

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
July 7, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-103

Construct exterior alterations to a Semi-Detached House (Hardsurfacing in Front, Side and Rear Yards)

11146 - 78 Avenue NW
Project No.: 392769279-002

II 9:00 A.M. SDAB-D-21-102

Construct exterior alterations to a Semi-Detached House (Hardsurfacing in Front, Side and Rear Yards)

11148 - 78 Avenue NW
Project No.: 392628570-002

III 10:30 A.M. SDAB-D-21-104

Erect a fence @ 1.82m in Height in the flanking Side Yard and Rear Yard.

5699 - Crabapple Way SW
Project No.: 383573426-002

IV 1:30 P.M. SDAB-D-21-105

Construct a Single Detached House with Unenclosed Front Porch, rear balcony, fireplace, and Basement development (NOT to be used as an additional Dwelling)

10721 - 123 Street NW
Project No.: 391329986-002

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

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-103

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 392769279-002

APPLICATION TO: Construct exterior alterations to a Semi-Detached House
(Hardsurfacing in Front, Side and Rear Yards)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 26, 2021

DATE OF APPEAL: June 10, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11146 - 78 Avenue NW

LEGAL DESCRIPTION: Plan 1921461 Blk 14 Lot 5

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

Thank you for considering this matter. We are kindly requesting the Appeal Board to allow us to keep our existing landscape. We believe, for the following reasons and perspectives listed below, that our current landscape will benefit the tenants, neighbors, community and therefore, the City.

1. Our current landscape is outlined in Attachment #1. The green, blue, and yellow are the impermeable areas. Carolyn, on behalf of the City, noted that the current landscape was over the 70% threshold. Therefore, we added road crush beside the parking pad, a large planter in the backyard, and four front yard planters. The diagram in **Attachment #1** is what our backyard looked like prior to making these adjustments. Referring to the diagram in Attachment #1, there is now road crush to the left of the parking pad instead of slabs, a huge planter in the backyard instead of paving stones, and four front yard planters instead of paving stones. We have attempted to increase our permeable surface as per Carolyn's suggestions already. In Attachment #1, there is a picture of the planters we included. However, our landscaping intentions go beyond simply what we want. As discussed below, our landscape has a purpose to serve both our tenants and the community as a whole.
2. We have been owners in the Mckernan community for over 10 years in this neighbourhood. Unfortunately, we have had to deal with various sorts of problems with our rental property relating to unwanted trespassers and unwanted animal guests (rats, squirrels, etc). After we learned that the City encourages infill properties, we decided to build a new infill, which aligns with the City's goal to improve our neighbourhood and community. We also recognized that a new infill in this area would benefit tenants, such as the university students or young professionals, who enjoy living in this area. Our hope for the infill property was to create a clean and low maintenance environment - both for us and the tenants, but also our neighbours. This clean and low maintenance goal was intended to help create an appealing look for our property and the community. Keeping the original landscaping would help achieve this. Having to rebuild the landscape by adding mulch, wood chips, etc. in our experience, would go back to how our property was before we demolished the old property and built the infill - a lot of long weeds growing, debris, and unwanted animals creating a home there.
3. From our experience, we believe that the hard surface used, coupled with our strong water mitigating systems as described in the next point below, will be the best way to prevent flooding. Even though City guidelines note that we can use mulch, mulch easily traps garbage and debris. When there is heavy rain and thunderstorm, as frequently seen in Edmonton, mulch will sweep away to the street. We noticed and observed this in the neighbourhood we currently live in. After a major rainfall last year, about 10-20% of the mulch disappeared and swept on to the street. Not a lot of mulch was needed for this to happen. As a result, we now always need to clean the street drainage whenever there is a heavy rainfall to avoid flooding as the mulch plugs the street drain. In another instance, after a rainfall, mulch plugged the street drain at mid-night, and started to flood the area. We spent the night cleaning the mulch because we know the detrimental effects of even a small flood. All of this could have been

prevented but for the use of mulch in our neighbourhood.

4. We were not aware of the new 70% rule when we built the infill. However, despite not knowing about this rule, we did everything possible to ensure that our property has a system that can effectively deal with water and water drainage. From our understanding, the intention behind the 70% rule is to mitigate water issues. We invested in a good sump pump mechanism which has a summer and winter mode, and have good grading on our property. We spent five thousand dollars to build a retaining wall on each side to prevent water issues from affecting our neighbours. As seen with our actions, we are constantly thinking about both our property, but also our neighbours'. In fact, we have helped our neighbours out when they properties had water issues. For example, we helped our neighbour redo the grading of their lawn without charging any costs. Please see Attachment #2 - Tony's letter (11146 neighbour). Our 11148 neighbour Mr. Gary Hansen also indicated his support. However due to his present location, he cannot reply to us with a signed letter. We will submit his support letter before the hearing as we don't want to miss the appeal deadline.
5. In our experience, the area in our landscaping that has paving stones is indeed permeable. For example, when we remove the paving stones to put in planters, the road crush surfaces underneath the paving stones are wet. This indicates that water does permeate through the paving stone layer and drain into the road crush layer. Therefore, the paving stones can be used in our landscaping while having proper drainage. In addition, as pointed above, we also have the sump pump mechanism, proper grading, and retaining wall to effectively mitigate water issues. There have been no water issues or complaints from tenants, neighbours, or the community to date. Although we acknowledge that the landscaping is in its initial years, we have had a few large rainstorms already from last year to prove that the landscaping has held up and our water mitigation systems are effective. In addition, one of our neighbours used to have water pooled of 6 to 8 inches near their garage and our property line. After we completed our landscaping with the paving stones, alongside the retaining wall and helped them with our neighbour's backyard, there has been no more water pooling. This is because the hard surfaces actually help diverted the water evenly. Originally our neighbour's water drains down into a negative graded area, it is now guided some of the water so as to maintain an even absorption of water.
6. Our existing landscaping aligns with the Edmonton Police Services "Crime Prevention Through Environment Design" initiative. This initiative encourages residents to build a safe neighbourhood by thinking about how we should maintain, design, and structure our property. After experiencing many trespassers in the past, and most recently, the murder investigation two houses down, we are more vigilant than ever to do everything we can to create a safer place for our tenants and neighbours.

