

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
June 13, 2019**

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

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

I 9:00 A.M. SDAB-D-19-086

To construct an addition to a Single Detached House (irregular shape 7.69 metres by 4.57 metres), to construct a front uncovered deck (3.56 metres by 4.01 metres at 2.83 metres in Height), to construct interior alterations (Basement development, NOT to be used as a Secondary Suite) and to construct a front covered deck (2.54 metres by 3.33 metres at 0.91 metres in Height)

11006 - 122 Street NW
Project No.: 302173913-001

II 10:30 A.M. SDAB-D-19-087

To construct a Single Detached House with Unenclosed Front Porch, front balcony, rear balconies, rear uncovered deck (7.62 metres by 4.42 metres), fireplace, and Basement development (NOT to be used as an additional Dwelling).

9726 - 96 Street NW
Project No.: 308382227-001

NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-19-086

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 302173913-001

APPLICATION TO: Construct an addition to a Single Detached House (irregular shape 7.69 metres by 4.57 metres), to construct a front uncovered deck (3.56 metres by 4.01 metres at 2.83 metres in Height), to construct interior alterations (Basement development, NOT to be used as a Secondary Suite) and to construct a front covered deck (2.54 metres by 3.33 metres at 0.91 metres in Height)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 7, 2019

DATE OF APPEAL: May 15, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11006 - 122 Street NW

LEGAL DESCRIPTION: Plan RN39B Blk 44 Lots 1-2

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:

Our home was originally built in 1933 and has undergone multiple renovations to upgrade building standards and to retain its historical roots. Retention of the historical character has included maintaining

original hardwood floors, decorative hardwoods window sills, and heritage doors and styling throughout.

The house is located in the Westmount neighbourhood (of which heritage retention is a high value) and adjacent to the historical Westmount Architectural Heritage Area (WAHA) and the 124th Street shopping district. The area is part of the West-Ingle Area Redevelopment Plan (ARP), initially approved in 1985.

This development is in alignment with the overall directive for the West Ingle ARP, where it states that for the 122 Street area (where this house is located) “new infill housing should complement the historic West-Ingle style in order to maintain the older character of the neighbourhood” (p.35).

This proposed development expands and upgrades the current home to meet our family’s needs and to continue to maintain its heritage roots. The primary goal of this proposed addition is to extend the living area further into the front of the property, creating a larger gathering space within the home, and to create a friendlier interface with the street front. Maintaining the heritage character, continuing a good relationship with both our neighbours and ensuring the house remains livable for many more years is very important to us. The proposed development has achieved this by:

consulting with the neighbours to the north (11010 122 Street) and South (11002 122 Street) throughout the design process to ensure the homes interface well and reasonable privacy is maintained;

designing a 1-story addition (rather than a 2-story addition) to protect the sunlight for the home to the north and to ensure the development was not overly intrusive into the street front;

ensuring the front door and patio face the street in order to be more consistent with the era of when the home was originally built. Westmount has a ‘front porch culture’ with many homes from 1910 to the early 1930’s having broad porches on the front of four square homes; and

planning the closer proximity to the sidewalk to be consistent with the era the house was built. There is also precedent for this building approach on this block - 11036 122 Street (built in the 1920’s and 5 houses north) has its steps and front porch a mere 2.44m (8’) from the sidewalk.

The reasons for refusal from the City of Edmonton include includes variances on the front setback, side setback, projections and addition to an already non-conforming building. Here are a few reasons to consider why this development is appropriate, even considering these variances:

(Front Setback)

The goal of this addition is to create a more intimate and engaging interface with the street front, consistent with the era of the home. Additionally, in the Mature Neighbourhood Overlay, allowance can be made for a front setback of no less than 3.0m. At 3.2m, this is within those guidelines.

(Side Setback, Projection and Non-conforming building)

This home has been located this close to the property line for 85 years, originally subdivided in approximately 1933. The development is an extension of the existing wall system and these walls cannot be moved without completely tearing down and rebuilding the home. This would be in conflict with the heritage values of the area and the intent of the overall project, to restore and upgrade the current existing structure.

This development has been designed with the existing neighbours (particularly to the north) to ensure privacy conflict is kept to a minimum - the porch and new windows on the southside of the development will not intrude on the neighbour's privacy.

Both neighbours have been consulted extensively, know the plans and intentions we have to renovate our home and have provided written support for this proposed development.

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,

- (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, [...]

