

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
February 26, 2015**

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I	9:00 A.M.	SDAB-D-15-036	Change the Use from Convenience Retail Stores to a Restaurant (79.15 square metres of Public Space) and construct interior alterations 11949 – Jasper Avenue NW Project No.: 162665810-001
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LUNCH BREAK – 12:00 P.M. TO 12:30 P.M.

II	12:30 P.M.	SDAB-D-15-037	Convert a Semi-detached House to Apartment Housing (2 basements converted to 2 additional Dwellings), existing without permits 12611 - 128 Avenue NW Project No.: 163878727-001
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NOTE: *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-036

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 162665810-001

ADDRESS OF APPELLANT: 881 – Armitage Wynd NW, Edmonton
AB T6W 0H2

APPLICATION TO: Change the Use from Convenience Retail
Stores to a Restaurant (79.15 square
metres of Public Space) and construct
interior alterations

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 20, 2015

DATE OF APPEAL: January 27, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11949 - Jasper Avenue NW

LEGAL DESCRIPTION: Plan 1021575 Blk 19 Lot 24

ZONE: DC2.825 Site Specific Development
Control Provision

OVERLAY: N/A

STATUTORY PLAN: Oliver Area Redevelopment Plan

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1) The proposed development does not meet the parking requirements as per S. DC2.825.4(2)(a):

Required parking: 36 spaces

Proposed parking: 9 spaces

Deficiency: 27 spaces

The Development Officer notes that the above-cited clause only allows for a maximum parking variance of 5 spaces, which was previously granted under Development Permit 092489538-021.

A review of the site and proposal by Transportation Services notes that normally, high-density, mixed-use areas can handle a reduced parking supply. However, given the current parking demands and geography of the area surrounding the subject property, the additional parking demands to the area caused by the proposed development may cause undue levels of competition for parking within the development and within the surrounding area. This would create an undue negative impact and material interference on the neighbourhood amenities and surrounding properties, in contravention of S. 11.3(3) of the Zoning Bylaw.

It is therefore the Development Officer's opinion that the proposed development does not meet the requirements of the Zoning Bylaw, does not qualify for a variance and, based on the wording of the DC2 Zone regulations, does not follow the direction of City Council in regards to the DC2 Zone.

APPELLANT'S SUBMISSION

1. By the terms of the Zoning Bylaw, a variance is not required. Rather, the Bylaw allows for a reduction in parking requirements based on an engineered parking study. We have commissioned such a study, and will present the same to the Board at the hearing of this matter.
2. Given the location and the nature of the area, it is anticipated that parking demand for this facility will be minimal.
3. Such further and other reasons as may be presented at the hearing of this appeal.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to change the Use from Convenience Retail Stores to a Restaurant (79.15 square metres Public Space) and construct interior alterations.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

The site is located on the south side of Jasper Avenue and west of 119 Street and is zoned DC2.825 Site Specific Development Control Provision, Section 720 of the Edmonton Zoning Bylaw 12800. DC2.825 was approved by Council on January 21, 2013, under Bylaw 16318. **A copy of Bylaw 16318 is on file.** The site is within the Oliver Area Redevelopment Plan, Bylaw 11618, as amended, approved by Council on December 9, 1997.

The Subdivision and Development Appeal Board at a hearing on January 29, 2015 made and passed the following motion:

“that the appeal hearing be scheduled for February 25, 2015 or February 26, 2015 at the written request of Legal Counsel for the Appellant.”

Section 641(4) of the *Municipal Government Act*, Chapter M-26 states despite section 685, if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal is limited to whether the development authority following the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

A **Restaurant**, 200 occupants or less and 240 square metres of Public Space is a listed Use in the DC2.825 Site Specific Development Control Provision, Section DC2.825.3(n).

Under Section 7.4(45), **Restaurants** mean development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the Site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This Use Class typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

Section DC2.825.4.2(a) states the Development shall provide parking in accordance with Schedule 1 of Section 54.2 of the Zoning Bylaw with the variance of five stalls to the satisfaction of the Development Officer.

Schedule 1(A)(24) of Section 54.2 states a minimum number of required parking spaces for Restaurants of 1 parking space per 3.6 square metres of Public Space.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

Section 54.1(2)(h) states in the case of the multiple Use of a Site, the Development Officer shall calculate the vehicular parking, Bicycle Parking and total off-street loading requirement for each individual Use and the total shall be deemed to be the required vehicular parking, Bicycle Parking or off-street loading for the Site, unless the applicant can demonstrate that there is complementary use of the parking or loading facilities which would warrant a reduction in the requirements. Where such reduction is made, this shall be considered a variance and the Development Officer shall state the reduction and the reasons for it on the Development Permit.

