

**SUBDIVISION**  
**AND**  
**DEVELOPMENT APPEAL BOARD**  
**AGENDA**

Meeting No. 02HR3/15

**Thursday, 9:00 A.M.**  
**January 15, 2015**

**Hearing Room No. 3**  
**Main Floor, Churchill Building**

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

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|----------------------------|---------------|--|---|
| 9:00 A.M.<br>159393487-001 | SDAB-D-15-007 | Construct Apartment<br>Housing (244 Dwelling<br>Units).<br>10510 – 121 Street NW | I |
|----------------------------|---------------|--|---|

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**LUNCH BREAK – 11:15 A.M. TO 11:45 A.M.**

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|---|---------------|---|----|
| <b><u>TO BE RAISED</u></b><br>11:45 A.M.<br>159270067-002 | SDAB-D-14-316 | Construct a rear<br>uncovered deck (5.49<br>metres by 9.78 metres at<br>1.35 metres in height),<br>existing without permits.<br>16208 – 136 Street NW | II |
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**BREAK – 1:00 P.M. TO 1:15 P.M.**

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|----------------------------|---------------|--|-----|
| 1:15 P.M.<br>164327585-001 | SDAB-D-15-008 | Change the Use from a<br>Single Detached House<br>to a Limited Group<br>Home (maximum 6<br>residents) and to<br>construct interior<br>alterations.<br>13408 – 57 Street NW | III |
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**NOTE:** *Unless otherwise stated, all references to “Section numbers” in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

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

APPLICATION NO.: 159393487-001.

APPLICATION TO: Construct Apartment Housing (244 Dwelling Units).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions.

DECISION DATE: November 17, 2014.

NOTIFICATION PERIOD: November 20, 2014 to December 3, 2014.

DATE OF APPEAL: December 3, 2014.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10510 – 121 Street NW.

LEGAL DESCRIPTION: Lot 26, Block 1, Plan 1320377.

ZONE: DC2.870 Site Specific Development Control Provision.

OVERLAY: N/A.

STATUTORY PLAN: West Ingle Area Redevelopment Plan.

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DEVELOPMENT OFFICER'S DECISION

“APPROVED – The proposed development is approved subject to the following conditions:

All planting shall be installed to the finished Grade.

The Development Officer may require, as a condition of Development Permit approval, a guaranteed security, from the property owner, to ensure that Landscaping is provided and maintained for two growing seasons. Only the following forms of security are acceptable:

- a. cash to a value equal to 100% of the Landscaping cost; or
- b. an irrevocable Letter of Credit in the amount of 100% of the Landscaping cost.

The projected cost of the Landscaping shall be calculated by the owner or the owner's representative and shall be based on the information provided on the Landscape Plan. If, in the opinion of the Development Officer, these projected costs are inadequate, the Development Officer may establish a higher Landscaping cost figure for the purposes of determining the value of the Landscaping security.

If cash is offered as the Landscaping security, it shall be held, by the City, without interest payable, until, by confirmation through inspection by the Development Officer, the Landscaping has been installed and successfully maintained for two growing seasons. Partial refund after installation of the Landscaping or after one growing season shall be considered upon request of the owner, at the sole discretion of the Development Officer.

If a Letter of Credit is offered as the Landscaping security, it shall be in a form satisfactory to the Development Officer. The initial term of the Letter of Credit shall be one year. The Letter of Credit shall be renewed by the owner 30 days prior to expiry and delivered to the Development Officer until such time as the Landscaping has been installed and maintained for two growing seasons.

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

Upon application by the owner or the owner's representative, a Letter of Credit may be amended to a reduced amount, for attachment to the original Letter of Credit, at the discretion of the Development Officer, when any of the following events occur:

- a. the required Landscaping has been properly installed; and
- b. the required Landscaping has been well maintained and is in a healthy condition after one growing season.

Upon application by the owner or the owner's representative, a Letter of Credit shall be fully released if the required Landscaping has been well maintained and is in a healthy condition after two growing seasons.

Any Letter of Credit shall allow for partial draws by the City if the Landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development; or the Landscaping is not well maintained and in a healthy condition two growing seasons after completion of the Landscaping. The City may draw on a cash security or a Letter of Credit and the amount thereof shall be paid to the City for its use absolutely. All expenses incurred by the City, to renew or draw upon any Letter of Credit, shall be reimbursed by the owner to the City by payment of invoice or from the proceeds of the Letter of Credit.