The “Crime Prevention Through Environment Design” initiative suggests the following to create a safe environment, prevent unwanted guests, and attract good tenants:

- a. Have a defensible space - clearly define the boundaries of a property - the transition from public to private areas should be obvious.
- b. Use landscaping, change in grade, change in texture and design to convey a sense of ownership.
- c. Maintenance - A well maintained property indicates pride of ownership and a lack of tolerance for unwanted behavior. Deterioration of a property indicates less control by the intended users and greater vulnerability to crime (graffiti, broken windows, poor property maintenance).

We believe that our current landscaping helps prevent crime by having a clean and low maintenance yard. From our experience, this landscape best gives the appearance of a “well maintained property” and does not express “deterioration of a property”. We would like to emphasize how a low maintenance property will offer the community’s best chance at crime prevention through environment design because it allows less opportunities for the property to “deteriorate” or look like it has “less control by the intended users”. If the board would like more information on this crime prevention strategy, feel free to email or call Sgt. Paul Looker at CPTED@edmontonpolice.ca; 780-421-2860. Our current landscape has minimal opportunities for deterioration and poor maintenance because it maintains itself. Having any mulch, wood chips, grass etc automatically increases the chances for poor maintenance because it requires constant care, and any unpleasant precipitation already invites a look of “deterioration and less control by the intended users”. This would not only affect our property, but our neighbours and the community in general when considering the EPS’ initiative.

7. We understand how busy our tenants are and would like to be respectful of their time by keeping a low maintenance front and back yard. The tenants that live in the Mckernan area form an integral part of the community. This area attracts many students and young professionals from many locations as it is close to the University of Alberta and just across the river from downtown. However, our tenants, who are often students/young professionals, are busy and we would like to keep the front and back yard as easy for them to clean and maintain as possible. The pictures attached (see Attachment #3 – Neighbour’s Backyard pictures) show our neighbours’ backyards are full of long grass and weeds that need constant care. Part of being a good landlord and responsible owner in the Mckernan area is to care for the tenants and be mindful of their busy lives and how we can help them. **Please see Attachment #4- a letter from one of our tenants, Quinlan Pon.** He really appreciates the low maintenance backyard and practicality of this

type of landscape/yard.

8. In addition, we have noticed our tenants have been biking to campus. We want to support them and also promote a more green and clean lifestyle in our neighbourhood. This means we would need/want to provide bike parking pads for tenants to park their bikes. There is simply no room in the house for their bikes. We also understand how staying active, such as biking will improve the tenants' mental health. Maybe neighbours will also start this trend and have bike pads/areas if they see us do it.
9. We have a BBQ station for the tenants and having material such as grass or mulch can be a fire hazard especially with the dry Edmonton summers. This would be a hazard to both tenants and surrounding neighbours. We have a BBQ station and picnic table for the tenants because we understand the importance of being outside during the COVID pandemic, but also just for mental health in general. This set up provides a safe, yet clean environment for tenants to socialize and improve their mental health. In addition, it is safer that we provide the BBQ, than for the tenants to try to set up their own make shift ones, or not know how to properly set it up in the backyard. We are hoping that this BBQ back yard will also "liven" up the community. The less mulch, wood chips, grass etc. we have on site that can catch fire, the easier it is to prevent unnecessary fire hazards while also providing a fun, and clean space for people to enjoy.
10. Our intention for the landscaping is to help benefit everyone in the community. We are good neighbours and citizens in our community. For example, when there was a murder investigation not too far from our property, we immediately helped the detective who contacted our tenant for information. We met and provided our security hard drive to assist. We are just trying to do what is best for the community -whether it means helping out with a murder investigation or creating a clean and safe environment that looks appealing to the neighbourhood and tenants.
11. We demonstrate our commitment to using less chemicals and pesticides with our current landscape. The existing landscape minimizes the amount of weeds that grow in the yard, and therefore, will need to use less chemicals to kill the weeds in the lawn. We noticed a lot of the neighbouring houses use chemicals to kill the weeds. We understand that the neighbours needs to use these chemicals because plucking weeds one by one takes a very long time. By keeping the landscaping as is, we plan not to use of chemicals which can affect both the plants and our tenants' health.

We seek your understanding in helping make our neighborhood clean and safe by granting us our appeal. As we think more about our existing landscaping, we can only think of a growing list of ways it would be benefitting the community and neighbours. Thank you for considering this matter.

