

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
July 6, 2017**

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

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

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I	9:00 A.M.	SDAB-D-17-124	Construct an Accessory building (rear detached Garage, 7.32m x 7.32m)  12329 - 106 Street NW Project No.: 251528002-001
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II	10:30 A.M.	SDAB-D-17-125	Construct an Accessory building (rear detached Garage, 8.4m x 11.12m) and with an exterior fireplace attached to the Garage, and to demolish an existing Accessory building (6.8 m x 4.97m)  8928 - 146 Street NW Project No.: 243807558-001
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III	2:00 P.M.	SDAB-D-17-126	Erect a Fence (1.68m in Height) along a public road way (146 Street and 106 Avenue)  14516 - 106 Avenue NW Project No.: 233628888-002
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**NOTE:**                    *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-124

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 251528002-001

APPLICATION TO: Construct an Accessory building (rear detached Garage, 7.32m x 7.32m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 30, 2017

DATE OF APPEAL: June 13, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12329 - 106 Street NW

LEGAL DESCRIPTION: Plan 1056HW Blk 4 Lot 8

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

***Grounds for Appeal***

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

The reason I'm appealing is because the total height of my garage isn't over the max peak point but the max height of the midway point is over height. I just wanted more headroom in my attic so I wouldn't have to bend over while I'm up there. That's the only reason really.

***General Matters***

**Appeal Information:**

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

**Grounds for Appeal**  
685(1) If a development authority

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

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

### **Appeals**

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

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

...

### **Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

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

Under section 6.1(2), **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.”

Section 110.1 states that the **General Purpose** of the **(RF1) Single Detached Residential Zone** is:

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

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

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

***Height***

Section 50.3(2) states “an Accessory building or structure shall not exceed 4.3 metres in Height, [...]”

Under section 6.1(53), **Height** means “a vertical distance between two points.”

**Development Officer’s Determination:**

**An Accessory Building shall not exceed 4.3m (Section 50.3.2)**

**Proposed Height: 5.07m**


**Exceeds by: 0.77m [unedited]**

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Notice to Applicant/Appellant

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

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<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 12329 - 106 STREET NW Plan 1056HW Blk 4 Lot 8  <b>Location(s) of Work</b> Entryway: 12329 - 106 STREET NW Building: 12329 - 106 STREET NW																														
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<b>Permit Details</b>																															
Building Area (sq. ft.): 720 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Type of Accessory Building: Detached Garage (010)																														
I/We certify that the above noted details are correct.  Applicant signature: _____																															
<b>Development Application Decision</b> Refused  <b>Reasons for Refusal</b> An Accessory Building shall not exceed 4.3m (Section 50.3.2)  Proposed Height: 5.07m Exceeds by: 0.77m  <b>Rights of Appeal</b> 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.																															
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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-124





ITEM II: 10:30 A.M.

FILE: SDAB-D-17-125

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 243807558-001

APPLICATION TO: Construct an Accessory building (rear detached Garage, 8.4m x 11.12m) and with an exterior fireplace attached to the Garage, and to demolish an existing Accessory building (6.8 m x 4.97m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 9, 2017

DATE OF APPEAL: June 9, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8928 - 146 Street NW

LEGAL DESCRIPTION: Plan 1125KS Blk 5 Lot 45

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

I am filing this application for Appeal to address three concerns; height, site coverage and the location of a proposed garage development.

We have completed a community consultation to properties within 60 meters of our property. Out of 22 stakeholders we were able to speak with, 95% approved of the development as designed. One homeowner simply refused to give an opinion. Documentation to be attached.

Stakeholders are supportive of the significant investment we are wanting to make to the property, especially knowing the thought and care we have put into functionality, esthetics, longevity and respect of neighboring spaces. Many stakeholders voiced that they were very pleased that we are maintaining and improving the 1950's house without adding a second story or subdividing the lot.

**Height** - We have planned for a 10x10 door to store our vintage RV indoors. This is for safety, aesthetics, and protection of the RV. Because of the height of the garage door, we require 12ft wall.

