

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
January 13, 2016**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I 9:00 A.M. SDAB-D-16-014 Construct an Accessory Building (rear Detached Garage, 6.17m x 6.76m), existing without permits

9624 - 106 Avenue NW
Project No.: 128342819-015

II 10:30 A.M. SDAB-D-16-015 Operate a Major Home Based Business (auto repair shop/garage - MAYFAIR AUTO REPAIR)

13403 - 41 Street NW
Project No.: 182271264-001

III 1:00 P.M. SDAB-D-16-016 Construct an addition (1.98m x 10.72m, 2.97m high enclosed passage) to an existing Single Detached House (existing without permits)

11216 - 35A Avenue NW
Project No.: 178957210-001

IV 2:30 P.M. SDAB-D-15-298 Erect an over height fence (5.44m in length on West property line @ 2.44m in Height) in the rear yard of a Single Detached House

11224 - 77 Avenue NW
Project No.: 177485784-001

NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-014

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 128342819-015

ADDRESS OF APPELLANT: 9624 - 106 Avenue NW

APPLICATION TO: Construct an Accessory Building (rear Detached Garage, 6.17m x 6.76m), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 10, 2015

DATE OF APPEAL: December 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9624 - 106 Avenue NW

LEGAL DESCRIPTION: Plan ND Blk 19 Lot 38

ZONE: RF6 Medium Density Multiple Family Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Boyle Street/McCauley Area Redevelopment Plan

Grounds for Appeal

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

We purchased the property not too long ago and the garage was built without a permit. We realized after possession the garage does not comply. We believe the garage does not interfere with the neighbourhoods character. [unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - ...

The Board is advised that the Order by the Development Authority is dated December 10, 2015. The Notice of Appeal was filed on December 15, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 170.1 states that the **General Purpose** of the **RF6 Medium Density Multiple Family Zone** is “to provide for medium density housing, where some units may not be at Grade.”

Under Section 170.2(3), **Semi-detached Housing** is a **Permitted Use** under the RF6 Medium Density Multiple Family Zone.

Section 7.2(8) states:

Semi-detached Housing means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This

type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

Section 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill 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.

<i>Parking</i>

Section 54.2 Schedule 1 – Vehicular Parking Requirement provides the following:

Schedule 1(A) Areas outside of the Downtown Special Area	
Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
Residential and Residential-Related Uses	
3. Duplex Housing Mobile Homes (excluding Mobile Home Parks) Semi-detached Housing Single Detached Housing	2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space. Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.



Development Officer’s Determination

Section 54.2(3) Schedule 1: Semi-detached Housing - 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space

Number of parking spaces required = 4
 Number of parking spaces proposed = 2
 Deficient = 2
 [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 128342819-015 Application Date: SEP 17, 2015 Printed: January 8, 2016 at 5:36 PM Page: 1 of 1																														
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Development and Building Permit</h3>																															
This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit																															
Applicant SKYVIEW HOMES LTD. 	Property Address(es) and Legal Description(s) 9624 - 106 AVENUE NW Plan ND Blk 19 Lot 38 Location(s) of Work Entryway: 9624 - 106 AVENUE NW Building: 9624 - 106 AVENUE NW																														
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I/We certify that the above noted details are correct. Applicant signature: _____																															
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Issue Date: Dec 10, 2015 Development Authority: HEIMDAHL, KENDALL Signature: _____																															
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THIS IS NOT A PERMIT																															



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-16-014



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-015

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 182271264-001

ADDRESS OF APPELLANT: 13403 - 41 Street NW

APPLICATION TO: Operate a Major Home Based Business
(auto repair shop/garage - MAYFAIR
AUTO REPAIR)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 8, 2015

DATE OF APPEAL: December 11, 2015

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 13403 - 41 Street NW

LEGAL DESCRIPTION: Plan 4543TR Blk 17 Lot 63

ZONE: RF1 Single Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

My appeal was for automotive repair shop which at this time I can't afford to lease or buy a commercial place. I have to support my family.
[unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - ...