The Development Officer determined 36 parking spaces are required. The proposed development provides 9 parking spaces, which is deficient by 27 parking spaces.

Under Section 6.1(80), **Public Space** means space within an establishment, which is open to the public and not restricted to employees only. This definition does not include kitchens, administrative offices, food or drink preparation areas.

Section DC2.825.1 states the purpose of the DC2 Site Specific Development Control Provision is to accommodate a 36 storey mixed use, high rise, high density development with commercial uses on the main and second floor of a three storey podium that provides for an active and inviting pedestrian oriented streetscape fronting onto Jasper Avenue and a publicly accessible garden linking Jasper Avenue and the Victoria Trail Promenade, with site specific design controls to reduce the mass, sun shadow and view impacts of the tower on adjacent developments.

The following jobs are listed in the Sustainable Development POSSE system:

Application Number	Description	Decision
167317805-001	To change the Use from Convenience Retail Stores to Business Support Services and to construct interior alterations (tenant improvements).	January 29, 2015; Approved with conditions.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

167312998-001	To change the Use from Convenience Retail Stores to Business Support Services and to construct interior alterations (tenant improvements).	January 29, 2015; Approved with conditions.
92489538-022 SDAB-D-13-054	Increase the number of Storeys from 35 to 36 for an Apartment House building (the Pearl), and to increase the number of Dwellings from 128 to 130.	March 28, 2013; that the appeal be DENIED and the decision of approval by the Development Authority CONFIRMED
92489538-021	To increase the number of Storeys from 35 to 36 for an Apartment House building (the Pearl), and to increase the number of Dwellings from 128 to 130.	January 22, 2013; Approved with conditions.
130858107-002 LDA12-0398- REZ	Application to Rezone - To rezone from DC2 to DC2.	January 21, 2013; Passed by Council.
92489538-018	To reduce the number of Dwellings in an Apartment House from 174 to 128 (The Pearl).	June 27, 2012; Approved with conditions.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

92489538-014	To increase the maximum floor plate area for level 35 from 320 square metres to 326 square metres for an Apartment House building (the Pearl).	May 23, 2012; Approved with conditions and the following variance: Section DC2.755.4.1.l(vi) relaxed - the maximum floor plate area for level 35 is increased from 320 square metres to 326 square metres NOTE: The Subdivision and Development Appeal Board in their decision of June 10, 2011 increased the maximum level 35 floor plate area from 300 square metres to 320 square metres.
92489538-009 SDAB-D-11-098	Construct exterior and interior alterations to an Apartment House / Convenience Retail building (The Pearl).	June 10, 2011; that the appeal be ALLOWED and the DEVELOPMENT GRANTED.
92489538-008	To construct exterior and interior alterations to an Apartment House / Convenience Retail building (The Pearl).	May 3, 2011; Refused.
92489538-003	To excavate for an underground parkade.	March 24, 2010; Approved with conditions.
92489538-002	Encroachment Agreement	Completed August 19, 2010.
92489538-001	To construct an Apartment House (174 Dwellings) with main floor Convenience Retail, and an underground parkade (The Pearl).	March 28, 2011; Approved with conditions and the following variance: Section DC2.755.4.2(c) relaxed - the location of the proposed parkade access off of the rear lane is deemed to be in accordance to Appendix Ia to the satisfaction of the Development Officer.

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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-036



ITEM II: 12:30 P.M.

FILE: SDAB-D-15-037

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 163878727-001

ADDRESS OF APPELLANT: P.O. Box 52173 RPO Garneau,
Edmonton AB T6G 2T5

APPLICATION TO: Convert a Semi-detached House to
Apartment Housing (2 basements
converted to 2 additional Dwellings),
existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 16, 2015

DATE OF APPEAL: January 29, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 12611 - 128 Avenue NW

LEGAL DESCRIPTION: Plan 8479ET Blk A Lot 2

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

The minimum Site Area shall be 800 m². (Section 210.4(2))
Proposed (existing lot): 517.181, DEFICIENT

The minimum Site Width shall be 20.0 m. (Section 210.4(3))
Proposed (existing Site Width): 16.01m, DEFICIENT