***Please see the SDAB file to view the attachments**

<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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

- (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

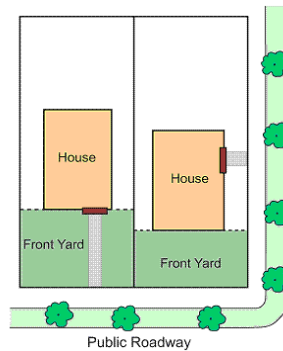
General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(7), **Semi-Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

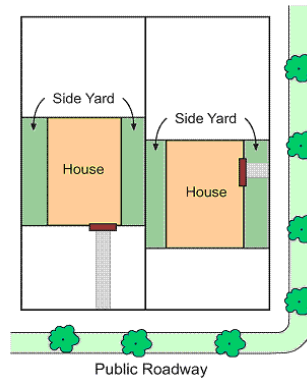
Under Section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



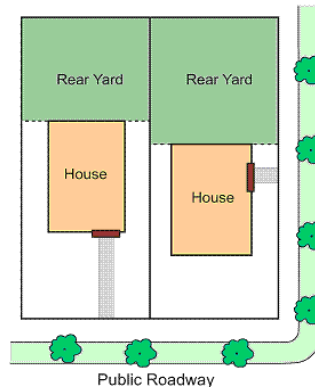
Under section 6.1, **Side Yard** means:

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Under section 6.1, **Rear Yard** means:

the portion of a Site abutting the Rear Lot Line extending across the full width of the Site, situated between the Rear Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1, **Impermeable Material** means:

material that is impenetrable by water and includes building coverage, asphalt, concrete, and brick, stone, and wood that do not have permeable spacing. Impermeable Material does not include gravel, river rock, wood chips, bark mulch, permeable pavers, permeable concrete, permeable asphalt, soil pavement, wood decking with spaced boards, and other materials which have permeable characteristics when in place and are not placed on a layer of material that is impenetrable by water such as plastic sheeting.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing”.

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Landscaping and Impermeable Material

Section 55.3(1)(e) states:

all open space including Front Yards, Rear Yards, Side Yards and Yards, Amenity Areas at ground level, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

Section 55.10(1) states:

Except where developed as part of a Multi-unit Project Development, for Single Detached Housing, Semi-detached Housing and Row Housing, the area covered by Impermeable Material shall not exceed 70 percent of the total Lot area.

Development Officer's Determination

1. Landscaping - All open space including Front Yards, Rear Yards, Side Yards shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs.

Proposed: Hardsurfacing of all Front Yard, Rear Yard and Side Yards.

2. Impermeable Material - Impermeable Material shall not exceed 70% of the total Lot area (Section 55.10.1).

Maximum: 70%

Proposed: 96%

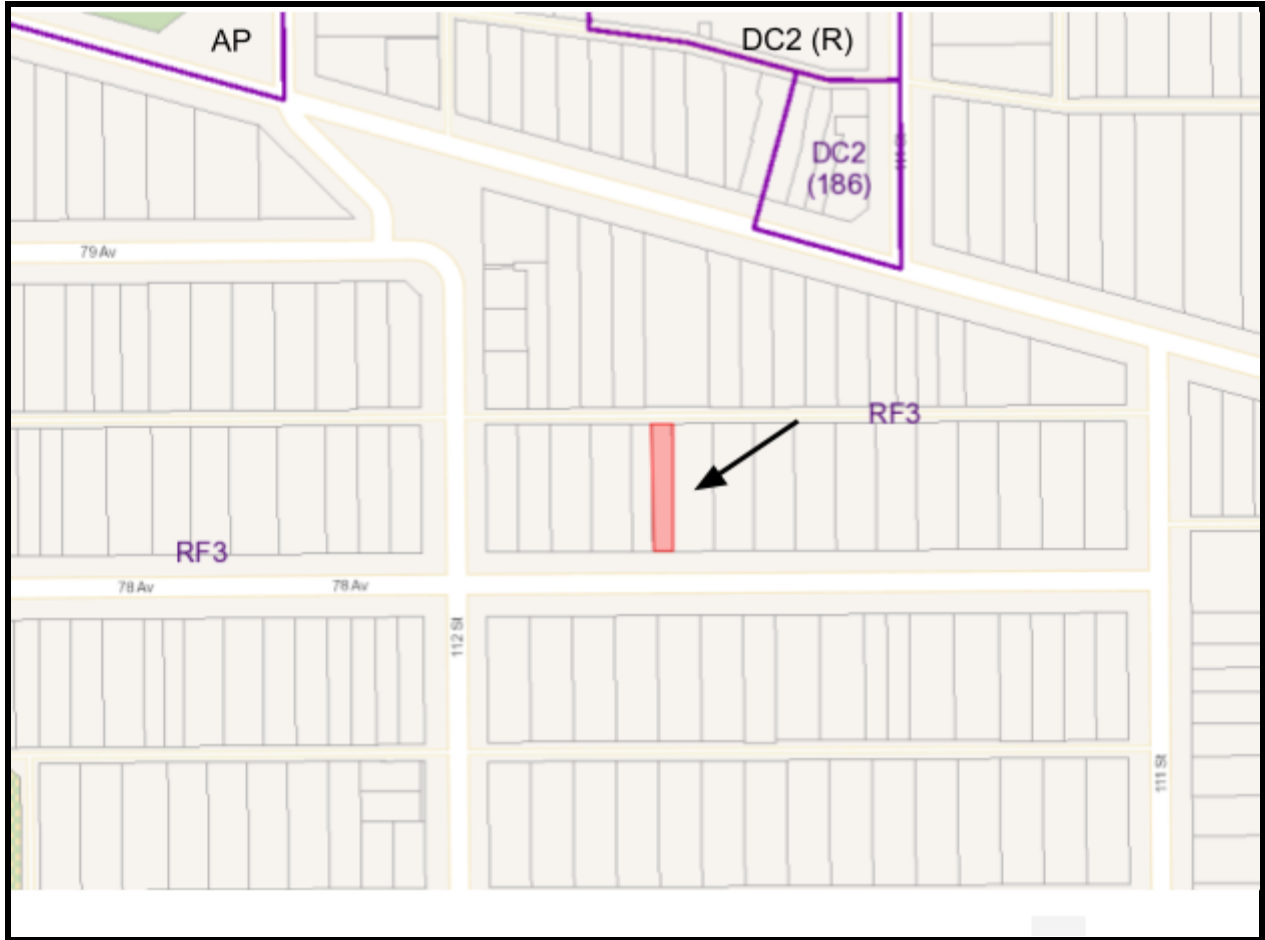
Exceeds by 26%

[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.