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 clauses (a.4) and (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.

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(10), **Single Detached Residential Zone** 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 (RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

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.

<i>Front Setback</i>

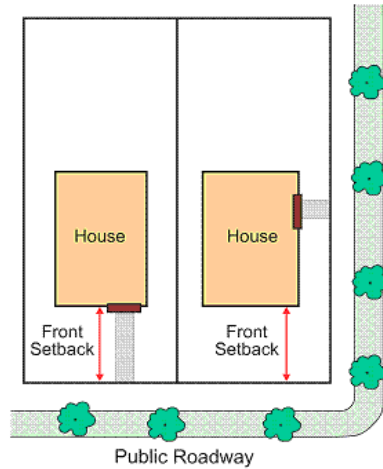
Section 814.3(1) states:

The Front Setback shall be in accordance with the following:

- a. the minimum Front Setback shall be 20% of site depth or 1.5 m less than the average Front Setback on Abutting Lots, whichever is less. In no case shall the Front Setback be less than 3.0 m;
- b. the maximum Front Setback shall be 1.5 m greater than the average Front Setback on Abutting Lots; and
- c. where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot.

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

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



Development Officer’s Determination

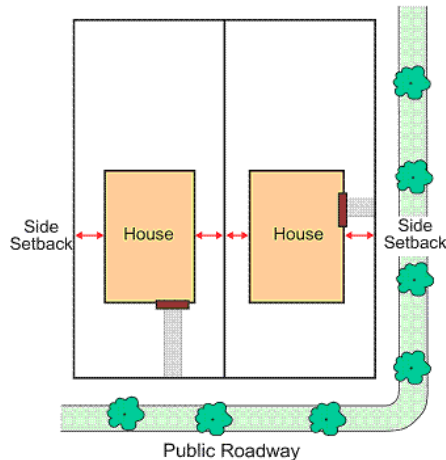
- 1. Front Setback - The minimum distance from the House to front lot line is 4.6m (Section 814.3(1))**
 - Minimum: 4.6m**
 - Proposed: 3.2m**
 - Deficient by: 1.4m [unedited]**

Side Setback

Section 814.3(3)(a) states “where the Site Width is 12.0 m or less, the minimum required setback shall be 1.2 m;”

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

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



Development Officer's Determination

2. Side Setback - The minimum distance from the house to side lot line is 1.2m (Section 814.3(3)(a)).

Minimum: 1.2m

proposed: 0.3m

exceeds by: 0.9m [unedited]

Projection into Setbacks

Section 44.1(a) states:

The following features may project into a required Setback or Separation Space as provided for below:

- a. verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks, such steps shall not exceed a Height of 1.0 m;

...

Development Officer's Determination

3. Projection - The maximum side projection towards 11010 122 Street (side lot line) is 0.6m (Section 44.1)

Proposed eave: 0.0m

Deficient by: 0.6m [unedited]

Section 11 – Responsibility of the Development Officer

Section 11.3(2) states the following with respect to Variance to Regulations:

The Development Officer may approve, with or without conditions as a Class B Discretionary Development, an enlargement, alteration or addition to a non-conforming building if the non-conforming building complies with the Uses prescribed for that land in this Bylaw and the proposed development would not, in their opinion:

- a. unduly interfere with the amenities of the neighbourhood; or
- b. materially interfere with or affect the use, enjoyment or value of neighbouring properties

Development Officer’s Determination

4. Non-Conforming Building - The existing house has a non-conforming north Side Setback (1.2m required and 0.3m existing). The proposed development will add to the non-conformity of the building Side Setback. (Section 11.3.2 & 814.3(3)(a)). [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 metres of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	814.3(5) – Front Setback

