

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

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

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

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

I	9:00 A.M.	SDAB-D-16-017	Convert a Semi-Detached House to a 4-Dwelling Apartment House (existing without permits). 12027 - 105 Street NW Project No.: 048258430-005
---	-----------	---------------	--

II	10:30 A.M.	SDAB-D-16-018	Construct 3 Dwellings of Row Housing and an Accessory Building (rear mutual detached Garage, 7.32 m x 12.04 m) and develop the basements and to demolish an existing Single Detached House and Accessory Building (detached Garage). 10620 - 65 Avenue NW Project No.: 179441144-001
----	------------	---------------	--

III	2:00 P.M.	SDAB-D-16-019	Construct 70 Dwellings of Apartment Housing (1 building, 6 stories tall) with underground parkade, and to demolish 2 existing Row House buildings (12 Dwellings). 8329 - 113 Avenue NW Project No.: 178536368-001
-----	-----------	---------------	---

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-16-017

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 048258430-005

ADDRESS OF APPELLANT: 12027 - 105 STREET NW

APPLICATION TO: Convert a Semi-Detached House to a 4-Dwelling Apartment House (existing without permits).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: November 26, 2015

DATE OF APPEAL: December 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12027 - 105 Street NW

LEGAL DESCRIPTION: Plan RN52 Blk 4 Lot 27

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: None

Grounds for Appeal

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

We were recently denied on our application to convert our semi-detached house to a 4-dwelling apartment house.

The reason for our appeal is as follows:

We are new owners of this building (2014) and bought the unit as a legal 4 unit building as described to us by the seller and our realtors. We were unaware that in 2006 the previous owner was rejected on his building permits to construct the basement units. We were contacted by the city in the summer and since then, we have worked with the City of Edmonton to rectify the issues (at our cost) and

would like to continue providing safe housing for our tenants and housing that supports the current community needs. Our tenants are currently a mix of landed immigrants and students that attend the local colleges in and around Westwood. We are providing support for these students and young families by providing cost-effective and safe housing for our tenants.

We hope to prove, if variances are provided, there will be no negative impact to the community as the street (105 st) already support multiple family residences and as a whole we have improved the property by providing better management for our tenants and improving the property as a whole with landscaping and proper maintenance moving forward.

<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,

The Board is advised that the decision of refusal by the Development Officer is dated November 26, 2015 and the Notice of Appeal was filed 19 days later on December 15, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to section 814.1, 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”.

Pursuant to section 140.1, 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(1), **Apartment Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(1) defines **Apartment Housing** as:

...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”.

Minimum Site Area

Section 140.4(5)(a) states that the minimum Site area for Apartment Housing shall be 750 m².

Development Officer’s Determination:

Proposed: 695.42 m²
Short by: 54.58 m²

Minimum Site Width

Section 140.4(5)(b) states that the minimum Site Width for Apartment Housing shall be 17.0 m.

Development Officer’s Determination:

Proposed: 15.24 m
Short by: 1.76 m

Location

Section 140.4(7) states that Apartment or Stacked Row Housing shall be located:

- a. on Corner Sites,
- b. on Sites abutting an arterial or service road,
- c. where both Side Lot Lines abut existing Apartment Housing or Stacked Row Housing, or

- d. where a minimum of one Side Lot Line:
 - i. abuts a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use, or
 - ii. is not separated by a public roadway, including a Lane, more than 10.0 m wide from a Site where a commercial Use, or Stacked Row Housing or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

Development Officer's Determination:

Proposed does not meet any of these criteria

Private Outdoor Amenity Area

Section 47 provides the following in respect to Private Outdoor Amenity Area:

1. Where required in any Zone, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the Zone.
2. Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.
3. Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.
4. Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard.
5. Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.
6. Private Outdoor Amenity Area may be located within a required Separation Space, but only if the Amenity Area is intended for the use of the Dwelling for which the Separation Space is provided.