In the event the owner does not complete the required Landscaping, or fails to maintain the Landscaping in a healthy condition for the specified periods of time, and the cash or the proceeds from the Letter of Credit are insufficient for the City to complete the required work, should it elect to do so, then the owner shall pay such deficiency to the City immediately upon being invoiced. The City shall provide an accounting to the owner indicating how the proceeds of the Letter of Credit were applied, within 60 days of completing or maintaining the landscaping.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

- a) cash to a value equal to 100% of the established landscaping costs;
- or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.  
Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55.6

All access locations and curb crossings shall have the approval of the City Transportation and Streets Department prior to the start of construction. Reference Section 53(1).

Note: 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.

The applicant/owner shall provide parking for People with Disabilities in accordance to Section 54.1(3) and to the satisfaction of the Development Officer.

NOTE: The applicant/owner is responsible for ensuring that the proposed development does not encroach on or impair the operation of any existing hydrants and/or valves that are located either in the boulevard, sidewalk, or the street. If a conflict exists then it will be responsibility of the applicant/owner to rectify the problem by:

- 1) redesign of the proposed development followed by a resubmission for approval to the City or,
- 2) relocation of the utility which is to be done by the City staff at the sole expense of the applicant/owner.

For further information, please contact the Drainage Branch of the Asset Management and Public Works Department at 780-496-5460.

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the suitability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, in issuing this 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.

The Alberta Electrical Protection Act, Electrical and Communication Utility Systems Regulation require that all buildings, signs, structures and other objects be three meters or more from power lines. If you plan to build near a power line, please contact Edmonton Power, Customer Engineering Services.

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.

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54.6

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$ 1925.00.

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

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices. (Reference Section 51 of the Edmonton Zoning Bylaw 12800.)

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It 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.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$ 219,112.00. 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.

The applicant/owner shall enter into an agreement for the provision of art with which they shall comply.

Sustainable design practices that reduce the consumption of water, energy, and materials, consistent with the Built Green sustainability program shall be implemented where physically and economically feasible.

All dwellings shall achieve a minimum BUILTGREEN CANADA Silver rating level and a minimum EnerGuide rating as directed by BuiltGreen.

All required parking and loading facilities shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced.

Continuous raised or pre-cast curbing of not less than 100 mm in height shall be provided adjacent to streets and required landscaped areas, 600 mm from the front of the parking stall. Concrete curb stops shall be placed to ensure that vehicles do not overhang boulevards, sidewalks, or required landscaped areas. Curbing shall also be required to clearly demarcate the required portion of driveway leading to an internal roadway, aisle, ramp, parking space or loading space;



DEVELOPMENT OFFICER'S DECISION (CONTINUED):

Where continuing curbs are used as wheel stops, the measured size of parking spaces shall be reduced 1.0 metres in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by 1.0 metres and such overhang areas must be clear of all obstructions (Signs, shrubs, trees, etc.) and shall not be regarded as a required landscaped area; and

In situations where lighting of off-street parking and loading facilities is to be provided, the lighting shall be arranged, installed and maintained to deflect, shade and focus light away from any adjacent land Uses.

The proposed 8 metres access to 122 Street located 35 metres from the south property line is acceptable to Transportation Services and must be constructed as a commercial crossing access.

The proposed 7.5 metres access to 122 Street located 2.5 metres from the north property line is acceptable to Transportation Services and must be constructed as a commercial crossing access.

The owner must construct curb & gutter and restore the boulevard along 121 Street from the south end of the existing curb drop approximately 25 metres north of 105 Avenue to the north property line.

The owner must upgrade 122 Street from 105 Avenue to the north property line to an 8.0 metres urban local roadway standard, including street lighting, 1.5 metres sidewalks on both sides, and a 12 metres turnaround at the northern limits of the right-of-way.

The owner must construct a 1.5 metres concrete sidewalk, on the north side of 105 Avenue from 121 Street to 122 Street, and on the west side of 121 Street, from 105 Avenue to the north property line.