Tier 2
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(3) – Side Setbacks

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 Addition Permit</h2>	Project Number: 302173913-001 Application Date: JAN 09, 2019 Printed: May 7, 2019 at 3:46 PM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 11006 - 122 STREET NW Plan RN39B Blk 44 Lots 1-2	
	Location(s) of Work Entryway: 11006 - 122 STREET NW Building: 11006 - 122 STREET NW	
Scope of Application To construct an addition to a Single Detached House (irregular shape 7.69m x 4.57m), to construct a front uncovered deck (3.56m x 4.01m @ 2.83m in Height), to construct interior alterations (Basement development, NOT to be used as a Secondary Suite) and to construct a front covered deck (2.54m x 3.33m @ 0.91m in Height).		
Permit Details		
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 423.99	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Issue Date: May 07, 2019 Development Authority: BAUER, KERRY Reason for Refusal		
<ol style="list-style-type: none"> 1. Front Setback - The minimum distance from the House to front lot line is 4.6m (Section 814.3(1)) Minimum: 4.6m Proposed: 3.2m Deficient by: 1.4m 2. Side Setback - The minimum distance from the house to side lot line is 1.2m (Section 814.3(3)(a)). Minimum: 1.2m proposed: 0.3m exceeds by: 0.9m 3. Projection - The maximum side projection towards 11010 122 Street (side lot line) is 0.6m (Section 44.1) Proposed eave: 0.0m Deficient by: 0.6m 4. Non-Conforming Building - The existing house has a non-conforming north Side Setback (1.2m required and 0.3m existing). The proposed development will add to the non-conformity of the building Side Setback. (Section 11.3.2 & 814.3(3)(a)). 		
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.		
THIS IS NOT A PERMIT		



Application for Addition Permit

Project Number: **302173913-001**
Application Date: JAN 09, 2019
Printed: May 7, 2019 at 3:46 PM
Page: 2 of 2