	Project Number: 392769279-002 Application Date: APR 19, 2021 Printed: May 26, 2021 at 12:53 PM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Driveway Extension Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant <div style="background-color: black; width: 100px; height: 50px; margin: 0 auto;"></div>	Property Address(es) and Legal Description(s) 11146 - 78 AVENUE NW Plan 1921461 Blk 14 Lot 5 Location(s) of Work Suite: 11146 - 78 AVENUE NW Entryway: 11146 - 78 AVENUE NW Building: 11146 - 78 AVENUE NW																				
Scope of Application To construct exterior alterations to a Semi-Detached House (Hardsurfacing in Front, Side and Rear Yards).																					
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Class Of Permit: Class B Stat Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%; border: none;"> Site Area (sq. m.): 257.38 </td> </tr> </table>		Class Of Permit: Class B Stat Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 257.38																		
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Development Application Decision Refused Issue Date: May 26, 2021 Development Authority: NICHOLAS, CAROLYN Reason for Refusal 1. Landscaping - All open space including Front Yards, Rear Yards, Side Yards shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. Proposed: Hardsurfacing of all Front Yard, Rear Yard and Side Yards. 2. Impermeable Material - Impermeable Material shall not exceed 70% of the total Lot area (Section 55.10.1). Maximum: 70% Proposed: 96% Exceeds by 26% Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																					
Building Permit Decision No decision has yet been made.																					
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Development Application Fee</td> <td style="text-align: right;">\$176.00</td> <td style="text-align: right;">\$176.00</td> <td>08787600682J001</td> <td>Apr 19, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$176.00</td> <td style="text-align: right; border-top: 1px solid black;">\$176.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Development Application Fee	\$176.00	\$176.00	08787600682J001	Apr 19, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$176.00	\$176.00		
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THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-102

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N

ITEM II: 9:00 A.M.

FILE: SDAB-D-21-102

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 392628570-002

APPLICATION TO: Construct exterior alterations to a Semi-Detached House
(Hardsurfacing in Front, Side and Rear Yards)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 26, 2021

DATE OF APPEAL: June 10, 2021

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11148 - 78 Avenue NW

LEGAL DESCRIPTION: Plan 1921461 Blk 14 Lot 6

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

Reasons are the same as for SDAB-D-21-103 above.

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

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Hearing and Decision

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- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
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and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

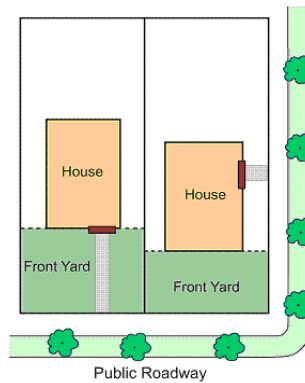
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Under section 140.2(7), **Semi-Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

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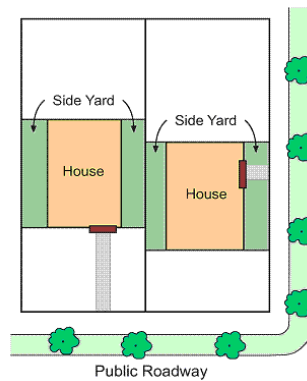
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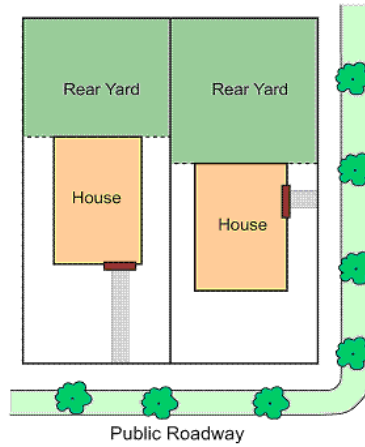
Under section 6.1, **Side Yard** means:

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Under section 6.1, **Rear Yard** means:

the portion of a Site abutting the Rear Lot Line extending across the full width of the Site, situated between the Rear Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1, **Impermeable Material** means:

material that is impenetrable by water and includes building coverage, asphalt, concrete, and brick, stone, and wood that do not have permeable spacing. Impermeable Material does not include gravel, river rock, wood chips, bark mulch, permeable pavers, permeable concrete, permeable asphalt, soil pavement, wood decking with spaced boards, and other materials which have permeable characteristics when in place and are not placed on a layer of material that is impenetrable by water such as plastic sheeting.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing”.

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Landscaping and Impermeable Material

Section 55.3(1)(e) states:

all open space including Front Yards, Rear Yards, Side Yards and Yards, Amenity Areas at ground level, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. This requirement shall not apply to those areas designated for parking or vehicular circulation.

Section 55.10(1) states:

Except where developed as part of a Multi-unit Project Development, for Single Detached Housing, Semi-detached Housing and Row Housing, the area covered by Impermeable Material shall not exceed 70 percent of the total Lot area.

Development Officer's Determination

1. Landscaping - All open space including Front Yards, Rear Yards, Side Yards shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs.

Proposed: Hardsurfacing of all Front Yard, Rear Yard and Side Yards.

