

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
March 11, 2015**

**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-15-048	Construct exterior alterations (Driveway extension 6.0 metres by 3.0 metres) to an existing single detached house, existing without permits  3411 - Keswick Boulevard SW Project No.: 165332560-001
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**BREAK: 10:00 A.M. to 10:15 A.M.**

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II	10:15 A.M.	SDAB-D-15-049	Construct additions (attached Garage, 9.45 metres by 9.76 metres and upper Half Storey with dormers), interior alterations (main and second floor renovations and basement development, NOT to be used as an additional Dwelling) to an existing Single Detached House and to demolish an attached Garage (6.72 metres by 7.54 metres)  15309 - Rio Terrace Drive NW Project No.: 157175718-002
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**LUNCH BREAK: 12:00 P.M. to 12:30 P.M.**

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III	12:30 P.M.	SDAB-D-15-050	Construct 2 Apartment House buildings (80 Dwellings each) with underground parking and an Accessory building  1071 - Chappelle Boulevard SW Project No.: 161338833-002
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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-15-048

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 165332560-001

ADDRESS OF APPELLANT: 10335 - 61 Avenue NW, Edmonton AB  
T6H 1K9

APPLICATION TO: Construct exterior alterations (Driveway extension 6.0 metres by 3.0 metres) to an existing Single Detached House, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 27, 2015

DATE OF APPEAL: February 6, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 3411 - Keswick Boulevard SW

LEGAL DESCRIPTION: Plan 1321153 Blk 7 Lot 36

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Windermere Area Structure Plan  
Keswick Neighbourhood Structure Plan

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DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. The proposed concrete driveway extension does not lead to the garage or parking area. (Section 6.1(26))
2. The proposed driveway is in the front of the property and based on the landscaping regulations, front yards/front setbacks must be landscaped. Concrete is not considered a form of landscaping. (Section 55.4(1)) (Section 6.1(55))
3. This sort of driveway extension is not characteristic of the neighbourhood.
4. City of Edmonton's Zoning Bylaw 12800 includes specific stipulations in regards to width of concrete driveways on the front of the property. The proposed driveway does not comply with the stated regulations. (Section 54.1(4))
5. Sufficient on site parking is provided through the provision of a 3-car front attached garage and additional parking space provided on the driveway leading to the garage.

Given the above observations, the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring properties in the opinion of the Development Officer.

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APPELLANT'S SUBMISSION

Our customers for this new home requested an extra parking area and 11 feet in front of the garage was chosen. We feel there is still lots of room for landscaping from the sidewalk to the parking pad which will both enhance the front yard appeal and shelter the site of this parking pad.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct an exterior alteration (Driveway extension 6.0 metres by 3.0 metres) to an existing Single Detached House, existing without permits.

The Site is located south of Keswick Boulevard and east of Kennedy Green. The Site is zoned RSL Residential Small Lot Zone, Section 115 of the Edmonton Zoning Bylaw 12800. The Site is within the Windermere Area Structure Plan, under Bylaw 13717 (as amended), approved by City Council on May 25, 2004 and within the Keswick Neighbourhood Structure Plan, under Bylaw 15514 (as amended), approved by City Council on July 19, 2010.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

The Subdivision and Development Appeal Board at a hearing on February 12, 2015 made and passed the following motion:

“that the appeal hearing be SCHEDULED FOR MARCH 11 or 12, 2015 at the written request of the Appellant.”

The submitted Real Property Report created by Stantec Geomatics Ltd., dated October 9, 2014 shows the proposed Driveway extension is located on the north side of the front elevation of the Principal Building and the north and west side of the front attached Garage. The proposed Driveway extension is attached to the east side of the approved Driveway.