The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

- a) construction of the proposed 8 metre access to 122 Street located 35 metres from the south property line;
- b) construction of the proposed 7.5 metres access to 122 Street located 2.5 metres from the north property line;
- c) construction of curb & gutter and restore the boulevard along 121 Street from the 105 Avenue to the North property line;
- d) upgrades of 122 Street from 105 Avenue to the north property line to a 8.0 metres urban local roadway standard, including street lighting, 1.5 metres sidewalks on both sides and a 12 metres turnaround; and
- e) construction of a 1.5 metres concrete sidewalk on the north side of 105 Avenue from 121 Street to 122 Street, and on the west side of 121 Street from 105 Avenue to the north property line.

The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$245,000 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature. Once signed, the owner is required to have a Civil Engineer submit stamped engineering drawings for approval by the Transportation Services.

The proposed connector sidewalks (25 total) from the sidewalks to the curb along 121 Street, 105 Avenue, and 122 Street, as shown on the Enclosure, are acceptable to Transportation Services. The connector sidewalks are not required by Transportation Services, and are not a construction requirement as per the municipal improvement agreement, but the sidewalks must be shown on the required engineering drawings.

The underground driveway ramp must not exceed a slope of 6% for a minimum distance of 4.5 metres inside the property line and the ramp must be at grade at the property line.

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

Any underground parking access card devices must be located on site, a minimum of 3 metres inside the property line.

The proposed retaining walls bordering the underground driveway/parkade ramp must not exceed a height of 0.3 metres for a distance of 3 metres from the property line and no portion of the wall may encroach onto road right-of-way. Should the owner/applicant wish to increase this height, adequate sight line data must be provided to ensure vehicles can exit safely.

The proposed overhang is encroaching over road right-of-way. The owner/applicant must enter into an Encroachment Agreement with the City. The owner/applicant must contact Calvin Chan (780-496-6153) of Sustainable Development for information on the agreement.

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](http://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.

There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact Marshall Mithrush of Community Services (780-496-4953) to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.

Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  
[http://www.edmonton.ca/bylaws\\_licences/licences\\_permits/oscam-permit-request.aspx](http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx)

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

ADVISEMENTS

This advisement identifies the drainage assessments applicable to the property located at 10510 - 121 Street NW (Plan 132 0377, Block 1, Lot 26; Westmount).

APPLICABLE ASSESSMENTS

1. Permanent Area Contribution (PAC)  
Storm and sanitary PACs are not applicable, since the property is not within any active PAC basins.
2. Expansion Assessment (EA)  
Expansion Assessment is not applicable, since the property is outside the current Expansion Assessment area.
3. Sanitary Sewer Trunk Charge (SSTC)  
Based on our record, this property was never assessed for SSTC.  
SSTC is applicable to the property for 244 multifamily dwellings at \$931/dwelling. The number of dwellings is based on the drawings submitted with the Application for Major Development Permit.  
The above SSTC charge is quoted at year 2014 rate. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 5th Floor cashiers, Sustainable Development, 10250 - 101 Street NW.

DEVELOPMENT OFFICER'S DECISION (CONTINUED):

**Variances:**

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

Required number of trees reduced from 20 to 10. (Reference Section 55.4(6)(a))

Ratio of Deciduous to Coniferous Trees reduced from 50:50 to 100:0 (Reference Section 55.8(3)(a))

Required number of 75mm Calliper Deciduous Trees reduced from 50% to 0%. (Reference Section 55.8(3)(b)(i))”

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APPELLANT'S SUBMISSION

“Concern that the neighbourhood is losing trees. Communities that border downtown need to have green spaces and accents.”

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct Apartment Housing (244 Dwelling Units).

The site is located on the north side of 105 Avenue, the west side of 121 Street, and the east side of 122 Street. The site is zoned DC2.870 Site Specific Development Control Provision, Section 720 of the Edmonton Zoning Bylaw 12800. DC2.870 was Signed and Passed by City Council on August 25, 2014, under Bylaw 16907. **A copy of Bylaw 16907 is on file.** The site is within the West Ingle Area Redevelopment Plan, Bylaw 7469 (as amended) approved by Council on May 14, 1985.

**Apartment Housing** is a listed Use in the DC2 Site Specific Development Control Provision, Section DC2.870.3(a).

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.

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-007

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

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variances:

Section 55.4(6) states trees and shrubs shall be provided in accordance with subsection 55.8. For development consisting of Residential Use Classes, the number of trees and shrubs shall be determined on the basis of the following:

- a. One tree for each 35 square metres and one shrub for each 15 square metres of Setback at grade; and
- b. One tree for each 20 square metres and one shrub for each 10 square metres of required parking area islands. In no case shall there be less than one tree per required parking are island.