Development Officer's Determination:

The proposed locations do not meet the regulations.

Entrance facing a public roadway



Section 140.4(20) states that "each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line".

Development Officer's Determination:

Required: 4 doors facing 105 Street
Proposed: 2 doors facing 105 Street
Short by 2 doors

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: 48258430-005 Application Date: OCT 22, 2015 Printed: January 6, 2016 at 3:19 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for Major Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant 1819734 ALBERTA LTD. 	Property Address(es) and Legal Description(s) 12027 - 105 STREET NW Plan RN52 Blk 4 Lot 27 Specific Address(es) Suite: 12027 - 105 STREET NW Suite: 12029 - 105 STREET NW Entryway: 12027 - 105 STREET NW Entryway: 12029 - 105 STREET NW Building: 12027 - 105 STREET NW		
Scope of Application To convert a Semi-Detached House to a 4-Dwelling Apartment House (existing without permits).			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%; vertical-align: top;"> Class of Permit: Gross Floor Area (sq.m.): 371.6 New Sewer Service Required: Y Site Area (sq. m.): 695.42 </td> <td style="width: 50%; vertical-align: top;"> Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 2 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Class of Permit: Gross Floor Area (sq.m.): 371.6 New Sewer Service Required: Y Site Area (sq. m.): 695.42	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 2 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
Class of Permit: Gross Floor Area (sq.m.): 371.6 New Sewer Service Required: Y Site Area (sq. m.): 695.42	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 2 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused			
THIS IS NOT A PERMIT			



Project Number: **48258430-005**
 Application Date: OCT 22, 2015
 Printed: January 6, 2016 at 3:19 PM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

Site Area
 Required: 750m2
 Proposed: 695.420m2
 short by: 54.58m2
 Reference Section 140.4(5)(a)

Site Width
 Required: 17.0m
 Proposed: 15.24m
 Short by 1.76m
 Reference Section 140.4(5)(b)

Location criteria:
 Required to meet 4 location criteria
 Proposed does not meet any of these criteria
 Reference Section 140.4(7)

Private Outdoor Amenity Area:
 Private Outdoor Amenity space
 The proposed locations do not meet the regulations.
 Reference Section 47.2, 47.3

Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a lane.
 Required: 4 doors facing 105 Street
 Proposed: 2 doors facing 105 Street
 Short by 2 doors
 Reference Section 140.4(20)

Note there was no note of support for the development or against from the neighbourhood.