Section 54.1(4) states that the Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a. a minimum width of 3.1 metres; and
- b. a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

**The Development Officer determined that the proposed development does not meet this requirement. In addition, the proposed development does not meet the definition of Driveway under Section 6.1(26).**

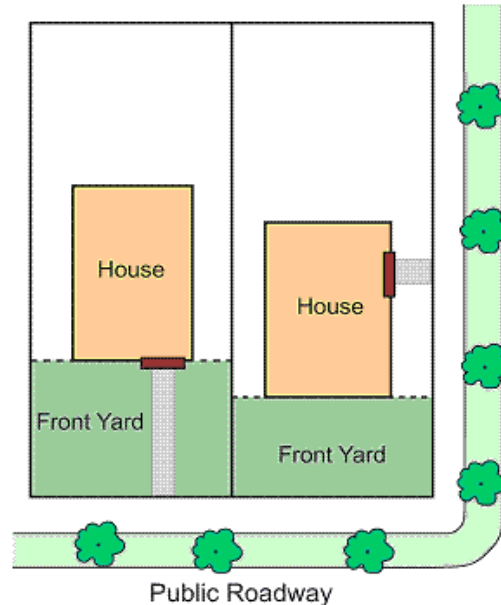
Section 55.4(1) states all open space including Front Yards, Rear Yards, Side Yards, and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

**The Development Officer determined that the proposed development does not meet this requirement. In addition, monolithic concrete does not meet the definition of Landscaping under Section 6.1(55)(b).**

Under Section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

Under Section 6.1(38), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections;



Under Section 6.1(55), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- architectural elements such as decorative fencing, walls and sculpture;

Under Section 6.1(65), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

Section 115.1 states the purpose of this Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

The following jobs are listed in the Sustainable Development Department POSSE system:

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS  
(CONTINUED)

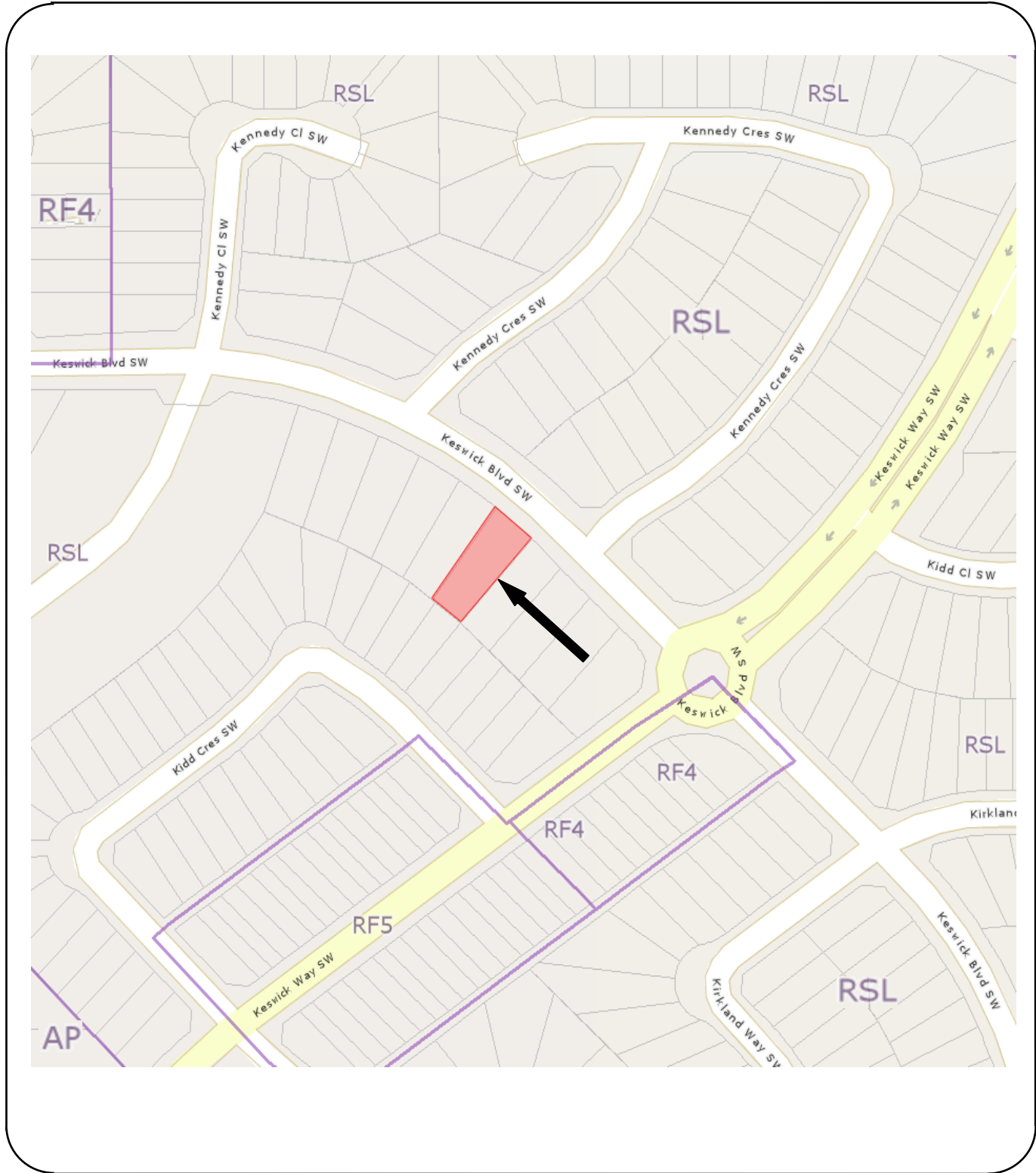
<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
164152498-001	Compliance Certificate	<p>November 26, 2014; Issued</p> <p>Our Real Property Report, dated October 30, 2014 shows a Single Detached House with front Attached Garage and rear Covered Patio that complies with the RSL (Residential Small Lot) Zone development regulations.</p> <p>You are also advised that a search of our files revealed no record of development approval for the Concrete Driveway Extension. [...]</p>
137894345-001	To construct a single detached house with attached garage, fireplace, concrete patio and basement development (not a secondary suite)	May 16, 2013; Approved with conditions

