



**EDMONTON  
TRIBUNALS**

*Subdivision &  
Development  
Appeal Board*

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Date: July 5, 2018  
Project Number: 272844623-001  
File Number: SDAB-D-18-076

**Notice of Decision**

- [1] On May 24, 2018 and June 20, 2018, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **April 30, 2018**. The appeal concerned the decision of the Development Authority, issued on April 27, 2018 to refuse the following development:

**Construct a Single Detached House with front veranda, fireplace, balcony, rear attached Garage, Secondary Suite (above rear attached Garage), uncovered deck, Rooftop Terrace and demolition of an existing Single Detached House.**

- [2] The subject property is on Plan 6045HW Blk 17 Lot 3, located at 9123 - 68 Avenue NW, within the (RF1) Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.
- [3] The following documents were received prior to the hearings and form part of the record:
- A copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
  - The Development Officer’s written submission;
  - The Appellant’s written submissions and photographs;
  - Submissions from Legal Counsel representing an adjacent property owner in opposition to the proposed development; and
  - A submission from another property owner in opposition to the proposed development.
- [4] The following exhibits were presented during the June 20, 2018 hearing and form part of the record:
- Exhibit A1 and A2 – A submission from a property owner in opposition to the proposed development.

**Preliminary Matters (May 24, 2018)**

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [6] The Board made and passed the following motion:

**“The hearing of this matter is postponed to June 20, 2018.”**

**Reasons for the postponement**

- [7] The Board notes that this is the first postponement request from the Appellant and a delay in the hearing will have the most impact on the Appellant and his proposed application.
- [8] The Board further notes that additional documents were provided by other parties, including the Development Officer, that were received as late as May 23, 2018.
- [9] Notwithstanding, the other parties indicated that they were prepared to proceed with the hearing, the Appellant required further time to review the submitted documents.
- [10] The Board subsequently heard from the parties in attendance at the hearing that the parties had a conversation that the Appellant may seek Legal Counsel. The Board did not consider that information and confirms that the original reason for granting the postponement was to allow the Appellant additional time to review the submitted documents.
- [11] All the parties in attendance at the hearing were in agreement to postpone the hearing to June 20, 2018.

**Preliminary Matters (June 20, 2018)**

- [12] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [13] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [14] The appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

[15] The Presiding Officer indicated that the Development Officer identified an additional variance to the proposed development in his written submission:

A Rooftop Terrace must have a stepback of 2.0 m from any building Façade facing a Side Lot Line, where the Site Width is 10.0 m or greater. (Reference S. 61.1.(a)(iv))

The proposed Rooftop Terrace has a stepback of 1.83m from the Left building Facade facing the Side Lot Line.

### Summary of Hearing

*i) Position of Mr. S. Magee, the property owner, who was accompanied by Mr. S. Lafleur, representing Energy Efficient Homes*

[16] Mr. Magee indicated that he did not have anything further to add from his written submission.

[17] Mr. Lafleur explained that the new proposed rooftop terrace should have been included in the proposed plans that were reviewed by the Development Officer. The new rooftop terrace proposal will not have a deficient stepback.

[18] Mr. Magee provided the following information in response to questions from the Board:

- a. Mr. Magee spoke to the neighbour directly south across the rear lane from the subject site who is in support of the proposed development. He spoke to the most adjacent neighbours and received support from two of the neighbours and opposition from two of the neighbours.
- b. There would be a hardship to build a front attached garage because two mature trees and a streetlight would have to be removed.
- c. The garage would be set back as far as possible and will have a side entrance that is accessible to the basement and the main level. A suite is proposed above the garage for his daughter.
- d. The basement will have a room for their son and may be developed for his parents and in-laws in the future. The remaining portion of the basement will be used for entertaining.
- e. The property will be landscaped with trees and shrubs along the garage wall to mitigate privacy issues to the immediately adjacent property to the west.
- f. The windows on the west facing wall will be glazed or frosted to address the privacy concern.

