

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 27, 2016**

**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-16-103

To operate a Major Home Based Business
(administration office for construction contractor -
SEDSAFA CONSTRUCTION LTD).

3508 - 84 Street NW
Project No.: 186925677-001

II 10:30 A.M. SDAB-D-16-104

To construct a Single Detached House with front
veranda, front second floor balcony, fireplace, rear
uncovered deck (3.05 metres by 7.32 metres),
Rooftop Terrace, and Basement development (NOT
to be used as an additional Dwelling)

9641 - 101 Street NW
Project No.: 187539544-001

III 1:30 P.M. SDAB-D-16-105

To construct a Semi-detached House with front
verandas, fireplaces, rear uncovered decks (3.05
metres by 5.18 metres) and to demolish an existing
Single Detached House

9510 - 72 Avenue NW
Project No.: 182643357-001

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

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

APPELLANT:

APPLICATION NO.: 186925677-001

ADDRESS OF APPELLANT: 3515 – 84 Street NW

APPLICATION TO: Operate a Major Home Based Business (administration office for construction contractor - SEDSAFA CONSTRUCTION LTD).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: March 10, 2016

DATE OF APPEAL: March 31, 2016

NOTIFICATION PERIOD: March 17, 2016 through March 30, 2016

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3508 – 84 Street NW

LEGAL DESCRIPTION: Plan 6455RS Blk 9 Lot 10

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

I wish to appeal this Development Permit on the grounds that this should stay a strictly residential street due to the number of children in the neighborhood and the elementary school at the end of the block. I would not like to see any increase in traffic at all and especially not construction equipment that might be stored here for this companies purposes.

My apologies for the late appeal. Due to the new community mail boxes I am sometimes remiss to check it on a daily basis. I would also like to add that I have the support of my neighbors in this appeal.

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.

685(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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of approval by the Development Officer is dated March 10, 2016. The Notice of Appeal Period began on March 17, 2016 and ended on March 30, 2016 and the Notice of Appeal was filed on March 31, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states 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, Semi-detached Housing and Duplex Housing under certain conditions.

Section 110.3(7) states 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 such businesses 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 Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Development Officer's Determination

1. Discretionary Use - Major Home Based Business is approved as a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.7).

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: 186925677-001
Application Date: FEB 05, 2016
Printed: March 31, 2016 at 2:59 PM
Page: 1 of 3

Home Occupation

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 BOLANOS, JOSE D. <input type="text"/>	Property Address(es) and Legal Description(s) 3508 - 84 STREET NW Plan 6455RS Blk 9 Lot 10 Specific Address(es) Entryway: 3508 - 84 STREET NW Building: 3508 - 84 STREET NW
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Scope of Permit
To operate a Major Home Based Business (administration office for construction contractor - SEDSAFA CONSTRUCTION LTD).

Permit Details # of business related visits/day: 1 Administration Office Only?: Y 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: Admin work. Storage of tools and equipment in the detached garage. Expiry Date: 2021-03-10 00:00:00
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **186925677-001**
Application Date: FEB 05, 2016
Printed: March 31, 2016 at 2:59 PM
Page: 2 of 3

Home Occupation

Subject to the Following Conditions

Unless otherwise stated, all references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw #12800, as amended.

1. The business owner must live at the site. 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 (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
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 (Section 75.3).
4. The site shall not be used as a daily rendezvous for employees or business partners.
5. The site shall not be used by employees or business partners as a parking or storage location.
6. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
7. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
8. Fabrications of business related materials are prohibited.
9. All commercial and industrial equipment, including but not limited to Bobcats, are not permitted at the site. The equipment shall be stored at an approved storage facility.
10. All commercial, industrial and overweight vehicles shall be parked at an approved storage facility. The Development Permit may be revoked if any commercial, industrial and overweight vehicles are parked or stored at the residential site.
11. One or more enclosed or empty non-enclosed trailer with less than 4500kg gross vehicle weight shall be parked at an approved storage facility, unless a variance has been granted for an enclosed or empty non-enclosed trailer for this Major Home Based Business.
12. All parking for the Dwelling and Home Based Business must be accommodated on site, unless a parking variance has been granted for this Major Home Based Business.
13. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
14. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on March 10, 2021.