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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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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-048





ITEM II: 10:15 A.M.

FILE: SDAB-D-15-049

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 157175718-002

ADDRESS OF APPELLANT: 6816 - Cardinal Link SW, Edmonton, AB  
T6W 1Y9

APPLICATION TO: Construct additions (attached Garage, 9.45 metres by 9.76 metres and upper Half Storey with dormers), interior alterations (main and second floor renovations and basement development, NOT to be used as an additional Dwelling) to an existing Single Detached House and to demolish an attached Garage (6.72 metres by 7.54 metres) of the front and rear dormer.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 6, 2015

DATE OF APPEAL: February 17, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 15309 - Rio Terrace Drive NW

LEGAL DESCRIPTION: Plan 6253KS Blk 11 Lot 17

ZONE: RF1 Single Detached Residential Zone

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

STATUTORY PLAN: N/A

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DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. Section 814.3(13) - The maximum Height shall not exceed 8.6 m nor 2 1/2 Storeys.

Proposed: 9.62 metres  
Maximum: 8.60 metres  
Exceeds by: 1.02 metres

2. Section 49.b - The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Proposed: 11.90 metres  
Maximum: 10.10 metres  
Exceeds by: 1.80 metres

3. Section 814.3(15) - When a structure is more than 7.5 m in Height, the width of any one dormer shall not exceed 3.1 m. In the case of more than one dormer, the aggregate total width shall not exceed one third of the length of the building's wall in which the dormers are located, excluding attached Garage walls.

Proposed aggregate total width of front dormers: 4.57m  
Maximum allowed aggregate total width of dormers: 4.27m  
Exceeds by: 0.30m

Proposed width of rear dormer: 6.10m  
Maximum allowed width of a dormer: 3.10m  
Exceeds by: 3.00m

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APPELLANT'S SUBMISSION

I wish to appeal the decision of the Development Authority for the reasons outlined below:

1. Section 814.3(13) ? The maximum height shall not exceed 8.6 m nor 2 ? storeys.

Proposed: 9.62 meters  
Maximum: 8.60 meters  
Exceeds by: 1.02

APPELLANT'S SUBMISSION (CONTINUED)

I feel by relaxing the height restriction in this mature neighborhood would not negatively affect surrounding property owners as the neighborhood is under going well as older homes being extensively renovated. The property frontage width is 100' and the addition height to the existing roofline will be well proportioned with the size of this lot. This addition of the roof line height has only one side neighbor to the west and the neighbor to the east of this property is currently vacant. The vacant lot is currently being used as a yard for the home at 15301 Rio Terrace Drive due east of the vacant lot. The current lot also backs onto the North Saskatchewan river and so it has no rear neighbors.