- g. The house will be an asset to the community and will increase property values in the neighbourhood.
- h. The proposed house is not an unusual development compared to other developments in the Hazeldean area.
- i. There are several tri-plexes in the neighbourhood that have longer walls than the proposed development. The roof of the garage will be flat which will also mitigate any privacy issues.
- j. They do not intend to build a fence along the garage wall at this time as there is an existing chain linked fence. They are intending to build a perimeter fence in the front and along the east property line.
- k. Mr. Magee is in agreement to the suggested conditions by the Development Officer.

ii) *Position of Mr. F. Mitchell, an affected property owner, in opposition to the Development*

- [19] Mr. Mitchell provided the Board with two documents marked Exhibit A1 and A2. He reviewed his written submission and pointed out errors in his submission which were outlined in Exhibit A1 and A2.
- [20] He reviewed the points of refusal from the Development Officer's written submission.
- [21] He stated that the proposed development does not satisfy the tests in section 11.4(1)(a) of the *Edmonton Zoning Bylaw [Bylaw]*. In his opinion, the proposed development must comply with the *Bylaw* if there is no hardship.
- [22] He referred to Alberta Court of Appeal decision *Thomas v Edmonton (City)*, 2016 ABCA 57 [*Thomas*]. In his opinion, the proposed development is the same as the development in the *Thomas* decision because they are both based on the Mature Neighbourhood Overlay and hardship.
- [23] Some of the lots in Hazeldean have front drive garages which is not permitted in the Mature Neighbourhood Overlay unless there is no lane.
- [24] He referred to photographs to show that the adjacent properties have detached garages.
- [25] In his opinion, the proposed development should be built on a larger lot.
- [26] In response to a question by the Board, Mr. Mitchell agreed that the subject lot may be the smallest lot in the immediate area.

*iii) Position of Ms. C. Haraba, Legal Counsel, representing an affected property owner, Ms. C. Quelch, in opposition to the development*

- [27] Ms. Haraba referenced her written submissions.
- [28] They would like to see the lot developed with something that complies with the *Bylaw* and are concerned that not all of the variances were identified in the permit application stage.
- [29] In her opinion, the Board must deal with hardship first or there is no jurisdiction to hear the appeal. The grounds for appeal are outlined in section 11.4 of the *Bylaw* and the Applicant must prove hardship and prove the variances will not have an impact on the neighbourhood.
- [30] The proposed development could be built in complete compliance with the *Bylaw*.
- [31] The proposed development is u-shaped and the wall of the garage will block her client immediately west of the subject site.
- [32] The garage attaches to the house with a long narrow two storey room that forms the west wall. That portion of the wall is open to her client and will negatively impact the view and sunlight. Further, the rooftop terrace will also overlook into her client's property.
- [33] In her opinion, the windows on the west wall of the garage will negatively impact the privacy of the adjacent neighbours even if the windows are frosted.
- [34] There are two letters from realtors indicting that the property value of her client will decrease by approximately 10 percent or more if the proposed development is built.
- [35] In her opinion, a rear attached garage violates the general purpose of the Mature Neighbourhood Overlay and if approved, will set a precedent in the neighbourhood.
- [36] Ms. Haraba provided the following information in response to questions from the Board:
- a. With regard to the definitions of Secondary Suite and Garden Suite, when the garage suite is attached to the house it manipulates the definitions. In her opinion, attaching the garage to the house will allow the property owner to have two suites.
  - b. Attaching the garage allows the height of the garage to exceed the maximum allowable height for a Garden Suite.
  - c. Having a separate living space in the basement does not prevent a property owner from adding kitchen facilities in the basement.
  - d. There would not be a concern if the long narrow room was removed and the garage was separated from the house.

- e. If the proposed development was built within the requirements of the *Bylaw*, there would not be a massing effect.

iv) *Position of the Development Officer, Mr. B. Langille*

[37] The Development Authority provided a written submission and did not attend the hearing.

v) *Rebuttal of the Appellant, Mr. S. Magee*

[38] Some of the smaller lots in the area do not have garages.

[39] The development in *Thomas* does not apply to the subject development as that property was in a RF3 Zone where a Single Family Dwelling was built in a Multi Family Zone.

[40] He purchased the property in 1994.

[41] A Secondary Suite will not be developed in the basement.

[42] In his opinion, he is not causing an undue hardship to the immediately adjacent neighbours.

[43] In his opinion, the sunlight will be high enough for the neighbours to enjoy their property.

[44] He agrees that the west wall will create a massing effect. However, setting the garage further back could create the same issue.

[45] He reiterated that the proposed development will increase property values even with the attached garage.

[46] He is willing to install landscaping along the west wall to mitigate any negative impact on the adjacent property.