The minimum Rear Setback shall be 7.5 m. (Section 210.4(7))
Proposed (existing Rear Setback): 5.95 m, DEFICIENT

Apartment Housing shall not isolate another Site within this Zone of less than 800 m². The Development Officer may exercise discretion in those cases which would isolate another Site within this Zone of less than 800 m², having regard to the location, age and nature of the Use or Uses on the Site that would be isolated. (Section 210.4(13))

This job isolates a 556.09 sm adjacent house; DOES NOT COMPLY

823 Medium Scale Residential Infill Overlay

823.1 General Purpose

The purpose of this Overlay is to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

823.2 Application

The Overlay applies to lands zoned RF6 and RA7 in the areas shown on the Appendices to this Overlay. Wherever the policies or provisions of a Statutory Plan make reference to the Medium Density Residential Overlay applying to the RF6 or RA7 zones, the regulations contained within this Overlay shall apply.

REASONS FOR REFUSAL BASED ON SECTION 814:

823.3 Development Regulations

Building Envelope:

Principal buildings shall front onto a public roadway, other than a Lane. (Section 823.3(1)(a))

Proposed 2 Dwellings face the interior Side Yard. DEFICIENT

The minimum Front Setback: Where the Front Yard abuts an arterial road, the minimum Setback shall be 6.0 m. (Section 823.3(1)(c))

Proposed (existing Front Setback): 3.8 m, DEFICIENT

Note: Separation Space as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Setback requirements. Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these requirements where the sill of a Principal Living Room Window or a Habitable Room Window is at least 1.5 m above grade.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

The minimum Side Setback shall be 3.0 m. except as provided in subsection 823.3(1)(e). (Section 823.3(1)(d))

Proposed (existing lot): 2.54 m, Principal Living Room window of basement Dwelling is facing interior Side Yard, DEFICIENT

Note: Separation Space and Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard. Principal Living Room window of basement Dwelling is facing interior Side Yard. Deficient on minimum 4.5 m requirement.

Building Design:

All ground Storey Apartment Dwellings adjacent to a public roadway other than a Lane shall have a private exterior entrance that fronts onto the roadway. (Section 823.3(2)(a))

The proposed Dwellings in the basement face the interior side yard, DEFICIENT

Amenity Area:

A minimum Private Outdoor Amenity Area of 7.5 m² shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 m² of Private Outdoor Amenity Area shall be provided. (Section 823.3(3)(a))

NO Private Outdoor Amenity Area for basement Dwellings. DEFICIENT

Notwithstanding Section 47 of this Bylaw, the Private Outdoor Amenity Area for Apartment Housing Dwellings shall have a minimum width and length of 2.0 m and may be located within a Front Setback provided that a minimum Setback of 1.0 m is maintained between the property line and the Private Outdoor Amenity Area. (Section 823.3(3)(b))

NO Private Outdoor Amenity Area for basement Dwellings. DEFICIENT

Notwithstanding any other regulation of this Bylaw, the common Amenity Area or Private Outdoor Amenity Area may be located within any Yard. A minimum Setback of 1.0 m is required between an Amenity Area or Private Outdoor Amenity Area and any property line that abuts a public street. (Section 823.3(3)(e))

NO Private Outdoor Amenity Area for basement Dwellings. DEFICIENT

Parking for Apartment Housing:

Required:

2 Dwellings with 3 bedrooms each: 1.7 x 2= 3.4

2 Dwellings with 1 bedroom each: 2 x 1= 2

TOTAL: 5.4 or 6 spaces required

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

Proposed: 4

1 on each attached Garage = 2

1 on each driveway, 4.45 m long = 2

TOTAL: 4, DEFICIENT (also deficient on minimum driveway length (5.5 m))

REFUSAL- Due to the increase in intensity of use by converting the non-conforming Semi-detached house to an Apartment Housing, the numerous regulations pertaining to Sections 210 (RA7) Low Rise Apartment Zone, 823 Medium Scale Residential Infill Overlay and 54.2 Parking Schedule 1 of the Edmonton Zoning Bylaw 12800 will not be met.

NOTE: All 'Section(s)' above refers to the Edmonton Zoning Bylaw 12800 as amended.

APPELLANT'S SUBMISSION

I wish to appeal this decision.

First of all these suites existed when the units were purchased 2006.

We had a city health inspector review the suites before, and told us to increase the size of the windows, and we did. We had everything fixed to maintain proper and safe living standards.

Now we are getting all this from the city about illegal suites, having to convert it to an "apartment" even though it is just a simple duplex with basement suites.

