

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
August 3, 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-16-183

Construct exterior alterations (Driveway extension, 2.40 metres by 5.64 metres) to an existing Single Detached House, existing without permits.

15505 - 47A Street NW
Project No.: 219284349-002

II 10:30 A.M. SDAB-D-16-184

Construct an Accessory Building (rear detached Garage, 7.31 metres by 4.87 metres), and to demolish an existing rear detached Garage (3.80 metres by 5.62 metres)

10542 - 125 Street NW
Project No.: 223705783-001

III 1:30 P.M. SDAB-D-16-185

Construct a Single Detached House with a front drive under Garage, a front uncovered deck (9.14 metres by 2.43 metres), fireplace, a rear uncovered deck (3.04 metres by 7.01 metres), and Basement development (NOT to be used as an additional Dwelling)

8620 - 137 Street NW
Project No.: 182087602-001

IV 1:30 P.M. SDAB-D-16-186

Construct a Single Detached House with front attached garage, front veranda, fireplace, rear uncovered deck (7.01 metres by 3.05 metres) and Basement development (NOT to be used as an additional Dwelling)

8622 - 137 Street NW
Project No.: 187000039-001

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-16-183

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 219284349-002

ADDRESS OF APPELLANT: 15505 - 47A Street NW

APPLICATION TO: Construct exterior alterations (Driveway extension, 2.40 metres by 5.64 metres) to an existing Single Detached House, existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 23, 2016

DATE OF APPEAL: July 4, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15505 - 47A Street NW

LEGAL DESCRIPTION: Plan 0523043 Blk 8 Lot 60

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Brintnell Neighbourhood Structure Plan
Pilot Sound Area Structure Plan

Grounds for Appeal

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

To Whom it May Concern:

There is a fire hydrant in front the house so when guests come over they cannot park on the road. On-street parking will not be affected by the extension since there is a fire hydrant and no one can park in front of the proposed driveway. Currently there are landscaping walkway blocks for flower pots. Once the permit is approved we plan to pour a concrete driveway. We are not parking there. The front yard is suitably

landscaped and I should not be charged \$118 penalty for an existing driveway since I have walkway blocks for flower pots.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board 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, or
 - ...

The decision of the Development Officer is dated June 23, 2016. The Notice of Appeal was filed on July 4, 2016.

Determining an Appeal

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

Section 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** is:

... to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Under Section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the RSL Residential Small Lot Zone.

Section 7.2(9) states:

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.

Access to Garage

Section 6.1(26) states: “**Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Section 54.1(5) provides that “The Driveway shall lead directly from the roadway to the required Garage or Parking Area.”

Development Officer's Determination

The Development Officer referenced Sections 6.1(26) and 54.1(5), and made the following determination:

- Other than the approved front Driveway, the existing extension to the south Side Lot Line does not lead to an overhead garage door.

Location of Parking Spaces (Excluding Driveways)

Section 54.2(2)(e)(i) states:

Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and...

Development Officer's Determination

The Development Officer referenced Section 54.2(2)(e)(i), and made the following determination:

2. Section 54.2(2)(e)(i) - Except for Driveways, parking spaces shall not be located within a Front Yard.

- The proposed driveway extension is in the Front Yard and has been used as a driveway parking space. Parking is not allowed on the Front Yard and the extension should be suitably landscaped.

Maximum Width

Section 54.1(4)(b) provides as follows:

The Front Yard of any at Grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a. a minimum width of 3.1 m; and
- b. a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;
- c. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 3.1 m.

Development Officer's Determination

The Development Officer referenced Section 54.1(4)(b), and made the following determination:

Proposed width of driveway and extension: 8.21m
Maximum width of driveway: 6.20m
Exceeds by: 2.01m

Landscaping Requirements

The Development Officer referenced Section 55.4(1), which at the time of the decision, provided as follows:

All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

However, on June 27, 2016, City Council passed Bylaw 17672, which amended the Development Regulations for Landscaping under Section 55.

Section 55.4 now provides guidelines with respect to Landscaping Plans and their Content.

Section 55.3(1)(e) does provide similar wording to the pre-amendment Section 55.4(1). However, Section 55.3 deals only with Landscaping Requirements for *Commercial, Industrial and Residential Multi-unit Project Development*. The proposed development is a Driveway extension to a Single Detached House.

Development Officer's Determination

The Development Officer referenced pre-amendment Section 54.1(4)(b), and made the following determination:

- The existing driveway extension is in the Front Yard and being used for parking. Therefore the Front Yard is not landscaped with a suitable form of decorative hardsurfacing. Based on the landscaping regulations, the Front Yard must be suitably landscaped.

Development Officer's Discretionary Power

Section 11.3(1) provides as follows:

The Development Officer may approve, with or without conditions as a Class B Development, an application for development that does not comply with this Bylaw where:

1. the proposed development would not, in their opinion:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Development Officer's Determination

The Development Officer referenced Section 11.3(1) and made the following determination:

5. Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

- Other than areas approved as a Driveway, the rest of the Front Yard should be suitably landscaped. The proposed Driveway extension covering significant portion of the Front Yard is unsightly. Parking on areas that should be suitably landscaped, also takes away from desirable curb appeal. On-street parking may be affected by the extension.

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: **219284349-002**
Application Date: MAY 09, 2016
Printed: June 23, 2016 at 4:32 PM
Page: 1 of 3

Application for Minor Development Permit

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

Applicant 	Property Address(es) and Legal Description(s) 15505 - 47A STREET NW Plan 0523043 Blk 8 Lot 60
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Scope of Application
To construct exterior alterations (Driveway extension, 2.40m x 5.64m) to an existing Single Detached House, existing without permits.

Permit Details # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
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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: 219284349-002
Application Date: MAY 09, 2016
Printed: June 23, 2016 at 4:32 PM
Page: 2 of 3

Application for Minor Development Permit

Reason for Refusal

1. Section 6.1(26) - Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Section 54.1(5) - The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

- Other than the approved front Driveway, the existing extension to the south Side Lot Line does not lead to an overhead garage door.

2. Section 54.2(2)(e)(i) - Except for Driveways, parking spaces shall not be located within a Front Yard.

- The proposed driveway extension is in the Front Yard and has been used as a driveway parking space. Parking is not allowed on the Front Yard and the extension should be suitably landscaped.

3. Section 54.1(4) - The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have: (b) a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

Proposed width of driveway and extension: 8.21m

Maximum width of driveway: 6.20m

Exceeds by: 2.01m

4. Section 55.4(1) - All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

- The existing driveway extension is in the Front Yard and being used for parking. Therefore the Front Yard is not landscaped with a suitable form of decorative hardsurfacing. Based on the landscaping regulations, the Front Yard must be suitably landscaped.