Rights of Appeal

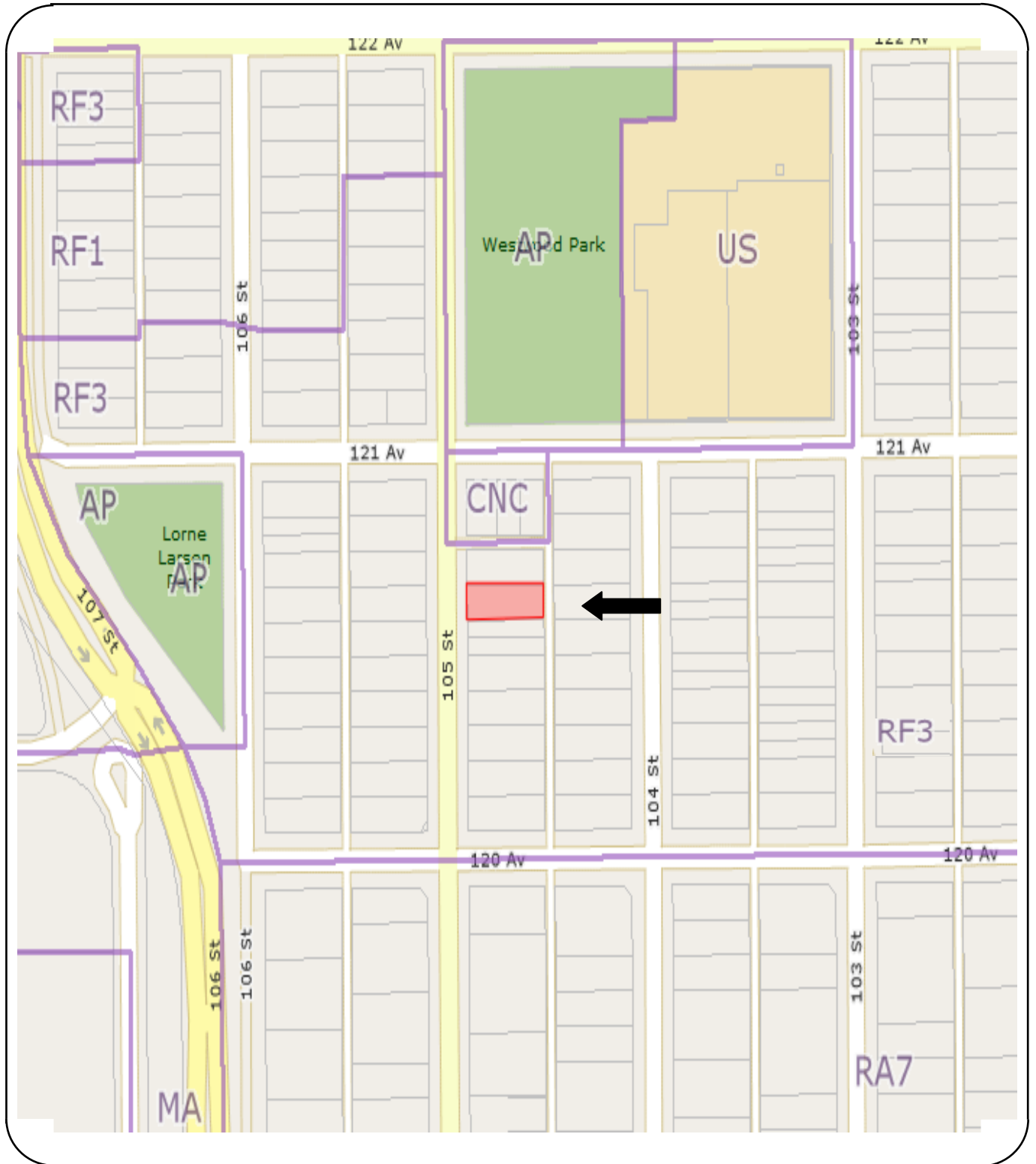
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Nov 26, 2015 **Development Authority:** BAUER, KERRY **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$508.00	\$508.00	02839047	Oct 22, 2015
Sanitary Sewer Trunk Fund 2012+	\$2,860.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$3,368.00	\$508.00		
(\$2,860.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-017



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-018

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

APPELLANT:

APPLICATION NO.: 179441144-001

ADDRESS OF APPELLANT: 10623 - 65 AVENUE NW

APPLICATION TO: Construct 3 Dwellings of Row Housing and an Accessory Building (rear mutual detached Garage, 7.32 m x 12.04 m) and develop the basements and to demolish an existing Single Detached House and Accessory Building (detached Garage).

DECISION OF THE DEVELOPMENT AUTHORITY: Apr. with Notices

DECISION DATE: December 2, 2015

DATE OF APPEAL: December 20, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 10620 - 65 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10620 - 65 Avenue NW

LEGAL DESCRIPTION: Plan 2457S Blk 9 Lots 11-12

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: none

Grounds for Appeal

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

Ursula Buffi:

- 1.Number of units and size of units are too large for site.
2. Basement development leads to 3 illegal suites . Bathrooms with roughing in plumbing elsewhere leads to additional units results in 6 units on one property.
- 3.