The Board is advised that the Order by the Development Authority is dated December 8, 2015. The Notice of Appeal was filed on December 11, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.”

Under Section 110.3(7), **Major Home Based Business** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Section 7.3(7) states:

Major Home Based Business means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Non-Permitted and Non-Discretionary Use

Section 7.4(4) states:

Automotive and Equipment Repair Shops means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.

Development Officer’s Determination

The proposed development is considered to be an Automotive and Equipment Repair Shop. Automotive and Equipment Repair Shops means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. Reference Section 7.4(4).

An Automotive and Equipment Repair Shop is neither a Permitted nor a Discretionary Use within the RF1 Zone. Reference Sections 110(2) and 110(3).
[unedited]

Character of the Dwelling

Section 7.3(7) defines Major Home Based Business (see above for definition), which is a Discretionary Use in the RF1 Single Detached Residential Zone.

Section 75(6) states:

- A Major Home Based Business shall comply with the following regulations:
- ...
- 6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;

Development Officer’s Determination

- 2) The proposed development changes the residential character of the dwelling and Accessory buildings. Reference Section 7.3(7) and 75(6).

The proposed development changes the character of the of the site from a home to a commercial business (Automotive and Equipment Repair Shop with 2 service bays in the rear detached garage). [unedited]

Vehicular Traffic

Section 75(3) states:

A Major Home Based Business shall comply with the following regulations:

...

3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;

Development Officer's Determination

3) The business generates vehicular traffic and parking in excess of what is characteristic of the RF1 Zone. Reference Section 75(3).

Proposed: 5 client visits (customers dropping off and picking up vehicles) and 3 courier visits (trucks delivering parts) are proposed per day, and the applicant indicates that 10-11 clients come on Saturdays.

NOTE: It is not clear - does a client visit mean 2 visits to the site (one to drop off the vehicle and another to pick it up)? [unedited]

Outdoor Business Activity

Section 75(5) states:

A Major Home Based Business shall comply with the following regulations:

...

5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;

Development Officer's Determination

4) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings. Reference Section 75(5).

Serviced vehicles are stored in the back yard. As well, a site inspection on Oct. 30, 2015 indicated tires stored to the side of the dwelling, waste oil container to the side of the garage, air pressure hose attached to the garage, and 2 vehicles parked on driveway. [unedited]

Discretion of Development Officer

Section 75(9) states:

A Major Home Based Business shall comply with the following regulations:

...

9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.

Development Officer's Determination

5) The Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area. Reference Section 75(9).

In the opinion of the Development Officer the proposed Use is an Automotive and Equipment Repair Shop and should be located in an appropriate Commercial Zone. [unedited]

Noise Impact

The Development Officer made no determination with respect to noise impact, but noted the following in the Development Permit decision:

NOTE:

The applicant indicates that all servicing is done within the rear detached garage with the doors down and in his opinion there is no noise impacts. [unedited]

Notice to Applicant/Appellant


Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **182271264-001**
Application Date: NOV 10, 2015
Printed: January 8, 2016 at 5:36 PM
Page: 1 of 2

Application for Home Occupation

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

Applicant ALI, MOHAMMED H. 	Property Address(es) and Legal Description(s) 13403 - 41 STREET NW Plan 4543TR Blk 17 Lot 63
	Specific Address(es) Suite: 13403 - 41 STREET NW Entryway: 13403 - 41 STREET NW Building: 13403 - 41 STREET NW

Scope of Application
To operate a Major Home Based Business (auto repair shop/garage - MAYFAIR AUTO REPAIR).