Notes:

1. 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 (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: 186925677-001
Application Date: FEB 05, 2016
Printed: March 31, 2016 at 2:59 PM
Page: 3 of 3

Home Occupation

Variances

1. Discretionary Use - Major Home Based Business is approved as a Discretionary Use in the RF1 Single Detached Residential Zone (Section 110.3.7).

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 10, 2016 Development Authority: ROBINSON, GEORGE

Signature: _____

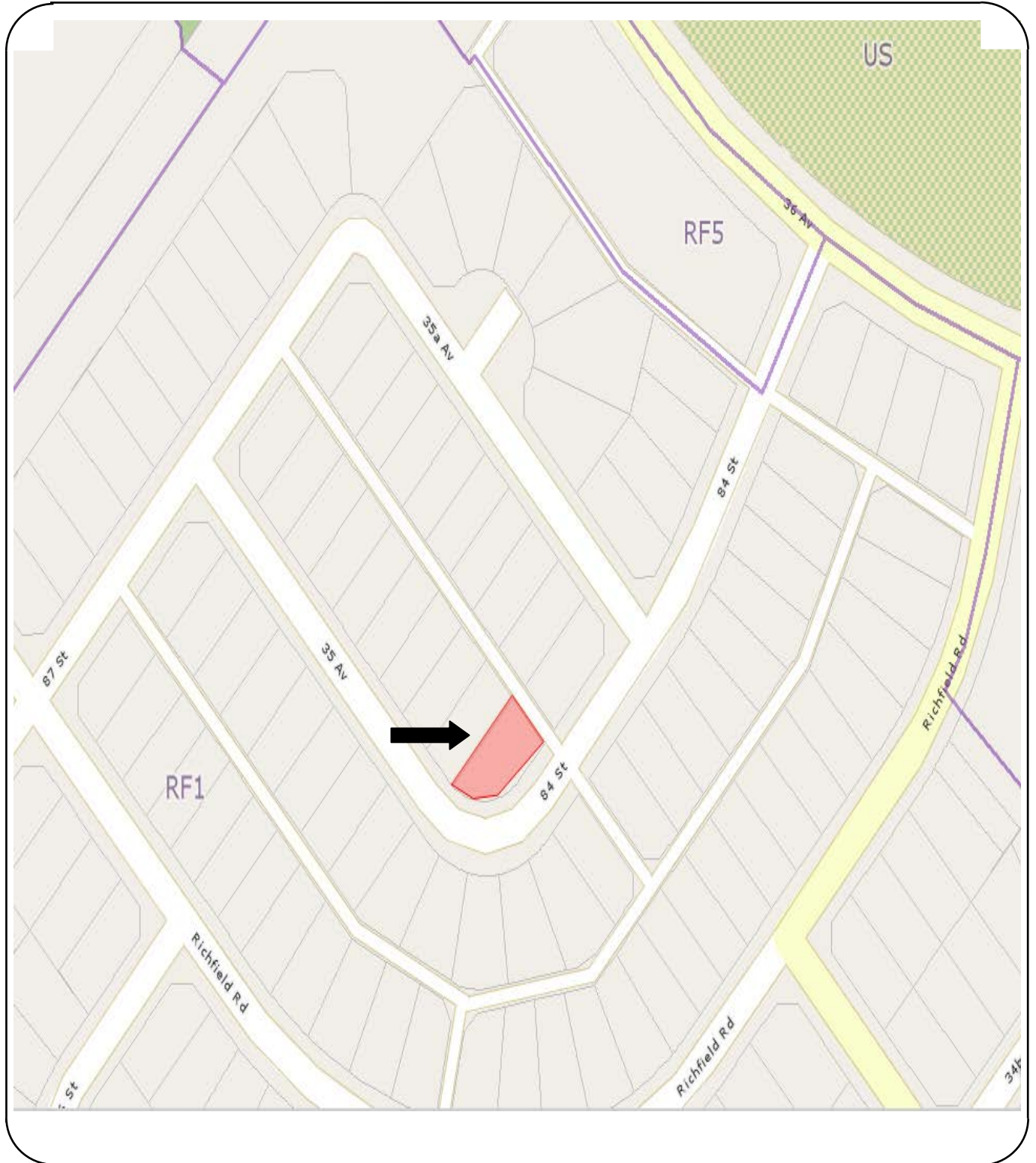
Notice Period Begins: Mar 17, 2016

Ends: Mar 30, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$297.00	\$297.00	03051465	Feb 05, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$297.00	\$297.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-103