Blueprint irregularities regarding setback. Drawings show boulevard as part of property -incorrect - sidewalk in between. 4. Inappropriate size of landscaping plants and quantity, Landscaping inadequate as shrubbery does not hide monolithic building. 5. Inadequate parking on premises for number of occupants, vehicles overflow causing accidents. 6. Density -too many units, fourplexes, suites, new duplexes concentrated on 65 Avenue . Can the city guarantee that my vehicle will not be demolished on this street again? 7. too many occupants with cars in fourplexes and duplexes versus number of parking stalls provided. Each fourplex has 12 bedrooms, 8 parking spaces and as many as 22 occupants each fourplex. 8. Is property subdivided into 3 parcels? Is property already subdivided into 3 separate lots or being sold as one lot. 9. What is the intended use of property? Is it to be owned individually or rented or sold as a condo development? 10. Guarantee of adequate and appropriate drainage? Will property be level with east and west adjoining property? 11. Seasonal ban on 106 street prevents parking for residents on 65 Street. 12. Traffic congestion on 65 Avenue - you cannot pass cars -you need to backup to exit street when encountering another vehicle. 13. Can city guarantee sewage and water containment for 60+year old sewage and drainage system. 14. How will many multi-units affect the old sewage and drainage system .?

Derrick City Property Management Inc.:

- #1. Who is the owner and builder?
- #2. Size of each unit (basement, main, 2nd)?
- #3. Why develop in basement?
- #4. How many and location of bedrooms?
- #5. East fence replacement intention.
- #6. Exterior blueprint irregularities re: bldge, walks, boulevards?
- #7. Guarantee that final drain grades of lot conforms and compatible with existing neighbour lots elevations?
- #8. 65 Avenue between 106 Street and 107 Street allows parking both sides, large city boulevards, no parking on 106 Street leading to dangerous narrow parking, driving and numerous auto accidents in this block consisting of 6 large multi unit infill bldgs already adding to overcrowded street parking. With this triplex, it will compound the issue. Comments? Suggestions?

<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

- (d) fails or refuses to issue a development permit to a person,
- (e) issues a development permit subject to conditions, or
- (f) 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.

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,

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

The Board is advised that the decision of approval by the Development Officer is dated December 2, 2015 and the Notice of Appeal was filed 18 days later on November 20, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to section 814.1, 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".

Pursuant to section 140.1, 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(5), **Row Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(1) defines **Row Housing** as:

... development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade. This Use Class does not include Stacked Row Housing or Blatchford Townhousing".

Decision of the Development Officer

The Development Officer approved this Class B Development with the following variance:

Section 140.4(6) states that Row Housing shall be located:

- (a) on Corner Sites,
- (b) on Sites abutting an arterial or service road, or
- (c) where a minimum of one Side Lot Line abuts a Site where a commercial Use, or Apartment Housing with a maximum Height greater than four Storeys, is a Permitted Use.

Variance: Location – the proposed Row Housing in interior lot was allowed to abut a Site with Stacked Row Housing instead of a Site with Apartment Housing or commercial Use. (Section 140.4(6)(c))

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: 179441144-001
Application Date: SEP 17, 2015
Printed: December 2, 2015 at 1:13 PM
Page: 1 of 4

Major 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.

Applicant 	Property Address(es) and Legal Description(s) 10620 - 65 AVENUE NW Plan 2457S Blk 9 Lots 11-12
	Specific Address(es) Entryway: 1, 10620 - 65 AVENUE NW Entryway: 2, 10620 - 65 AVENUE NW Entryway: 3, 10620 - 65 AVENUE NW Building: 1, 10620 - 65 AVENUE NW

Scope of Permit
To construct 3 Dwellings of Row Housing and an Accessory Building (rear mutual detached Garage, 7.32 m x 12.04 m) and to demolish an existing Single Detached House and Accessory Building (detached Garage).

