



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: February 27, 2019
Project Number: 284978069-001
File Number: SDAB-D-19-020

Notice of Decision

- [1] On February 21, 2019, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **January 28, 2019**. The appeal concerned the decision of the Development Authority, issued on January 18 2019, to refuse the following development:

Convert a recreation room and exercise room into 2 Dwellings (one Studio and one Bedroom Dwelling; increase Dwellings from 70 to 72) to an Apartment House and construct interior alterations, existing without permits

- [2] The subject property is on Plan 518RS Blk 25 Lot 15A, located at 13404 - 96 Street NW, within the (RA7) Low Rise Apartment Zone. The Medium Scale Residential Infill Overlay applies to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
 - The Development Officer’s written submission; and
 - The Appellant’s written submissions.

Preliminary Matters

- [4] At the outset of the appeal hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26. (“MGA”)

Summary of Hearing

- i) *Position of Mr. Barclay, representing Bennett Architects, speaking on behalf of the Appellant, Elton Construction Ltd. / Cantiva Properties ULC*

- [7] In Mr. Barclay's opinion, the Site is incorrectly zoned as an (RA7) Low Rise Apartment Zone. He explained that the reason for them seeking the permit is that they are trying to make the building comply with the regulations of the *Edmonton Zoning Bylaw*. He explained that attempts had been made, though unsuccessful, to find a previous development permit to determine if the zoning had changed at some point.
- [8] Because there is such a discrepancy in the current state of the building and the current regulations in bylaw, they were seeking to discover why there could be such a gap.
- [9] He noted that the building was approved 30 or 40 years ago.
- [10] The two units in question before the board that triggered the review of the building and subsequent denial by the Development Authority have been in existence for over 20 years.
- [11] The proposed drawings reflect the proposed amenity area in terms of satisfying the landscaping area as well as showing the two new balcony spaces.
- [12] There are sufficient parking spaces for the building.
- [13] He noted that the appeal submission explains the rationale for requesting an approval for the development.
- [14] Mr. Barclay provided the following information in response to questions by the Board:
- a. He is unaware if the property was zoned differently in the past as they were not able to find any information.
 - b. The two units were previously used as an amenity room and exercise room prior to them being converted.
 - c. There will be no physical changes made to the building. Nothing will be moving.
 - d. He confirmed that they could not find a permit from 1968 when the building was initially built.
 - e. They will meet the amenity space requirements by installing new patios for units 6 and 7 as shown on the submitted plans. He could not confirm the size of the patios. The Board noted that the plans do have detailed measurements of the patios.
 - f. He confirmed that the building has a flat roof.

ii) Position of the Development Officer, Ms. Bauer

[15] The Development Authority did not appear at the hearing and the Board relied on Ms. Bauer's written submission.

Decision

[16] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:

1. The proposed development shall be completed in accordance with the submitted plans.
2. **PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW**, the applicant or property owner shall pay a Development Permit Inspection Fee of \$518.00 (This can be paid by phone with a credit card - 780-442-5054).
3. Landscaping shall be in accordance with the approved landscaping plan and Section 55 of the Zoning Bylaw, to the satisfaction of the Development Officer.
4. Any changes to an approved Landscape Plan require the approval of the Development Officer prior to the Landscaping being installed.
5. Landscaping shall be maintained in a healthy condition for a minimum of 24 months after the landscaping has been installed, to the satisfaction of the Development Officer.
6. A Guaranteed Landscaping Security shall be provided to the City of Edmonton at the time of Development Permit Inspection, to the satisfaction of the Development Officer.

Notes:

Upon the first Development Permit Inspection and determination that landscape construction has been completed in compliance with the approved Landscape Plan, 20% of the approved Guaranteed Landscape Security shall be collected and retained for a period of 24 months from the date of first Development Permit Inspection.

Sites that are not completed or are not compliant with approved Landscape Plans at the first Development Permit Inspection, shall be required to submit a Security for incomplete work, up to and including the full value of the approved Guaranteed Landscape Security value.

7. PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$2,372. The SSTC charge is quoted at year 2019 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 2nd Floor cashiers, Sustainable Development, 10111 104 Avenue NW.