#### Consideration for appeal

- The 4/12 cottage style roof is consistent with the roof slope of the property's 1950's house and has a low visual profile from grade level.
- We are taking additional steps to lower visual impact with planters within the driveway and an arbor over the double door. The space between the driveway and the north fence will have appealing landscaping and draw the eye down instead of to the height of the roof.
- The cottage style roof has less of an impact on overshadowing than other style of roofs. With the garage being in the laneway, it does not obstruct any views.
- The south neighbor has an attached garage with bedrooms above towards the lane so height of our proposed development is consistent with the height of the south neighbor's dwelling.
- The neighbor directly to the west, across the lane, has the garage located on the rear property line with the gable edge (highest profile) on the lane way. This neighbor will only be able to see our garage from their second story window.
- We took great concern with our north neighbor. The north neighbor has a garden area at the rear of the property and mature trees at midpoint of the laneway and the house. The new garage development will nest near the large trees. These large trees will minimize the visual impact of the garage and have a minimal incremental impact on the already shady portion of the yard and maximize the privacy (which is of high value to this neighbor).
- We have trees planned for the north side of the garage to further reduce the north neighbors visual impact. This is also a plan for the future, as the neighbors' trees are very mature and nearing the end of their life.
- By reducing our amenity area between the house and proposed garage, we maintain the sun in the rear portion of the north neighbor's yard that is the neighbors main garden area.
- We have increased the set back on the north side of the proposed garage to minimize the visual impact of the building, the overshadowing and provide room for the new trees to develop, mature and thrive.

**Site Coverage** - We have designed the garage to be a functional three vehicle garage. The size will allow for storage along the inner walls, workshop areas at the front of the garage nested between the recess, be able to park vehicles comfortably and actually be able to open the doors of the vehicles.

Consideration for appeal

- While we understand the garage is over the 12% lot coverage allowed for accessory buildings, at 31% total lot coverage we are significantly under the allowable 40% lot coverage. The 31% total lot coverage includes the newly approved permit for a small addition to our house.
- With this development, we will not require any additional buildings on the property. The shed that is non-compliant and existed when we purchased the property a year ago, will be removed. The existing original garage is non-compliant to today's standards will also be removed (the roof eave is on the south property line).
- We have planned a 12-foot set back on the south side of the garage and 5 feet on the north to minimize coverage impact on neighbors.
- Edmonton is a winter city with some extreme cold weather. I have a medical condition that is aggravated by the cold and to have all vehicles inside and hobby space inside the future heated garage, makes winter more tolerable.
- We are planning for functionality for the future. While we do not have oversize vehicles (other than the height of the RV), we do not want to exclude future property owners with full size vehicles from having a functional space.
- We feel that we should use our property for parking and not use on street parking.

**Placement** - We desire a regular size driveway, opposed to an apron, to not impose on other space for maneuverability, ability to park outside if desired and snow storage.

Consideration for appeal

- The south neighbor is the corner lot and has a rear attached garage, creating a solid building on the south side of us from the front of our house to the rear of our proposed garage. We feel that our garage development being 19.7 inches forward will not significantly impact the Mature Neighborhood goal of having detached garages in neighboring yards and adjacent amenity areas, since the corner/adjacent lot already does not have a detached garage.
- The west neighbor has the garage nearly on the property line behind us so, there is an effective narrowing of the laneway at this point.

- If we rotated the garage 90 degrees and had the edge on the property line, we could have had a full driveway, but it would completely shade out the north neighbor's garden area. To us that was unacceptable to even propose to our neighbor.
- There are two sections of wall that are 19.7 inches too far forward equate to about 33 square feet, which we feel is very minimal.

*General Matters*

**Appeal Information:**

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

**Grounds for Appeal**

**685(1)** If a development authority

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

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

**Appeals**

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

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

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

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

Under section 6.1(2), **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.”

