be borne by the owner/applicant. The applicant should contact Ron Hewitt (780-412-3128) of EPCOR Customer Engineering and Soon Chung (780-446-4913) of Telus for more information.



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Major Development Permit

3. The proposed connector walkways to tie-in to the existing City sidewalk on the east side of 92 Street are acceptable to Subdivision Planning.
4. Any proposed gates must either swing into the property or slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.
5. There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
6. Any Hoarding or Construction taking place on Road Right-of-Way (ROW) requires an O.S.C.A.M. (On-Street Construction and Maintenance) Permit. O.S.C.A.M. Permit applications require Transportation Management Plan (TMP) information. The TMP must include:
- the Start / Finish date of project;
 - accommodation of pedestrians and vehicles during construction;
 - confirmation of lay down area within legal road right of way if required;
 - and to confirm if crossing the sidewalk and / or boulevard is required to temporarily access the site.
- It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an O.S.C.A.M. online at:
https://www.edmonton.ca/business_economy/licences_permits/oscam-permit-request.aspx,
<https://www.edmonton.ca/documents/ConstructionSafety.pdf>
7. Any alley, sidewalk, or boulevard damage occurring as a result of construction traffic must be restored, as per Section 15.5(f) of the Zoning Bylaw. All expenses incurred for repair are to be borne by the owner. The owner/applicant must contact Trevor Singbeil (780-496-1799) of Development Inspections at least 48 hours prior to construction to coordinate inspections.

TRANSPORTATION ADVISEMENTS:

- Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- Cloverdale Neighbourhood Renewal is scheduled for 2020. The owner/applicant should contact Steve Aguiar of Building Great Neighbourhoods (780-442-4853) to coordinate any work within road right-of-way.

FIRE RESCUE SERVICES ADVISEMENTS:

- Units 7-12 to be provided with sprinkler systems where travel distance from fire department vehicle exceeds 45m. Please ensure compliance with NFPA 13D
- Ensure that the protection of adjacent properties has been provided in accordance with AFC 5.6.1.2. For additional information please see:
 Protection of Adjacent Building STANDATA - <http://www.municipalaffairs.alberta.ca/documents/ss/standata/fire/fci/fci-09-02.pdf>

WASTE MANAGEMENT ADVISEMENTS:

- This is a residential property and therefore falls under the City of Edmonton bylaw 17555, requiring the waste services is provided by the City of Edmonton.

DEVELOPMENT ADVISEMENTS:



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- i.) Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.
- ii.) Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.
- iii.) Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Planning and Engineering at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.
- iv.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
- v.) Any future deck enclosure or cover requires a separate development and building permit approval.
- vi.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- vii.) 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.

Variances


- 1. Discretionary Development - The Site is designated Direct Control (DC1) - Cloverdale Area Redevelopment Plan (Section 12.4).
- 2. Stories - the Row House buildings are four Stories instead of three. The building is under the maximum Height of 12.0m (Section (DC1) 5.7.4.5).
- 3. Reduced Front Setback - The distance from the row housing to the property line along 92 Street NW (front lot line) is 3.0m instead of 4.5m (Section (DC1) 5.7.4.6).
- 4. Reduced Rear Setback - The distance from the row housing to the rear property line (abutting the rear alley) is 3.0m instead of 7.5m (Section (DC1) 5.7.4.7).
- 5. Reduced Side Setback - The distance from the house to the property line shared with the abutting side alley (side lot line) is 3.1m instead of 4.5m (Section (DC1) 5.7.4.8).
- 6. Parking - The site has no visitor spaces, instead of 2. In total, 24 parking spaces are provided in attached Garages (2 spaces per Dwelling) (Section (DC1) 5.7.4.16).