2. Impermeable Material - Impermeable Material shall not exceed 70% of the total Lot area (Section 55.10.1).

Maximum: 70%

Proposed: 96%

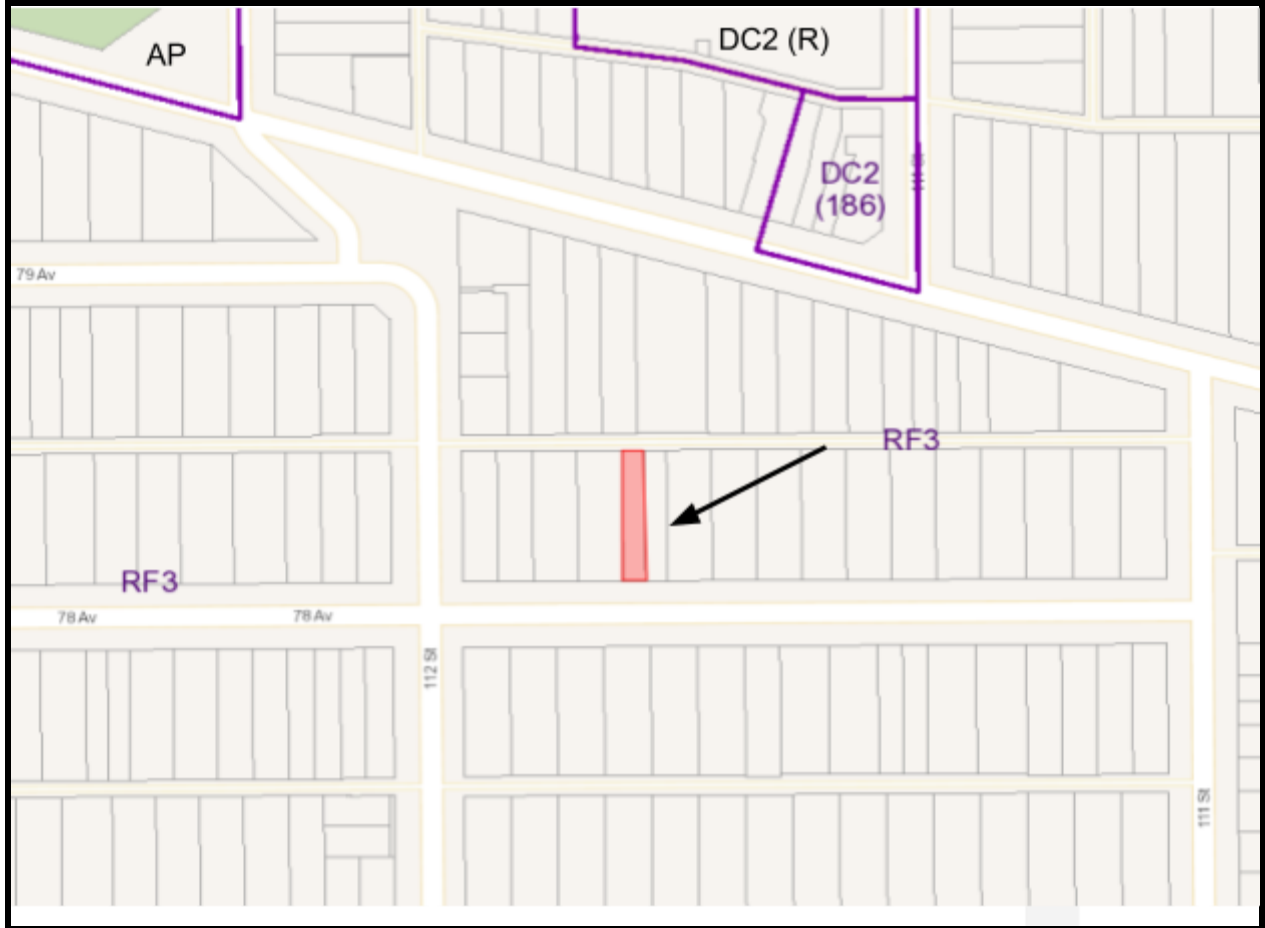
Exceeds by 26%

[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.

	Project Number: 392628570-002 Application Date: APR 18, 2021 Printed: May 26, 2021 at 12:53 PM Page: 1 of 1			
<h2>Application for Driveway Extension Permit</h2>				
This document is a Development Permit Decision for the development application described below.				
Applicant		Property Address(es) and Legal Description(s)		
11148 - 78 AVENUE NW Plan 1921461 Blk 14 Lot 6				
		Location(s) of Work		
		Suite: 11148 - 78 AVENUE NW		
		Entryway: 11148 - 78 AVENUE NW		
		Building: 11146 - 78 AVENUE NW		
Scope of Application				
To construct exterior alterations to a Semi-Detached House (Hardsurfacing in Front, Side and Rear Yards).				
Permit Details				
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		Site Area (sq. m.): 257.62		
Development Application Decision				
Refused				
Issue Date: May 26, 2021 Development Authority: NICHOLAS, CAROLYN				
Reason for Refusal				
1. Landscaping - All open space including Front Yards, Rear Yards, Side Yards shall be landscaped with flower beds, grass, ground cover or suitable decorative hardscaping in addition to trees and shrubs. Proposed: Hardsurfacing of all Front Yard, Rear Yard and Side Yards.				
2. Impermeable Material - Impermeable Material shall not exceed 70% of the total Lot area (Section 55.10.1). Maximum: 70% Proposed: 96% Exceeds by 26%				
Rights of Appeal				
The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.				
Building Permit Decision				
No decision has yet been made.				
Fees				
Development Application Fee	Fee Amount \$176.00	Amount Paid \$176.00	Receipt # 08716001874J001	Date Paid Apr 18, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$176.00	\$176.00		
THIS IS NOT A PERMIT				



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-102

▲
N

ITEM III: 10:30 A.M.

FILE: SDAB-D-21-104

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 383573426-002

APPLICATION TO: Erect a fence @ 1.82m in Height in the flanking Side Yard and Rear Yard.