Permit Details										
<table border="0"> <tr> <td># of business related visits/day: 5</td> <td># of vehicles at one time: 2</td> </tr> <tr> <td>Administration Office Only?: N</td> <td>Business has Trailers or Equipment?: N</td> </tr> <tr> <td>Class of Permit: Class B</td> <td>Description of Business: Auto Repair Shop/ Garage.</td> </tr> <tr> <td>Do you live at the property?: Y</td> <td>Expiry Date:</td> </tr> <tr> <td>Outdoor storage on site?: N</td> <td></td> </tr> </table>	# of business related visits/day: 5	# of vehicles at one time: 2	Administration Office Only?: N	Business has Trailers or Equipment?: N	Class of Permit: Class B	Description of Business: Auto Repair Shop/ Garage.	Do you live at the property?: Y	Expiry Date:	Outdoor storage on site?: N	
# of business related visits/day: 5	# of vehicles at one time: 2									
Administration Office Only?: N	Business has Trailers or Equipment?: N									
Class of Permit: Class B	Description of Business: Auto Repair Shop/ Garage.									
Do you live at the property?: Y	Expiry Date:									
Outdoor storage on site?: N										

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **182271264-001**
 Application Date: NOV 10, 2015
 Printed: January 8, 2016 at 5:36 PM
 Page: 2 of 2

Application for Home Occupation

Reason for Refusal

1) The proposed development is considered to be an Automotive and Equipment Repair Shop. Automotive and Equipment Repair Shops means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. Reference Section 7.4(4).

An Automotive and Equipment Repair Shop is neither a Permitted nor a Discretionary Use within the RF1 Zone. Reference Sections 110(2) and 110(3).

2) The proposed development changes the residential character of the dwelling and Accessory buildings. Reference Section 7.3(7) and 75(6).

The proposed development changes the character of the of the site from a home to a commercial business (Automotive and Equipment Repair Shop with 2 service bays in the rear detached garage).

3) The business generates vehicular traffic and parking in excess of what is characteristic of the RF1 Zone. Reference Section 75(3).

Proposed: 5 client visits (customers dropping off and picking up vehicles) and 3 courier visits (trucks delivering parts) are proposed per day, and the applicant indicates that 10-11 clients come on Saturdays.

NOTE: It is not clear - does a client visit mean 2 visits to the site (one to drop off the vehicle and another to pick it up)?

4) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings. Reference Section 75(5). Serviced vehicles are stored in the back yard. As well, a site inspection on Oct. 30, 2015 indicated tires stored to the side of the dwelling, waste oil container to the side of the garage, air pressure hose attached to the garage, and 2 vehicles parked on driveway

5) The Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area. Reference Section 75(9).

In the opinion of the Development Officer the proposed Use is an Automotive and Equipment Repair Shop and should be located in an appropriate Commercial Zone.

NOTE:

The applicant indicates that all servicing is done within the rear detached garage with the doors down and in his opinion there is no noise impacts.

Rights of Appeal

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

Issue Date: Dec 08, 2015 **Development Authority:** BACON, KIRK

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02883428	Nov 10, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-015



ITEM III: 1:00 P.M.

FILE: SDAB-D-16-016

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 178957210-001

ADDRESS OF APPELLANT: 11216 - 35A Avenue NW

APPLICATION TO: Construct an addition (1.98m x 10.72m, 2.97m high enclosed passage) to an existing Single Detached House (existing without permits)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: December 2, 2015

DATE OF APPEAL: December 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11216 - 35A Avenue NW

LEGAL DESCRIPTION: Plan 590NY Blk 67 Lot 9

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

Reason for appeal

I have owned and lived in the property at 11216 - 35A Avenue NW, Edmonton since 1971. In 1986 I hired a contractor to build a clear ? in. thick plastic canopy over the walkway between the back of the house and the garage, instead, the contractor used 1/8 in. I strongly disagreed and he guaranteed me that it will stand up to the snow. But it failed on the first snow. He offered to build a fully enclosed corridor for the reason that he can re-use the plastic on both side to gain more light and it would be stronger, easier and simpler to frame.