5. Section 11.3(1): Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

- Other than areas approved as a Driveway, the rest of the Front Yard should be suitably landscaped. The proposed Driveway extension covering significant portion of the Front Yard is unsightly. Parking on areas that should be suitably landscaped, also takes away from desirable curb appeal. On-street parking may be affected by the extension.

NOTES:

Sufficient on site parking is provided through the provision of a 2-car front attached garage and 2 parking spaces in tandem on the approved Driveway for a total for 4 spaces, additional parking spaces create a negative impact to the site and the surrounding neighbourhood.

It is the opinion of the Development Authority that the extension sets a negative precedent for the neighbourhood.

This sort of driveway extension is not characteristic of the neighbourhood, nor allowed in the City of Edmonton.

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

THIS IS NOT A PERMIT



Project Number: **219284349-002**
Application Date: MAY 09, 2016
Printed: June 23, 2016 at 4:32 PM
Page: 3 of 3

Application for Minor Development Permit

Rights of Appeal

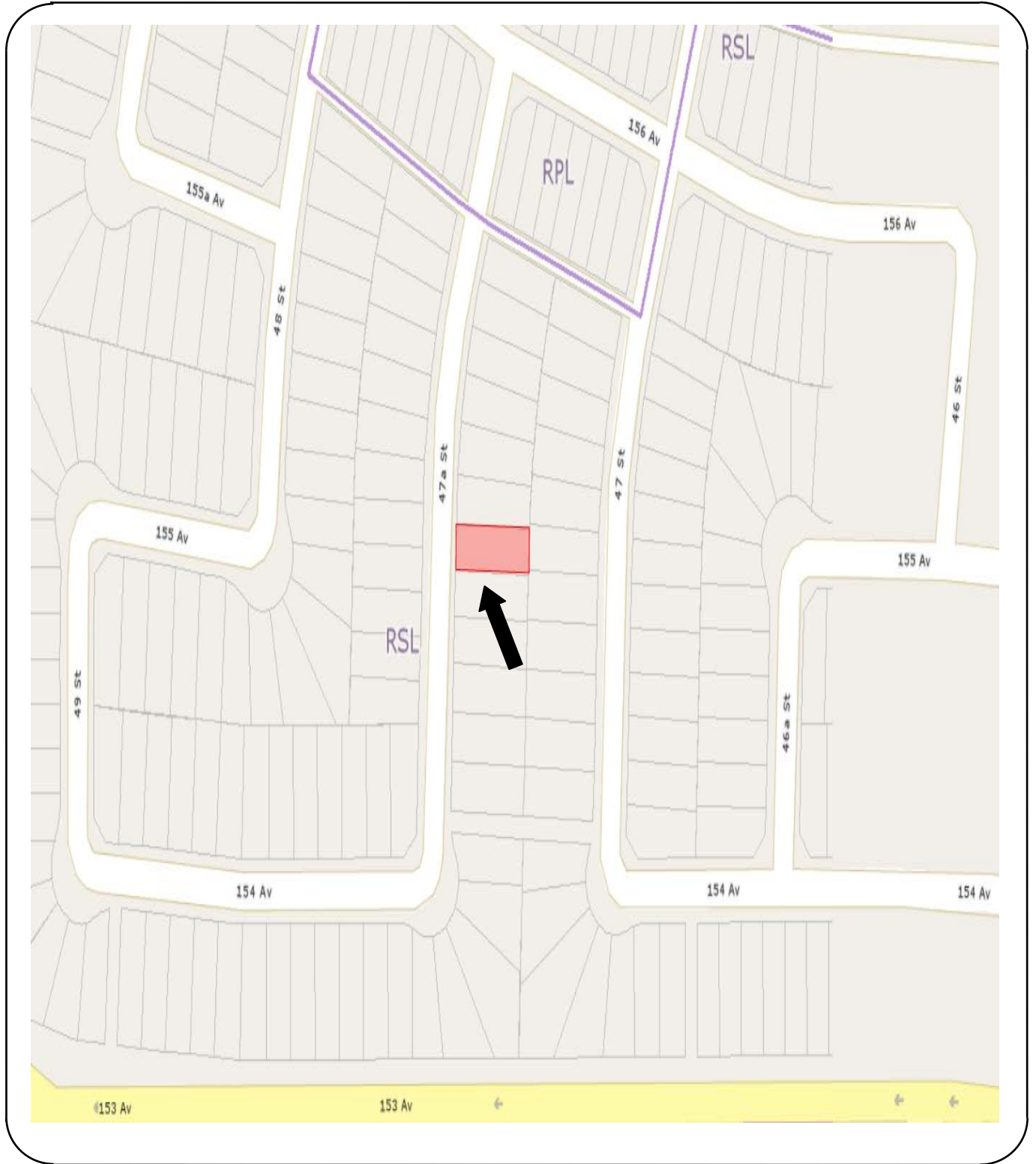
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jun 23, 2016 **Development Authority:** XIE, JASON **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Existing Without Permit Penalty Fee	\$159.00			
Dev. Application Fee	\$0.00			
DP Notification Fee	(\$41.00)			
Total GST Amount:	\$0.00			
Totals for Permit:	\$118.00	\$0.00		
(\$118.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-183



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-184

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 223705783-001

ADDRESS OF APPELLANT: 10542 - 125 Street NW

APPLICATION TO: Construct an Accessory Building (rear detached Garage, 7.31 metres by 4.87 metres), and to demolish an existing rear detached Garage (3.80 metres by 5.62 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 7, 2016

DATE OF APPEAL: July 11, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10542 - 125 Street NW

LEGAL DESCRIPTION: Plan RN22B Blk 43 Lot 19

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We (the homeowners) wish to appeal the development refusal of a replacement single detached garage.

We have been residents of our current property for 20+ years. It is located in historic Groat Estates. We chose the neighbourhood because we appreciate the historical architecture.

The existing garage is 100+ years old and was originally a carriage house. It needs upgrading. It is very important to us to have the new development reflect the current style. Therefore the new structure will have a gambel style roof similar to the current structure.

The current structure has a height of 4.6m. The new structure will have a height of 4.88m, not a significant difference.

<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 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, or
 - ...

The decision of the Development Officer is dated July 7, 2016. The Notice of Appeal was filed on July 11, 2016.

Determining an Appeal

Hearing and decision

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the 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*:

Section 140.1 states that 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.

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

Section 7.2(9) states:

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.

Maximum Height

Section 11.4(2) states: "In approving an application for a Development Permit pursuant to Section 11.3, the Development Officer shall adhere to the following: ... except as otherwise provided in this Bylaw, there shall be no variance from maximum Height, Floor Area Ratio and Density regulations".