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 31, 2021

DATE OF APPEAL: June 11, 2021

NOTIFICATION PERIOD: June 8, 2021 through June 29, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 5699 - Crabapple Way SW

LEGAL DESCRIPTION: Plan 1523262 Blk 3 Lot 53

ZONE: (RF4) Semi-Detached Residential Zone

OVERLAY: N/A

STATUTORY PLAN(S): Ellerslie Area Structure Plan
The Orchards at Ellerslie Neighbourhood Structure Plan

Grounds for Appeal

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

We recently received a letter in main in regards to a special development permit issued for 5699 Crabapple way SW in regards to changes to the Zoning Bylaw 12800 fence height allowance to be increased and allowed to 1.8 m high rather than standard 1.2 m. I as a resident and neighbor at Orchards at Ellerslie don't agree and request to appeal this decision on the following factors for SAFETY.

1. The fence was built already for more than a year not in accordance to the Bylaw stated.
2. The height of the fence is a safety issue for service lane users and incoming traffic on Crabapple Link SW including motor vehicle and pedestrians. We already had some accidents involving children hit by motor vehicle due to poor visibility due to the height of the fence and position of the secondary/accessory building (storage unit).

Photographs on file.

<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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,
 - or
 - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
- (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 150.2(6), **Semi-Detached Housing** is a **Permitted Use** in the **(RF4) Semi-detached Residential Zone**.

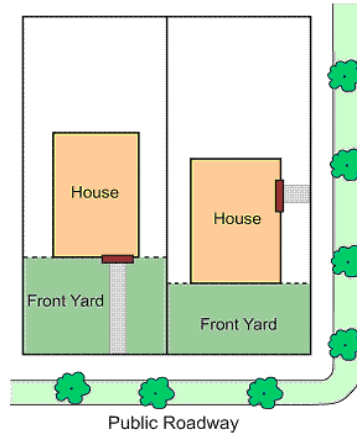
Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.”

Under section 6.1, **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

Under section 6.1, **Height** means “a vertical distance between two points.”

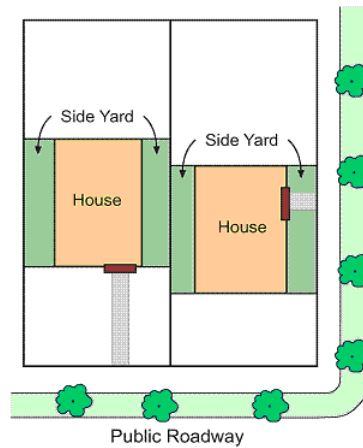
Under section 6.1, **Front Yard** means:

the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under section 6.1, **Side Yard** means:

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Section 150.1 states that the **General Purpose** of the **(RF4) Semi-detached Residential Zone** is “to provide a zone primarily for Semi-detached Housing and Duplex Housing.”

Fences, Walls, Gates, and Privacy Screening in Residential Zones

Section 49.1 states the following with respect to *Fences, walls and gates*:

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
 - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry,

ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.

- b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
 - ii. 1.85 m in all other Yards.
- e. **On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:**
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,
 - ii. **1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and**
 - iii. 1.85 m in all other Yards.
- f. In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- g. **In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,**
- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow a Fence, wall, or gate of up to 1.85 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.



Development Officer's Determination

Fence Height - The fence along Crabapple Link SW is 1.8m high, instead of 1.2m (Section 49.1.e.ii & 49.1.g)

[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.

	Project Number: 383573426-002 Application Date: JAN 12, 2021 Printed: May 31, 2021 at 10:48 AM Page: 1 of 2		
<h2>Overheight Fence Permit</h2>			
<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>			
Applicant 	Property Address(es) and Legal Description(s) 5699 - CRABAPPLE WAY SW Plan 1523262 Blk 3 Lot 53 Location(s) of Work Suite: 5699 - CRABAPPLE WAY SW Entryway: 5699 - CRABAPPLE WAY SW Building: 5697 - CRABAPPLE WAY SW		
Scope of Permit To erect a fence @ 1.82m in Height in the flanking Side Yard and Rear Yard.			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none) </td> <td style="width: 50%;"> Site Area (sq. m): 314.77 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m): 314.77
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: (none)	Site Area (sq. m): 314.77		
Development Permit Decision Approved Issue Date: May 31, 2021 Development Authority: SELTZ, AARON Subject to the Following Conditions This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1). This Development Permit authorizes the development of a fence @ 1.82m in Height in the flanking Side Yard and Rear Yard. The development shall be constructed in accordance with the stamped and approved drawings. The fence shall be installed entirely on the subject property. 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 (Section 57.3.1). Immediately upon completion of the development of the fence, the site shall be cleared of all debris. ADVISEMENTS: An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2). Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800. VariANCES Fence Height - The fence along Crabapple Link SW is 1.8m high, instead of 1.2m (Section 49.1.e.ii & 49.1.g) Rights of Appeal This approval is subject to the right of appeal to the Subdivision and Development Appeal Board (SDAB) as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.			