**The Development Officer determined 20 trees are required. The proposed development provides 10 trees, which is deficient by 10 trees. The Development Officer granted the variance of 10 trees.**

Section 55.8(3) states all planting shall conform to the following:

- a. The proportion of deciduous to coniferous trees and shrubs shall be approximately 50:50; and
- b. The following mix of tree sizes shall be used:
  - i. 50 percent of required deciduous trees shall be a minimum of 50 millimetre Caliper and 50 percent shall be a minimum of 75 millimetre Caliper; and
  - ii. 75 percent of required coniferous trees shall be minimum of 2.5 metres in height and 25 percent shall be a minimum of 3.5 metres in height.

**The Development Officer determined approximately 50 percent of the trees shall be coniferous. The proposed development provides 0 percent coniferous trees, which is deficient by 50 percent. The Development Officer granted the variance in the ratio of deciduous to coniferous trees from 50:50 to 100:0.**

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

**The Development Officer determined 50 percent of the deciduous trees must be a minimum of 75 millimetre Caliper. The proposed development provides 0 percent 75 millimetre Caliper deciduous trees, which is deficient by 50 percent. The Development Officer granted the variance in the percentage of deciduous trees.**

The decision of approval by the Development Officer has been appealed by the Queen Mary Park Community League.

DC2.870.5(e) provides the following with regard to Landscaping:

- i. A detailed Landscape Plan for the Site and within the road right-of-way, in accordance with the Zoning Bylaw and in general accordance with the Conceptual Landscape Plan, shall be submitted prior to the approval of any Development Permit, to the satisfaction of the Development Officer and in consultation with Asset Management & Public Works and Transportation Services. The plans shall include pavement materials, exterior lighting, street furniture elements, pedestrian seating area, sizes and species of new tree plantings and other landscaping elements as applicable. The Plan shall also include vehicular and pedestrian access points and on-site pedestrian circulation. Landscaping on the Site shall consider the use of plant materials that provide color throughout the year to enhance the appearance of the development during cold weather months.
- ii. The Landscape Plan submitted with the Development Permit application shall include the off-site landscaping for 121 Street, 122 Street and 105 Avenue facades, to the satisfaction of the Development Officer, in consultation with Asset Management & Public Works and Transportation Services. The streetscape improvements shall include, but are not limited to, new sidewalks, streetlights, boulevard landscaping, boulevard trees, street furniture, and/or the relocation of utilities underground.

Under Section 6.1(15), **Caliper** means the trunk diameter of a tree measured at a point 300.0 millimetres above the top of the root ball.

Section DC2.870.1 states the purpose of this Site Specific Development Control Provision is to accommodate the development of an eight (8) storey residential building on the north portion of the site and a six (6) storey residential building on the south portion of the site that is compatible with the surrounding neighborhood.

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-007

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

Included in the Sustainable Development Department's POSSE system, under "SDAB", is a Memorandum dated November 13, 2014 from Tyler Golly, General Supervisor, Sustainable Transportation, Transportation Planning Branch, which indicates that Transportation Services has reviewed the development application and has added conditions. **A copy of the Memorandum from Transportation Services is on file.**

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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.

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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-007



**TO BE RAISED**

**ITEM II: 11:45 A.M.**

**FILE: SDAB-D-14-316**

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

APPLICATION NO.: 159270067-002.

APPLICATION TO: Construct a rear uncovered deck (5.49 metres by 9.78 metres at 1.35 metres high), existing without permits.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions.

DECISION DATE: November 4, 2014.

NOTIFICATION PERIOD: November 11, 2014 to November 24, 2014.

DATE OF APPEAL: November 20, 2014.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 16208 – 136 Street NW.

LEGAL DESCRIPTION: Lot 38, Block 58, Plan 0720564.

ZONE: RF1 Single Detached Residential Zone.

OVERLAY: N/A.

STATUTORY PLAN(S): Palisades Area Structure Plan.  
Carlton Neighbourhood Structure Plan.

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**TO BE RAISED**

**ITEM II: 11:45 A.M.**

**FILE: SDAB-D-14-316**

**DEVELOPMENT OFFICER'S DECISION**

“APPROVED - The proposed development is approved subject to the following conditions:

Any future deck enclosure or cover requires a separate development and building permit approval.