[47] In his opinion, the view of the ravine is not the right of anyone.

[48] The house will be built in a u-shape with a court yard area so they can enjoy the ravine and not be bothered by people using the off leash area.

[49] Mr. Magee reiterated that the proposed development will be an asset to the community.

**Decision**

[50] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **REFUSED**.

**Reasons for Decision**

[51] Single Detached Housing is a Permitted Use in the (RF1) Single Detached Residential Zone.

[52] The Board through photographs, drawings and presentations, was presented with a House design including a rear attached Garage with a Secondary Suite above it. Section 814.3(19) of the Mature Neighbourhood Overlay states “Rear attached Garages shall not be allowed.”

1. The Board is not prepared to waive this regulation. Attaching this Garage with a Secondary Suite above has increased the length of the overall Height of the dwelling and with the monolithic nature of the west wall will increase the massing of the structure which will directly impact the most affected property owner to the west.
2. Further, the Board notes that a detached Garden Suite is limited to a maximum Height of 6.5 meters and by attaching the Garage it has increased the Height up to 8.9 meters which is beyond maximum allowed within the Mature Neighbourhood Overlay. This additional Height adds to the massing affect.
3. The Board was presented with community consultation results from the Development Officer that details non-support from the Hazeldean Community League as well as from other affected neighbours.
4. The Board accepts the conclusion reached by the Development Officer and supports the decision that it is possible to build a Single Detached House and Garden Suite and fully comply with the *Edmonton Zoning Bylaw* and the proposed rear attached Garage is not characteristic of the neighbourhood.

The Board finds that section 814.3(19) cannot be waived for these reasons.

[53] There are three additional variances identified by the Development Officer:

1. The deficient Rear Setback is in conjunction with the rear attached Garage variance and therefore the Board would not grant this variance as it is not prepared to waive section 819.3(19) due to the massing effect on the west adjacent neighbour.
2. The Site Coverage and the potential Rooftop Terrace variances were not considered by the Board given the conclusion reached on the rear attached Garage and Rear Setback.

- [54] The Board was provided with multiple opinions on whether or not the proposed development will increase or decrease property values. The Board did not put any weight on these submissions. Further, the Board was presented with other potential variances raised by Legal Counsel for the west adjacent property owner and determined there are no other variances required within this particular application.
- [55] The Board acknowledges that the subject Site Depth is 6.1 metres less than the closest neighbours. Although the subject Site Depth is not characteristic of the block, it is not uncharacteristic of the overall Hazeldean neighbourhood.
- [56] Under section 687(3)(d) of the *Municipal Government Act*, the Board's test to grant the proposed development was not met and the Board finds that the proposed development will materially interfere with the amenities of the neighbourhood and affect the use and enjoyment of neighbouring parcels of land.

Mr. V. Laberge, Presiding Officer  
Subdivision and Development Appeal Board

Board Members in Attendance:

Ms. P. Jones; Ms. G. Harris; Ms. S. LaPerle; Mr. R. Hachigian



**Important Information for the Applicant/Appellant**

1. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26.
2. When a decision on a Development Permit application has been rendered by Development & Zoning Services, the enforcement of that decision is carried out by Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.



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Date: July 5, 2018  
Project Number: 279160253-001  
File Number: SDAB-D-18-088

**Notice of Decision**

- [1] On June 20, 2018, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **May 22, 2018**. The appeal concerned the decision of the Development Authority, issued on May 10, 2018, to approve the following development:

**Change the Use from a Single Detached House to a Lodging House  
(maximum 6 residents)**

- [2] The subject property is on Plan 2428HW Blk 8 Lot 4, located at 11151 - 65 Avenue NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
  - The Development Officer’s written submission;
  - The Appellant’s written submission;
  - E-mails and letters from neighbours in opposition to the proposed development; and
  - A submission from the Parkallen Community League in opposition to the proposed development.

**Preliminary Matters**

- [4] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [6] The appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the “*Municipal Government Act*”).