Project Number: **383573426-002**
Application Date: JAN 12, 2021
Printed: May 31, 2021 at 10:48 AM
Page: 2 of 2

Overheight Fence Permit

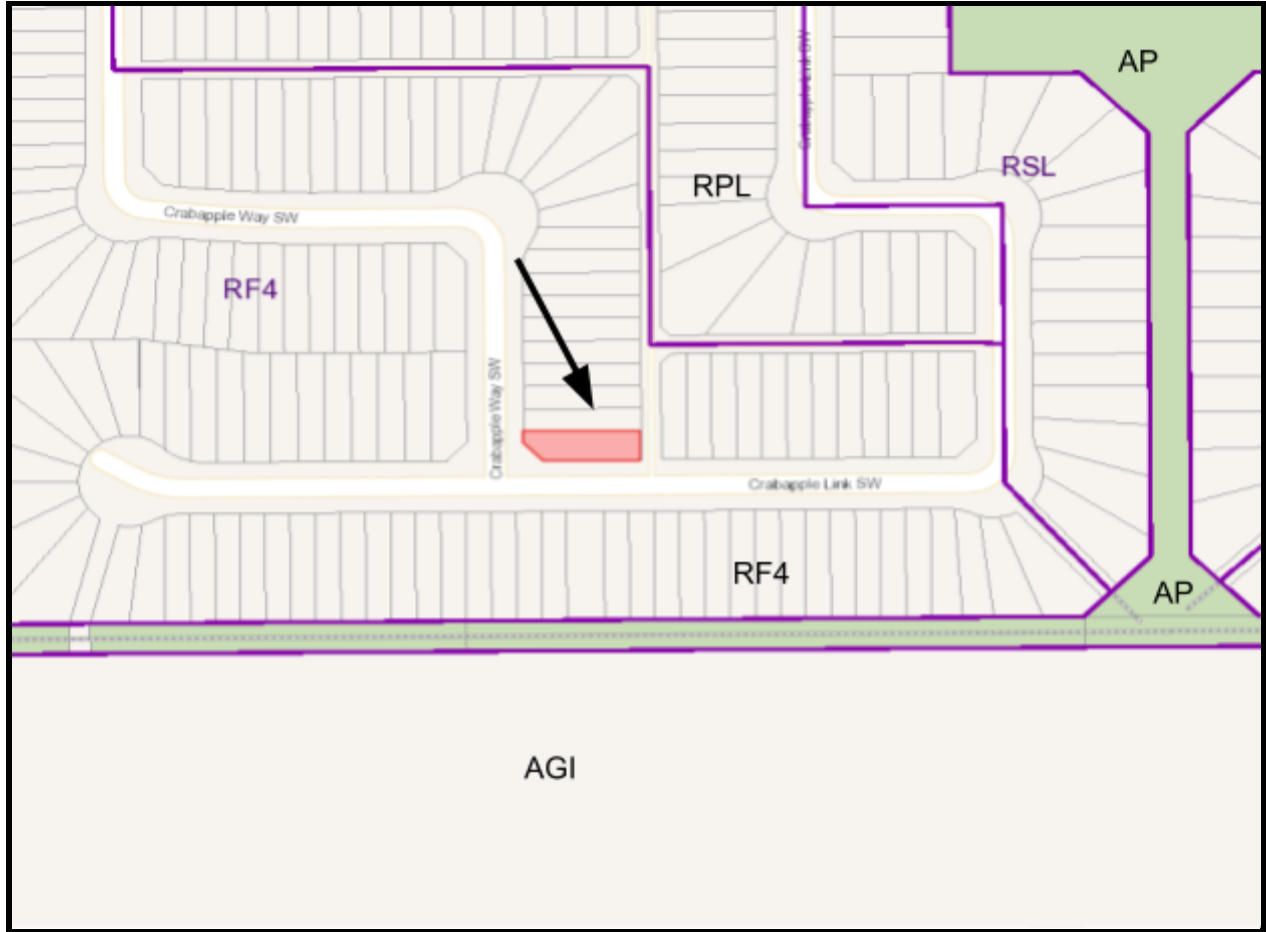
Notice Period Begins: Jun 08, 2021 **Ends:** Jun 29, 2021

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$182.00	\$182.00	04739301371F001	Jan 12, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$182.00</u>	<u>\$182.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-104

▲
N

ITEM IV: 1:30 P.M.

FILE: SDAB-D-21-105

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 391329986-002

APPLICATION TO: Construct a Single Detached House with Unenclosed Front Porch, rear balcony, fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 9, 2021

DATE OF APPEAL: June 14, 2021

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10721 - 123 Street NW

LEGAL DESCRIPTION: Plan RN22 Blk 6 Lot 6

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

I am appealing the decision because:

1. there are many houses in the area with very similar lofts and balconies.
2. we are not over height at the roof peak.

3. The building will appear as a 2 story from the front and sides, we require a shed dormer in order to accommodate a patio door to walkout onto the balcony.
4. The development officer has chosen the back roof as the major roofline, but I would argue the most visible rooflines (front and sides) should be the ones used for the calculation of the mid height maximum (which conform to the city bylaws).
5. The building generally fits the style of houses in the neighborhood, it will not stand out as a modern house, overall it will not look out of place as built.
6. The compromised solution will affect the overall square footage of the house, the function of the space in the loft, as well as having an unbalanced roofline that would be problematic for drainage onto the patio.

<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.

(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,

- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(8), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing.”

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

to regulate residential development in Edmonton’s mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Height

Section 814.3(5) states “The maximum Height shall not exceed 10.0 m in the RF5 Zone and 8.9 m in all other Zones.”

Under section 6.1, **Height** means “a vertical distance between two points.”

Development Officer’s Determination

Height - The height of the proposed house is 10.08m, instead of the maximum of 8.9m (Reference Section 814.3.5).

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.3 and 11.4.