I was not aware of and also was not informed at that time by the contractor that necessary permits would have to be obtained from the City before the work can proceed. This enclosed corridor between the house and the garage has existed for 29 years. Ever since the completion of this enclosed corridor I have never received any objections, concerns or complaints from any of my immediate and vicinity neighbours or the City because this structure did not encroach on anyone's or public properties. Neither did it obstruct any neighbour's in any fashion.

I only recently realized, through the advice of a friend who is a realtor, that this enclosed corridor likely require a development permit so I contacted the City without delay, I was advised by the City clerk to file an application together with all required documentation and paid \$974.50 for the necessary fees and penalty costs to obtain the required permits.

However, my application was rejected on the basis that the structure did not comply with City Zoning Bylaw 12800, because this enclosed corridor was interpreted and considered as an extension to the house and detached garage. I would like to point out that being 80 years old and my wife is 73 years old, this enclosed corridor is a great benefit to our age now and in the future. It is unheated, not used for any occupancy purposes and only served as a shielded access to the garage in severe weather conditions, and eliminate the hardship for us to shovel the snow between the house and the garage. The existence of this enclosed corridor for that many years has never caused or posed any controversy, safety or security concerns to the public and to my own neighbourhood. I hereby plead to the Subdivision and Development Appeal Board for leniency to consider granting a relaxation to allow me to keep this enclosed corridor at its current conditions. I am in the process of contacting my neighbours and Community League Executives to obtain their permission and opinions as part of my submission for your considerations. [unedited]

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

(a) in the case of an appeal made by a person referred to in section 685(1), after

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The Board is advised that the Order by the Development Authority is dated December 2, 2015. The Notice of Appeal was filed on December 15, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is “to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.”

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

Section 7.2(9) states:

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

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

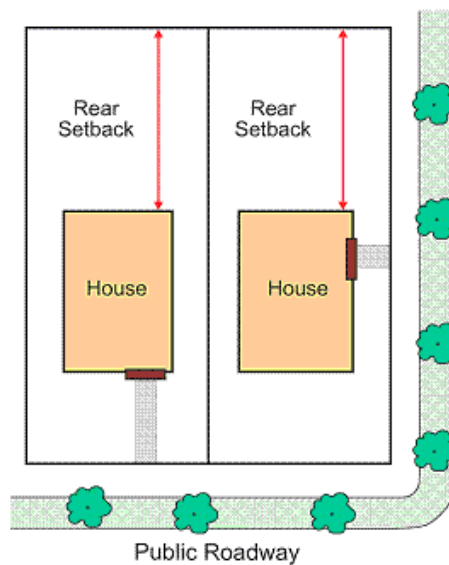
...to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides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

Rear Setback

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

Section 6.1(82) states:

Rear Setback means the distance that a development or a specified portion of it, must be set back from a Rear Lot Line. A Rear Setback is not a Rear Yard, Amenity Space or Separation Space.



Development Officer’s Determination

- 1.) Section 814.3(5): The minimum Rear Setback shall be 40% of Site depth.
 Rear Setback: 40% of 36.58m = 14.63m
 Proposed: 0.6m
 Deficient by: 14.03m or 95.8%
 [unedited]

Rear Attached Garage Prohibited

Section 814.3(18) of the Mature Neighbourhood Overlay states: “Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.”

Development Officer's Determination

2.) Section 814.3(18): Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.
[unedited]

Community Consultation

Section 814.3(24) of the Mature Neighbourhood Overlay states:

24. When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:
- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
 - b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
 - c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
 - d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties

Board Officer's Comments

The Development Permit cited Section 814.3(24) and noted the following: "Applicant has declined to do community consultation."