Section 110.1 states that the **General Purpose** of the (RF1) **Single Detached Residential Zone** is:

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

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

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

***Height***

Section 50.3(2) states “an Accessory building or structure shall not exceed 4.3 metres in Height, [...]”

Under section 6.1(53), **Height** means “a vertical distance between two points.”

**Development Officer’s Determination:**

**Proposed Height = 4.7 m**  
**Exceeds maximum Height by +0.4 m [unedited]**

***Site Coverage***

Section 110.4(7) states the Maximum Site Coverage shall be as follows:

	Principal Dwelling building /	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached Housing – Site area 300 square metres or greater	28 percent	12 percent	40 percent	40 percent

Under Section 6.1(101), **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

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

**Development Officer’s Determination:**

**Proposed Site Coverage = 14%**  
**Exceeds maximum Site Coverage by +2% [unedited]**

***Rear Yard***

Section 814.3(20) states “a rear detached Garage shall be fully contained within the rear 12.8 metres of the Site.”

**Development Officer’s Determination:**

**Rear detached Garage located within rear 13.2 m  
Exceeds by +0.4 m [unedited]**

***Community Consultation***

Section 814.3(24) states:

When a Development Permit application is made and the Development Officer determines that the proposed development does not comply with the regulations contained in this Overlay:


- a. the applicant shall contact the affected parties, being each assessed owner of land wholly or partly located within a distance of 60.0 m of the Site of the proposed development and the President of each affected Community League;
- b. the applicant shall outline, to the affected parties, any requested variances to the Overlay and solicit their comments on the application;
- c. the applicant shall document any opinions or concerns, expressed by the affected parties, and what modifications were made to address their concerns; and
- d. the applicant shall submit this documentation to the Development Officer no sooner than twenty-one calendar days after giving the information to all affected parties.

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**Notice to Applicant/Appellant**

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

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	Project Number: <b>243807558-001</b> Application Date: MAR 21, 2017 Printed: June 26, 2017 at 1:58 PM Page: 1 of 2										
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Development and Building Permit</h3>											
This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit											
<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 8928 - 146 STREET NW Plan 1125KS Blk 5 Lot 45										
<b>Scope of Application</b> To construct an Accessory Building (rear detached Garage, 8.4m X 11.12m) and with an exterior fireplace attached to the Garage, and to demolish an existing Accessory Building (6.8 m X 4.97m).											
<b>Permit Details</b>											
Building Area (sq. ft.): 943 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Class B Type of Accessory Building: Detached Garage (010)										
I/We certify that the above noted details are correct. Applicant signature: _____											
<b>Development Application Decision</b> Refused <b>Reasons for Refusal</b> <ol style="list-style-type: none"> <li>1. An Accessory building or structure shall not exceed 4.3 m in Height (Section 50.3.2).                       Proposed Height = 4.7 m                      Exceeds maximum Height by +0.4 m</li> <li>2. The maximum Site Coverage for Accessory buildings is 12% (Section 110.4.7.a)                       Proposed Site Coverage = 14%                      Exceeds maximum Site Coverage by +2%</li> <li>3. A rear detached Garage shall be fully contained within the rear 12.8 m of the Site (Section 814.3.20).                       Rear detached Garage located within rear 13.2 m                      Exceeds by +0.4 m</li> </ol> <b>Rights of Appeal</b> 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: Jun 09, 2017      Development Authority: LIANG, BENNY      Signature: _____											
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<b>THIS IS NOT A PERMIT</b>											