Section 814.5(2) states:

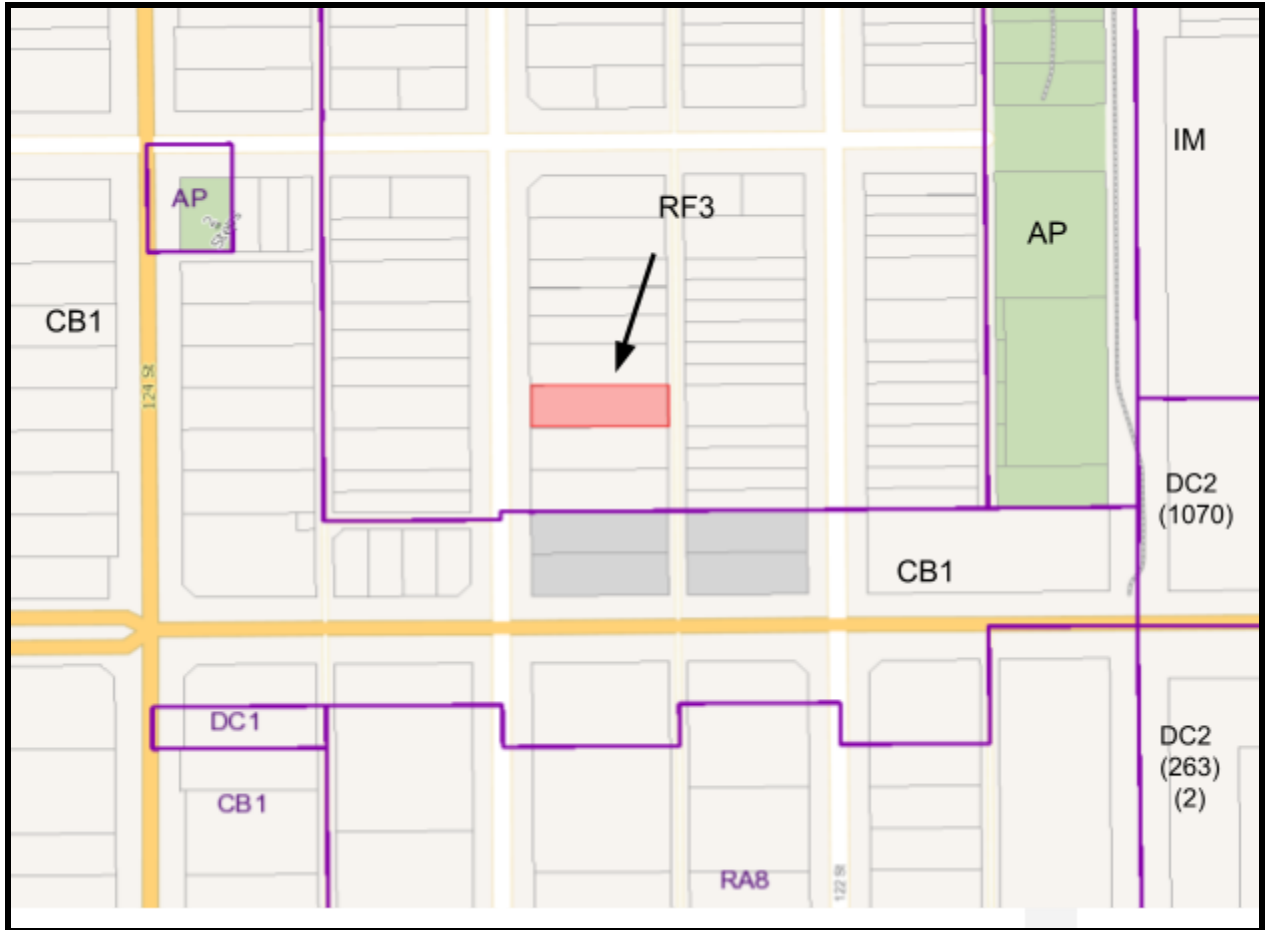
Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the	814.3(5) – Height

	development and the President of each Community League	President of each Community League	
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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.

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 391329986-002 Application Date: APR 06, 2021 Printed: June 9, 2021 at 10:21 AM Page: 1 of 1																														
This document is a Development Permit Decision for the development application described below.																																
Applicant <div style="background-color: black; width: 100%; height: 50px;"></div>	Property Address(es) and Legal Description(s) 10721 - 123 STREET NW Plan RN22 Blk 6 Lot 6																															
Scope of Application To construct a Single Detached House with Unenclosed Front Porch, rear balcony, fireplace, and Basement development (NOT to be used as an additional Dwelling).																																
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: </td> </tr> </table>			# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area:																												
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Development Application Decision Refused Issue Date: Jun 09, 2021 Development Authority: LANGILLE, BRANDON Reason for Refusal Height - The height of the proposed house is 10.08m, instead of the maximum of 8.9m (Reference Section 814.3.5). Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.																																
Fees <table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: left;">Receipt #</th> <th style="text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Lot Grading Fee</td> <td style="text-align: right;">\$148.00</td> <td style="text-align: right;">\$148.00</td> <td>08127207895J001</td> <td>Apr 07, 2021</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$502.00</td> <td style="text-align: right;">\$502.00</td> <td>08127207895J001</td> <td>Apr 07, 2021</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td style="text-align: right;">\$211.00</td> <td style="text-align: right;">\$211.00</td> <td>08127207895J001</td> <td>Apr 07, 2021</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$861.00</td> <td style="text-align: right; border-top: 1px solid black;">\$861.00</td> <td></td> <td></td> </tr> </tbody> </table>				Fee Amount	Amount Paid	Receipt #	Date Paid	Lot Grading Fee	\$148.00	\$148.00	08127207895J001	Apr 07, 2021	Dev. Application Fee	\$502.00	\$502.00	08127207895J001	Apr 07, 2021	Development Permit Inspection Fee	\$211.00	\$211.00	08127207895J001	Apr 07, 2021	Total GST Amount:	\$0.00				Totals for Permit:	\$861.00	\$861.00		
	Fee Amount	Amount Paid	Receipt #	Date Paid																												
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Total GST Amount:	\$0.00																															
Totals for Permit:	\$861.00	\$861.00																														
THIS IS NOT A PERMIT																																



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-105

▲
N