We cannot afford to lose these basement suites, we have 1st and 2nd mortgages on this place and need the income to pay for this. When we bought this place the market was very inflated, and we over paid for this duplex. We are also providing a good place for people to live in. Forcing us to remove these suites will remove good homes from good people as well as put us into bankruptcy and force us to sell the duplex. To sell now we will be losing money.

It appears the main reason for refusal is some weird labeling system of the duplex into an "apartment" which has very different requirements than a duplex or single family dwelling.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to convert a Semi-detached House to Apartment Housing (2 basements converted to 2 additional Dwellings) existing without permits.

The site is located on the southeast corner of 128 Avenue and 127 Street, and is zoned RA7 Low Rise Apartment Zone, Section 210 of the Edmonton Zoning Bylaw 12800. The site is within the Medium Scale Residential Infill Overlay, Section 823.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Apartment Housing is a Permitted Use in the RA7 Low Rise Apartment Zone, Section 210.2(1).

Under Section 7.2(1), **Apartment Housing** means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

The submitted Site Plan shows that the subject site has a Site Width of 16.01 metres and a Site depth of 32.70 metres. The proposed Apartment House with two single vehicle Garages is 3.80 metres from the (west) Front Lot Line, 2.54 metres from the (south) Side Lot Line, 4.45 metres from the (north) flanking Side Lot Line, and 5.95 metres from the (east) Rear Lot Line. Vehicular access to the proposed Apartment House is from the (north) flanking Side Yard abutting 128 Avenue.

Section 210.4(2) states minimum Site area shall be 800 square metres.

The Development Officer determined that the Site area is 517.18 square metres, which is deficient by 282.82 square metres.

Section 210.4(3) states that the minimum Site Width shall be 20.0 square metres.

The Development Officer determined that the Site Width is 16.01 metres, which is deficient by 3.99 metres.

Section 210.4(7) states that the minimum Rear Setback shall be 7.5 metres.

The Development Officer determined that the (east) Rear Setback is 5.95 metres, which is deficient by 1.55 metres.

Section 210.4(13) states Apartment Housing, Group Homes, Lodging Houses, Row Housing and Stacked Row Housing shall not isolate another Site within this Zone of less than 800 square metres. The Development Officer may exercise discretion in those cases which would isolate another Site within this Zone of less than 800 square metres, having regard to the location, age and nature of the Use or Uses on the Site that would be isolated.

The Development Officer determined that the abutting property to the south contains a Single Detached Dwelling and has a Site area of 556.09 metres square, which does not conform to Section 210.4(13).

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Section 823.3(1)(c) states the minimum Front Setback shall be consistent with the Setback of development on adjacent Sites and with the general context of the block face but shall not be less than 3.0 metres. The principal building shall be located at or within 1 metres of the average Setback along the block face. Where the Front Yard abuts an arterial road, the minimum Setback shall be 6.0 metres. Where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, the minimum Setback shall be 3.0 metres. Separation Space as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Setback requirements. Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these requirements where the sill of a Principal Living Room Window or a Habitable Room Window is at least 1.5 metres above grade.

The Development Officer determined that the Front Yard abuts an arterial road and the existing (west) Front Setback is 3.80 metres, which is deficient by 2.20 metres.

Section 823.3(1)(d) states the minimum Side Setback shall be 3 metres except as provided in subsection 823.3(1)(e). Where the Side Yard abuts an arterial road, the minimum Side Setback shall be 4.5 metres. Separation Space and Privacy Zone as outlined in Section 48 of this Bylaw shall be reduced to accommodate these Side Setback requirements, except where a Principal Living Room Window faces an interior Side Yard.

The Development Officer determined that the (south) Side Setback is 2.54 metres, which is deficient by 0.46 metres.

Section 823.3(2)(a) states all ground Storey Apartment Dwellings adjacent to a public roadway other than a Lane shall have a private exterior entrance that fronts onto the roadway. Sliding patio doors shall not serve as this entrance.

The Development Officer has applied 823.3(2)(a) and determined that the proposed Dwellings in the Basement fronts the interior yard.

It should be noted that the Dwellings within the Basement are not considered ground Storey and the requirements of a private exterior entrance fronting onto the roadway do not apply.

Section 823.3(3)(a) states a minimum Private Outdoor Amenity Area of 7.5 square metres shall be provided for each Apartment Housing Dwelling except that for ground Storey Dwellings a minimum of 15.0 square metres of Private Outdoor Amenity Area shall be provided.