2. Section 49.b ? The average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Proposed 11.90 meters  
Maximum: 10.10 meters  
Exceeds by 1.80 meters

I feel by relaxing the height restriction in this mature neighborhood would not negatively affect surrounding property owners as the neighborhood is under going revitalization with respect to new homes being constructed as well as older homes being extensively renovated. The property frontage width is 100' and the addition height to the existing roofline will be well proportioned with the size of this lot. This addition of the roof line height has only one side neighbor to the west and the neighbor to the east of this property is currently vacant. The vacant lot is currently being used as a yard for the home at 15301 Rio Terrace Drive due east of the vacant lot. The current lot also backs onto the North Saskatchewan river and so it has no rear neighbors.

3. Section 814.3(15) ? When a structure is more than 7.5 m in Height, the width of any one dormer shall not exceed 3.1 m. In the case of more than one dormer, the aggregate total width shall not exceed one third of the length of the buildings wall in which the dormers are located, excluding Garage walls.

Proposed aggregate total width of front dormers: 4.57m  
Maximum allowed aggregate total width of dormers 4.27m  
Exceeds by: 0.30m

Proposed width of rear dormer: 6.10m  
Maximum allowed width of a dormer: 3.10m  
Exceeds by: 3.00m

I feel by relaxing the front dormer requirement is very reasonable as we exceed the limit by only 0.3M which is very minimal. The current planned dormers do not look or feel out of place with the existing home.

APPELLANT'S SUBMISSION (CONTINUED)

I feel by relaxing the rear dormer requirements is very reasonable as well as the rear dormer backs onto the North Saskatchewan River and Fort Edmonton Park is directly across from the property. This dormer would not be seen by anyone in the neighborhood and has an opportunity to provide unmatched views of the North Saskatchewan River Valley which would be very unfortunate if not able to take advantage of this situation.

Thank you for your time with this and will provide additional information and support at the hearing.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This is an application to construct additions (attached Garage, 9.45 metres by 9.76 metres and upper Half Storey with dormers), interior alterations (main and second floor renovations and basement development, NOT to be used as an additional Dwelling) to an existing Single Detached House and to demolish an attached Garage (6.72 metres by 7.54 metres).

The site is located south of Rio Terrace Drive, east of 154 Street and is zoned RF1 Single Detached Residential Zone, Section 110 of the Edmonton Zoning Bylaw 12800. The site is within the Mature Neighbourhood Overlay, Section 814 of the Edmonton Zoning Bylaw 12800. The site is also within the North Saskatchewan River Valley and Ravine System Protection Overlay, Section 811.

It should be noted that the proposed development includes an addition, exterior alterations, and interior alterations to an existing non-conforming building.

The existing building is non-conforming for the follow reasons:

1. Under Section 814.3(5), the minimum Rear Setback shall be 40 percent of Site depth.

The average Site Depth is 41.91 metres. Forty percent of the Site Depth is 16.76 metres and existing is a (south) Rear Setback of 13.33 metres.

2. Under Section 44.3, the following features may project into a required Setback or Separation Space as provided for below:
  - a) Platform Structures provided such projections do not exceed 2.0 metres into Setbacks or Separation Spaces with a depth of at least 4.0 metres;

The existing (south) Rear Setback is 13.33 metres.

Therefore, the deck may project -1.43 metres into the required Setback (13.33 metres – 16.76 metres = -3.43 metres + 2.00 metres), existing is 2.17 metres and exceeds the maximum allowable by 3.6 metres.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

3. Under Section 814.3(16), the Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 metres above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

The existing Basement elevation is 1.49 metres above Grade which exceeds the maximum allowable of 1.2 metres by 0.29 metres.

Section 643(5) of the *Municipal Government Act*, Chapter M-26, states the following:

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.

Section 11.3(3) states that the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for the land in this Bylaw and the proposed development would not, in his 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.

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

Under Section 7.2(9), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

The submitted Plot Plan created by Stantec Geomatics Ltd., dated April 29, 2014 shows the subject site is irregular shaped and has a (north) Site Width of 25.91 metres; (east) Site Depth of 47.24 metres; (south) Site Width of 28.02 metres; and (west) Site Depth of 36.58 metres. The proposed Garage addition is located 9.19 metres from the (north) Front Lot Line, and 2.20 metres from the (west) Side Lot Line. The proposed Garage is 9.76 metres in width.