NOTE: The applicant should be advised that there may be complications in obtaining a Development Permit for future development because this lot is developed to full site coverage.

Privacy screening could be provided to prevent visual intrusion into adjacent properties.

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It 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.

**Variance:**

Maximum Site Coverage for a Principal building with attached Garage shall be 40 percent relaxed to 42.68 percent (11.13 square metres). (Reference Section 110.4(6)(a)).

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.”

**TO BE RAISED**

**ITEM II: 11:45 A.M.**

**FILE: SDAB-D-14-316**

**APPELLANT'S SUBMISSION**

- “1. Unsightly construction of a rear uncovered deck.
  2. Built too close to our existing property.
  3. Deck is too high and renders future development of a fence difficult, due to the deck being too close to our line of property.
  4. Construction will affect future property value.
  5. The fence may be used as a deck railing.”
- 

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS**

This application is to construct a rear uncovered deck (5.49 metres by 9.78 metres at 1.35 metres in height), existing without permits.

The Site is located on the west side of 136 Street, south of 162a Avenue, and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The Site is within the Palisades Area Structure Plan, under Bylaw 7464 (as amended), approved by City Council on April 24, 1984, and the Carlton Neighbourhood Structure Plan, under Bylaw 12001 (as amended), approved by City Council on April 26, 1999.

The Subdivision and Development Appeal Board at a hearing on December 4, 2014 made and passed the following motion:

“that the appeal be TABLED TO JANUARY 14 or 15, 2015 due to the non-appearance of the Respondent.”

**It should be noted that the scope of the application listed on the Development Permit is different than the approved Site Plan.**

**The Development Officer has confirmed by email correspondence that the approved permit is to construct an uncovered deck (9.45 metres by 5.49 metres at 1.35 metres in height), existing without permits; and not (5.49 metres by 9.78 metres at 1.35 metres in height), existing without permits.**

The submitted Site Plan shows that the subject Site has a (east) Site Width of 12.19 metres, a (south) Site Width of 12.15 metres, a (north) Site depth of 33.99 metres and a (south) Site Depth of 33.96 metres. The proposed uncovered deck is 5.49 metres by 9.45 metres in size and is attached to the (west) rear elevation of the Principal Building.

**TO BE RAISED**

**ITEM II: 11:45 A.M.**

**FILE: SDAB-D-14-316**

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

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

The Development Officer has provided the following information:

|   |                      |
|---|----------------------|
| Site Area:  | 414.80 square metres |
| 12 percent allowable Site Coverage:                       | 49.78 square metres  |
| 28 percent allowable Site Coverage:                       | 116.14 square metres |
| 40 percent allowable Site Coverage:                       | 165.92 square metres |
| Existing Principal Building:                              | 132.10 square metres |
| Proposed Platform Structure<br>(existing without permit): | 44.95 square metres  |
| Proposed Total Site Coverage:                             | 177.05 square metres |

Section 110.4(6)(a) states maximum Site Coverage shall be as follows:

|                                    | Principal Dwelling / building | Accessory building | Principal building with attached Garage | Total Site Coverage |
|------------------------------------|-------------------------------|--------------------|---|---------------------|
| Single Detached and Duplex Housing | 28 percent                    | 12 percent         | 40 percent                              | 40 percent          |

**The Development Officer determined the maximum allowable Total Site Coverage is 165.92 square metres, proposed is 177.05 square metres, and a relaxation of 11.13 square metres was granted.**

**TO BE RAISED****ITEM II: 11:45 A.M.****FILE: SDAB-D-14-316****SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED):**

The decision of approval by the Development Officer has been appealed by a property owner located immediately to the north of the subject site at 16212 – 136 Street.

Under Section 6.1(74), **Platform Structures** means structures projecting from the wall of a building that may be surrounded by guardrails or parapet walls. Common structures include: balconies, raised terraces and decks.

Under 6.1(93), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metre above grade, including Accessory Buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metre or more above grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metre above grade.