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **178957210-001**
Application Date: SEP 09, 2015
Printed: January 8, 2016 at 5:37 PM
Page: 1 of 2

Application for Minor Development Permit

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

Applicant CHAN, RICHARD K. 	Property Address(es) and Legal Description(s) 11216 - 35A AVENUE NW Plan 590NY Blk 67 Lot 9
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Scope of Application
 To construct an addition (1.98m x 10.72m, 2.97m high enclosed passage) to an existing Single Detached House (existing without permits)

Permit Details # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: New Sewer Service Required: N/A Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
Refused

THIS IS NOT A PERMIT



Project Number: **178957210-001**
 Application Date: SEP 09, 2015
 Printed: January 8, 2016 at 5:37 PM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

- 1.) Section 814.3(5): The minimum Rear Setback shall be 40% of Site depth.
 Rear Setback: 40% of 36.58m = 14.63m
 Proposed: 0.6m
 Deficient by: 14.03m or 95.8%

- 2.) Section 814.3(18): Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.

- 3.) Section 814.3(24): When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay.
 - a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
 - b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
 - c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
 - d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties

Applicant has declined to do community consultation.

Rights of Appeal

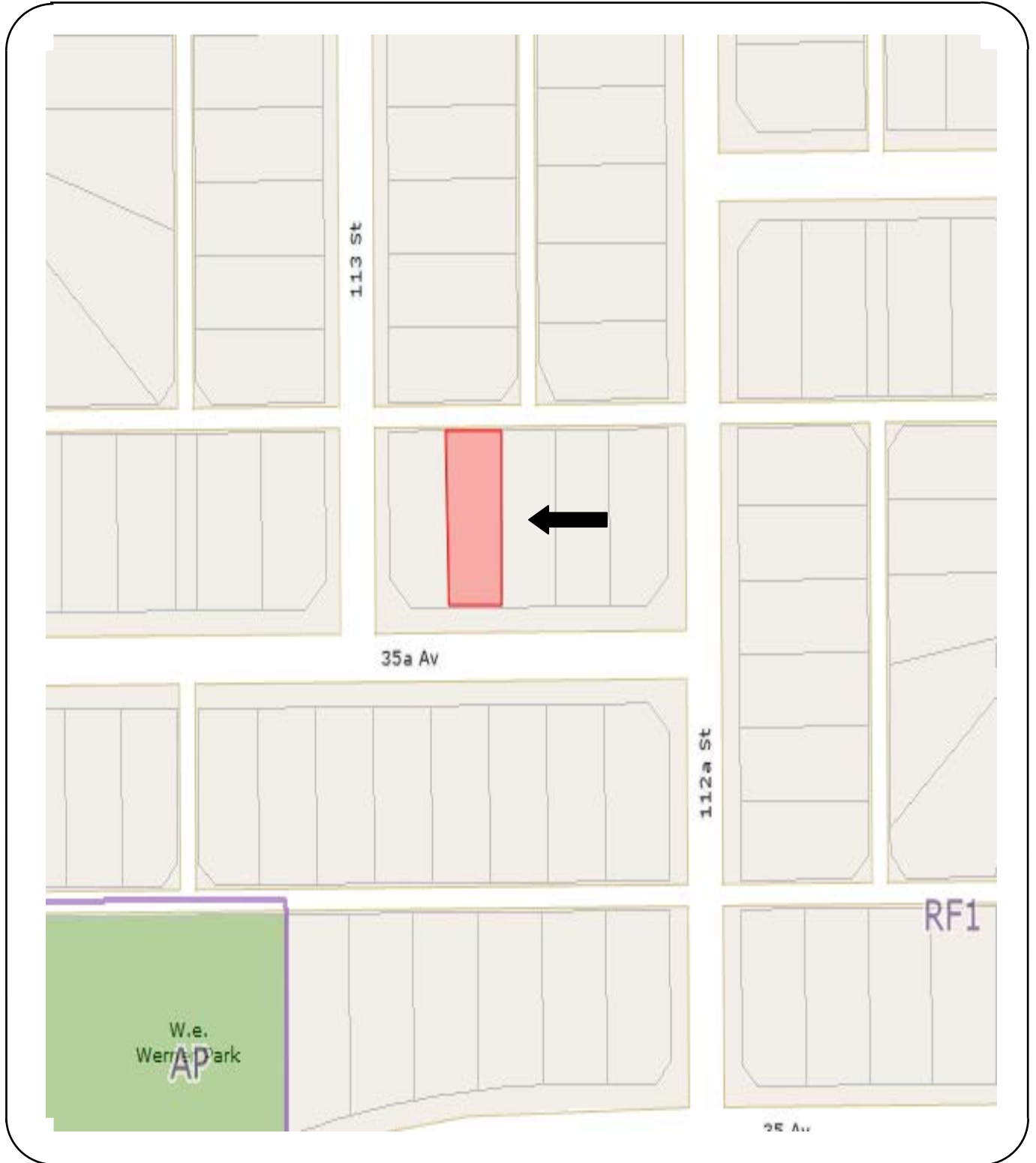
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Dec 02, 2015 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$385.00	\$385.00	02733376	Sep 09, 2015
Existing Without Permit Penalty Fee	\$385.00	\$385.00	02733376	Sep 09, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$770.00	\$770.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-016