Section 50.3(2) provides as follows:

In a Residential Zone:

2. an Accessory building or structure shall not exceed 4.3 m in Height, except:
 - a. as provided in the RPLt, RF4t, RF5t, TSDR, TSLR, BRH, BLMR, and BMR Zones, where the maximum Garage Height shall not exceed 5.0 m;
 - b. in the case of a Garage containing a Garage Suite where listed as a Permitted or Discretionary Use, where the Height shall be in accordance with Section 87.
 - c. in the case of a Garage containing a Blatchford Lane Suite, where the Height shall be in accordance with Section 997; and
 - d. as provided in subsections 50.4, 50.5.

Development Officer's Determination

The Development Officer referenced Section 11.4(2) and made the following determination:


Height - The proposed Garage is 4.88m instead of 4.3m (Section 50.3.2).

Section 11.4(2) "...there shall be no variance from maximum Height, Floor Area Ratio and Density regulations."

As per Section 11.4(2), the Development Officer has no variance authority for the maximum Height of the Accessory structure. Therefore, the Development Permit is Refused.

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: 223705783-001 Application Date: JUN 13, 2016 Printed: July 7, 2016 at 2:37 PM Page: 1 of 2</p>		
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Development and Building Permit</h3>			
<p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit</p>			
<p>Applicant</p> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	<p>Property Address(es) and Legal Description(s) 10542 - 125 STREET NW Plan RN22B Blk 43 Lot 19</p> <hr/> <p>Location(s) of Work Entryway: 10542 - 125 STREET NW Building: 10542 - 125 STREET NW</p>		
<p>Scope of Application To construct an Accessory Building (rear detached Garage, 7.31m x 4.87m), and to demolish an existing rear detached Garage (3.80m x 5.62m).</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Building Area (sq. ft.): 384 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; border: none;"> Class of Permit: Class A Type of Accessory Building: Detached Garage (010) </td> </tr> </table> <p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>		Building Area (sq. ft.): 384 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Detached Garage (010)
Building Area (sq. ft.): 384 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class A Type of Accessory Building: Detached Garage (010)		
<p>Development Application Decision Refused</p> <p>Reasons for Refusal Height - The proposed Garage is 4.88m instead of 4.3m (Section 50.3.2). Section 11.4(2) "...there shall be no variance from maximum Height, Floor Area Ratio and Density regulations." As per Section 11.4(2), the Development Officer has no variance authority for the maximum Height of the Accessory structure. Therefore, the Development Permit is Refused.</p> <p>Advisements:</p> <ul style="list-style-type: none"> i) All references to 'Section' unless otherwise noted are under the authority of the Edmonton Zoning Bylaw 12800. ii) A Development Permit refusal means that the proposed development has been reviewed against the provisions of this the Zoning 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. iii) This decision can be appealed within 14 days of notice of the decision by the applicant and/or property owner to the Edmonton Subdivision and Development Appeal Board. <p>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.</p>			
<p>Issue Date: Jul 07, 2016 Development Authority: VANDERHOEK, HEATHER Signature: _____</p>			
<p>THIS IS NOT A PERMIT</p>			



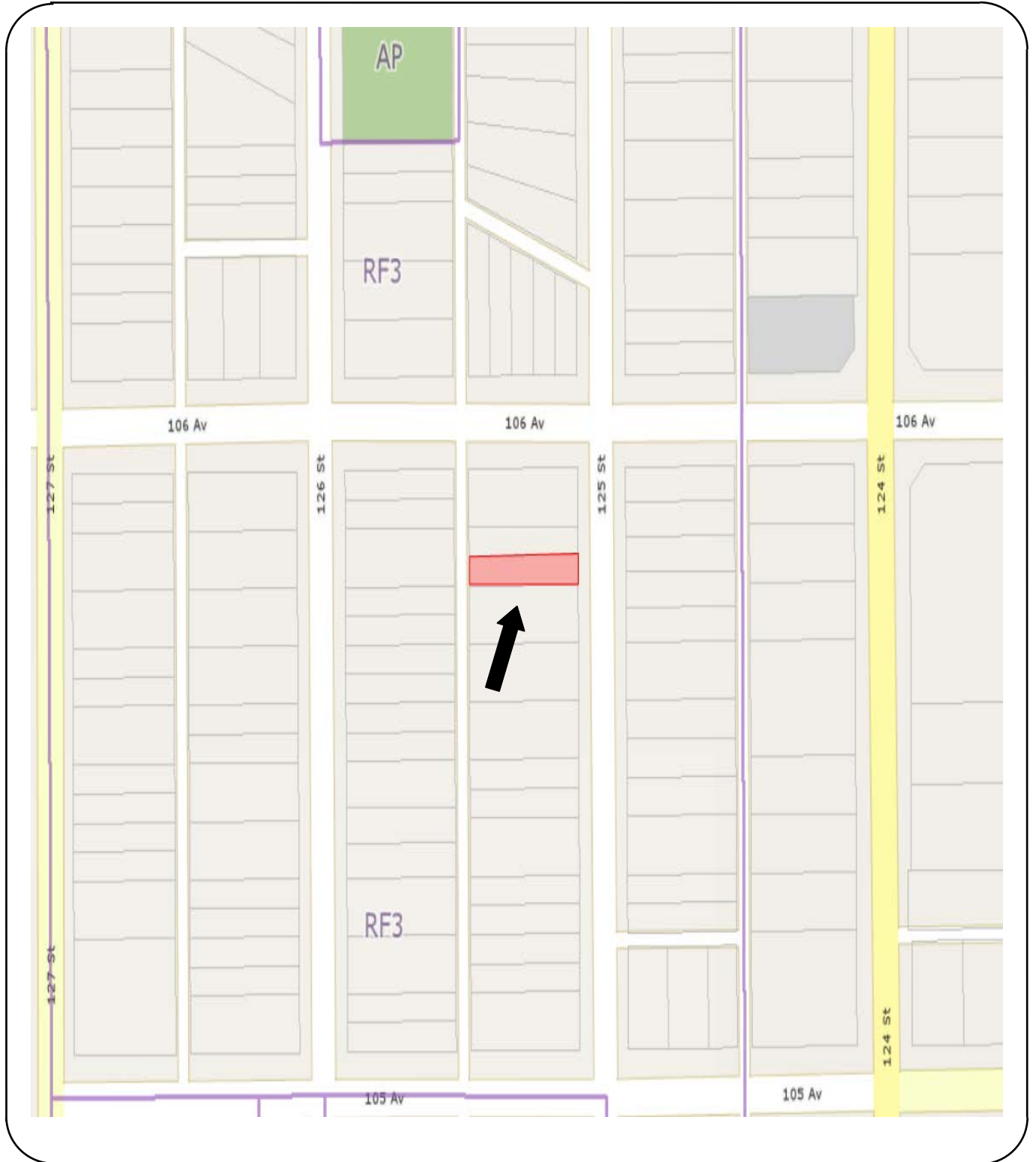
Project Number: **223705783-001**
Application Date: JUN 13, 2016
Printed: July 7, 2016 at 2:37 PM
Page: 2 of 2

**Application for
Accessory Building Development and Building Permit**

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	03353759	Jun 13, 2016
Dev. Application Fee	\$108.00	\$108.00	03353759	Jun 13, 2016
Building Permit Fee	\$102.00	\$102.00	03353759	Jun 13, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$214.50	\$214.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-184



ITEM III: 1:30 P.M.