The Development Officer determined that the minimum Private Outdoor Amenity Area of 7.5 square metres for each basement Dwelling has not been provided.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

Further, Section 823.3(5)(b) states vehicular access to parking shall be from the abutting Lane. Where there is no Lane, parking access shall be designed to minimize disruption to the Yard, sidewalk, existing trees, and existing streetscape and where possible, should be provided from the street which has the lowest vehicle volume.

It should be noted that a Lane abuts the (east) Rear Lot Line and vehicular access to the Site is from the flanking (north) Side Yard.

Further, Section 823.3(5)(d) states any surface parking shall be located at the rear of the building.

It should be noted that on-site surface parking are located at the (north elevation) front of the building.

Section 54.2 Schedule 1(A)(1) states Apartment Housing with a 3 or more Bedroom Dwelling requires a minimum of 1.7 parking spaces and a 2 Bedroom Dwelling requires a minimum of 1.5 parking spaces.

The Development Officer may accept Tandem Parking spaces of a number that is equivalent to the total required parking minus the total number of Dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.

The plans show there are two (1 Bedroom Dwellings) and two (3 Bedroom Dwellings). Therefore, 6 parking spaces are required. 2 parking spaces are proposed in the attached Garages, 2 Tandem parking spaces are proposed on the Driveway in front of the attached Garages.

The Development Officer has determined the number of required parking spaces is 6 and 2 parking spaces have been provided, which is deficient by 4.

Section 54.2(4)(a)(i) states each required off-street parking space shall be a minimum of 2.6 metres width with a minimum clear length of 5.5 metres exclusive of access drives or aisles, ramps, columns.

The Development Officer has determined the number of parking spaces provided is two. The parking space on the northeast elevation is 4.77 metres in width and 4.49 metres in length. The parking space on the northwest elevation is 4.80 metres in width by 4.45 metres in length. Both parking spaces do not meet the minimum length requirement of 5.5 metres.

Section 823.3(6)(b) states where an application for a Development Permit does not comply with the regulations contained in this Overlay:

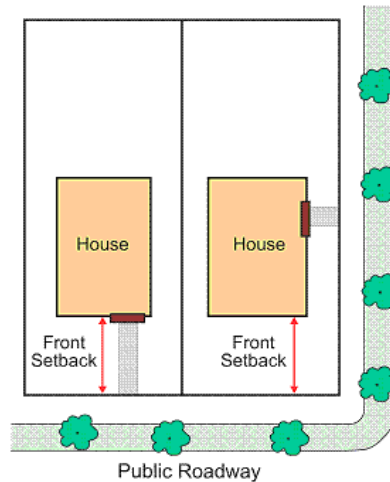
- i. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 metres of the Site of the proposed development and the President of each affected Community League, at least 21 days prior to submission of a Development Application;

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

- ii. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- iii. the applicant shall document any opinions or concerns expressed by the affected parties, and what modifications were made to address their concerns; and
- iv. the applicant shall submit this documentation as part of the Development Application.

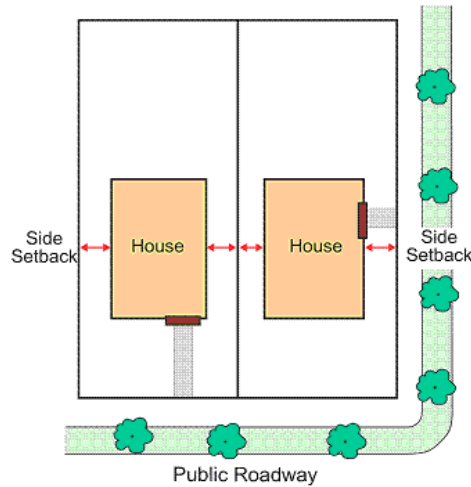
Under Section 6.1(94), **Site Width** means the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.

Under Section 6.1(38), **Front Setback** means the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.

