

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 15, 2018**

**River Valley Room
City Hall, 1 Sir Winston
Churchill Square NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RIVER VALLEY ROOM**

I 9:00 A.M. SDAB-D-18-030

To construct a Single Detached House with side attached Garage, front veranda, side uncovered deck, and Basement development (Not to be used as an additional Dwelling)

9213 - 97 Street NW
Project No.: 230721006-001

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-18-030

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN AFFECTED COMMUNITY LEAGUE

APPELLANT:

APPLICATION NO.: 230721006-001

APPLICATION TO: Construct a Single Detached House with side attached Garage, front veranda, side uncovered deck, and Basement development (Not to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: December 21, 2017

DATE OF APPEAL: January 22, 2018

NOTIFICATION PERIOD: January 2, 2018 through January 23, 2018

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9213 - 97 Street NW

LEGAL DESCRIPTION: Plan 1820AX Blk 5 Lot 2

ZONE: A-Metropolitan Recreation Zone

OVERLAY: North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: North Saskatchewan River Valley Area Redevelopment Plan

Grounds of Appeal

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

1) This house is to be built on a lot which is zoned A for parkland, with discretionary use for a single-family home. Several aspects of the proposed development are inappropriate for this location and we believe the Development Officer should have exercised his discretion to disallow the application.

The A zone requires 7.5 metre setbacks and the City has given the owner variances in order to reduce those setbacks. We oppose the reduced setbacks as they would allow the development of a house that is inappropriately large for the location.

2) The height of this 10 metre house would impede the park users' enjoyment of the ravine. It will block the creek bed from the bike trail. It will also block upward views from the lower trail that runs just below the site. People walking beside the creek along the lower trail would look up to the building which would tower about 13 metres above them because it is to be built on a high ledge.

The Mature Neighbourhood Overlay does not allow for a 10 metre high house; it allows for a 8.9 metre house which would also be too high for this site in the park, located as it is between two public trails.

3) The fact that the easement crosses a public, heavily-used bike trail, means that the building would impede public safety, use and enjoyment of this public land.

4) The City's process was most unfortunate. They only issued one notice to us at the Community League. There are no other houses within the 60 metres radius of the proposed house to issue notices to - it is parkland, afterall. However, there are hundreds, if not hundreds of thousands, of people who will be affected by this house. Notices should have gone up on the rail trail explaining to the park users why the City was giving variances to the landowner. Failing in-depth consultation, this project must be rejected until such time a proper consultation takes place.

5) Trees are always protected when construction is done in our neighbourhood. There are a number of very tall trees surrounding the site whose root systems will be affected when they dig out the house's foundation. We know that trees' root systems extend great distances from the base of the tree and are often interconnected with other root systems. The permit should insist that the trees' root systems in the ravine will be protected and an explanation should be given as to how that could be accomplished.

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

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

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the decision is made under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Section 540.1 states the **General Purpose** of the (A) **Metropolitan Recreation Zone** is to preserve natural areas and parkland along the river, creeks, ravines and other designated areas for active and passive recreational uses and environment protection in conformance with Plan Edmonton and the North Saskatchewan River Valley Area Redevelopment Plan.

Section 811.1 states the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is to provide a development Setback from the North Saskatchewan River Valley and Ravine System.

Discretionary Use

Under Section 540.3(14), a **Single Detached Dwelling** is a **Discretionary Use** in the (A) **Metropolitan Recreation Zone**.