FILE: SDAB-D-16-185

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

APPELLANT:

APPLICATION NO.: 182087602-001

ADDRESS OF APPELLANT: 8611 - 137 Street NW

APPLICATION TO: Construct a Single Detached House with a front drive under Garage, a front uncovered deck (9.14 metres by 2.43 metres), fireplace, a rear uncovered deck (3.04 metres by 7.01 metres), and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 3, 2016

DATE OF APPEAL: June 14, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 8620 - 137 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8620 - 137 Street NW

LEGAL DESCRIPTION: Plan 1620470 Blk 17 Lot 31

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I am writing in response to your application for a development permit to build a single family detached home on the above lot.

As you know, my family and I reside at 8611 — 137 Street. We are the second generation in the home. This home was built by my father in 1960, my family has resided continuously in the house since that time. My wife and I purchased the home from my parents in 2004.

Our street has been a successful neighbourhood. There have been several generations of families raised on the street, and there has been, with few exceptions, constant renewal by way of renovation or infill development of the homes. The street is characterized by well-kept yards and gardens.

Of particular note is the fact that our street attracts a large amount of pedestrian and bicycle traffic going to and from the River Valley and Zoo that wish to avoid Buena Vista Road. For as long as I can remember people like to walk and cycle up our street to look at our homes and enjoy the gardens. It is our belief that redevelopment on the street should be very protective of that traditional character.

I appreciate the discussion that we had on April 9¹¹ when you visited our home to discuss your proposal. I asked for a copy of the proposal which you had in your hand but was referred to your website. I have had an opportunity to review the website but I did not see any detailed site plans or elevations. I have seen the colour renderings of the front elevations, although I note they are not rendered in relation to the neighbouring homes or existing streetscape. You have since told me that the site plans are proprietary and you will not release them to me. This position limits how much consideration can be given to your plans, thus the comments that I make in this letter may be revised when I have had a chance to review more detailed documentation.

As I indicated to you in our discussion I am not necessarily opposed to the subdivision process that has proven to be so controversial. I understand the difference between the approval of the subdivision and the variances which you now seek in support of your development permit application. I have also reviewed the provisions of the Mature Neighbourhood Overlay and the Medium Scale Residential Infill Overlay, both of which I understand apply to this proposal.

At the outset I should state that in my view the above mentioned Overlays represent sound planning policy that should strongly inform redevelopment of this nature. I think it is essential for the long term success of inner city redevelopment that the design principles reflected in those policies should not be compromised as a matter of course, particularly with respect to pedestrian-friendly development. This is especially so in this case where the proposed homes are the first attempt in the broader area to redevelop in this fashion. In this case it is extremely important to be aware that what is permitted in this location will be the template for the broader neighbourhood.

Thus, I believe variances should be carefully scrutinized and avoided at all costs in doubtful cases lest the Mature Neighbourhood Overlay and Medium Scale Residential Infill Overlay become dead letters.

After carefully examining the limited information available I must advise you that my wife and I oppose the variances sought for the following reasons:

1. In respect of the front street garages, the site width of 12.05 metres is significantly below the threshold value of 15.5 metres found in Mature Neighbourhood Overlay (Zoning Bylaw 12800, Sec 814.3 para 10(b)) This is not a case of 'near compliance' -- it is a case of substantial departure from the standard. Such a large departure substantially undermines the policy of the Overlay. More importantly, it will impact the character of the street negatively. This is because the dominant feature of these new houses will be garage doors and concrete driveways. This is completely at odds with the existing, pedestrian-friendly character which is overwhelmingly front yards, mature trees and greenery. If lots on the street are to be small, it is the garages that should go, not the greenery. If this variance is allowed, sadly the effect will be to take a pleasant 1960s subdivision and convert it into an unpleasant 1990s subdivision. I do not believe this is what is intended by this policy.
2. Our second reason for opposing the variances sought is that the scale of the proposed homes is not compatible with the existing developments. It is true that on this street there are large homes, but they are located on large lots. I understand that some of the generous side yards will have to give way to permit subdivision redevelopment, but the proposed plans are excessive. The end result will be massing on a scale that is disproportionate to the surrounding neighbourhood. This effect, combined with the two front garages and two driveways, will tend to sterilize this portion of the street. This would be very regrettable.

I wish to make it clear that we would be receptive to further discussions on changes in the proposal that would address the concerns outlined above. I believe an appropriate design for these homes is well within reach. When I look in the broader neighbourhood, there are many examples of innovative architecture which are consistent with these goals. Unfortunately, the proposal as it stands right now detracts from the neighbourhood rather than enhances it.

Thank you for the opportunity to consult with respect to your proposal.

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,
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the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

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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(2), after the date on which the notice of the issuance of the permit was given *in accordance with the land use bylaw*. [emphasis added]

The *Edmonton Zoning Bylaw 12800* provides as follows:

20. Notification of Issuance of Development Permits

20.1 Class B Development

1. Within seven days of the issuance of a Development Permit for Class B Development, the Development Officer shall dispatch a notice by ordinary mail to:
 - a. each assessed owner of the Site or a part of the Site of the development;

- b. each assessed owner of land, wholly or partly within a distance of 60.0 m of the boundary of the Site;
 - c. the President of each Community League operating within the notification boundaries described in clause (b), above; and
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2. The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.
 3. Within 10 days of the issuance of a Development Permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

The decision of the Development Officer is dated June 3, 2016. Notice of the development was published in the Edmonton Journal on June 9, 2016. The Notice of Appeal was filed on June 14, 2016.

Determining an Appeal

The *Municipal Government Act* states the following:

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

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

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- (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

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General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is:

... to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Section 7.2(9) states:

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.

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Rear Setback

Section 814.3(5) of the Mature Neighbourhood Overlay states: "The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement."