ITEM IV: 2:30 P.M.

FILE: SDAB-D-15-298

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

APPELLANT:

APPLICATION NO.: 177485784-001

ADDRESS OF APPELLANT:

APPLICATION TO: Erect an over height fence (5.44m in length on West property line @ 2.44m in Height) in the rear yard of a Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: November 9, 2015

DATE OF APPEAL: November 23, 2015

RESPONDENT: Davut Gokce

ADDRESS OF RESPONDENT: 11224 - 77 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11224 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 169HW Blk 11 Lot L

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

In an appeal letter received on November 23, 2015, the Appellant provided the following reasons for appealing the decision of the Development Authority:

Re: Appeal against allowing a 2.44 M Fence along West side of 11244-77 Avenue;

City File # 177485784-001

To: The SDAB

I am submitting my appeal against allowing a variance for a 2.44 M fence at the above development based on the following concerns:

- The City Planner did not consult with the Community League in granting the allowance. I talked with the League's President and Housing Development Coordinator and they too see no need for this allowance. They also don't want to see the development of fortresses in our community – I believe they will be also making an appeal on the height of this fence
- I talked with the Planner who approved this allowance – she said that the developer/owner was originally requested an allowance on the East, West and North sides of the property; but was willing to compromise on an allowance for only the West side.
- The developer/owner has already placed fence posts in the ground that would allow for the 2.44 M height fences on the East, South and West side. I'm not sure of their intent in agreeing to only the West side when all the fence posts are oversized.
- The East side building has a basement window and a door on the South East corner. So, there is no need for a higher fence.
- There is only one large window on the main floor of the North West side of the building. Granting an additional .61 M would not provide any real privacy for this 6' tall window.
- If the need is for privacy ...it could be achieved by bottom up blinds or shades; as many of us in McKernan have installed.
- Finally, this allowance goes against every Community/Neighborhood Plan for McKernan and mature neighborhood. I have no idea why the Planner rolled over on this one - when the wishes and agreements through the community planning processes clearly express the desire for no oversized fences.

I hope the SDAB agrees with these concerns and withdraws the variance.
[unedited]

<p><i>Grounds for Appeal</i></p>

Appeal Information:

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

Grounds for Appeal

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued

by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

(a) ...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated November 9, 2015. The Notice of Appeal was filed on November 23, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is “to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.”

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

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood 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.

<i>Variance: Fence Height</i>

The Development Permit was granted with one variance to Section 49(3), which states:

49. Fences, Walls and Gates in Residential Zones

...

3. A fence, wall, or gate on a Site in a Residential Zone shall be less than or equal to 1.85 m in Height, measured from the general ground level 0.5 m back of the property line of the Site on which the fence, wall,

or gate is to be constructed, for the portion of the fence, wall, or gate that does not extend beyond the foremost portion of the principal building abutting:

- a. the Front Yard, or
- b. Side Yard abutting a public roadway other than a Lane.