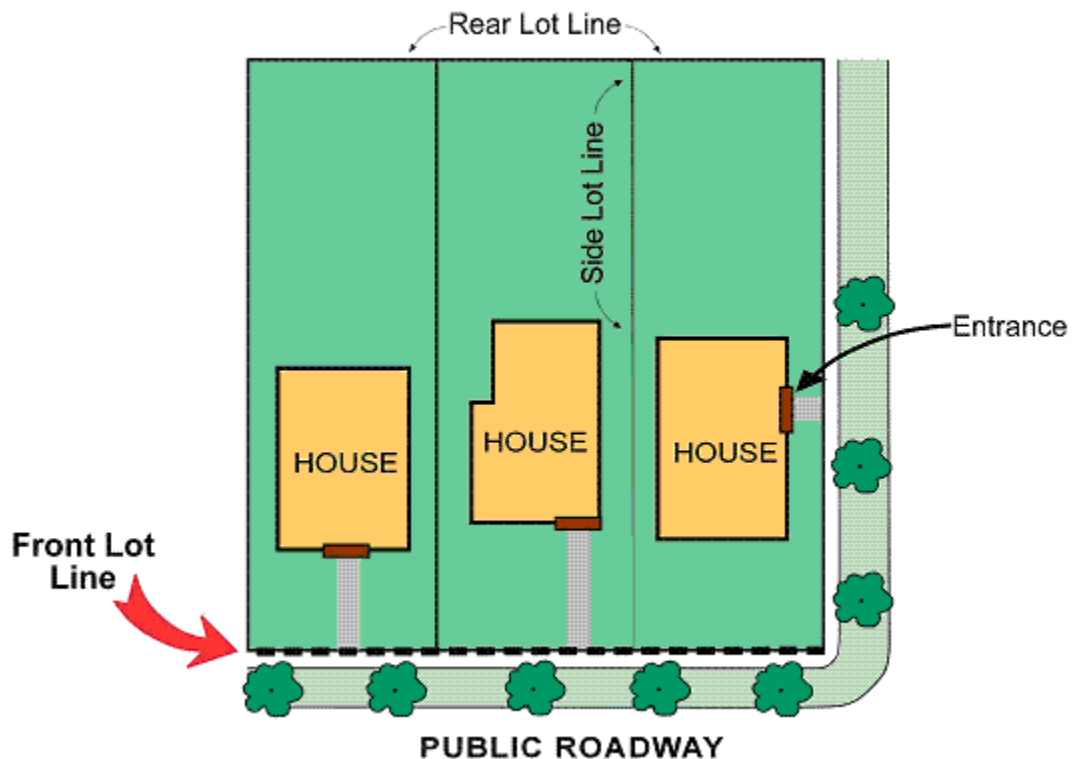
Under Section 7.2(8), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Development Officer’s Determination

Discretionary Use - The Single Detached House is approved as a Discretionary Use (Section 540.3.14).

Front Lot Line

Under Section 6.1(43), **Front Lot Line** means the property line separating a lot from an abutting public roadway other than a Lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a Lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line.



Development Officer’s Determination

Front Lot Line - the west property line is deemed to be the Front Lot Line and in accordance with Section 6.1(43).

Front Setback

Section 540.4(1) states the minimum **Front Setback** shall be 7.5 metres.

Development Officer’s Determination

Reduced Front Setback - The distance from the house to the west property line is 1.5m to 3.1m, instead of 7.5m. Section 540.4(1).

Side Setback

Section 540.4(3) states the minimum **Side Setback** shall be 7.5 metres.

Development Officer’s Determination

Reduced Side Setback - The distance from the house to the north property line is 1.2m instead of 7.5m, and the distance from the house to the south property line is 1.5m instead of 7.5m. Section 540.4(3).

Deck Projection

Section 44.3(c) states **Platform Structures** may project into a required Setback or Separation Space, provided such projections do not exceed 0.6 metres into any other Setbacks or Separation Spaces with a depth of less than 4.0 metres.

Under Section 6.1(80), **Platform Structures** means a raised structure on which people can stand, that projects from the wall of a building, may be surrounded by guardrails, parapet walls or similar features, and is intended for use as an Amenity Area. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Development Officer’s Determination

Deck projection on south facade - The distance from the deck to the south property line is 0.3m instead of 0.9m. Section 44.3(c).

Landscaping

Trees and shrubs shall be provided in accordance with Table 55.2(1)(d), as follows:

Measure	Table 55.2(1)(d)
	Tree and Shrub Planting Requirements
Site Width	Single Detached Housing
Less than 10.0 metres	One deciduous tree, one coniferous tree and four shrubs
10.0 metres – 13.0 metres	Two deciduous trees, one coniferous tree and six shrubs
Greater than 13.0 metres	Two deciduous trees, two coniferous trees and eight shrubs

Development Officer's Determination

Landscaping - the requirement to provide onsite trees and shrubs is waived (Section 55.2.d).

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: **230721006-001**
 Application Date: SEP 15, 2016
 Printed: January 22, 2018 at 2:29 PM
 Page: 1 of 5

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 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.

<p>Applicant</p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div>	<p>Property Address(es) and Legal Description(s) 9213 - 97 STREET NW Plan 1820AX Blk 5 Lot 2</p> <hr/> <p>Location(s) of Work Entryway: 9213 - 97 STREET NW Building: 9213 - 97 STREET NW</p>
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Scope of Application
 To construct a Single Detached House with side attached garage, front veranda, side uncovered deck, and Basement development (Not to be used as an additional Dwelling).