Advisements:

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Reference Section 5.2).

A Building Permit is required for any construction or change in use of a building. For a Building Permit, and prior to the Plans Examinations review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further details.

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

- [17] In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:
1. The maximum allowable Density of 140 Dwellings/ha (50 Dwellings) as per Section 210.4(2)(a) is varied to allow an excess of 22 Dwellings, thereby increasing the maximum allowed Density to 200 Dwellings/ha (72 Dwellings).

Reasons for Decision

- [18] The Northgate Towers is an 11 storey Apartment Building that was constructed in 1969. No original development permit was submitted by either the Development Officer or the Appellant for the 50 year old Apartment Building.
- [19] Submitted to the Board is a set of plans dated 1962. The Board notes that those plans are endorsed with a building approval stamp that appears to be dated 1967.
- [20] Based on the evidence endorsed by the Building Section Department and the age of the building, the Board finds it is more likely than not that a Development Permit for the building, as set out in the 1962 plans, was issued.

- [21] The building, as set out in the plans, does not conform to the development regulations in the (RA7) Low Rise Apartment Zone. While the building does conform to the current use, namely Apartment Housing, it does not conform to the development regulations with respect to the Height, Density, and Floor Area Ratio.
- [22] This matter comes before the Board because the Development Officer has determined that two of the rooms on the first floor of the building in the 1962 plans were converted from a recreation room and an exercise room into two (2) dwellings at some time between now and then.
- [23] This increases the number of dwellings from 70 as outlined in the 1962 plans to 72 dwellings. The two (2) dwellings have existed for an undetermined time but for at least the last 20 years.
- [24] The Appellant submits this is a non-conforming building and the Board agrees with that submission.
- [25] Section 643(5) of the *Municipal Government Act* (“MGA”) stipulates the type of alterations to a building that remove a non-conforming status:
- A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except (a) to make it a conforming building, (b) for routine maintenance of the building, if the development authority considers it necessary, or (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.
- [26] The Board notes based on the evidence before it that the subject building is not being enlarged, added to, or rebuilt.
- [27] The present issue before the board is whether the building is being “structurally altered” by the current proposal. The term “structurally” is not defined in the *MGA*. The Board, therefore, interprets the phrase “structurally altered” to mean something that is altering the basic engineered structure of the building and not something as minor as altering an exercise room to a studio dwelling or a recreational room to a one bedroom apartment. Those are not structural alterations.
- [28] The change requested in the current development permit does not cause the building to lose its non-conforming status under Section 643 of the *MGA*, and therefore, the Board will consider whether or not to grant the development permit as requested.
- [29] From that finding, the Board notes that the proposed development does not alter height or Floor Area Ratio. Accordingly, the only variance required relates to the change in Density because of an increase from 70 to 72 Dwelling Units.
- [30] One concern with the application is the potential loss of public amenity space by altering the recreation room and exercise room to private Dwellings.

- [31] The Board finds that any impact on Amenity Space occasioned by the proposed development is ameliorated by additional outdoor patios for the dwellings.
- [32] The Board notes that the submitted plans, which must be adhered to as a condition for the permit being granted by the Board, will increase the external public amenity space available to the residents of the entire building.
- [33] For that reason, the development permit only requires a variance to the required Density, which will be granted.
- [34] The building has existed for at least 20 years or longer in its current state.
- [35] No letters were received in opposition to the proposed development and no one appeared in opposition at the hearing.
- [36] Based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. I. Wachowicz, Chair
Subdivision and Development Appeal Board

Board Members in Attendance:

Mr. M. Young; Mr. A Peterson; Mr. L. Pratt; Ms. D. Kronewitt Martin

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.



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Date: February 27, 2019
Project Number: 295205432-001
File Number: SDAB-D-19-021

Notice of Decision

- [1] On February 21, 2019, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **January 28, 2019**. The appeal concerned the decision of the Development Authority, issued on January 28, 2019, to refuse the following development:

Construct a Single Detached House with rear attached Garage, Basement development (NOT to be used as an additional Dwelling), solar photovoltaic system, uncovered deck and veranda

- [2] The subject property is on Plan 5887HW Blk 4 Lot 20, located at 10611 - 146 Street NW, within the (RF1) Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.