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

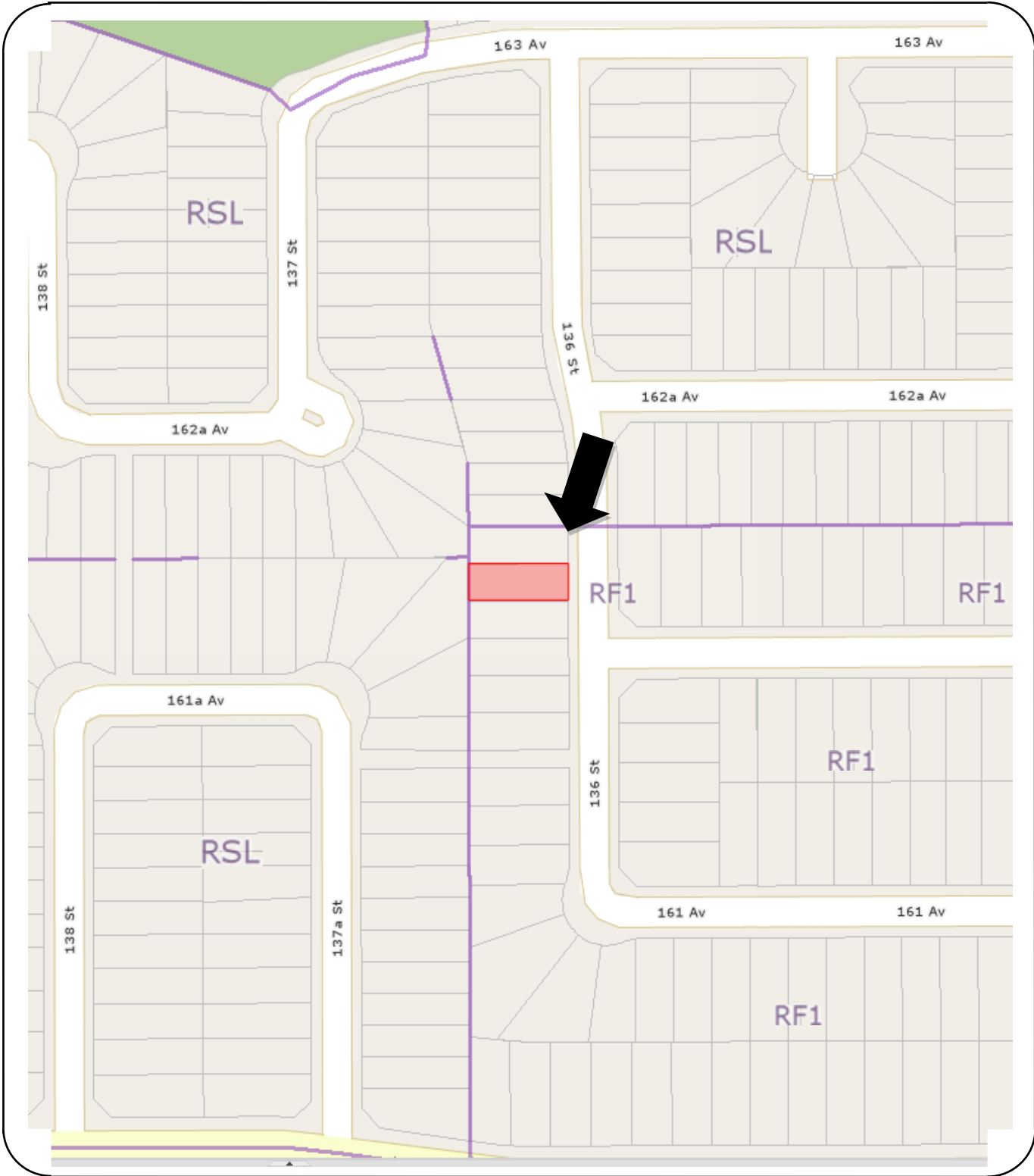
| <b>Application Number</b> | <b>Description</b>     | <b>Decision</b>   |
|---------------------------|------------------------|---|
| 159270067-001             | Violation Notice       | September 25, 2014; An inspection of the above noted property by this Department revealed that an Deck has been constructed for which, according to our records, no development permit has been issued.<br><br>You must obtain a development permit for the Deck or dismantle the structure and remove it from the site. If some action has not been taken to rectify the situation by October 15, 2014, the City of Edmonton will issue fines and/or pursue enforcement under the provisions of the Municipal Government Act, R.S.A. 2000. |
| 90340373-001              | Compliance Certificate | October 08, 2009; Issued  |

**TO BE RAISED****ITEM II: 11:45 A.M.****FILE: SDAB-D-14-316****SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED):**

| <b>Application Number</b> | <b>Description</b>  | <b>Decision</b>                           |
|---------------------------|---|---|
| 76189248-001              | Compliance Certificate                                    | March 31, 2008; Issued.                   |
| 65758133-001              | To construct a Single Detached House with attached Garage | March 21, 2007; Approved with conditions. |

**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-14-316





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

APPLICATION NO.: 164327585-001.