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 187539544-001

APPLICATION TO: Construct a Single Detached House with front veranda, front second floor balcony, fireplace, rear uncovered deck (3.05 metres by 7.32 metres), Rooftop Terrace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 4, 2016

DATE OF APPEAL: April 4, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9641 – 101 Street NW

LEGAL DESCRIPTION: Plan Q Blk 4 Lot 13

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay
North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: Rossdale Area Redevelopment Plan

Grounds for Appeal

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

1. The maximum Height is getting calculated at the top level not the parpet on second level.
2. As per Rossdale ARP 45 percent is allowed.
3. Rooftop terraces were brought in on March 16. I applied on February 22, 2106. And patio is only in the front.

<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

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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 within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (ii) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of approval by the Development Officer is dated April 4, 2016. The Notice of Appeal was filed on April 4, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Section 140.2(9) states **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(9), **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 Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

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

Height

Section 814.3(13) states the maximum Height shall not exceed 8.6 metres, in accordance with Section 52.

Section 52(1)(b) states for the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay

Development Officer’s Determination

Average Grade: 623.37 metres

Finished Floor: 624.05 metres

Height from Average Grade to Finished Floor: 0.68 metres

Height from Average Grade to midpoint of parapet: 9.62 metres (no Slope) (max 8.6 metres)

Height from Average Grade to peak: 9.72 metres (max 9.0 metres)

Deficiency: 1.02 metres to midpoint, 0.72 metres to top of the parapet

Site Coverage

Section 140.4(10) states the Maximum Site Coverage shall be as follows:

	Principal Dwelling building	Accessory building	Principal building with attached Garage	Total Site Coverage
Single Detached and Duplex Housing – Site area 300 square metres or greater	28 percent	12 percent	40 percent	40 percent

Under Section 6.1(94), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;

- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

The Development Officer has provided the following information:

Site Area:	307.91 square metres
12 percent allowable Site Coverage:	36.95 square metres
28 percent allowable Site Coverage:	86.21 square metres
40 percent allowable Site Coverage:	123.16 square metres
Proposed Principal Building:	103.40 square metres

The maximum allowable Site Coverage for a Principal Building is 86.21 square metres, proposed is 103.40 square metres, which exceeds the maximum allowable Site Coverage for a Principal Building by 17.19 square metres.

The Board is advised that the Proposed Accessory Building does not form part of this Application.

Rooftop Terraces

Section 140.4(17) states Rooftop Terraces shall be developed in accordance with the following Stepback regulations:

- a. On an Interior Site, the minimum Stepback shall be:
 - i. 1.0 metres from any building Façade facing a Front Lot Line;
 - ii. 2.0 metres from any building Façade facing a Rear Lot Line;
 - iii. 1.0 metres from any building Façade facing a Side Lot Line, where the Site Width is less than 10.0 metres; and
 - iv. 2.0 metres from any building Façade facing a Side Lot Line, where the Site Width is 10.0 metres or greater.

Under Section 6.1(98), Stepback means the horizontal distance a building façade is stepped back, on a horizontal plane, from the building façade immediately below it.

Development Officer’s Determination

Section 140.4.17: Rooftop Terraces shall be developed in accordance with the following Stepback regulations:

On an Interior Site, the minimum Stepback shall be 2.0 metres from any building Façade facing a Side Lot Line, where the Site Width is 10.0 metres or greater.

Site width: 10.17 metres
 Proposed: 0.0 metres
 Deficiency: 2.0 metres

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: **187539544-001**
 Application Date: FEB 22, 2016
 Printed: April 5, 2016 at 10:07 AM
 Page: 1 of 3

Application for House Development and Building Permit

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 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.