- [3] The following documents were received prior to the hearing and form part of the record:

- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
- The Development Officer’s written submission;
- The Appellant’s written submissions; and
- Two Online responses in support of the proposed development.

- [4] The following exhibits were presented during the hearing and form part of the record:

- Exhibit A – PowerPoint Presentation
- Exhibit B – Speaking notes submitted by the Appellant

Preliminary Matters

- [5] At the outset of the appeal hearing, the Chair confirmed with the parties in attendance that there was no opposition to the composition of the panel.

- [6] The Chair outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26. (“MGA”)

Summary of Hearing

i) Position of the Appellants, Mr. and Mrs. Wong:

- [8] Mr. and Mrs. Wong explained that they have lived in Grovenor since 2010, along 148 Street and 106 Avenue and enjoy the feeling of community and their neighbours.
- [9] They appreciate the community’s history conveyed through the original owners who still reside in the community today. They look forward to the future by preserving the community’s ability to accommodate the needs of all types of residents from the very young to the elderly.
- [10] They noted that some of their elderly neighbours have been forced out of their homes that were purchased in the 1950s due to mobility issues as a result of too many steps to manage or slippery walkways to their garages.
- [11] The Appellants want to stay in Grovenor for the long term and want their aging parents to live with them when their mobility becomes a challenging factor in their quality of life.
- [12] The proposed development is located two streets over on 146 Street and 106 Avenue from where the Appellant’s currently reside and requires a variance for a rear attached garage and the rear setback.
- [13] The Appellants believed that the rear attached garage will provide safety in the winter months as well as convenience and opportunities to enjoy life in Grovenor well into the future. It will also allow them the ability to be the primary caregivers for their aging parents.
- [14] With this in mind, the bungalow has been designed so that there are no steps between the garage and the living spaces on the main floor. This will provide the ability of their parents to live with them when they can no longer live independently and in the meantime provide a senior friendly home when they come to visit.
- [15] The proposed bungalow has been designed to include features of Inclusive Design including a rear attached garage to protect from the elements (icy walks); a ramp from the garage to the house (for a non-step entry) from an attached garage; one-storey design with bedrooms and living areas all on the same floor; main floor bathrooms with reinforced walls for the purpose of installing grab bars; main floor laundry with front

- loading appliances and a stairwell that is 1.65 metres wide with no landing to the basement and a free and clear straight run to accommodate a wheelchair lift.
- [16] Even though variances are required for the proposed rear attached garage and rear setback, the proposed development has nearby precedents, does not limit the usable space and the substantial permeable surface is in keeping with the character of the neighbourhood.
- [17] A map was referenced to illustrate the location of a number of rear attached garages in the area and surrounding mature neighbourhoods. It was acknowledged that there are no attached rear garages on their block but there is one located 162 metres away on 145 Street. It was, therefore, their opinion that the proposed attached garage is not out of character for this neighbourhood or surrounding mature neighbourhoods.
- [18] A photograph of the street was referenced to illustrate that currently all of the houses on the street are bungalows. Therefore, the proposed single-storey house is very much in keeping with the existing streetscape and will not unduly interfere with the amenities of the neighbourhood.
- [19] The landscaping plan was referenced to illustrate that usable amenity space has been included in both the front and back yards. The back yard space has been maximized by siting the house as much to the side of the lot as possible. A sitting area is proposed in the front yard as well as a rear deck, garden space and there will be plenty of vegetation. This is in keeping with surrounding properties and exceeds the landscaping requirements of Section 55.2 of the *Edmonton Zoning Bylaw*.
- [20] The proposed hardscape is in keeping with the range of coverage on neighbouring properties. The driveway is 71.85 square metres and not 82.09 square metres as noted in the Development Officer's written submission. This discrepancy resulted from a miscalculation in the Plot Plan that included a portion of the lane. The lane portion has been excluded in the revision.
- [21] The proposed driveway covers less area than is permitted for an Accessory building (71.85 square metres or 10.8 percent) and is consistent with the size of driveways on surrounding properties, including the property across the lane to the east and the property to the south.
- [22] Vegetation will be included along the side of the driveway to improve the aesthetics. The lot is 50 feet wide and, therefore, the proposed two-car garage with standard driveway width will not have the appearance of a "parking lot" and is in keeping with the character of the neighbourhood. The proposed garage is the same size as the current existing detached garage.
- [23] They worked with a 3D modeler who used the SketchUp program to model the property and that of their neighbours as well as prepare a sun shadow study. The structures were modelled using their plot plan and RPR, as well as information about their neighbour's