**It should be noted** that the uncovered deck (irregular shape, 6.71 metres by 4.88 metres) on the main floor of the submitted plans is not within the scope of the subject application and is part of a separate development permit application.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

The Development Officer has provided the following information:

Site Area:	1085.80 square metres
40 percent allowable Site Coverage:	434.32 square metres
Existing Principal Building: (with existing deck)	205.07 square metres
Proposed Total Site Coverage: (with existing deck and proposed addition)	230.21 square metres

Section 814.13 states the maximum Height shall not exceed 8.6 metres nor 2 ½ Storeys.

**The Development Officer determined the proposed development provides a Height of 9.62 metres from Grade to the midpoint of the roof, which is in excess of the maximum by 1.02 metres.**

Section 6.1(49)(b) states the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slop of more than 20 degrees provided that in such cases the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

**The Development Officer determined the maximum allowable Height to the ridge line of the roof is 10.10 metres. The proposed development provides a ridge line Height of 11.90 metres, which is in excess of the maximum by 1.80 metres.**

Section 814.3(15) states when a structure is more than 7.5 metres in Height, the width of any one dormer shall not exceed 3.1 metres. In the case of more than one dormer, the aggregate total width shall not exceed one third of the length of the building's wall in which the dormers are located, excluding attached Garage walls.

**The Development Officer determined the maximum total aggregate width of dormers is 4.27 metres. The proposed development provides front dormers with a total aggregate width of 4.57 metres, which is in excess of the maximum by 0.30 metres.**

**The Development Officer determined the maximum width of any one dormer is 3.10 metres. The proposed development provides a rear dormer with a width of 6.10 metres, which is in excess of the maximum by 3.00 metres.**

**Further**, Section 814.3(19) states for Single Detached Housing, Duplex Housing and Semi-detached Housing with no Lane access, with a front or side attached Garage, the Garage shall be developed in accordance with the following:

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

- a. The Garage shall be constructed to accommodate a maximum of two vehicles.

**It should be noted that the proposed addition has a three stall Garage which exceeds the maximum allowable by one stall.**

**Further**, Section 54.1.4 states the Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for a Driveway, not including the area used as a walkway, shall have:

- a. a minimum width of 3.1 metres; and
- b. a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

**It should be noted that the proposed Driveway is 9.76 metres in width which exceeds the maximum allowable width of 9.30 metres by 0.46 metres.**

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 metres 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.

Section 52(5) states the Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:

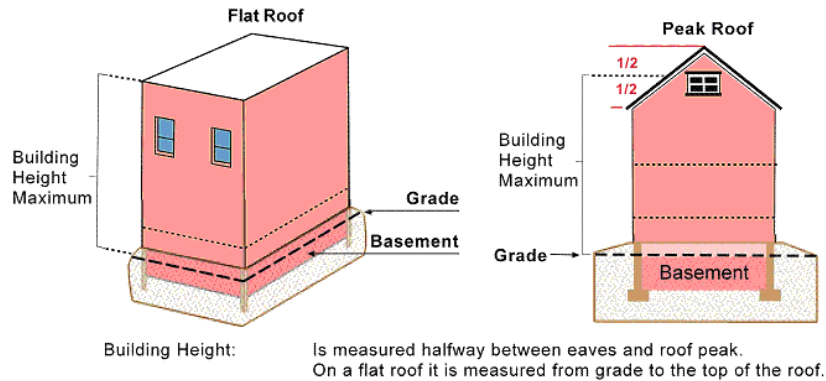
- a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
- b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan; or

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS  
(CONTINUED)

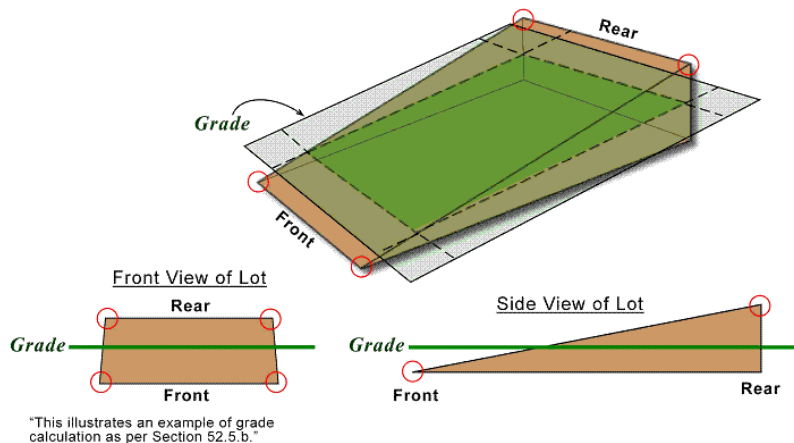
- c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane.