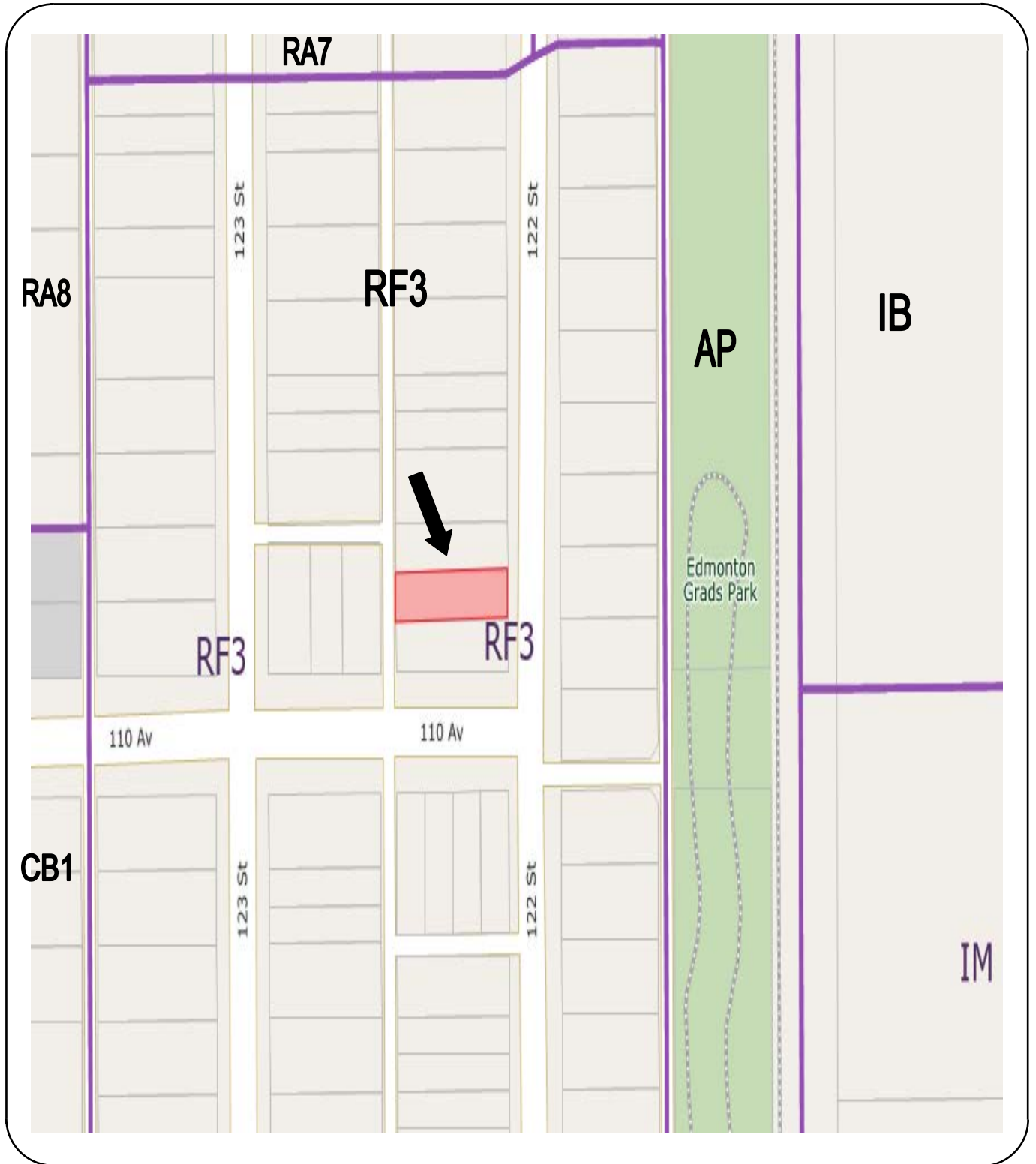
Building Permit Decision

Refused

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$425.00	\$425.00	05582057	Jan 09, 2019
Safety Codes Fee	\$39.00			
Building Permit Fee (Construction Value)	\$975.00			
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$1,439.00</u>	<u>\$425.00</u>		
(\$1,014.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-086



ITEM II: 10:30 A.M.

FILE: SDAB-D-19-087

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 308382227-001

APPLICATION TO: Construct a Single Detached House with Unenclosed Front Porch, front balcony, rear balconies, rear uncovered deck (7.62 metres by 4.42 metres), fireplace, and Basement development (NOT to be used as an additional Dwelling).

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 14, 2019

DATE OF APPEAL: May 15, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9726 - 96 Street NW

LEGAL DESCRIPTION: Plan 1226AQ Blk 4 Lot 27

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY(S): Mature Neighbourhood Overlay
North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: Cloverdale Area Redevelopment Plan

Grounds for Appeal

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

I am filing this appeal to the SDAB with respect to the refusal of my development permit application to construct a single-family home. I wish to appeal the decision of the Development Authority & request variance for the height. Throughout the design process attempts were made to keep the development under the 8.9 m maximum height, but were unable to do so. I am not requesting any variances that do not presently exist in

the area, nor am I attempting to set any new precedents. The SDAB has previously approved multiple height variances in the area; most recently for the properties located at 9729 96A Street NW (1 property to the north across the rear alley) & 9716 96 Street NW (3 properties south), both of which are located within a 25m radius of our property.

Throughout consultations with neighbours as well as during the design minimization of the impact of the development on neighbours has been a priority. My fiancé & I chose Cloverdale for our family because it's a unique & diverse neighbourhood. There are no architectural guidelines with existing developments encompassing all facets of residential architecture; character homes soon to be torn down, new modern infills, Victorian, traditional, modern farmhouse, contemporary, & funky & futuristic. A large portion of infills built in Cloverdale in the past 25 years are 2.5-story homes. I feel my proposed development, with its modern architectural design will enhance the unique character of the Cloverdale area.

Euro Design & I were cognizant throughout the design process to minimize the aesthetic of the height of the house so as not to appear to be extremely tall in consideration of our neighbours. As such the roof trusses chosen are only 12" high, which is the smallest useable size. The loft is centrally located with front & rear walls significantly setback from the main walls of the first two floors to make the house have the appearance of a 2-storey development from the front & rear at street level. With the loft stepped back the home will look no taller than any other 2.5 story property in the neighbourhood. The staircase from the second floor to the loft was relocated from the front of the house (where the main staircase is) to the middle to minimize the height at the front of the house & increase the loft setback. This cost more in design & adds cost to the overall build, but it makes the house look much smaller from the street level.

Since our design has a flat roof there is no way to average the parapet height with the eaves so the measured height is above the 8.9m, but again will not appear any taller than any other existing development in the immediate 60m radius or the community. If our roof was sloped we would be able to average the roof like a traditional home design; however, the flat roof has nothing to average so the measured height could read higher than another property in the area; but, a direct measure of the highest point of the house, depending on roof slope could render many existing houses taller than our proposed development.

There is also a 4-story apartment building 5 lots to the north located at 9603 98 Avenue NW which appears to be significantly over height in relation to the single detached homes on 96 Street NW. I have received lots of positive feedback & many letters of support while consulting with as many neighbours as possible within a 60m radius; most importantly, I have written support from both abutting property owners, as well as the property to the rear across the alley who would be most affected. I feel I have done my best to mitigate any & all negative impact the design could

have on the neighbourhood. In closing I feel I have established that the proposed development does not unduly interfere with the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

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,

- (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, [...]

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 clauses (a.4) and (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(10), **Single Detached Residential Zone** 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.