Variance Granted by the Development Officer

1. Reduced Rear Setback - The distance from the house to the rear property line is 12.15 m (31.87% of site depth) instead of 15.25m (40% of site depth). (Section 814.3.5)

Driveway Access

Section 814.3(10) of the Mature Neighbourhood Overlay provides as follows:

Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

- a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
- b. the Site Width is less than 15.5 m; or
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Variance Granted by the Development Officer

2. Driveway - The driveway is located off of 137 Street NW (front) instead of the alley (Section 814.3.10).

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: **182087602-001**
Application Date: NOV 06, 2015
Printed: June 3, 2016 at 12:26 PM
Page: 1 of 4

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

Applicant 	Property Address(es) and Legal Description(s) 8620 - 137 STREET NW Plan 1620470 Blk 17 Lot 31
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Scope of Application
To construct a Single Detached House with a front drive under Garage, a front uncovered deck (9.14m x 2.43m), fireplace, a rear uncovered deck (3.04m x 7.01m), and Basement development (NOT to be used as an additional Dwelling).

Permit Details	
Affected Floor Area (sq. ft.): 2800 Class of Permit: Class B Front Yard (m): 8.78 Rear Yard (m): 12.15 Side Yard, left (m): 1.45 Site Area (sq. m.): 459.5 Site Width (m): 12.05	Building Height to Midpoint (m): 7.92 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.45 Site Depth (m): 38.13 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

THIS IS NOT A PERMIT



Project Number: **182087602-001**
 Application Date: NOV 06, 2015
 Printed: June 3, 2016 at 12:26 PM
 Page: 2 of 4

Application for House Development and Building Permit

Subject to the Following Conditions

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

This Development Permit authorizes the development of a Single Detached House with a front drive under Garage, a front uncovered deck (9.14m x 2.43m), fireplace, a rear uncovered deck (3.04m x 7.01m), and Basement development (NOT to be used as an additional Dwelling). The development shall be constructed in accordance with the stamped and approved drawings.

1. The Height of the principal building shall not exceed 8.6 m (Reference Sections 6.1(49) and 52).
2. Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties. (Reference Section 814.3(8))
3. The proposed Basement development(s) shall NOT be used as an additional Dwelling. A Secondary Suite shall require a new development permit application.
4. All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).
5. The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.
6. Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.
7. All access locations and curb crossings shall have the approval of the City Transportation prior to the start of construction (Reference Section 53(1)). 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.
8. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$102.00
9. For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 47)
10. 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)

TRANSPORTATION SERVICES:

Conditions:

1. The existing residential access to 137 Street, for the south unit (8620 - 137 Street) must be removed and the curb & gutter and sidewalk constructed and boulevard restored, as shown on Enclosure I. The owner/applicant must obtain a Permit to remove the access, available from Sustainable Development, 5th Floor, 10250 - 101 Street.
2. The driveway for the south unit (8620 - 137 Street) must maintain a minimum clearance of .5 from the base of the streetlight, as shown on Enclosure I. Should relocation of the streetlight pole be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Joseph Dublenko at 780-412-3248 of EPCOR Technology & Meter Services for more information.

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Project Number: **182087602-001**
 Application Date: NOV 06, 2015
 Printed: June 3, 2016 at 12:26 PM
 Page: 3 of 4

Application for House Development and Building Permit

3. The underground driveway ramp, for the south unit (8020 - 157 Street) should not exceed a slope of 9% for a minimum distance of 4.5 m inside the property line and the ramp must be at grade at the property line, as shown on Enclosure II.
4. The underground driveway ramp, for the north unit (8622 - 137 Street) should not exceed a slope of 7.8% for a minimum distance of 4.5 m inside the property line and the ramp must be at grade at the property line, as shown on Enclosure IV.
5. The proposed retaining walls bordering the underground driveway ramps for both units, must not exceed a height of 0.3 m for a distance of 3 m from the property line and no portion of the wall may encroach onto road right-of-way, as shown on Enclosures I and III. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can exit in a safe manner.
6. There is a boulevard tree located along the west side of 137 Street that will require removal, as shown on Enclosures I and III. The asset value of the tree was assessed at \$11,000 as mandated by the Corporate Tree Management Policy C456A. All costs associated with removal, compensation value for the tree and/or a replacement tree will be borne by the owner/applicant. Prior to construction of the access, the owner/applicant must contact Bonnie Fermanuik of Community Services (780-496-4960).
7. 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.
8. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/bylaws/licences/licences_permits/oscam-permit-request.aspx
9. Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalk and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Advisements:

1. The applicant is advised that more than a 12% difference in the ramp slope may result in vehicles "bottoming out" at the break-over point.
2. The applicant has indicated that they do not wish to pursue constructing residential crossings for these developments and as this neighbourhood was constructed with roll faced curb, a Curb Crossing Permit is not required for these accesses. However, should the applicant/owner wish to cut the curb in the future, curb crossing permits will be required, available from Sustainable Development, 5th Floor, 10250-101 Street.
3. It is our understanding that the applicant is working with Urban Forestry to discount the compensation value of the tree being removed by incorporating additional landscaping into the proposed developments. Should additional landscaping be considered within road right-of-way, it shall be to the satisfaction of Planning Coordination, Urban Forestry and Transportation Planning and Engineering. Detailed landscaping plans would be required, including all existing and proposed utilities within the road right-of-way. The detailed plans would be required as part of the Development Permit application for review and approval by Planning Coordination, Urban Forestry and Transportation Planning and Engineering. If the owner/applicant wishes to pursue landscaping within the boulevard, please contact Karen Haromy at 780-496-1039. Surrounding neighbours must be notified prior to the tree's removal (notification form to be provided by Forestry and returned with signatures).

DEVELOPMENT PERMIT ADVISEMENTS:

- i.) 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.
- ii.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals

THIS IS NOT A PERMIT



Project Number: **182087602-001**
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Application for House Development and Building Permit

- iii.) Any future deck enclosure or cover requires a separate development and building permit approval.
- iv.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- v.) 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. Reduced Rear Setback - The distance from the house to the rear property line is 12.15 m (31.87% of site depth) instead of 15.25m (40% of site depth). (Section 814.3.5)
- 2. Driveway - The driveway is located off of 137 Street NW (front) instead of the alley (Section 814.3.10).