Under Section 6.1(49), **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plan through grade and a horizontal plane through:

- a. the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- b. the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees provided that in such cases the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.



Under Section 6.1(42), **Grade** means a geodetic elevation from which the Height of a structure is measured, calculated in accordance with Section 52.





SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS  
(CONTINUED)

Under Section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

Section 110.1 states the purpose of this 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 the 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.

Section 811.1 states the purpose of this Overlay is to provide a development setback from the North Saskatchewan River Valley and Ravine System.

Included in the Sustainable Development Department’s POSSE system, under “Docs”, is a Memorandum dated October 6, 2014 from Paul R. Lach, Senior Geotechnical Engineer, Engineering Services, Transportation Services. **A copy of the Memorandum from Transportation Services is on file.**

The following jobs are listed in the Sustainable Development POSSE system:

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
157175718-005	To construct an uncovered deck (irregular, 6.71 metres x 8.32 metres at 1.49 metres in Height)	Created July 31, 2014; under review.
125109016-001	Compliance Certificate	<p>June 6, 2012; Issued</p> <p>Your Real Property Report, dated May 14, 2012 shows a Single Detached House with Attached Garage and Rear Uncovered Decks that does NOT comply with either the RF1 (Single Detached Residential) Zone, or The Mature Neighbourhood Overlay development regulations. The building should have:</p> <p>-The minimum Rear Yard shall be 40% of Site depth. (Reference Section 814.3(17)).</p>

<p>125109016-001 (continued)</p>		<p>However the building is NON-CONFORMING pursuant to the Municipal Government Act's Section 643(5). This means that a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:</p> <p>(a) to make it a conforming building,</p> <p>(b) for routine maintenance of the building, if the development authority considers it necessary,</p> <p>or</p> <p>(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.</p> <p>The Accessory Building (shed) shown on the subject document does NOT comply with the following yard regulations of Section 50.3 (Accessory Buildings in Residential Zone):</p> <ul style="list-style-type: none"> <li>- Section 50.3(4)(a) requires that an Accessory Building shall be located not less than 18 m from the Front Lot Line, unless it complies with the Yard requirements for a principal building (minimum side yard shall be 1.2 m.</li> <li>-An Accessory Building or Structure shall be located not less than 0.9 m from a principal building. (Reference Section 50.3(4)(c)).</li> </ul> <p>The shed should be relocated.</p> <p>The Real Property Report also shows that the Fences and Concrete Retaining Wall encroach onto Lot R which is City parkland. Encroachments such as these are prohibited by the City's Bylaw: Unauthorized Use of Parkland. [...]</p>
<p>000454640-002</p>	<p>To construct an uncovered deck (3.98 metres x 5.18 metres)</p>	<p>May 27, 1996; Approved with conditions</p>

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

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000401823-001	Compliance Certificate	April 26, 1995; Issued
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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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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-049



ITEM III: 12:30 P.M.

FILE: SDAB-D-15-050

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

APPELLANT:

APPLICATION NO.: 161338833-002

ADDRESS OF APPELLANT: 1413 - Carey Way SW  
Edmonton, AB T6W 0Y8

APPLICATION TO: Construct 2 Apartment House buildings  
(80 Dwellings each) with underground  
parking and an Accessory building

DECISION OF THE  
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: February 2, 2015

DATE OF APPEAL: February 13, 2015

NOTIFICATION PERIOD: February 5, 2015 through February 18,  
2015

RESPONDENT:

ADDRESS OF RESPONDENT: 702, 1708 - Dolphin Avenue  
Kelowna, BC V1Y 9S4

MUNICIPAL DESCRIPTION  
OF SUBJECT PROPERTY: 1071 - Chappelle Boulevard SW

LEGAL DESCRIPTION: Plan 1425239 Blk 3 Lot 3

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: N/A

STATUTORY PLAN: Chappelle Neighbourhood Area Structure  
Plan

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DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This approval authorizes the construction of 2 Apartment House buildings (80 Dwellings each) with underground parkades, and an Accessory building.