properties. The dimensions used to determine the coverage areas of the north and south neighbours' houses were measured using the Google Maps distance tool. These areas were verified against real estate reports of the houses' square footage to confirm accuracy. Once accuracy was confirmed, the Google Maps distance tool was used to measure the dimensions of the remaining structures and driveways on the north, south, and east neighbours' lots, from which coverage areas were calculated.

- [24] The landscape plan demonstrates that the amount of impermeable surface is 58.3 percent which is well within the 70 percent allowable site coverage. Therefore, the proposed development with a rear attached garage does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
- [25] Even though not required, a sun study was conducted to compare the shadow effect of a rear attached garage versus a detached garage. The sun study was undertaken to reflect the sun and shadow effect of the Spring Equinox, Summer Solstice, Autumn Equinox, and Winter Solstice. A 3D modeler geolocated the properties using SketchUp's built in feature and confirmed the correct location and orientation, which are part of the geolocation functionality. For every hour on the hour between sunrise and sunset, the modeler captured the simulated shadows cast from our property when the garage is attached, compared to when it is detached.
- [26] The Study found that the only times an attached garage added shadow onto our northern neighbour's back yard is during the Spring and Fall between 12:00 and 3:00 p.m. There is no shadow impact in the summer and there is some shadow introduced during the winter between 12:00 p.m. and 1:00 p.m.
- [27] The total massing effect on the north side of the proposed development where the rear attached garage is located is approximately 984.24 square feet. Because the house is a bungalow, the massing effect is less than most two-storey houses with detached garages. It was their opinion that the design has mitigated the concerns regarding rear attached garages in mature neighbourhoods while it provides increased accessibility, convenience and safety.
- [28] They believed they have completed their due diligence by consulting the neighbours and community league and have the support of the directly affected neighbours as well as the majority of those in the 60 metre radius that they were able to contact. Of those that were reached, all were in support of the proposed plans.
- [29] Prior to submitting the permit application in October of 2018, they talked to as many neighbours as possible in the area to show the house plans, plot plan and also provided a letter summarizing the plans with contact information should they have any concerns. A copy of this letter was left with neighbours and 12 signatures we received. Many were pleased that a single family bungalow was proposed and no concerns were expressed about the proposed rear attached garage.

- [30] An email was sent to the community league vice president on September 13, 2018 (note: the President role is currently vacant for the Grovenor community league) and again on January 28, 2019, who discussed the plans at the community league board meeting on February 5, 2019 and no concerns were expressed from the community league board.
- [31] After the refusal of the permit, the Appellants continued to canvas the neighbours, particularly the ones that could not be reached during the initial consultation and two more letters were received.
- [32] Because of the variance required for the rear attached garage and the rear setback, the appeal was discussed with the most directly affected neighbours to the north, south and east who all provided their support.
- [33] The proposed development is a positive addition to the revitalization of Grovenor and the proposed bungalow with an attached garage allows the development of a new house that is senior friendly with the inclusion of accessibility features.
- [34] If the Board grants the required variances, the Appellants noted that they will fully comply with the conditions recommended by the Development Officer as well as any further conditions felt appropriate by the Board.
- [35] The Appellants noted that the impermeable material proposed is well within the allowable maximum of 70 percent of the total lot area.
- [36] A frosted glass treatment will be used on windows as required on the side elevation(s) to minimize overlook into adjacent properties and it is not the Appellants intention to develop the basement into an additional dwelling or secondary suite.
- [37] The proposed development respects the neighbourhood while improving the livability of a new house that will allow the Appellants to be part of the Grovenor community for many years to come.
- [38] In response to a question, Mr. Wong advised that a Plot Plan dated February 6, 2019 was submitted to address the discrepancy in the size of the driveway that resulted from the inclusion of a portion of the lane on City property on the original Plot Plan. It is noted by a red circle to the bottom right of the document.

ii) Position of the Development Officer, Ms. Bauer:

- [39] The Development Officer did not attend the hearing and the Board relied on Ms. Bauer's written submission.