<p>Applicant</p> <p style="text-align: center;">PLATINUM LIVING HOMES LTD. Care of: JOHNNY RODAS</p> <div style="border: 1px solid black; height: 20px; width: 200px; margin: 5px auto;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p style="text-align: center;">9641 - 101 STREET NW Plan Q Blk 4 Lot 13</p>
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Scope of Application

To construct a Single Detached House with front veranda, front second floor balcony, fireplace, rear uncovered deck (3.05m x 7.32m), Rooftop Terrace, and Basement development (NOT to be used as an additional Dwelling)

<p>Permit Details</p> <p>Affected Floor Area (sq. ft.): 2668 Class of Permit: Front Yard (m): 3.39 Rear Yard (m): 12.86 Side Yard, left (m): 1.43 Site Area (sq. m.): 307.91 Site Width (m): 10.17</p>	<p>Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.43 Site Depth (m): 30.27 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

THIS IS NOT A PERMIT



Project Number: **187539544-001**
 Application Date: FEB 22, 2016
 Printed: April 5, 2016 at 10:07 AM
 Page: 2 of 3

Application for House Development and Building Permit

Reason for Refusal

1. Section 814.3.13: The maximum Height shall not exceed 8.6 m, in accordance with Section 52.

Average Grade: 623.37m
 Finished Floor: 624.05m
 Height from Average Grade to Finished Floor: 0.68m
 Height from Average Grade to midpoint of parapet: 9.62m (no Slope) (max 8.6m)
 Height from Average Grade to peak: 9.72m (max 9.0m)

Deficiency: 1.02m to midpoint, 0.72m to top of the parapet

2. Section 140.4.10: Maximum Site Coverage shall be 28% for the Principle Dwelling, 12% for Accessory buildings, and 40% for Total Site Coverage.

Proposed Principal Dwelling/ building: 103.40m² (33.58%)
 Proposed Accessory building: 33.54m² (10.89%)
 Total Site Coverage: 136.94m² (44.47%)

Deficiency: 17.19m² (5.58%) for the Principle Dwelling, 13.78m² (4.47%) for Total Site Coverage.

3. Section 140.4.17: Rooftop Terraces shall be developed in accordance with the following Stepback regulations:

On an Interior Site, the minimum Stepback shall be 2.0 m from any building Facade facing a Side Lot Line, where the Site Width is 10.0 m or greater.

Site width: 10.17m
 Proposed: 0.0m

Deficiency: 2.0m

NOTE: Unless otherwise stated, all references to section numbers refer to the Edmonton Zoning Bylaw 12800.

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: Apr 04, 2016 **Development Authority:** ROBINSON, GEORGE **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$77.00	\$77.00	03080575	Feb 22, 2016
Lot Grading Fee	\$135.00	\$135.00	03080575	Feb 22, 2016
Safety Codes Fee	\$92.24	\$92.24	03080575	Feb 22, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03080575	Feb 22, 2016
Electrical Safety Codes Fee	\$16.90	\$16.90	03080575	Feb 22, 2016
Water Usage Fee	\$72.60	\$72.60	03080575	Feb 22, 2016
Building Permit Fee	\$2,306.00	\$2,306.00	03080575	Feb 22, 2016

THIS IS NOT A PERMIT



Project Number: **187539544-001**
Application Date: FEB 22, 2016
Printed: April 5, 2016 at 10:07 AM
Page: 3 of 3

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$310.00	\$310.00	03080575	Feb 22, 2016
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$4,575.74	\$4,575.74		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-104



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-105

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 182643357-001

APPLICATION TO: Construct a Semi-detached House with front verandas, fireplaces, rear uncovered decks (3.05 metres by 5.18 metres) and to demolish an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 18, 2016

DATE OF APPEAL: March 31, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9510 – 72 Avenue NW

LEGAL DESCRIPTION: Plan 426HW Blk 20 Lot O

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Area Redevelopment Plan

Grounds for Appeal

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

We, Alair Homes Edmonton, wish to appeal the development authorities ruling on the above listed address on behalf of our client (the homeowner) Darcy McKernan.

Site Area: 520.18m2 Minimum Site Area: 442.2m2
Site Width: 12.94m Minimum Site Width: 13.4m
Site Length: 40.2m Minimum Site Length: 30.0m

Our client wishes to construct a semi-detached home for himself and his oldest sister. Mr. McKernan has owned the land for 30 years and very much enjoys the community, trails and location he lives in. Mr. McKernan is finishing off a 30-year career with Air Canada and plans to travel more using the perks of his long career. He wishes to have his sister live next door to look after his place while he is gone but does not want her in a basement suite or garage suite.