**Summary of Hearing***i) Position of the Appellant, Ms. A. Reynolds*

- [7] Mrs. Reynolds has lived in this neighbourhood for 62 years and her house is directly across the rear lane from the proposed Lodging House.
- [8] The Parkallen community has remained a Single Family neighbourhood with some condominium developments while she has lived there.
- [9] She does not want to see transient people in the neighbourhood. Students have rented rooms at the subject Site for as little as three months. She does not believe renters contribute to the community if they are only renting for short periods of time.
- [10] She also submitted her concerns regarding ongoing parking issues in the neighbourhood. Her neighbour has two young children and they are concerned for the safety of the children with the excess in traffic in the neighbourhood.
- [11] She suggested that there are several condominiums and apartments that are often vacant in the neighbourhood that would be a better fit to house students and less stable renters, and she suggests that having six people living in the house without a landlord present is a concern.
- [12] In response to questions by the Board, Ms. Reynolds stated the following:
- a. She does not believe there is sufficient on-site parking for six residents.
  - b. The Applicant told her that transients were living there for a short time.
  - c. She could not confirm the number of apartments but has seen advertisement looking for renters.
  - d. She is concerned that tenants will not keep the property clean as she notes there have been troubles in the past with tenants leaving out garbage.
  - e. The neighbourhood has snow removal signs during the winter.
  - f. There are no parking restrictions in the area other than for snow removal.

*ii) Position of Affected Property Owners in Support of the Appellant***Ms. K. Fyfe**

- [13] Ms. Fyfe is the Civics Director representing the Parkallen Community League.
- [14] She submitted that the community is concerned with the welfare and safety of the tenants and the impact of the neighbourhood.

- [15] In Ms. Fyfe's opinion, the proposed development must comply with the Health and Safety regulations and she referred to the building code requirements regarding the two bedrooms located in a basement. She stated that the neighbour's welfare is based on what is observed on the property.
- [16] The Presiding Officer indicated that the Board is only dealing with the change of Use and cannot deal with Health and Safety regulations. The Presiding Officer stated that if the Lodging House is approved, the Respondent would have to comply with the Alberta Building Code and that is something outside the Board's jurisdiction.
- [17] Ms. Fyfe stated that the property owner could make an application for a Secondary Suite and she feels that is a way to get more people living in the house instead of the current path the owner has taken.
- [18] She reiterated Mrs. Reynolds' point that the community is concerned with the increase in traffic and parking in the neighbourhood. Parking in the neighbourhood becomes congested with the close proximity of the University of Alberta South Campus, the LRT Station and several government businesses. There is also a park, a commercial business area, a Unitarian Church, the Parkallen Community Garden, and an elementary school in the area that further add to the problem.
- [19] Though she noted that a hard surfaced parking area to the rear of the property may decrease traffic and parking concerns, which other properties in the area have done, she believed that a secondary concern arises where that hard surface will increase drainage off the subject Site and potentially lead to flooding in the neighbourhood.
- [20] In her opinion, three parking spaces is an inadequate amount of spaces for the residents and guests visiting the subject Site.
- [21] Ms. Fyfe pointed out that the designated third parking space is not accessible due to a concrete step and fence on the property.
- [22] Ms. Fyfe acknowledged Section 140.4(25)(a) of the Small Scale Infill Development Zone, which states that no more than four Sleeping Units may be developed, whether or not in combination with a Dwelling. Although the Development Officer could exercise discretion, they feel that by doing so, this does not respect the character and density of the existing RF1 Single Detached Residential Zone.
- [23] Regarding other concerns raised by the Community League, she referred to Appendix B, Figure 8 of her submission, showing that the two properties are separated by a chain link fence which is a lack of privacy.
- [24] She further referred to the neighbourhood demographics in her submission and stated that there are several Lodging Houses in the community that are not permitted.

- [25] She referred to the management of the property in her submission and stated that the change in Use would extend past the property owner and the state of the property could deteriorate.
- [26] In response to questions by the Board, Ms. Fyfe stated the following:
- a. The neighbourhood is for Single Detached Residential development and a Lodging House will change the character of the neighbourhood.
  - b. Regarding her statement of other vacancies in the area better suited for multi-person living, she could not confirm where vacancies were in the area. She would like to see rentals provided for under the RA7 Low Rise Apartment Zoning.
  - c. She agreed that there are Single Family Dwellings in the area that have Secondary Suites and are rental properties.
  - d. She agreed that Single Family Dwellings can have a rental unit but maintained that the main level should be occupied by the property owner.
- [27] In closing, Ms. Fyfe noted that the community does not want to lose the family orientation of the community.