APPLICATION TO: Change the Use from a Single Detached House to a Limited Group Home (maximum 6 residents) and to construct interior alterations.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions.

DECISION DATE: November 27, 2014.

NOTIFICATION PERIOD: December 2, 2014 to December 15, 2014.

DATE OF APPEAL: December 10, 2014.

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13408 – 57 Street NW.

LEGAL DESCRIPTION: Lot 26, Block 12A, Plan 2676MC.

ZONE: RF1 Single Detached Residential Zone.

OVERLAY: Mature Neighbourhood Overlay.

STATUTORY PLAN: N/A.

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DEVELOPMENT OFFICER'S DECISION

“APPROVED – The proposed development is approved subject to the following conditions:

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It 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.

The development shall be recognized, authorized, licenced or certified by a public authority as a social care facility. (Reference Section 7.3(3) or (4))

The required parking spaces shall be wholly provided on the same Site as the building. (Reference Section 54.2(2)(a))

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

No Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of the Limited Group Home development or on the Site of such development.

Limited Group Home shall be of a size, scale, and outward appearance that is typical of surrounding residential developments.

The Group Home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located. (Reference Section 79)

Note: Signs require separate Development Applications.

Note: 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.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

NOTE: This Development Permit is not a Business Licence. A separate application must be made for a Business Licence.”

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APPELLANT'S SUBMISSION

“No one could tell us what age group and what kind of needs (drug related youth?) would be residing at this place.”

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to change the Use from a Single Detached House to a Limited Group Home (maximum 6 residents) and to construct interior alterations.

The site is located on the west side of 57 Street, north of 134 Avenue and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814.

A **Limited Group Home** is a Permitted Use in the RF1 Single Detached Residential Zone, Section 110.2(1).

Under Section 7.3(4), **Limited Group Home** means a building used for Congregate Living with not more than six residents, excluding staff, who have moderate and non-severe physical, cognitive or behavioral health issues and who require on-site professional care and supervision to perform daily living tasks, improve wellness, achieve stable and harmonious tenancy, or to exit safely in the event of an emergency.

A Limited Group Home is a home which:

- a. provides continuous (24 hours, seven days a week) on-site professional care and supervision by staff licensed or certified to provide such care;
- b. can reasonably expect two or fewer visits by emergency services per month; and
- c. is located in a purpose-built freestanding structure or Single Detached Housing converted for that purpose.

This Use Class does not include Extended Medical Treatment Services, Detention and Correction Facilities, Fraternity and Sorority Housing, Group Homes, and Lodging Houses.

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

This application was approved by the Development Officer subject to conditions.

**It should be noted** the Development Permit Approval did not contain variances. **However**, the Development Officer clarified in an e-mail to the Subdivision and Development Appeal Board office that a variance was granted. **A copy of the e-mail is on file.**

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

1. Section 54.4 Schedule 3(2) provides the following with regard to the Loading Spaces Requirement:

| Use of Building or Site   | Total Floor Area of Building   | Minimum Number of loading spaces Required |
|---|--|---|
| Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services | Up to 2 800 square metres<br><br>Each additional 2 800 square metres | 1<br><br>1 additional                     |

**The Development Officer determined 1 loading space is required, there are none proposed, and a relaxation of 1 loading space was granted.**

The decision of approval by the Development Officer has been appealed by an adjacent property owner at 13420 – 57 Street.

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

Section 96 states for Fraternity and Sorority Housing, Limited Group Homes, Group Homes, and Lodging Houses Thresholds:

1. Special Residential Facilities

For the purpose of this section, Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses shall be collectively referred to as Special Residential Facilities. Group Homes developed in combination with Apartment Housing either in one building or on one Site, and which meet the criteria of Section 94, Supportive Community Provisions, shall be exempt from the requirements of subsection 96(3)(b) and (c) of this Bylaw.