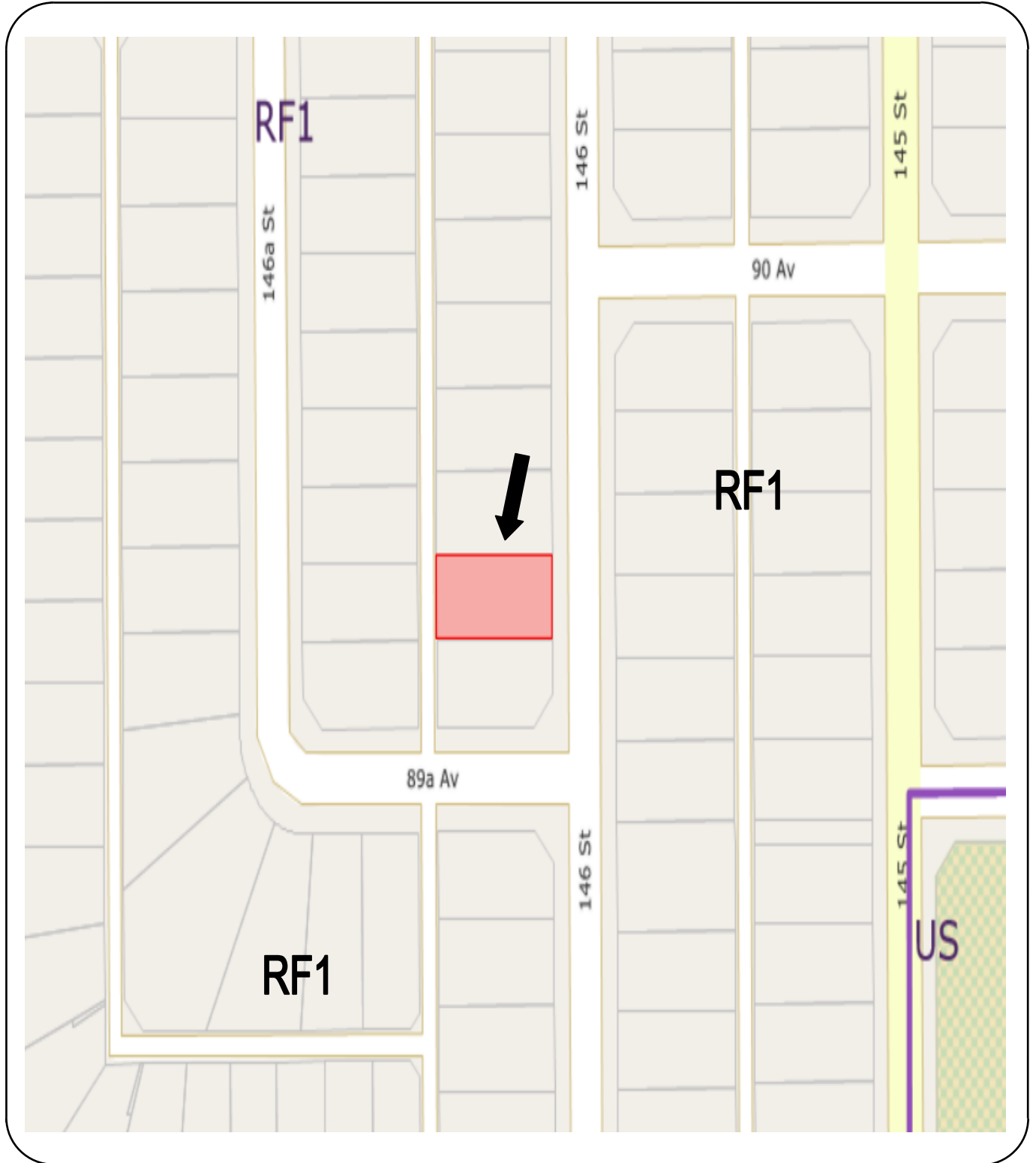
Project Number: **243807558-001**  
Application Date: MAR 21, 2017  
Printed: June 26, 2017 at 1:58 PM  
Page: 2 of 2

**Application for  
Accessory Building Development and Building Permit**

**Fees**

	<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Receipt #</b>	<b>Date Paid</b>
Building Permit Fee	\$105.00	\$105.00	03993385	Mar 21, 2017
Dev. Application Fee	\$113.00	\$113.00	03993385	Mar 21, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$222.50	<u>\$222.50</u>		

**THIS IS NOT A PERMIT**



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-125



ITEM III: 2:00 P.M.