**Mr. R. Fyfe**

- [28] Mr. Fyfe, unrelated to Ms. Fyfe, noted that he moved to the neighbourhood with his family in October, 2017 because it was a family-oriented community.
- [29] He lives across the street from a park and is in close proximity to the Elementary School.
- [30] He is concerned that a Lodging House will increase the noise level in the neighbourhood.
- [31] He is also concerned that there will be an increase in traffic and safety concerns for the children in the neighbourhood because there will be an increase in on-street parking. He submits that because parking permits have been put in place closer to the LRT, it results in people parking further down the street in front of his house. The streets are narrow. With the number of vehicles parked on the street, this makes it difficult for buses to get around in the neighbourhood.
- [32] Mr. Fyfe also raised his concern that the upkeep of the property and the excess of garbage will make the property an eyesore.
- [33] He noted that converting a Single Family Dwelling into a Lodging House could set a precedent in the community. He is concerned that if the proposed development is approved there will be more property owners applying for a Lodging House.

- [34] In his opinion, the University of Alberta area or another neighbourhood close by could provide for student housing better than his neighbourhood.
- [35] The future of the property is a major concern if the house is sold.
- [36] In response to questions by the Board, Mr. Fyfe stated that there are other properties in the neighbourhood that will apply for a Lodging House if this proposed development is approved, which will change the character of the community.

**Ms. N. Belton**

- [37] Ms. Belton has lived next door to the subject Site for 51 years.
- [38] A chain link fence separates her property from the subject Site.
- [39] The neighbourhood is quiet and family oriented and she would like to see it remain that way.
- [40] Ms. Belton is concerned that the property owners will sell the property and the Use of a Lodging House will remain with the property, which will not only create a precedent in the neighbourhood but also pose future problems depending on who moves in and takes over the lodging house.
- [41] Ms. Belton noted that some tenants have rented in the dwelling for short periods of time.
- [42] Vehicles are often parked in front of the subject Site and on the garage pad, but not in the garage which adds to the parking problem in the neighbourhood.
- [43] She spoke to the property owner regarding the garbage at the subject Site and it was cleaned immediately. She has had no other issues with the property owners.
- [44] She is aware of two other Lodging Houses that do not have permits.
- [45] The Lodging House at the subject Site has been operating for at least two years.
- [46] The tenants of the subject Site have been friendly and helpful to her and her husband.
- [47] Ms. Belton acknowledged that she is not concerned that people living in the house are not related.

**Mr. and Mrs. Wilson**

- [48] Mr. and Mrs. Wilson's main concern is the maintenance of the property. There are several rental properties in the area and they are concerned that the property owners do not choose their renters well.

- [49] The Presiding Officer indicated that the Board does not deal with property maintenance as it is a Community Standards and Bylaw Enforcement issue.
- [50] Mr. and Mrs. Wilson noted that parking is also an issue for when snow is plowed in their neighbourhood they cannot park on their side of the street.
- [51] Ms. Wilson stated that if the Use of the Single Detached House is changed to a Lodging House it should comply with the *Edmonton Zoning Bylaw*.

*iii) Position of the Development Officer, Mr. K. Yeung*

- [52] The Development Authority provided a written submission and did not attend the hearing.

*iv) Position of the Respondent, Mr. C. Meng and Ms. L. Gao*

- [53] Ms. Gao stated that she wants to change the Use to help with income to pay for the mortgage.
- [54] She submits that her son currently lives in the house and cannot maintain the cost himself. Having renters in the house will help him maintain the cost of the house including the maintenance and upkeep of the home.
- [55] Ms. Gao confirmed that they do not own any other Lodging Houses in Edmonton.
- [56] In her opinion, having a Lodging House in the area will help others that want to live in the community. She further believes that if people are happy renting a room in the Lodging House, they will return back to the community.
- [57] She noted that they do not intend to sell the house.
- [58] She confirmed that those living in the house do not own any cars. As well, their renters do not have cars because there is close access to public transportation in the area.
- [59] She submits that the current market in the area is for mature students going to school or international students.
- [60] They acknowledge that they will ensure that noise related issues are dealt with and any such issues could result in a breach of the rental contract if rules are not followed.
- [61] They confirmed that the submitted Plot Plan is what they intend to follow.

v) *Rebuttal of the Appellant, Ms. A. Reynolds*

- [62] Ms. Reynolds voiced her opinion that a Lodging House has a commercial aspect as it will help with the income of the property owners. Because of this commercial aspect, she does not agree that it will stay as a family oriented property if the development is approved.
- [63] In her opinion, the property owners could live in the house rather than renting it to students.
- [64] She acknowledged that the property owners may be available if something happens at the subject Site but she believes they would not be able to respond immediately as they do not live in the area.
- [65] She wants the school to remain in the area so keeping the community as family oriented will be an asset.
- [66] The house could be rented to a family or two families but that may not be as profitable.
- [67] In closing, she submits that she does not want a commercial property backing on to her property.