2. Threshold Purpose

The purpose of the Fraternity and Sorority Housing, Limited Group Homes, Group Homes, and Lodging Houses Thresholds is to:

- a. ensure that the capacity of any neighbourhood to accommodate Special Residential Facilities is not exceeded;
- b. ensure that Special Residential Facilities are available in all neighbourhoods; and
- c. protect existing Special Residential Facilities from concentration that could impair their proper functioning.

3. General Regulations

Special Residential Facilities shall comply with all thresholds contained in this Section in addition to any other regulations in this Bylaw including any relevant Special Land Use Provisions that apply. In all cases, the most restrictive threshold shall apply.

- a. When determining the threshold for the number of Special Residential Facilities per neighbourhood, a maximum of 3 facilities per 1000 persons shall be allowed in any neighbourhood.
- b. When determining the threshold for the number of Special Residential Facilities by Use Class per block.
  - i. a maximum of 2 Special Residential Facilities shall be allowed on a single block in a residential Zone;
  - ii. a maximum block length of 150 metres measured from the nearest intersection shall be used to determine this threshold.

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

- c. When determining the threshold for the number of residents of Special Residential Facilities per opposing block face;
  - i. accommodation for a maximum of 12 residents shall be allowed on an opposing block face in Special Residential Facilities in any residential Zone where either Group Homes or Lodging Houses are a Discretionary Use;
  - ii. accommodation for a maximum of 30 residents shall be allowed on an opposing block face in Special Residential Facilities in any residential Zone where either Group Homes or Lodging Houses are a Permitted Use; and
  - iii. a maximum block face length of 150 metres measured from the nearest intersection shall be used to determine this threshold.

4. Density

For the purposes of calculating Density for a Group Home or Lodging House each Sleeping Unit shall be considered a Dwelling when a development contains seven or more Sleeping Units.

5. Register

For the purpose of applying these regulations the Development Officer shall maintain a register of all approved Special Residential Facilities. The register shall include the address of the facility, maximum occupancy of the facility, and any other necessary information.

Section 79.1 states in addition to the regulations in Section 96 of this Bylaw, Limited Group Homes shall comply with the following regulations:

- a. the maximum occupancy of a Limited Group Home shall not exceed 6 residents and it shall be developed only as a purpose-built freestanding structure or Single Detached Housing converted for the purpose;
- b. the Development Officer may restrict the occupancy of a Limited Group Home to less than the maximum of 6 residents having regard for the facilities operational needs and Site context;
- c. no Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of the Limited Group Home development or on the Site of such development; and
- d. Limited Group Home shall be of a size, scale, and outward appearance that is typical of surrounding residential developments.

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

Under Section 6.1(16), **Congregate Living** means four or more individuals occupying Sleeping Units in a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities. Typical Uses where Congregate Living is found include Fraternity and Sorority Housing, Group Homes, Limited Group Homes, and Lodging Houses.

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

Section 110.1 states the purpose of this Zone is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

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

| <b>Application Number</b> | <b>Description</b>   | <b>Decision</b>  |
|---------------------------|--|--|
| 163234231-001             | To construct interior alterations to a Single Detached House (basement development, NOT to be used as an additional Dwelling). | October 30, 2014; Approved with conditions.  |
| 115051031-001             | Compliance Certificate   | September 14, 2011; Your Real Property Report, dated August 26, 2011 shows a Single Detached House that complies with the RF1 (Single Detached Residential) Zone, and The Mature Neighbourhood Overlay development regulations.<br>..... continued |

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

| <b>Application Number</b>         | <b>Description</b> | <b>Decision</b>   |
|-----------------------------------|--------------------|---|
| 115051031-001<br><i>continued</i> |                    | <p>The Real Property Report shows that the Detached Garage does NOT comply with the regulations for Accessory Buildings in The Mature Neighbourhood Overlay:</p> <p>-A rear Detached Garage shall be fully contained within the rear 12.8 metres of the Site. (Reference Section 814.3(20)).</p> <p>However the building is NON-CONFORMING pursuant to the Municipal Government Act's Section 643(5). This means that a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:</p> <ul style="list-style-type: none"> <li>(a) to make it a conforming building,</li> <li>(b) for routine maintenance of the building, if the development authority considers it necessary,</li> <li style="text-align: center;">or</li> <li>(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.</li> </ul> <p>[...]</p> |



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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.

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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-008