We feel that the south facing site of 9510 72 Avenue (Lot 0 Blk 20 Plan 426HW) has always been a non-conforming lot since the RF3 zoning came into effect. The proposed site, with the same (.46m) variances that the 2 (semi-detached) lots up the street have been granted (9526/9528;9530/9532 72 Ave) could be a conforming site, Class A development meeting all other requirement listed below:

Site regulations for Semi-detached Housing:

- a the minimum Site area shall be 442.2 m²;
- b *on a non-Corner Lot, the minimum Site Width shall be 13.4 m, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 m;*
- c on a Corner Lot, the minimum Site Width shall be 14.8 m; and the minimum Site depth shall be 30.0 m.

Site regulations for Duplex Housing:

- d the minimum Site area shall be 300 m²;
- e the minimum Site Width shall be 10.0 m; and the minimum Site depth shall be 30.0 m.

This site, meets all of the above requirements adequately except for a 1.5' shortfall in frontage. With precedence being set 4 doors east of the proposed site, density can exist on these lots all having the same dimensions.

Density:

The proposed site, if arranged along site depth, would meet all requirements for a semi-detached home, as well as meet all requirements for duplex housing. The site could also be used for a two-story home with a discretionary use garage suite. Site density is managed through maximum site coverage, setbacks, amenity space, etc. The proposed development meets these requirements being ~80 m² larger than the minimal allowance, therefore, does not contribute to undue densification.

Density vs. Quality of Life in the Community:

These semi-detached sites on this lot size, leave reasonable rear amenity space (15m site length), room for a garden and areas for children to play. All requirements excluding the proposed variance meet the mature neighbourhood overlay, under height, site coverage (<28%), setbacks and parking.

Rebutting concerns about density, traffic and parking the minimal variance will have no effect on this site had it been wide enough to be a class A development considering the overall site size is far larger than the allowable minimum.

With densifications a priority, even if this development were required to change its structure (Duplex/Two Storey Garden Suite), it would still have the same impact on density and traffic. The specific style should not increase or decrease density or traffic on the block as we have allocated 4 stalls in the back laneway.

We have personally observed the client be more than flexible and considerate in the process to ensure adjacent neighbours are happy. He has made several compromises to his own plans to prioritize and respect his neighbours. He has support from other neighbours and residents who are close by or who stand to be potentially affected by the project. However, one neighbour with a sour history with our client is creating pushback, and it is our perception that this push back has nothing to do with the reasons suggested. The relationship history between neighbours is a guiding factor to the complaints put forward.

Moreover, it is our observation that this application for appeal is due to one unhappy neighbour intentionally putting up the barriers without just cause to prevent our client from achieving something he has worked towards his entire career (See attachment Letter from Leslie Mahr). We certainly do not want to see Mr. McKernan lose the opportunity to fulfill his retirement dream because of a history of unhappiness with one volatile neighbour.

We can personally attest to her uncooperative nature, and have sensed her motive to be something other than what she has officially filed in her complaint from conversations we have had with her.

Overall, Mr. McKernan has financially incurred cost to building this home for his family. He has put a lot of savings into designing this residence for him and his sister. He has also put a lot of effort into designing something that he felt reminded him of his younger years as a child. (See attached 'Darcy Email')

We feel the development matches other dwellings that are becoming more commonplace in mature neighbourhoods, and fits the character in the neighborhood. Furthermore, the proposed semi-detached home will only enhance the quality of life in the neighborhood while increasing value of the properties on the street.

It is our firm belief that in no way will the slight increase in density interfere with amenities, enjoyment or value of the neighbouring 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

(g) fails or refuses to issue a development permit to a person,

(h) issues a development permit subject to conditions, or

(i) 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 within 14 days,

(b) in the case of an appeal made by a person referred to in section 685(1), after

(iii) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of approval by the Development Officer is dated March 18, 2016. The Notice of Appeal was filed on March 31, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Section 140.2(8) states **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(8), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

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

Site Width

Section 140.4(3)(b) states on a non-Corner Lot, the minimum Site Width shall be 13.4 metres, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 metres.

Development Officer's Determination

Site Width - The width of the site is 12.93 metres instead of 13.40 metres (Section 140.4(1)).

Dormer Width

Section 814.3(15) states when a structure is more than 7.5 metres in Height, the width of any one dormer shall not exceed 3.1 metres. In the case of more than one dormer, the aggregate total width shall not exceed one third of the length of the building's wall in which the dormers are located, excluding attached Garage walls.