<p>Permit Details</p> <p>Affected Floor Area (sq. ft.): 4258 Class of Permit: Class B Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): Site Width (m):</p>	<p>Building Height to Midpoint (m): 9.96 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): Site Depth (m): Stat. Plan Overlay/Annex Area:</p>
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Permit Decision
 Approved

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Project Number: 230721006-001
Application Date: SEP 15, 2016
Printed: January 22, 2018 at 2:29 PM
Page: 2 of 5

Application for House Development and Building Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17(1).

WITHIN 14 DAYS OF THE END OF THE NOTIFICATION PERIOD with NO APPEAL and prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.5.2)

Onsite development shall be in accordance with the submitted geotechnical reports (May 3, 2016 Initial Geotechnical Report by CT & Associates Engineering Inc, and May 2, 2017 Supplemental Slope Stability Assessment by CT & Associates Engineering Inc.) to the satisfaction of the Development Officer in consultation with the City's Geotechnical Engineer. Ongoing geotechnical involvement during the building's construction is needed to verify that recommended design and construction procedures are addressed and construction restrictions followed.

The applicant shall submit a revised Site Plan with the following information:

- 1) Landscaping - no trees and shrubs; just green lawn within private property.
- 2) The site shall be clearly delineated so that the boundary between public and private property is clear, to the satisfaction of the Development Officer.

Environmental condition: Prior to the release of building drawings for building permit review, the applicant shall provide the Development Officer with a copy of the limited soil sampling program that is completed and signed off by a qualified environmental specialist and confirms that the Site is suitable for the full range of uses contemplated in this Permit, to the satisfaction of the Development Officer.

Environmental Advisement: Please be advised that if any kind of contamination is discovered, it should be reported to Alberta Environment and Parks through their spill hotline; any additional work required as a result of contamination, such as additional Phase II ESA work or a Risk Management Plan, would be the responsibility of the owner in consultation with Alberta Environment and Parks. If a Risk Management Plan is required, acceptance of this is through Alberta Environment and Parks and is independent of the Development Permit application.

Advisement: It is the responsibility of the developer to appropriately manage all other regulatory approvals they may be subject to including Historical Resource Clearance through the Province of Alberta.

The building shall be sprinklered to the satisfaction of the Development Officer in consultation with Fire Rescue Services. The onsite development shall be in accordance with the submitted Firesmart assessment to the satisfaction of the Development Officer in consultation with Fire Rescue Services and Forestry. Any offsite work, such as removal of dead trees, selective removal of immature trees, and removal of dead and downed woody material on City parkland deemed necessary by the Development Officer in consultation with Forestry shall be done by Forestry with the costs borne by the owner / applicant. The owner / applicant must contact Bonnie Fermaniuk of City Operations, Parks and Roadways (780-496-4960) prior to construction. Forestry will schedule and carry out all required tree work involved with this project. Forestry is responsible for all off-site tree maintenance outside of the titled parcel and easement area.

All hard surface and weeping tile flows generated from the site should be directly connected to the sewer system on a permanent basis to the satisfaction of the Development Officer in consultation with EPCOR Water and Sewer Services.

All access locations and curb crossings shall have the approval of Subdivision Planning prior to the start of construction. Reference Section 53(1).

- 1) Access exists from the site to 93 Avenue via a drive aisle within parkland authorized under an Access Easement (Document #992009887). Any modification to the existing Access Easement requires the review and approval of Subdivision Planning in consultation with Systems Planning.
- 2) The submitted site plan shows the driveway crossing a portion of parkland to access the garage. This area is not included within the approved Access Easement. The applicant must enter into an Encroachment Agreement for this portion of the driveway located outside the Access Easement. The owner/applicant must email sdencroachmentagreements@edmonton.ca for information on the agreement. The Encroachment Agreement must be signed prior to the release of the Building Permit drawings.
- 3) The owner is responsible to provide an Access Management Plan to address construction and permanent traffic / access to the site from 93 Avenue. This plan must also address the crossing of the existing shared use path both during construction and upon

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Project Number: **230721006-001**
 Application Date: SEP 15, 2016
 Printed: January 22, 2018 at 2:29 PM
 Page: 3 of 5

Application for House Development and Building Permit

construction completion. This Access Management Plan must address signage, surface treatment improvements and any other requirements as deemed necessary by City Operations. For further information please contact Dawson Roberts of City Operations at 780-944-5654.