Permit Details	
Class of Permit: Class B Gross Floor Area (sq.m.): 594.56 New Sewer Service Required: Y Site Area (sq. m.): 809.55	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 3 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

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: **179441144-001**
 Application Date: SEP 17, 2015
 Printed: December 2, 2015 at 1:13 PM
 Page: 2 of 4

Major Development Permit

Subject to the Following Conditions

This Development Permit authorizes the proposed development to construct 3 Dwellings of Row Housing and an Accessory Building (rear mutual detached Garage, 7.32 m x 12.04 m) and to demolish an existing Single Detached House and Accessory Building (detached Garage).

The Site shall be developed in accordance with the stamped, signed, and conditionally approved drawings.

Building elevations indicated on the stamped, approved plans with the final appearance and type of exterior finishing shall be as approved by the Development Officer.

When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until:

- a. any conditions of approval, except those of a continuing nature, have been fulfilled; and
- b. the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in subsection 21.1 of this Bylaw and the Municipal Government Act has passed.

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).

NO PARKING is allowed on 3.66 m driveway leading to the detached Garage.

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 completed in accordance with the approved landscape plan, Section 55 and to the satisfaction of the Development Officer, and is maintained for two growing seasons. It should be sent attention to the Development Officer and be accompanied by an estimate of the work to be done. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- 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 (see enclosed for Requirements).

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)

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Charge fee of \$1,633.00. The SSTC charge is quoted at year 2015 rate. Please contact Private Development, Drainage Services, at 780-496-5665 for further details regarding the fee. However, the final SSTC is based on the prevailing rate at the time the applicant/owner makes payment at the 5th Floor cashiers, Sustainable Development, 10250 - 101 Street NW.

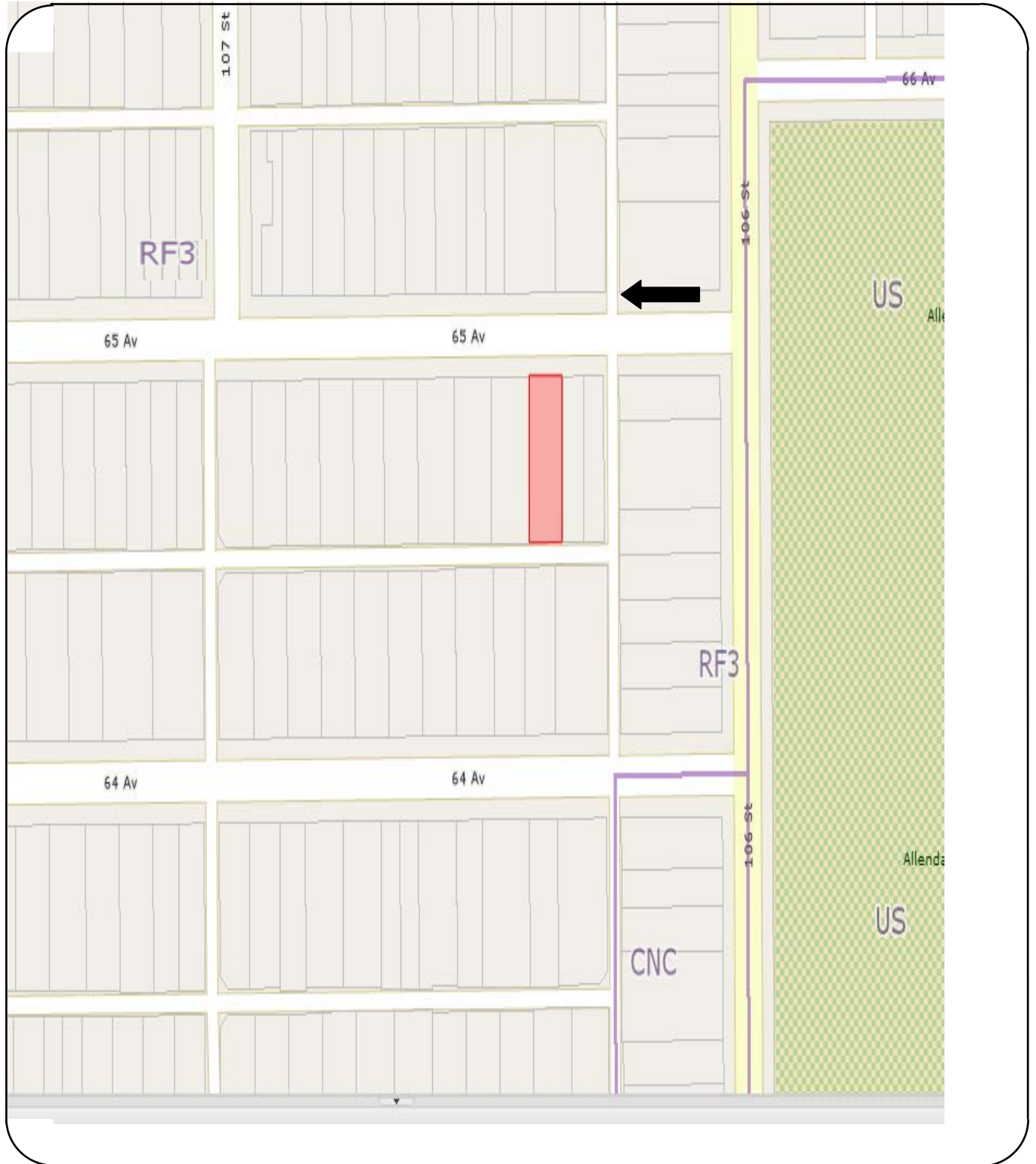
PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$100.00.