Development Officer's Determination

Dormer Width - The Semi-detached House has front dormers which cover 55.89 percent of the Width of the Building, instead of 33.33 percent (Section 814.3(15))

Rooftop Terraces

Section 140.4(17) states Rooftop Terraces shall be developed in accordance with the following Stepback regulations:

- b. On an Interior Site, the minimum Stepback shall be:
 - v. 1.0 metres from any building Façade facing a Front Lot Line;
 - vi. 2.0 metres from any building Façade facing a Rear Lot Line;
 - vii. 1.0 metres from any building Façade facing a Side Lot Line, where the Site Width is less than 10.0 metres; and
 - viii. 2.0 metres from any building Façade facing a Side Lot Line, where the Site Width is 10.0 metres or greater.

Under Section 6.1(98), Stepback means the horizontal distance a building façade is stepped back, on a horizontal plane, from the building façade immediately below it.

Development Officer's Determination

Rooftop Terrace Setback - The Rooftop Terrace is 0.91 metres away from the building Facade facing the Front Lot Line, instead of 1 metres (Section 140.4(17))

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.



Application for Minor Development Permit

Project Number: **182643357-001**
 Application Date: NOV 18, 2015
 Printed: April 15, 2016 at 8:46 AM
 Page: 1 of 2

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

Applicant ALAIR HOMES EDMONTON LTD Care of: JAMIE AFFLECK/JASON BROWN <div style="border: 1px solid black; height: 20px; width: 250px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 9510 - 72 AVENUE NW Plan 426HW Blk 20 Lot O Specific Address(es) Entryway: 9510 - 72 AVENUE NW Entryway: 9512 - 72 AVENUE NW Building: 9510 - 72 AVENUE NW
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Scope of Application

To construct a Semi-detached House with front verandas, fireplaces, rear uncovered decks (3.05m x 5.18m) and to demolish an existing Single Detached House.

Permit Details

# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: Y 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. Site Width - The width of the site is 12.93m instead of 13.40m (Section 140.4(1))
2. Dormer Width - The Semi-detached House has front dormers which cover 55.89% of the Width of the Building, instead of 33.33% (Section 814.3(15))
3. Rooftop Terrace Setback - The Rooftop Terrace is 0.91m away from the building Facade facing the Front Lot Line, instead of 1m (Section 140.4(17))

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: Mar 18, 2016 **Development Authority:** LANGILLE, BRANDON **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$447.00	\$447.00	02907465	Nov 20, 2015
Lot Grading Fee	\$135.00	\$135.00	02907465	Nov 20, 2015
Sanitary Sewer Trunk Fund	\$1,430.00	\$1,430.00	02907465	Nov 20, 2015