Decision

[40] That the appeal be **ALLOWED** and the decision of the Development Authority **REVOKED**. The development is **GRANTED** as applied for to the Development Authority subject to the following **CONDITIONS**:

1. A Landscape Plan shall be submitted as per Section 55 of the Zoning Bylaw and to the satisfaction of the Development Officer. The maximum amount of Impermeable Material shall be less than 70% of total Lot area;
2. The development shall be constructed in accordance with the stamped and approved Drawings;
3. Prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6(2));
4. Frosted or opaque glass treatment shall be used on windows as required on the side elevation(s) to minimize overlook into adjacent properties (Reference Section 814.3(8)(c));
5. The proposed Basement developments shall NOT be used as additional Dwellings. A Secondary Suite shall require a new development permit application;
6. Rear deck shall be less than 1.0 metre high;
7. Any future deck enclosure or cover requires a separate development and building permit approval;
8. The applicant is advised that there may be complications in obtaining a Development Permit for a future development because of Site Coverage.

Advisements:

9. Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.
10. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
11. 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 to 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.

12. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

[41] In granting the development, the following variances to the *Edmonton Zoning Bylaw* are allowed:

1. The minimum Rear Setback as per Section 814.3(4) is varied to allow a deficiency of 7.6 metres, thereby decreasing the minimum required to 9.8 metres (23 percent of site depth) instead of 17.4 metres (40 percent of site depth).
2. The requirements of Section 814.3(19) are waived to allow a rear attached Garage at this location.

Reasons for Decision

[42] Single Detached Housing is a Permitted Use in the (RF1) Single Detached Residential Zone, pursuant to Section 110.2(7) of the *Edmonton Zoning Bylaw (the "Bylaw")*.

[43] The Board has granted two variances to the Mature Neighbourhood Overlay, Section 814 of the *Bylaw*, to allow an attached rear garage at this location and a deficiency in the minimum required rear setback, for the following reasons:

- a) The proposed single detached house is a single storey bungalow which is not only in keeping with the character of the neighbourhood but is also less intensive than a two-storey house that would be permitted at this location. As a bungalow, this significantly reduces the massing impact of the entire structure.
- b) Based on a review of the evidence provided, the attached garage will not significantly decrease the amount of amenity space provided in either the front or rear yards and the Site will be landscaped to comply with the requirements of Section 55 of the *Edmonton Zoning Bylaw*.
- c) Based on a review of the proposed plans, the massing effect of the proposed attached garage will be mitigated because the side elevation of the garage is lower than the height of the principal dwelling which articulates the roof line and further reduces any massing impacts.
- d) A Sun Shadow Study was prepared by the Appellants and demonstrates that the proposed attached garage will not significantly impact the most affected property to the north. Attaching the garage to the principal dwelling moves it forward on the lot. The Board acknowledges that the Sun Study determined that the overall sunlight penetration of the lot to the north will actually increase with this development.
- e) The Appellant demonstrated through a Sight Line Study that the sight lines to other properties will not be significantly affected by the proposed development and the Board agrees with that finding.

- f) The proposed attached garage is located at the rear of the lot, behind the principal dwelling and is not visible from the front street. Therefore, the Board finds that the attached garage will not impact the existing streetscape.
 - g) The Appellants conducted an extensive neighbourhood consultation which did not reveal any opposition to the proposed development. Most importantly, this consultation identified overwhelming support from neighbours who reside within the 60 metre notification area including the most affected property owners who reside north, south and east of the subject site.
- [44] Based on the above, the Board finds that granting the required variances will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. I. Wachowicz, Chair
Subdivision and Development Appeal Board

Board Members in Attendance:

Mr. M. Young; Mr. A. Peterson; Mr. L. Pratt; Ms. D. Kronewitt Martin

Important Information for the Applicant/Appellant

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 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.