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

The applicant shall submit revised main floor plans for both buildings to the satisfaction of the Development Officer. The two bedroom units beside the main entrances with the bedroom window facing the exterior main entrance area, shall be revised to a one bedroom unit with a den; with the den being the room closest to the main building entrance.

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

- 1) The proposed 9m access to Chappelle Boulevard SW located 14.3m from the northwest corner pin, is acceptable to Transportation Services and must be constructed as a commercial crossing access.
- 2) Existing boulevard trees along Chappelle Boulevard are a requirement of the associated subdivision (LDA07-0489/Chappelle Stage 1); however, the Final Acceptance Certificate (where the City takes ownership) has not been issued. An existing tree will conflict with the proposed access for the subject site (Lot 3). The applicant must contact Brian Charanduk with Stantec Consulting (780-917-7000) to amend (red-line) the approved landscape drawings for the subdivision to remove/relocate the tree.

However, should the Final Acceptance Certificate be issued prior to the development of the site, all costs associated with the potential removal/relocation of existing boulevard trees, as stated in the Corporate Tree Management Policy C456A, will be borne by the owner/applicant. The owner will be required to contact Marshall Mithrush of Community Services (780-496-4953), prior to construction, to remove and relocate the trees or to arrange for hoarding and/or root cutting at the discretion and direction of Community Services.

- 3) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
  - a) construct a 9m commercial crossing access to Chappelle Boulevard SW, located 14.3 m from the northwest corner pin;
  - b) removal/relocation of a boulevard tree on the east side of Chappelle Boulevard SW.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$16,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature.

- 4) Parallel parking is NOT permitted on the internal road system as the road width (carriageway) is less than 7.5m. Both sides of the road must be signed 'No Parking'. A road width of less than 7.5m will not accommodate parking and still allow emergency vehicle access.
- 5) The proposed connector sidewalks (1 total) from the west property line of the subject site to tie into the City sidewalk on the east side of Chappelle Boulevard SW, and the proposed connector sidewalks (2 total) from the south property line of the subject site to tie into the City shared use path are a requirement.
- 6) The internal roadway must be signed 'Private Road'. The sign is to be located on private property at the site entrance.
- 7) Any sidewalk, shared use path or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks, shared use path and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

## Transportation Department Advisements:

- 1) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; [www.digshaw.ca](http://www.digshaw.ca)) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 2) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:  
[http://www.edmonton.ca/bylaws\\_licences/licences\\_permits/oscam-permit-request.aspx](http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx)

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

- 3) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or within the hoarded area.
- 4) Arterial Roadway Assessments were previously paid for this site, and therefore are not owed under this development application.
- 5) Contact Loli Fernandez (780-944-7683) prior to the start of construction of the sidewalk connection to the City sidewalk on Chappelle Boulevard SW and the sidewalk connections to the shared use path located south of the subject site.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$2,420.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$148,960.00. All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

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

The 5 existing trees within the Front Setback abutting Chappelle Boulevard SW shall be preserved and protected unless removal is demonstrated, to the satisfaction of the Development Officer, to be necessary or desirable to efficiently accommodate the proposed development. Reference Section 55.4(8).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

a) cash to a value equal to 100% of the established landscaping costs;

or

b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55(6).



DEVELOPMENT OFFICER'S DECISION (CONTINUED)

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

Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

The developer shall provide 23 visitor parking stalls readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2, Schedule 1A(1).

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

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

**NOTES:**

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) This approval does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

**Variances:**

NOTE: A variance was granted for this Development Permit pursuant to Sections 11(3) and 11(4). Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21(1) and 17(1).

Section 54.2.4.a(v) relaxed - the minimum required unobstructed width of a parking stall, within the underground parkades, where one side is obstructed by a column or wall is reduced from 2.7m to 2.4m.