THIS IS NOT A PERMIT



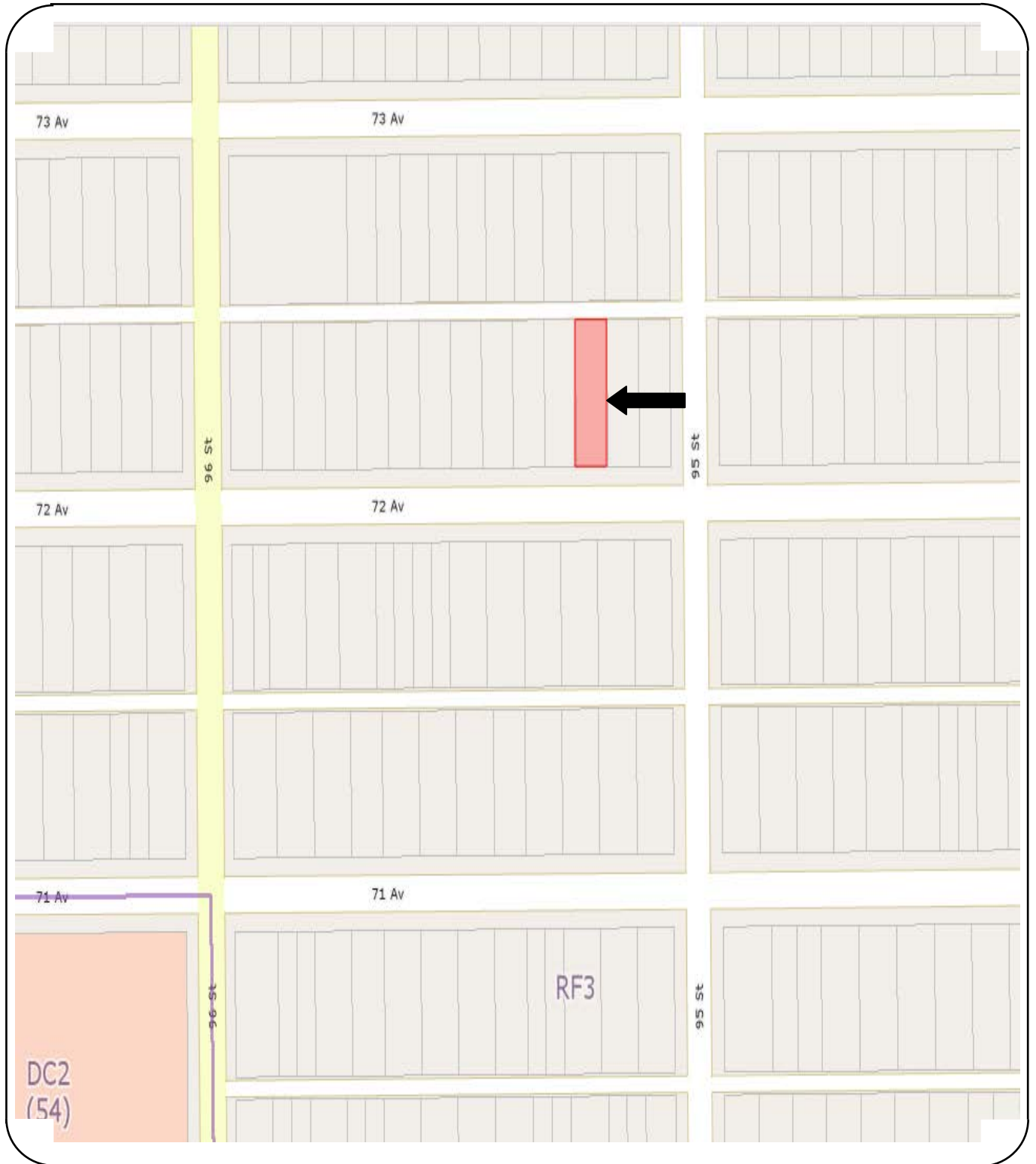
Application for Minor Development Permit

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Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$40.00			
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$2,052.00	\$2,012.00		
(\$40.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-105



BUSINESS LAID OVER

SDAB-D-16-094	An appeal to operate a Major Home Based Business (Auction to Auction – SAIHAJ Enterprises Ltd.) <i>April 27 or 28, 2016</i>
SDAB-D-16-084	An appeal to construct an addition and exterior alterations, and a rear covered deck (3.05 m by 6.25 m) to a Single Detached House <i>April 28, 2016</i>
SDAB-D-16-093	An appeal to construct and operate a Child Care Services Use Building (95 children – 12, 0-11 months/15, 12-19 months/14, 19 months – 3 years/22, 3 – 4.5 years/15, 4.5 – 6 years/ 17, 6-12 years) and to construct exterior alterations (developing on-site outdoor play spaces and revisions to approved landscaping) <i>May 13, 2016</i>
SDAB-D-16-062	An appeal to operate an Automotive/Minor Recreation Vehicle Sales/Rental and to relocate an existing mobile office (Peace Motors). <i>May 25 or 26, 2016</i>
SDAB-D-16-501	An appeal to demolish an existing building <i>May 25 or 26, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

172854843-001	An appeal to comply with a Stop Order to comply with all conditions of Development Permit No. 139511609-001 before April 1, 2016 or Cease the Use (Operation of Automotive and Minor Recreation Vehicle Sales/Rentals Use and any subsequent Use) before April 1, 2016 and remove all stored material and equipment associated with the Use; including vehicles, tires, and vehicle parts before April 1, 2016 <i>May 25, 2016</i>
175846220-001	An appeal to remove all advertising signs located on the building before April 2, 2016 or submit a complete Development Permit Application which reflects the current sign(s) installed on the building before April 1, 2016 <i>May 25, 2016</i>