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: Jun 03, 2016 **Development Authority:** ROBINSON, GEORGE **Signature:** _____
Notice Period Begins: Jun 09, 2016 **Ends:** Jun 22, 2016

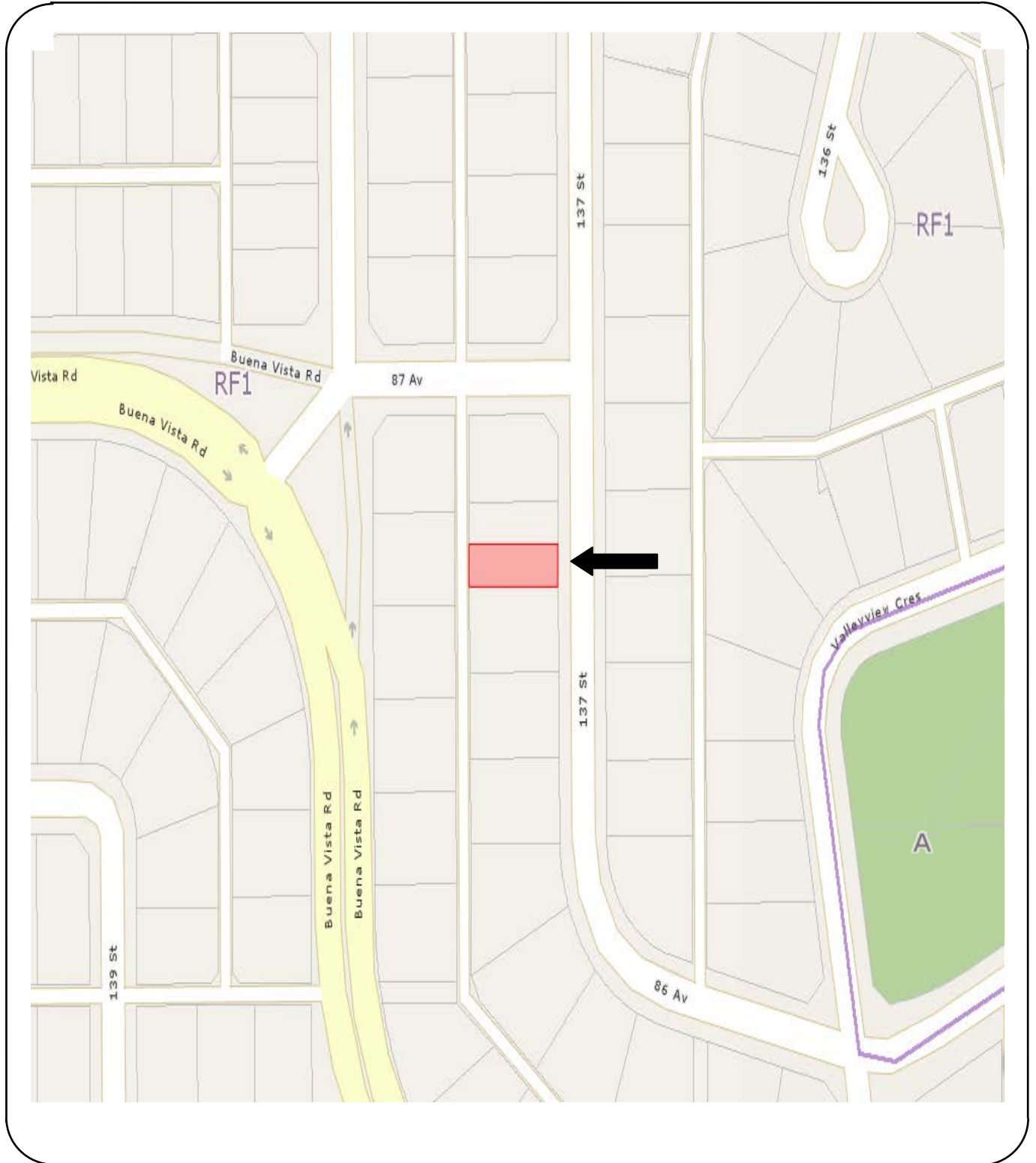
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$75.00	\$75.00	02881367	Nov 09, 2015
Lot Grading Fee	\$135.00	\$135.00	02881367	Nov 09, 2015
Safety Codes Fee	\$90.40	\$90.40	02881367	Nov 09, 2015
Water Usage Fee	\$72.60	\$72.60	02881367	Nov 09, 2015
Electrical Safety Codes Fee	\$16.62	\$16.62	02881367	Nov 09, 2015
Building Permit Fee	\$2,260.00	\$2,260.00	02881367	Nov 09, 2015
Electrical Fees (House)	\$303.00	\$303.00	02881367	Nov 09, 2015
DP Notification Fee	\$102.00	\$102.00	03271579	May 11, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,054.62	\$3,054.62		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-185



ITEM IV: 1:30 P.M.

FILE: SDAB-D-16-186

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

APPELLANT:

APPLICATION NO.: 187000039-001

ADDRESS OF APPELLANT: 8611 - 137 Street NW

APPLICATION TO: Construct a Single Detached House with front attached garage, front veranda, fireplace, rear uncovered deck (7.01 metres by 3.05 metres) and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: June 3, 2016

DATE OF APPEAL: June 14, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 8622 - 137 Street NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8622 - 137 Street NW

LEGAL DESCRIPTION: Plan 1620470 Blk 17 Lot 30

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

I am writing in response to your application for a development permit to build a single family detached home on the above lot.

As you know, my family and I reside at 8611 — 137 Street. We are the second generation in the home. This home was built by my father in 1960, my family has resided continuously in the house since that time. My wife and I purchased the home from my parents in 2004.

Our street has been a successful neighbourhood. There have been several generations of families raised on the street, and there has been, with few exceptions, constant renewal by way of renovation or infill development of the homes. The street is characterized by well-kept yards and gardens.

Of particular note is the fact that our street attracts a large amount of pedestrian and bicycle traffic going to and from the River Valley and Zoo that wish to avoid Buena Vista Road. For as long as I can remember people like to walk and cycle up our street to look at our homes and enjoy the gardens. It is our belief that redevelopment on the street should be very protective of that traditional character.

I appreciate the discussion that we had on April 9¹¹ when you visited our home to discuss your proposal. I asked for a copy of the proposal which you had in your hand but was referred to your website. I have had an opportunity to review the website but I did not see any detailed site plans or elevations. I have seen the colour renderings of the front elevations, although I note they are not rendered in relation to the neighbouring homes or existing streetscape. You have since told me that the site plans are proprietary and you will not release them to me. This position limits how much consideration can be given to your plans, thus the comments that I make in this letter may be revised when I have had a chance to review more detailed documentation.

As I indicated to you in our discussion I am not necessarily opposed to the subdivision process that has proven to be so controversial. I understand the difference between the approval of the subdivision and the variances which you now seek in support of your development permit application. I have also reviewed the provisions of the Mature Neighbourhood Overlay and the Medium Scale Residential Infill Overlay, both of which I understand apply to this proposal.