FILE: SDAB-D-17-126

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

APPELLANT:

APPLICATION NO.: 233628888-002

APPLICATION TO: Erect a Fence (1.68m in Height) along a public road way (146 Street and 106 Avenue)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: May 25, 2017

DATE OF APPEAL: June 12, 2017

NOTIFICATION PERIOD: June 1, 2017 through June 15, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 14516 - 106 Avenue NW

LEGAL DESCRIPTION: Plan 5887HW Blk 4 Lot 22

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

The bylaw states all front fences be 4 feet not 5 feet. The fence is ugly and looks unfinished.

<i>General Matters</i>
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**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 within 14 days,

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

...

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

**Hearing and Decision**

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

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

Under section 6.1(2), **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.”

Section 110.1 states that the **General Purpose** of the (RF1) **Single Detached Residential Zone** is:

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

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

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

<b><i>Fence Height</i></b>
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Section 49.1 provides the following with respect to fences, walls and gates:

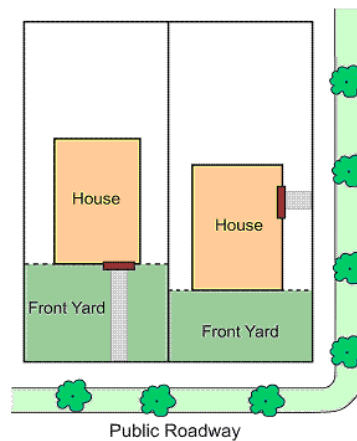
- a. The regulations contained within Section 49.1 of this Bylaw apply to:
  - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as, 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. ...
- 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.

Under section 6.1(37), **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(44), **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.



**Development Officer’s Determination:**

1. **Fence Height - The fence along 146 Street and 106 Avenue is 1.68m high, instead of 1.2m (Section 49.1(e)). [unedited]**

Notice to Applicant/Appellant

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



Project Number: 233628888-002  
Application Date: NOV 08, 2016  
Printed: June 13, 2017 at 9:28 AM  
Page: 1 of 2

### Minor Development Permit

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

<b>Applicant</b>	<b>Property Address(es) and Legal Description(s)</b> 14516 - 106 AVENUE NW Plan 5887HW Blk 4 Lot 22
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**Scope of Permit**  
To erect a Fence (1.68m in Height) along a public road way (146 Street and 106 Avenue).

<b>Permit Details</b>	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Fence Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: New Sewer Service Required: N/A 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: **233628888-002**  
 Application Date: NOV 08, 2016  
 Printed: June 13, 2017 at 9:28 AM  
 Page: 2 of 2

## Minor Development Permit

**Subject to the Following Conditions**

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

This Development Permit authorizes the development of a Fence (1.68m in Height) along a public road way (146 Street and 106 Avenue). The development shall be constructed in accordance with the stamped and approved drawings;

1. The fence shall be installed entirely on the subject property.
2. The fence shall not impede any sightlines for vehicular or pedestrian traffic.
3. 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 (Reference Section 57.2.1).
4. Immediately upon completion of the development of the fence, the site shall be cleared of all debris.

**ADVISEMENTS:**

- i.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- ii.) An approved Development Permit means that the proposed development has been reviewed 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.