4) The existing painted yellow centre line and associated signage delineating a Shared Use Path with the Access Easement must be removed to discourage public use of the private drive aisle. Contact Dawson Roberts of City Operations at 780-944-5654 for removal coordination.

5) A barrier must be placed at the terminus of the existing westerly shared use path. Contact Dawson Roberts of City Operations at 780-944-5654 to coordinate.

6) Address signage must be installed at the terminus of 93 Avenue.

7) The drive aisle be signed 'Private Road'.

8) Any roadway, shared use path, or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of City Planning, as per Section 15.5(f) of the Zoning Bylaw. The roadways, shared use paths, or boulevard will be inspected by City Planning prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner. The applicant is responsible to contact Trevor Singbeil at 780-496-1799 of Development Inspections for inspection 48 hours prior to construction.

Subdivision Planning Advisements:

1) There are existing trees adjacent to the existing access easement that must be protected during construction. A minimum clearance of 2m must be maintained between the trunk of any tree. The owner / applicant must contact Bonnie Fermaniuk of City Operations, Parks and Roadways (780-496-4960) prior to construction. The costs for any required hoarding and / or root-cutting shall be borne by the owner / applicant.

2) A site meeting with Forestry of Parks and Roadways will be required to review construction plans and tree protection during construction conflicts (construction work within 5m). This meeting will need to be scheduled a minimum of 4 weeks in advance of the construction start date. Please be advised that all costs associated with the removal, replacement or transplanting of trees shall be covered by the Proponent as per the Corporate Tree Management Policy (C456A). City Operations, Parks and Roadways will schedule and carry out all required tree work involved with this project. Forestry is responsible for all off-site tree maintenance outside of the titled parcel and easement area. Please contact Bonnie Fermaniuk at City Operations, Parks and Roadways (780-496-4960) to arrange this meeting.

3) There is insufficient space on site for a waste management vehicle to accomplish garbage pick-up without having to back out of the site. The owner / developer is proposing garbage pick-up to occur at the terminus of 93 Avenue. For further information, please contact Anthony Henry of Waste Management Services (780-495-9873).

4) A laydown area, for construction materials, may be available under an OSCAM Permit on Parkland.

5) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:

-the start/finish date of project;

-accommodation of pedestrians and vehicles during construction;

-confirmation of lay down area within legal road right of way if required; and

-confirmation if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:

http://www.edmonton.ca/transportation/on_your_streets/on-street-construction-maintenance-permit.aspx

6) 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.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$1,566.00 (based on 2017 rates). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the property owner shall enter into a Servicing Agreement to pay the applicable Sanitary Servicing Strategy Expansion Assessments. Please contact Susana Maki at 780-423-6889 for further details regarding the Servicing Agreement. All assessments are based upon information currently available to the City. The EA, and PAC charges are quoted for the calendar year in which the development permit is granted. The

THIS IS NOT A PERMIT



Project Number: **230721006-001**
 Application Date: SEP 15, 2016
 Printed: January 22, 2018 at 2:29 PM
 Page: 4 of 5

Application for House Development and Building Permit

final applicable rates are subject to change based on the year in which the payment is collected by the City of Edmonton.

Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

NOTES:

- 1) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 2) This approval does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Variances

- Discretionary Use - The Single Detached House is approved as a Discretionary Use (Section 540.3.14).
- Front Lot Line - the west property line is deemed to be the Front Lot Line and in accordance with Section 6.1(43).
- Reduced Front Setback - The distance from the house to the west property line is 1.5m to 3.1m, instead of 7.5m. Section 540.4(1).
- Reduced Side Setback - The distance from the house to the north property line is 1.2m instead of 7.5m, and the distance from the house to the south property line is 1.5m instead of 7.5m. Section 540.4(3).
- Deck projection on south facade - The distance from the deck to the south property line is 0.3m instead of 0.9m. Section 44.3(c).
- Landscaping - the requirement to provide onsite trees and shrubs is waived (Section 55.2.d).