At the outset I should state that in my view the above mentioned Overlays represent sound planning policy that should strongly inform redevelopment of this nature. I think it is essential for the long term success of inner city redevelopment that the design principles reflected in those policies should not be compromised as a matter of course, particularly with respect to pedestrian-friendly development. This is especially so in this case where the proposed homes are the first attempt in the broader area to redevelop in this fashion. In this case it is extremely important to be aware that what is permitted in this location will be the template for the broader neighbourhood. Thus, I believe variances should be carefully scrutinized and avoided

at all costs in doubtful cases lest the Mature Neighbourhood Overlay and Medium Scale Residential Infill Overlay become dead letters.

After carefully examining the limited information available I must advise you that my wife and I oppose the variances sought for the following reasons:

3. In respect of the front street garages, the site width of 12.05 metres is significantly below the threshold value of 15.5 metres found in Mature Neighbourhood Overlay (Zoning Bylaw 12800, Sec 814.3 para 10(b)) This is not a case of 'near compliance' -- it is a case of substantial departure from the standard. Such a large departure substantially undermines the policy of the Overlay. More importantly, it will impact the character of the street negatively. This is because the dominant feature of these new houses will be garage doors and concrete driveways. This is completely at odds with the existing, pedestrian-friendly character which is overwhelmingly front yards, mature trees and greenery. If lots on the street are to be small, it is the garages that should go, not the greenery. If this variance is allowed, sadly the effect will be to take a pleasant 1960s subdivision and convert it into an unpleasant 1990s subdivision. I do not believe this is what is intended by this policy.
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I wish to make it clear that we would be receptive to further discussions on changes in the proposal that would address the concerns outlined above. I believe an appropriate design for these homes is well within reach. When I look in the broader neighbourhood, there are many examples of innovative architecture which are consistent with these goals. Unfortunately, the proposal as it stands right now detracts from the neighbourhood rather than enhances it.

Thank you for the opportunity to consult with respect to your proposal.

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- (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.

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Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

- d. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
- e. the Site Width is less than 15.5 m; or
- f. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Variance Granted by the Development Officer

2. Driveway - The driveway is located off of 137 Street NW (front) instead of the alley (Section 814.3.10).

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: **18700039-001**
Application Date: FEB 08, 2016
Printed: June 3, 2016 at 12:42 PM
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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

Applicant 	Property Address(es) and Legal Description(s) 8622 - 137 STREET NW Plan 1620470 Blk 17 Lot 30
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Scope of Application
To construct a Single Detached House with front attached garage, front veranda, fireplace, rear uncovered deck (7.01m x 3.05m) and Basement development (NOT to be used as an additional Dwelling).

Permit Details	
Affected Floor Area (sq. ft.): 2800 Class of Permit: Class B Front Yard (m): 8.78 Rear Yard (m): 12.15 Side Yard, left (m): 1.44 Site Area (sq. m.): 459 Site Width (m): 12.03	Building Height to Midpoint (m): 8.23 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.45 Site Depth (m): 38.12 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

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Subject to the Following Conditions

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

This Development Permit authorizes the development of a Single Detached House with front attached garage, front veranda, fireplace, rear uncovered deck (7.01m x 3.05m) and Basement development (NOT to be used as an additional Dwelling). The development shall be constructed in accordance with the stamped and approved drawings.

1. The Height of the principal building shall not exceed 8.6 m (Reference Sections 6.1(49) and 52).
2. Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties. (Reference Section 814.3(8))
3. The proposed Basement development(s) shall NOT be used as an additional Dwelling. A Secondary Suite shall require a new development permit application.
4. All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).
5. The area hard surfaced for a driveway, not including the area used for a walkway, shall comply with Section 54.6 of the Zoning Bylaw 12800.
6. Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.
7. All access locations and curb crossings shall have the approval of the City Transportation prior to the start of construction (Reference Section 53(1)). 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.
8. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$102.00
9. For Single-detached Housing, Semi-detached Housing and Duplex Housing, a minimum Private Outdoor Amenity Area shall be designated on the Site plan. Neither the width nor length of the Private Outdoor Amenity Area shall be less than 4.0 m. The Private Outdoor Amenity Area may be located within any Yard, other than a Front Yard, and shall be permanently retained as open space, unencumbered by an Accessory Building or future additions. (Reference Section 47)
10. 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)

TRANSPORTATION SERVICES:

Conditions:

1. The existing residential access to 137 Street, for the south unit (8620 - 137 Street) must be removed and the curb & gutter and sidewalk constructed and boulevard restored, as shown on Enclosure I. The owner/applicant must obtain a Permit to remove the access, available from Sustainable Development, 5th Floor, 10250 - 101 Street.
2. The driveway for the south unit (8620 - 137 Street) must maintain a minimum clearance of .5 from the base of the streetlight, as shown on Enclosure I. Should relocation of the streetlight pole be required, all costs associated with relocation must be borne by the owner/applicant. The applicant should contact Joseph Dublenko at 780-412-3248 of EPCOR Technology & Meter Services for more information.

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3. The underground driveway ramp, for the south unit (8620 - 137 Street) should not exceed a slope of 9% for a minimum distance of 4.5 m inside the property line and the ramp must be at grade at the property line, as shown on Enclosure II.
4. The underground driveway ramp, for the north unit (8622 - 137 Street) should not exceed a slope of 7.8% for a minimum distance of 4.5 m inside the property line and the ramp must be at grade at the property line, as shown on Enclosure IV.
5. The proposed retaining walls bordering the underground driveway ramps for both units, must not exceed a height of 0.3 m for a distance of 3 m from the property line and no portion of the wall may encroach onto road right-of-way, as shown on Enclosures I and III. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can exit in a safe manner.
6. There is a boulevard tree located along the west side of 137 Street that will require removal, as shown on Enclosures I and III. The asset value of the tree was assessed at \$11,000 as mandated by the Corporate Tree Management Policy C456A. All costs associated with removal, compensation value for the tree and/or a replacement tree will be borne by the owner/applicant. Prior to construction of the access, the owner/applicant must contact Bonnie Fermanuik of Community Services (780-496-4960).
7. 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.
8. Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/bylaws/licences/licences_permits/oscaml-permit-request.aspx
9. Any alley, sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The alley, sidewalk and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Advisements:

1. The applicant is advised that more than a 12% difference in the ramp slope may result in vehicles "bottoming out" at the break-over point.
2. The applicant has indicated that they do not wish to pursue constructing residential crossings for these developments and as this neighbourhood was constructed with roll faced curb, a Curb Crossing Permit is not required for these accesses. However, should the applicant/owner wish to cut the curb in the future, curb crossing permits will be required, available from Sustainable Development, 5th Floor, 10250-101 Street.
3. It is our understanding that the applicant is working with Urban Forestry to discount the compensation value of the tree being removed by incorporating additional landscaping into the proposed developments. Should additional landscaping be considered within road right-of-way, it shall be to the satisfaction of Planning Coordination, Urban Forestry and Transportation Planning and Engineering. Detailed landscaping plans would be required, including all existing and proposed utilities within the road right-of-way. The detailed plans would be required as part of the Development Permit application for review and approval by Planning Coordination, Urban Forestry and Transportation Planning and Engineering. If the owner/applicant wishes to pursue landscaping within the boulevard, please contact Karen Haromy at 780-496-1039. Surrounding neighbours must be notified prior to the tree's removal (notification form to be provided by Forestry and returned with signatures).