Development Officer's Determination

1. Fence Height - A length of 5.44m of the fence along the West property line is 2.44m high, instead of 1.83m (Section 49.3). [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **177485784-001**
 Application Date: AUG 12, 2015
 Printed: November 9, 2015 at 3:45 PM
 Page: 1 of 3

Minor Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

<p>Applicant</p> <p>GOKCE, DAVUT </p>	<p>Property Address(es) and Legal Description(s)</p> <p>11224 - 77 AVENUE NW Plan 169HW Blk 11 Lot L</p> <hr/> <p>Specific Address(es)</p> <p>Suite: 11224 - 77 AVENUE NW Suite: BSMT, 11224 - 77 AVENUE NW Entryway: 11224 - 77 AVENUE NW Building: 11224 - 77 AVENUE NW</p>
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Scope of Permit
 To erect an over height fence (5.44m in length on West property line @ 2.44m in Height) in the rear yard of a Single Detached House.

Permit Details

# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision
 Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **177485784-001**
 Application Date: AUG 12, 2015
 Printed: November 9, 2015 at 3:45 PM
 Page: 2 of 3

Minor Development Permit

Subject to the Following Conditions

1. This Development Permit authorizes the development of a an over height fence (5.44m in length on West property line @ 2.44m in Height) in the rear yard of a Single Detached House.. The development shall be constructed in accordance with the stamped and approved drawings.
2. This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)
3. Immediately upon completion of the exterior alterations, the site shall be cleared of all debris.
4. As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development.

NOTES:

- i. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.
- ii. 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.
- iii. 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.
- iv. A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Variances

1. Fence Height - A length of 5.44m of the fence along the West property line is 2.44m high, instead of 1.83m (Section 49.3).

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.

Rights of Appeal

This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 09, 2015 **Development Authority:** HAMILTON, FIONA **Signature:** _____
Notice Period Begins: Nov 17, 2015 **Ends:** Nov 30, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$161.00	\$161.00	02666400	Aug 13, 2015

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **177485784-001**
Application Date: AUG 12, 2015
Printed: November 9, 2015 at 3:45 PM
Page: 3 of 3

Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$40.00	\$40.00	02666400	Aug 13, 2015
Total GST Amount:	<u>\$0.00</u>	<u> </u>		
Totals for Permit:	\$201.00	\$201.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-298



BUSINESS LAID OVER

SDAB-D-16-001	An appeal by Joseph D'Andrea to to develop a Secondary Suite in the Basement of a Single Detached House, existing without permits. <i>February 4, 2016</i>
SDAB-D-15-252	An appeal by <u>Southwest Muslim Community Centre</u> to change the se from an Indoor Participant Recreation Service to a Religious Assembly with a capacity of 456 seats, and to construct interior alterations (SouthWest Muslim Community Centre). <i>February 10 or 11, 2016</i>
SDAB-D-15-238	An appeal by <u>Ogilvie LLP</u> to comply with an Order to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>February 17 or 18, 2016</i>
SDAB-D-15-285	An appeal by <u>Sakaw Daycare</u> to convert an existing Single Detached House into a Child Care Services Use Building (60 Children, 2- 12-18 months, 6 – 19 months-3 yrs, 32 – 3-4.5 yrs, 20 – above 4.5 yrs) and to construct interior and exterior alterations <i>March 2 or 3, 2016</i>
SDAB-D-15-247	An appeal by <u>Kennedy Agrios LLP VS. Eton-West Construction (Alta) Inc.</u> change the use of "Building E" from Professional, Financial and Office Support Services to General Retail Stores and to construct interior and exterior alterations (increase building size and change dimensions, revision to parking layout and Drive-thru). <i>March 9 or 10, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

159269966-003	An appeal by <u>Anh Padmore</u> to construct an exterior alteration to an existing Singe Detached House, (Driveway Extension 2.8m x 8.4m existing without permits). <i>January 21, 2016</i>
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