ADVISEMENTS:

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

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-018



ITEM III: 2:00 P.M.

FILE: SDAB-D-16-019

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

APPELLANT:

APPLICATION NO.: 178536368-001

ADDRESS OF APPELLANT: 11249 - 84 STREET NW

APPLICATION TO: Construct 70 Dwellings of Apartment Housing (1 building, 6 stories tall) with underground parkade, and to demolish 2 existing Row House buildings (12 Dwellings).

DECISION OF THE DEVELOPMENT AUTHORITY: Appr. with Notices

DECISION DATE: November 30, 2015

DATE OF APPEAL: December 10, 2015

RESPONDENT:

ADDRESS OF RESPONDENT: 8329 - 113 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8329 - 113 Avenue NW

LEGAL DESCRIPTION: Plan 1024706 Blk 109 Lot 16A

ZONE: RA8-Medium Rise Apartment Zone

OVERLAY: None

STATUTORY PLAN: Parkdale Area Redevelopment Plan

Grounds for Appeal

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

- Parking and traffic in the lane
- Big safety issues for the kids within the block

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

- (g) fails or refuses to issue a development permit to a person,
- (h) issues a development permit subject to conditions, or
- (i) 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.

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,

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

General Provisions from the *Edmonton Zoning Bylaw*:

Pursuant to section 220.1, the **General Purpose** of the **RA8 Medium Rise Apartment Zone** is:

...to provide for Medium Rise Apartments.

Under Section 220.2(1), **Apartment Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(1) defines Apartment Housing as:

... 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”.

Decision of the Development Officer

The Development Officer approved this Class B Development with the following variance:

Section 54.2(1)(a) states that “the minimum number of off-street parking spaces required for each Use is specified in Schedule 1”.

Schedule 1(A)(1) provides the following in respect to the minimum number of parking spaces or garage spaces required for Apartment Housing:

	Minimum	Maximum	TOD minimum	TOD maximum
Bed Sitting Room	1	N/A	0.7	1
Bachelor Suite	1	N/A	0.7	1
1 Bedroom Dwelling	1	N/A	0.8	1
2 Bedroom Dwelling	1.5	N/A	1	1.5
3 or more Bedroom Dwelling	1.7	N/A	1.25	1.75
Visitor Parking	1 per 7 Dwellings	N/A	1 per 7 Dwellings	N/A

Where such Uses contain three or more dwelling units (or where Semi-Detached Housing, Duplex Housing, or Apartment Housing consisting of fewer than three dwelling units, comprise part of a Multi-Unit Project Development) and are located within 400 metres of an existing LRT station or a future LRT station with a Council-approved Concept Plan, within 400 metres of an existing Transit Centre or a future Transit Centre with a Council-approved Concept Plan, or within 100 metres of a Transit Avenue, the following minimum parking requirements and maximum parking requirements shall apply.