**Decision**

- [68] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as approved by the Development Authority, subject to the following **CONDITIONS**:
1. The development shall be constructed in accordance with the stamped and approved drawings.
  2. This Development Permit does not authorize any exterior alterations to the existing Single Detached House.
  3. The maximum occupancy of a Lodging House shall not exceed 6 residents (Reference Section 76.1).
  4. No Major Home Based Business, Secondary Suite, Garden Suite or Garage Suite shall be permitted as part of a Lodging House development or on the Site of such development (Reference Section 76.7).
  5. The Lodging House shall require a minimum of 3 parking spaces (Reference Section 54.2 Schedule 1).
  6. Parking shall be provided in accordance with the stamped and approved drawings.



7. All required parking and loading facilities shall be clearly demarcated, have adequate storm water drainage and storage facilities, and be Hardsurfaced (Reference Section 54.6.1.a.i).

**ADVISEMENTS:**

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

**Reasons for Decision**

[69] The proposed development, a Lodging House, is a Discretionary Use in the (RF1) Single Detached Residential Zone [the RF1 Zone].

[70] The Board notes that the proposed development was approved by the Development Authority after their review was conducted, which found all of the regulations in the *Edmonton Zoning Bylaw* (the '*Bylaw*') to be met with no variances required.

[71] Presently, the Board is tasked with reviewing the application in opposition to the proposed change of Use to determine if the proposed development, if approved, would be reasonably compatible with the neighbourhood given that Lodging Houses are a Discretionary Use in the RF1 Zone.

[72] The Board has concluded that this particular development at this specific location is reasonably compatible with the neighbourhood for the following reasons:

1. As noted above, there are no variances required.
2. Section 96 of the *Bylaw* provides for specific regulations for Lodging Houses by indicating the thresholds particularly relating to the number and location of the Lodging Houses within the neighbourhood. This development fully complies with those requirements.
3. Based on the evidence provided today, for all intents and purposes, there will be no exterior alterations to the structure of the subject Site and this structure will continue to appear to be a Single Family Home from the exterior.
4. The presenting parties indicated that there were parking and traffic concerns already within the neighbourhood. The Board notes, however, that there are no parking variances. The Board also heard evidence that the existing tenants use public transportation.
5. The Board bases its decision on the revised parking plan that formed part of the Development Officer's report, as well as the dimensions provided in that report.

6. While the presenting parties voiced their concerns over the safety of the neighbourhood if the proposed development was approved, the Board was presented with only speculation and nothing as to physical evidence to substantiate that position. The Board does note that evidence was provided indicating that, for the most part, the tenants are mature students.
- [73] The Board was provided with no planning reasons that this proposed development was not reasonably compatible with the neighbourhood.
- [74] Therefore, based on the above, it is the opinion of the Board that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.

Mr. V. Laberge, Presiding Officer  
Subdivision and Development Appeal Board

Board Members in Attendance:

Ms. P. Jones; Ms. G. Harris; Ms. S. LaPerle; Mr. R. Hachigian

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from Development & Zoning Services, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.
2. Obtaining a Development Permit does not relieve you from complying with:
  - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
  - b) the requirements of the *Alberta Safety Codes Act*,
  - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
  - d) the requirements of any other appropriate federal, provincial or municipal legislation,
  - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by Development & Zoning Services, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 2nd Floor, Edmonton Tower, 10111 – 104 Avenue NW, Edmonton, AB T5J 0J4.

*NOTE: The City of Edmonton does not conduct independent environmental checks of land within the City. If you are concerned about the stability of this property for any purpose, you should conduct your own tests and reviews. The City of Edmonton, when issuing a development permit, makes no representations and offers no warranties as to the suitability of the property for any purpose or as to the presence or absence of any environmental contaminants on the property.*