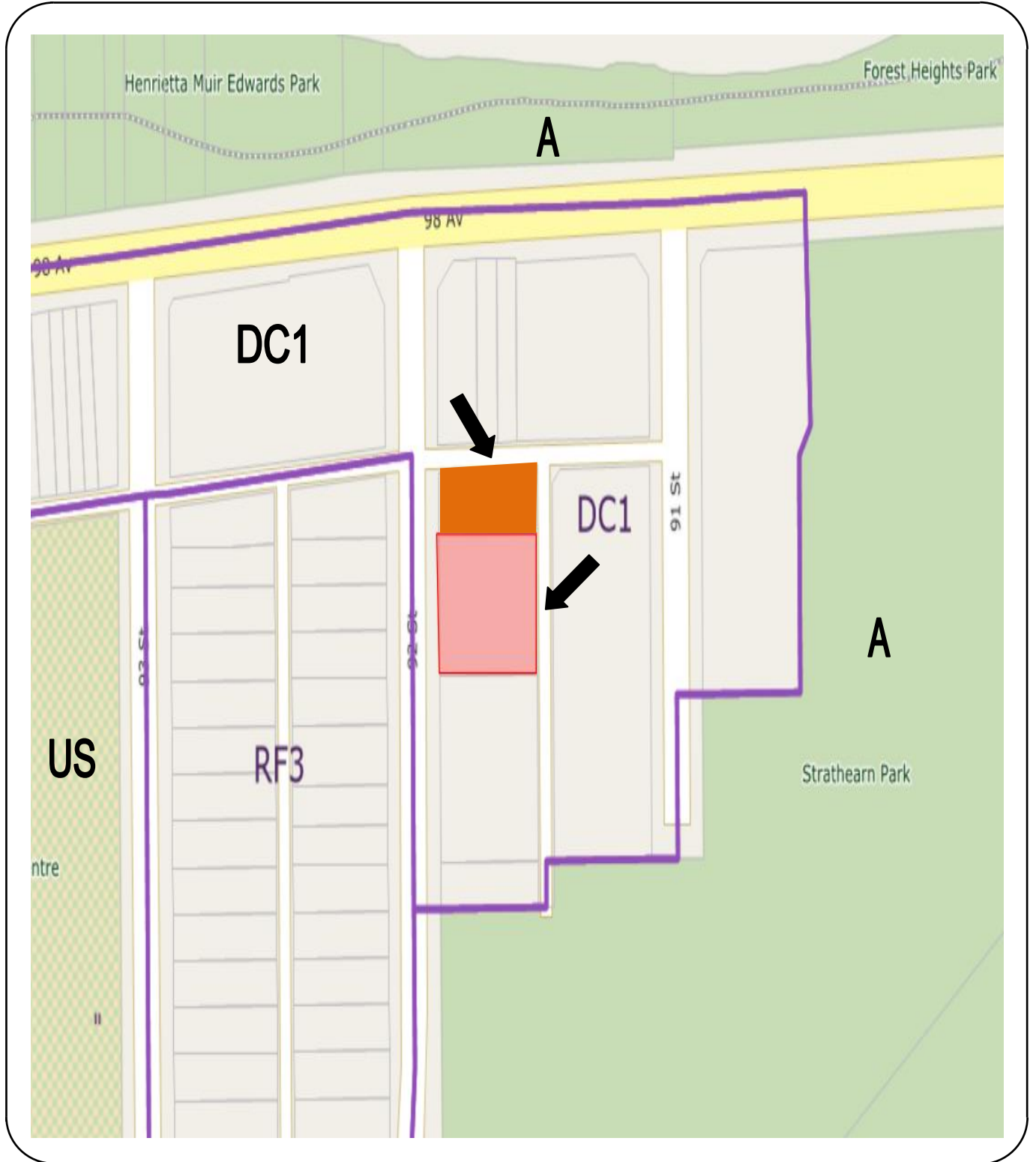
Rights of Appeal

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: Mar 01, 2018 **Development Authority:** ROBINSON, GEORGE **Signature:** _____
Notice Period Begins: Mar 08, 2018 **Ends:** Mar 29, 2018

Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee # of dwelling units	\$584.00	\$584.00	04259804	Jul 04, 2017

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Major Development Permit				
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund 2012+	\$13,416.00	\$13,416.00	04259804	Jul 04, 2017
Lot Grading Fee	\$911.00	\$911.00	04259804	Jul 04, 2017
Major Dev. Application Fee	\$818.00			
Development Permit Inspection Fee	\$500.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$16,229.00</u>	<u>\$14,911.00</u>		
(\$1,318.00 outstanding)				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-058