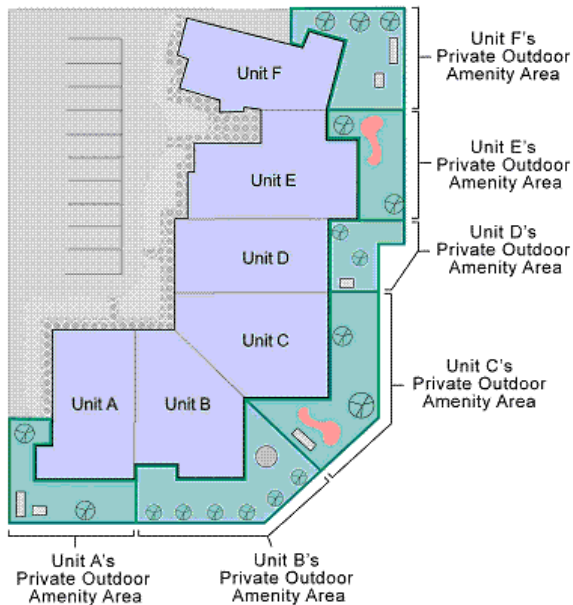


Under Section 6.1(90), **Side Setback** means the distance that a development or a specified portion of it, must be set back from a Side Lot Line. A Side Setback is not a Side Yard, Amenity Space or Separation Space.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)



Under Section 6.1(78), **Private Outdoor Amenity Area** means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve.



Under Section 6.1(27), **Dwelling** means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS
(CONTINUED)

Under Section 6.1(54), **Isolation** means, when used with reference to a Site, that the Site is so situated with respect to a proposed development, and abutting existing development, proposed development for which a Development Permit has been issued, public roadways and natural features, that such Site would not comply with the minimum requirements of this Bylaw. Isolate has a similar meaning.

Section 823.1 states the purpose of this Overlay is to accommodate the development of medium-scale infill housing in Edmonton’s mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Section 210.1 states the purpose of this Zone is to provide for Low Rise Apartments.

Included in the Sustainable Development Department’s POSSE system, under “Docs”, is a Memorandum dated January 7, 2015 from Karen Haromy, Senior Transportation Technician, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the noted development application and has attached conditions if approved. **A copy of the Memorandum from Transportation Services is on file.**

The following jobs are listed in the Sustainable Development Department POSSE system:

Application Number	Description	Decision
117388592-001	Violation Notice	<p>February 22, 2013; An inspection of the above noted property by this Department revealed that an Apartment House (4 dwellings) has been constructed for which, according to our records, no development permit has been issued.</p> <p>No Person:</p> <p>shall commence, or cause or allow to be commenced, a Development without a development Permit therefor issued under the provisions of Section 12 of this Bylaw; or</p> <p>shall carry on, or cause or allow to be carried on a development without a Development Permit therefor issued under Section 12 of this Bylaw (Reference Section 5.1 of the Edmonton Zoning Bylaw).</p>

<p>117388592-001 (continued)</p>		<p>Actions that must be taken:</p> <p>Obtain a development permit for the Apartment House OR fully Decommission the two additional basement suites by removing locked separation and fully removing the kitchens.</p> <p>Action must be taken to rectify the situation by March 29, 2013, the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A. 2000. [...].</p>
<p>706743-001</p>	<p>Compliance Certificate</p>	<p>April 30, 1999; In response to your letter dated April 28,1999, this is to advise you that the Semi-Detached House (Two Family Dwelling) with Attached Garages indicated on the Real Property Report dated April 26,1999 and signed by Rodney R. Mohess, Alberta Land Surveyor, is located in accordance with the Development Permit granted on April 21,1977 by the Development Appeal Board. (Development Permit No. (77-1323) (DAB/77-108))</p> <p>This approval relaxed the front yard due to a 7 ft. Road Widening.</p> <p>This letter precludes any structure(s) or part thereof that is/are not shown on the Real Property Report.</p> <p>The information provided herein is based exclusively on the Real Property Report that accompanied your letter. The Planning and Development Department does not conduct independant inspection of the site and therefore makes no representations as to the accuracy or completeness of the Real Property Report.</p>

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS
(CONTINUED)

43408-001	To increase the number in a Group Home to four	June 7, 1988; Issued November 25, 2012; Cancelled.
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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.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-037



BUSINESS LAID OVER

SDAB-D-15-019	An appeal by <u>Art Lab</u> to construct an Accessory Building (detached Garage, 4.88 metres by 6.10 metres). <i>March 5, 2015</i>
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APPEAL HEARINGS TO BE SCHEDULED

161242059-003	An appeal by <u>Tom Parada</u> to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. <i>March 12, 2015</i>
165332560-001	An appeal by <u>Ace Lange Construction</u> to construct exterior alterations (driveway extension 6.0m x 3.0 m) to an existing Single Detached House, existing without permits. <i>March 11 or 12, 2015</i>