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: Dec 21, 2017 Development Authority: BACON, KIRK Signature: _____
 Notice Period Begins: Jan 02, 2018 Ends: Jan 23, 2018

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Safety Codes Fee	\$18.42	\$18.42	03607785	Sep 16, 2016
Water Usage Fee	\$108.90	\$108.90	03607785	Sep 16, 2016
Electrical Fees (House)	\$348.00	\$348.00	03607785	Sep 16, 2016
Temporary Gas Heat Fee	\$100.00	\$100.00	03607785	Sep 16, 2016
Electrical Fee (Service)	\$77.00	\$77.00	03607785	Sep 16, 2016

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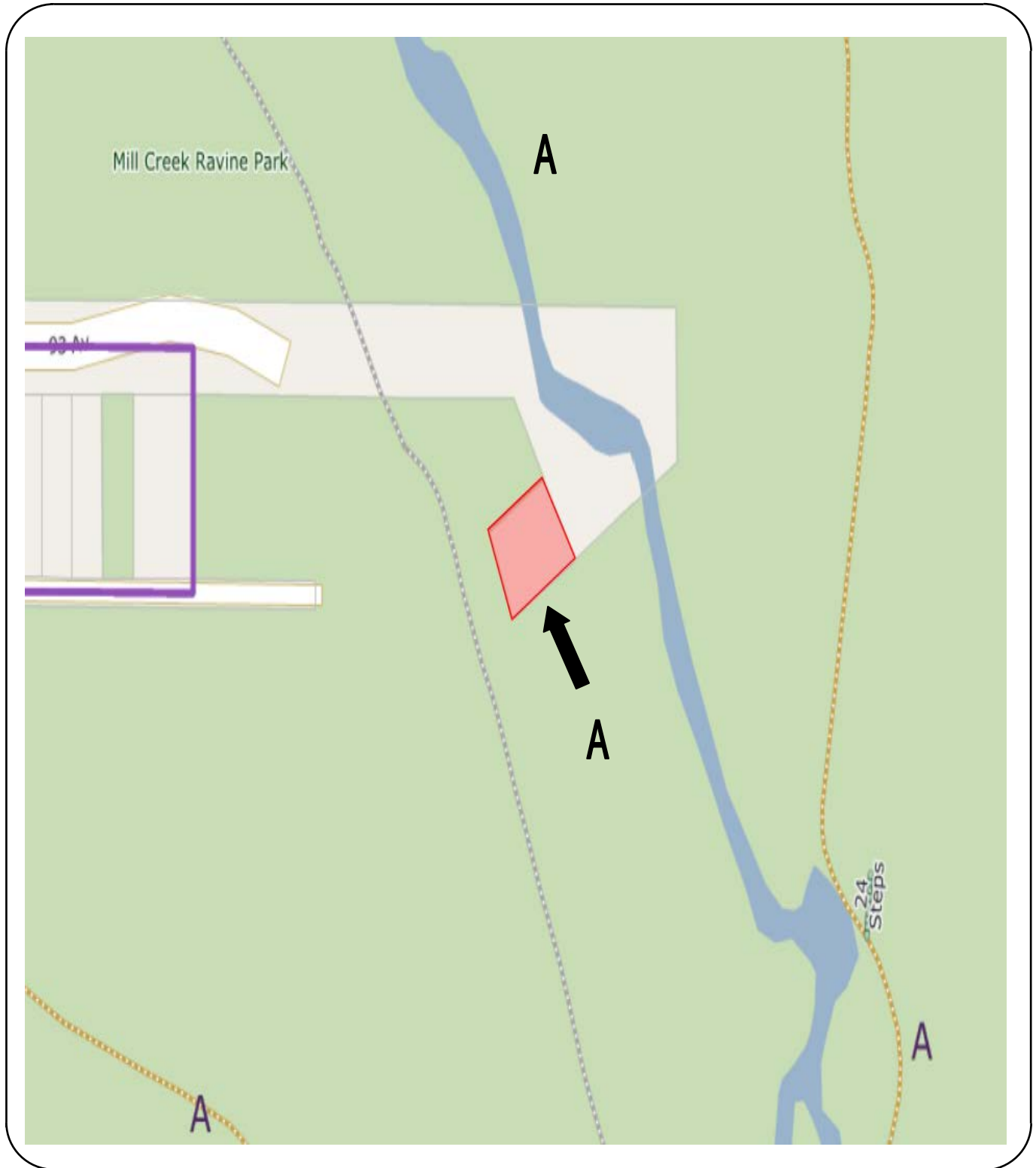
Project Number: **230721006-001**
Application Date: SEP 15, 2016
Printed: January 22, 2018 at 2:29 PM
Page: 5 of 5

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$3,740.00	\$3,740.00	03607785	Sep 16, 2016
Lot Grading Fee	\$135.00	\$135.00	03607785	Sep 16, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	04717632	Jan 02, 2018
Safety Codes Fee	\$149.60	\$149.60	03607785	Sep 16, 2016
DP Notification Fee	\$0.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$6,242.92	\$6,242.92		

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-18-030