The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.

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

Variance: The new building has 48 parking stalls, instead of 72.

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.

	<p>Project Number: 178536368-001 Application Date: SEP 01, 2015 Printed: November 30, 2015 at 11:13 AM Page: 1 of 4</p>		
Major Development Permit			
<p>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>			
<p>Applicant</p> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>	<p>Property Address(es) and Legal Description(s) 8329 - 113 AVENUE NW Plan 1024706 Blk 109 Lot 16A</p> <hr/> <p>Specific Address(es) Entryway: 8315 - 113 AVENUE NW Building: 8315 - 113 AVENUE NW</p>		
<p>Scope of Permit To construct 70 Dwellings of Apartment Housing (1 building, 6 stories tall) with underground parkade, and to demolish 2 existing Row House buildings (12 Dwellings).</p>			
<p>Permit Details</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class of Permit: Class B Gross Floor Area (sq.m.): 5658 New Sewer Service Required: Y Site Area (sq. m.): 6895 </td> <td style="width: 50%; border: none;"> Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 10 Stat. Plan Overlay/Annex Area: (none) </td> </tr> </table>		Class of Permit: Class B Gross Floor Area (sq.m.): 5658 New Sewer Service Required: Y Site Area (sq. m.): 6895	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 10 Stat. Plan Overlay/Annex Area: (none)
Class of Permit: Class B Gross Floor Area (sq.m.): 5658 New Sewer Service Required: Y Site Area (sq. m.): 6895	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 10 Stat. Plan Overlay/Annex Area: (none)		
<p>I/We certify that the above noted details are correct.</p> <p>Applicant signature: _____</p>			
<p>Development Permit Decision Approved</p>			
<p>The permit holder is advised to read the reverse for important information concerning this decision.</p>			



Project Number: **178536368-001**
 Application Date: SEP 01, 2015
 Printed: November 30, 2015 at 11:13 AM
 Page: 2 of 4