**Variances**

1. Fence Height - The fence along 146 Street and 106 Avenue is 1.68m high, instead of 1.2m (Section 49.1(e)).

**Rights of Appeal**

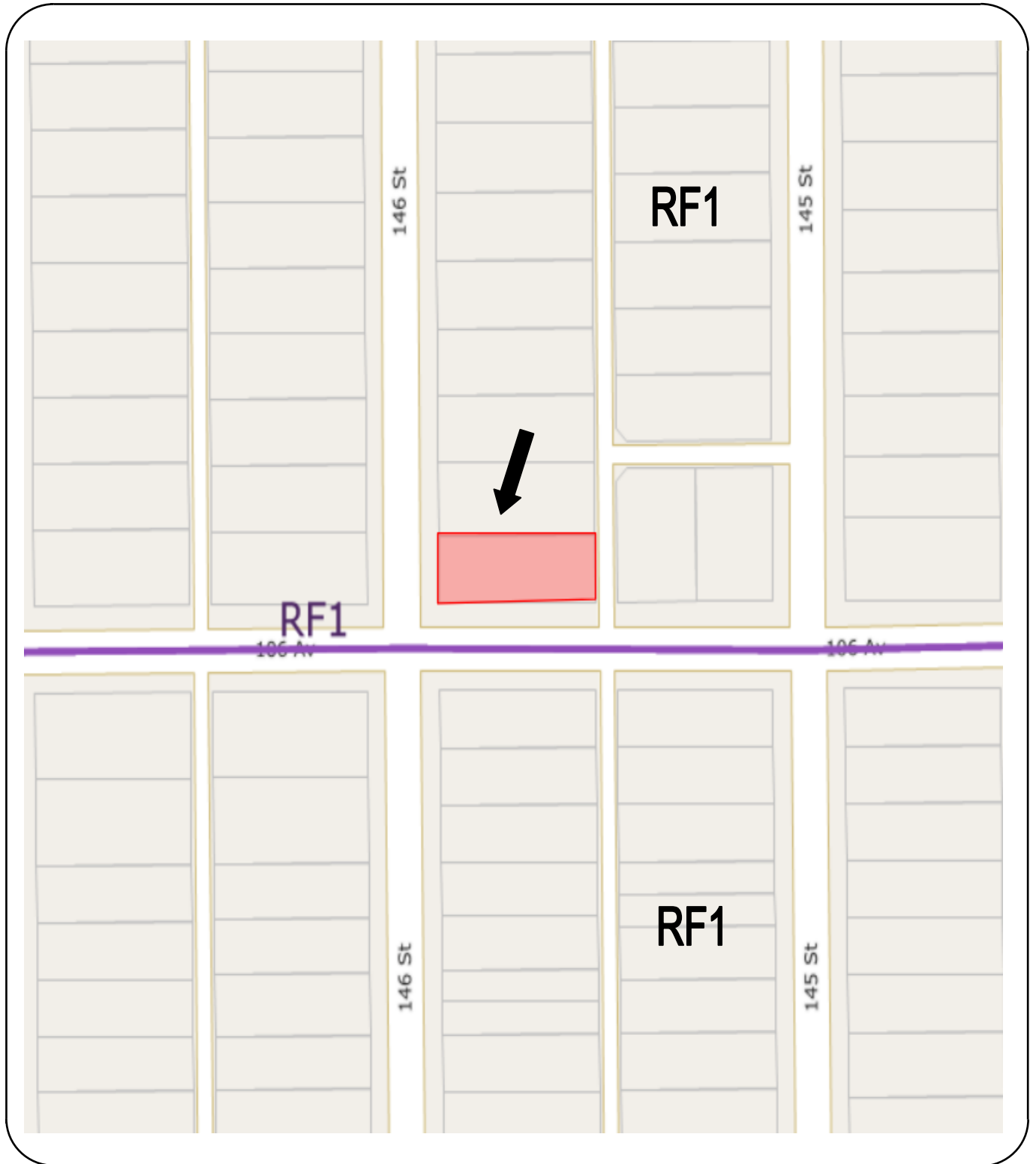
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

**Issue Date:** May 25, 2017    **Development Authority:** ROBINSON, GEORGE    **Signature:** \_\_\_\_\_  
**Notice Period Begins:** Jun 01, 2017    **Ends:** Jun 15, 2017

**Fees**

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$165.00	\$165.00	03735237	Nov 08, 2016
DP Notification Fee	\$41.00	\$41.00	03735237	Nov 08, 2016
Existing Without Permit Penalty Fee	\$165.00	\$165.00	03735237	Nov 08, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$371.00	\$371.00		

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



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-126



N