DEVELOPMENT PERMIT ADVISEMENTS:

- i.) 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.

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- ii.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
- iii.) Any future deck enclosure or cover requires a separate development and building permit approval.
- iv.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- v.) 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. Reduced Rear Setback - The distance from the house to the rear property line is 12.14 m (31.85% of site depth) instead of 15.25m (40% of site depth). (Section 814.3.5).
2. Driveway - The driveway is located off of 137 Street NW (front) instead of the alley (Section 814.3.10).

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: Jun 03, 2016 **Development Authority:** ROBINSON, GEORGE **Signature:** _____
Notice Period Begins: Jun 09, 2016 **Ends:** Jun 22, 2016

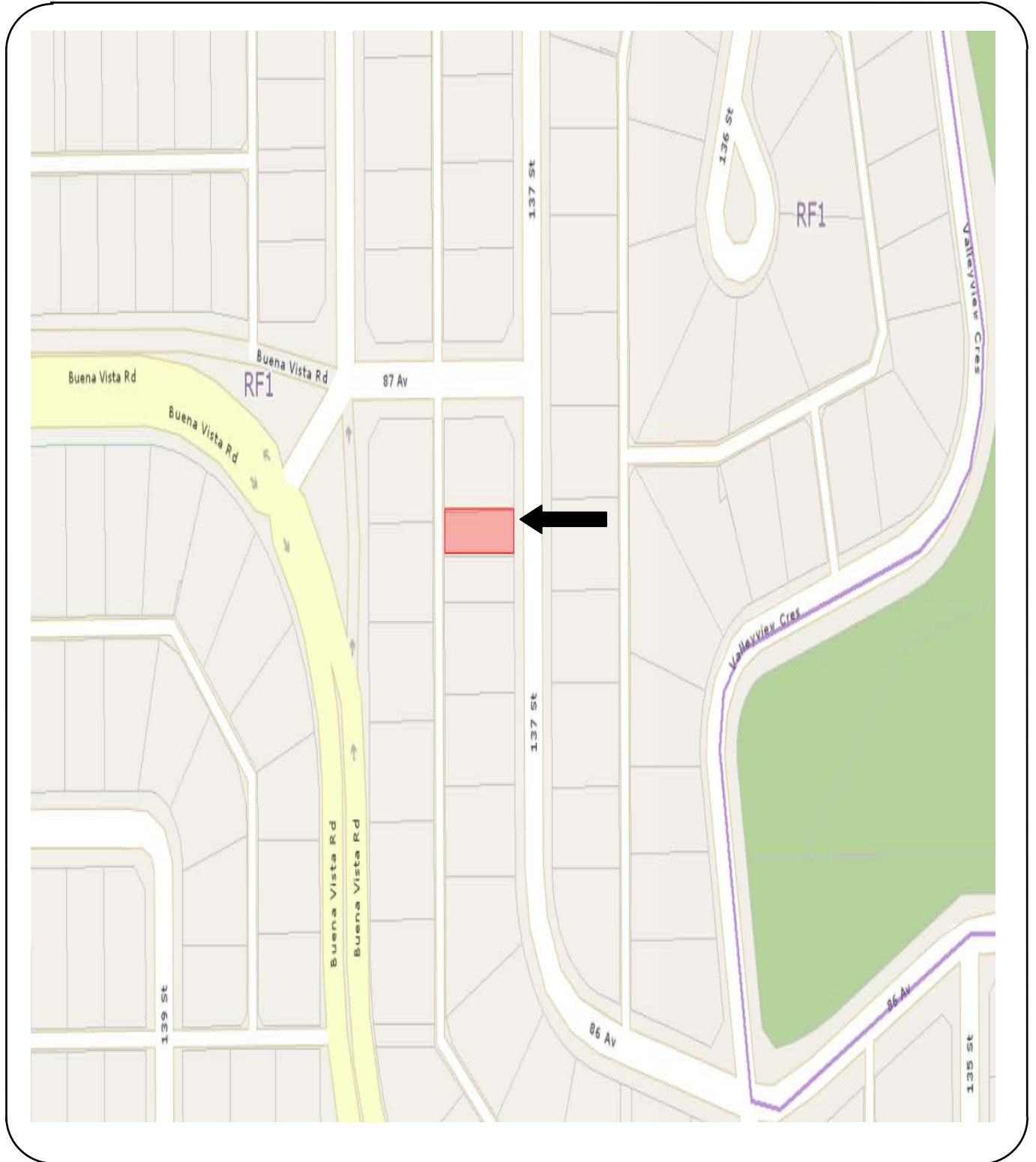
Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fee (Service)	\$77.00	\$77.00	03055414	Feb 08, 2016
Lot Grading Fee	\$135.00	\$135.00	03055414	Feb 08, 2016
Safety Codes Fee	\$92.24	\$92.24	03055414	Feb 08, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03055414	Feb 08, 2016
Electrical Safety Codes Fee	\$16.90	\$16.90	03055414	Feb 08, 2016
Water Usage Fee	\$72.60	\$72.60	03055414	Feb 08, 2016
Building Permit Fee	\$2,306.00	\$2,306.00	03055414	Feb 08, 2016
Electrical Fees (House)	\$310.00	\$310.00	03055414	Feb 08, 2016
DP Notification Fee	\$102.00	\$102.00	03271580	May 11, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$4,677.74	\$4,677.74		

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-186



BUSINESS LAID OVER

SDAB-D-16-136	An appeal to extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South) <i>August 17 or 18, 2016</i>
SDAB-D-16-176	An appeal to install (1) Freestanding Off-premises Sign (Outfront Media), existing without permits <i>August 25, 2016</i>
SDAB-D-16-144	An appeal to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

189288219-004	An appeal to leave as built an Accessory Building <i>August 17, 2016</i>
186484308-002	An appeal to convert an existing Single Detached House to Child Care Services and to construct interior and exterior alterations (120 children occupancy). <i>September 7 or 8, 2016</i>