Major Development Permit

Subject to the Following Conditions

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

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

- 1) The proposed 7.5m access to 113 Avenue located 6m from the west property line, is acceptable to Transportation Services and must be constructed as a commercial crossing access. To allow for this construction, the removal of an existing connector sidewalk and curb ramp located within the proposed access is required.
 - 2) The proposed 1.5m mono-walk with roll faced curb on the south side of 113 Avenue is required for an approximate length of 9m to tie in the existing mono-walk to the building entrance is acceptable to Transportation Services.
 - 3) The proposed 3.2m x 6.4m connector sidewalk from the north property line of the subject site to tie into the proposed 1.5m mono-walk on the south side of 113 Avenue is acceptable to Transportation Services.
 - 4) The removal and reconstruction of the existing curb ramp is required with the mono-walk construction.
 - 5) The removal of the existing 1.5m boulevard walk located immediately north of the north property line, for a length of approximately 26m is acceptable to Transportation Services. It should be noted that a portion of this sidewalk is located on the property line.
 - 6) There are existing emergency knock down posts at the south terminus of the adjacent north south alley that require removal as Fire Rescue Services no longer requires an emergency access to 112 Avenue. Standard bollards must be installed at this location.
 - 7) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - a) construction of a 7.5m commercial crossing access, located 6m east from the west property line on the north side of the site with the removal of the existing connector sidewalk and curb ramp located within this proposed access,
 - b) construction of a 1.5m mono-walk with roll faced curb to tie the connector sidewalk to the existing mono-walk for an approximate length of 9m,
 - c) construction of a 3.2m x 6.4m connector sidewalk from the north property line,
 - d) removal and reconstruction of curb ramp,
 - e) removal of 1.5m x 26m of existing boulevard walk located north of the north property line,
 - f) removal of existing knock down posts at the south terminus of the adjacent north south alley to be replaced by standard bollards at the same location.
- Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. 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 \$24,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature. The land owner must contact Loli Fernandez (780-944-7683) 48 hours prior to construction to confirm Transportation Services requirements.
- 6) Parallel parking is NOT permitted on the internal road system as the road width (carriageway) is less than 7.5m. Both sides of the road must be signed 'No Parking'. A road width of less than 7.5m will not accommodate parking and still allow emergency vehicle access.
 - 7) Transportation Services has no objection to the two new gate openings to the Shared Use Path to the east of the site. These gates must be locked or card controlled for residents only and must open into the site. The proposed gates must not swing out over road right-of-way. Gates must either swing into the property of slide along the fence. No objects are permitted to encroach onto, over or under road right-of-way.
 - 8) There is an existing power pole in the vicinity of the proposed 3.2m sidewalk to 113 Avenue. The access must maintain a minimum clearance of 0.5m from the power pole and/or guy-wire. The applicant should contact Andy Balding (780-412-3520) of EPCOR Distribution & Technologies for more information. Should relocation of the pole/guy-wire be required, all costs associated with relocation must be borne by the owner/applicant.
 - 9) Any alley, sidewalk, shared use path 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 alley, 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.

Transportation Department Advisements:

- 1) Transportation Services has no objection to the parking deficiency. This development is in close proximity to an LRT station and this site is considered as a TOD development.

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



Project Number: **178536368-001**
 Application Date: SEP 01, 2015
 Printed: November 30, 2015 at 11:13 AM
 Page: 3 of 4

Major Development Permit

- 2) Transportation Services has no objection to the construction of the 1.8m chain link fence along the east property line to eliminate pedestrian access as this location to the shared use path. The installation of a 'No Public Access' sign is recommended to advise that there is no longer continued public access to the Shared Use Path adjacent to the Rapid Transit corridor due to the removal of the sidewalk and closure of the fence at the north limits of the site.
- 3) Garbage enclosures must be located entirely within private property and gates and/or doors of the garbage enclosure must not open or encroach into road right-of-way.
- 4) Any advertising signs for the development must be located entirely within private property.
- 5) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- 6) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 7) 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

Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer.

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:

- 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).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification Fee of \$100.00.

Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

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 developer shall provide 10 visitor parking spaces readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2(1)(a), Schedule 1A(1).

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54(6).

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with Sections 55(4) & (5).

NOTES:

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

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



Project Number: **178536368-001**
 Application Date: SEP 01, 2015
 Printed: November 30, 2015 at 11:13 AM
 Page: 4 of 4

Major Development Permit

3) This approval does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Variations

Parking - The new building has 48 parking stalls, instead of 72 (Section 54.2 and Schedule 1A.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 30, 2015 **Development Authority:** BACON, KIRK

Signature: _____

Notice Period Begins: Dec 08, 2015 **Ends:** Dec 21, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$770.00	\$770.00	02751863	Sep 16, 2015
Major Dev. Application Fee	\$770.00	\$770.00	02751863	Sep 16, 2015
Dev. Application Fee # of dwelling units	\$4,488.00	\$4,488.00	02751863	Sep 16, 2015
DP Notification Fee	\$100.00			
Sanitary Sewer Multifamily Refund	\$0.00			
Sanitary Sewer Trunk Fund 2012+	\$71,470.00	\$71,470.00	02751863	Sep 16, 2015
Sanitary Sewer Multifamily Refund	\$0.00			
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$77,598.00</u>	<u>\$77,498.00</u>		
(\$100.00 outstanding)				

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-019



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>
---------------	---