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

Section 140.1 states that the **General Purpose** of **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four principal Dwellings under certain conditions, including Secondary Suites and Garden Suites.

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.

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is "to provide a development Setback from the North Saskatchewan River Valley and Ravine System."

Mature Neighbourhood Overlay - Height

Section 814.3(5) states "The maximum Height shall not exceed 8.9 m."

Development Officer's Determination

Height - The house shall not exceed a Height of 8.9m (Section 814.3.5)

Maximum midpoint Height: 8.9m

Proposed midpoint Height: 10.1m

Exceeds by: 1.2m [unedited]

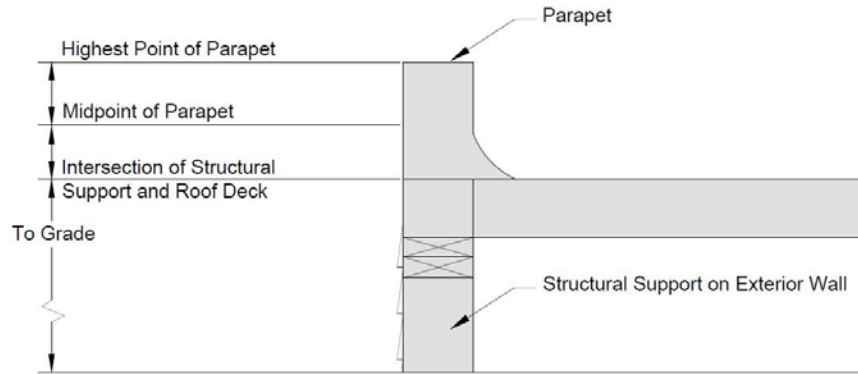
Height and Grade

Section 52.1(b) states:

The Development Officer shall calculate building Height by determining the roof type, and applying the following:

...

- b. For the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay; or



...

Development Officer’s Determination

Height - The top of the parapet shall be no more than 0.4m above the maximum Height of 8.9m (Section 52.1.b).
Maximum parapet Height: 9.3m (8.9m + 0.4m)
Proposed parapet Height: 10.2m
Exceeds by: 0.9m [unedited]

North Saskatchewan River Valley and Ravine System Protection Overlay - Setback

Section 811.3(1) states “All developments shall maintain a minimum 7.5 m Setback from the North Saskatchewan River Valley and Ravine System, as shown on Appendix I to this Overlay.”

Under section 6.1, **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

Development Officer’s Determination

Overlay - The house is entirely within the North Saskatchewan River Valley and Ravine System Protection Overlay, instead of setback 7.5m from the Overlay (Section 811.3.1). [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 metres of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 metres of the Site of the proposed development and the President of each Community League	814.3(5) - Height

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: 308382227-001 Application Date: MAR 15, 2019 Printed: May 14, 2019 at 11:43 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for Minor Development Permit</h2>			
This document is a Development Permit Decision for the development application described below.			
Applicant	Property Address(es) and Legal Description(s) 9726 - 96 STREET NW Plan 1226AQ Blk 4 Lot 27 Specific Address(es) Entryway: 9726 - 96 STREET NW Building: 9726 - 96 STREET NW		
Scope of Application To construct a Single Detached House with Unenclosed Front Porch, front balcony, rear balconies, rear uncovered deck (7.62m x 4.42m), 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: Mature Neighbourhood Overlay </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: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Issue Date: May 14, 2019 Development Authority: ZHOU, ROWLEY Reason for Refusal Height - The house shall not exceed a Height of 8.9m (Section 814.3.5) Maximum midpoint Height: 8.9m Proposed midpoint Height: 10.1m Exceeds by: 1.2m Height - The top of the parapet shall be no more than 0.4m above the maximum Height of 8.9m (Section 52.1.b). Maximum parapet Height: 9.3m (8.9m + 0.4m) Proposed parapet Height: 10.2m Exceeds by: 0.9m Overlay - The house is entirely within the North Saskatchewan River Valley and Ravine System Protection Overlay, instead of setback 7.5m from the Overlay (Section 811.3.1). Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.			
Fees			
THIS IS NOT A PERMIT			



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Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$493.00	\$493.00	05709069	Mar 15, 2019
Development Permit Inspection Fee	\$207.00	\$207.00	05709069	Mar 15, 2019
Lot Grading Fee	\$145.00	\$145.00	05709069	Mar 15, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$845.00</u>	<u>\$845.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-087