DEVELOPMENT OFFICER'S DECISION (CONTINUED)

Section 48.3(3) relaxed - there are onsite walkways within the required 4.5m Privacy Zones of 8 main floor Dwellings.

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APPELLANT'S SUBMISSION

I wish to appeal the decision of the development on 1071 Chappelle Boulevard SW for the reasons. I am concerned about the impact high density housing will have on the established Chappelle community. Having one road in and out and very small transit bus route schedule. Traffic and parking on the already congested streets cars are already parked in front of my home whom live on Chappelle Boulevard. I am concerned about the size of the building and my personal privacy zone. I am concerned about the numerous relaxations of bylaws this developer is being allocated section (48.3). I was told it would be 20 meters of free space behind my home at the time of purchase. I was obligated to construct rod iron fencing (see through as wood fence wasn't allowed and no relaxation was permitted to myself or neighbours and now towering above my back yard will be 4 stories of high density low income apartment housing. My house was valued at 400 000\$ this year. I see that dropping drastically if this passes and I the blue collar Alberta worker who choose to live far from downtown and purchase a single family home for the peace will be the subject of big business pushing in. I can't see them even renting out these places sounds like the disastrous Fort McMurray condos that are now being torn down. I have just received this letter and I work 10 hours a day and snow removal at night to pay my bills my residents accusation and start my new family in Chappelle. I am no lawyer and reading and writing aren't on the top of my skill set so I foresee this to be an arduous battle against big business.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

This application is to construct 2 Apartment House buildings (80 Dwellings each) with underground parking and an Accessory building.

The site is on the east side of Chappelle Boulevard SW, south of 28 Avenue SW, and is zoned RA7 Low Rise Apartment Zone, Section 210 of the Edmonton Zoning Bylaw 12800. The site is within the Chappelle Neighbourhood Area Structure Plan, under Bylaw 14779 (as amended), approved by City Council in February 2008.

**Apartment Housing** is a Permitted Use in the RA7 Low Rise Apartment Zone, Section 210.2(1).

Under Section 7.2(1), **Apartment Housing** means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of other Residential Use Class.

This application was approved by the Development Officer subject to conditions.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS  
(CONTINUED)

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variances:

1. Section 48.3(3) states the following facilities or activity areas may be located within a required Separation Space adjacent to a Habitable Room Window where a Privacy Zone of at least 4.5 metres is provided between the window and a facility/activity area:
  - a. local public roadway including a Lane;
  - b. walkway;
  - c. on-site roadway;
  - d. on-site parking area;
  - e. on-site Amenity Area; and
  - f. Accessory building.

**The Development Officer determined an on-site walkway is located within a Separation Space adjacent to a Habitable Room Window of 8 main floor Dwellings. The Development Officer waived the minimum required Separation Space of 4.5 metres for a Privacy Zone.**

2. Section 54.2.4(a)(v) states where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width of the parking space shall be 2.7 metres, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 metres.

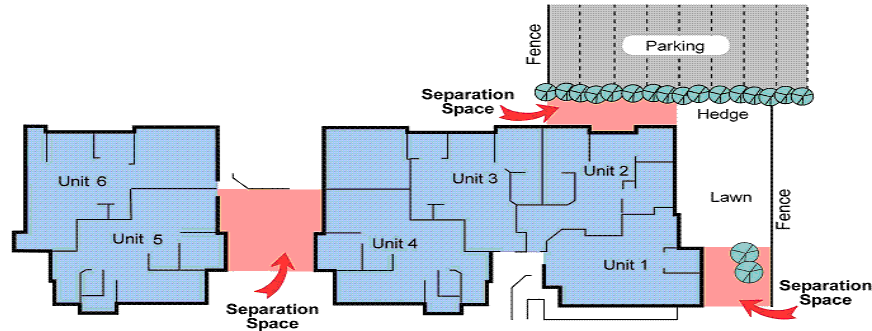
**The Development Officer relaxed the minimum required unobstructed width of the parking spaces in the parkades where one side is obstructed by a column from 2.7 metres to 2.4 metres.**

The decision of approval by the Development Officer has been appealed by neighbouring property owner to the south at 1413 - Carey Way SW.

Under Section 6.1(77), **Privacy Zone** means an area within the minimum Separation Space which shall be free of buildings, public roadways, walkways, on-site roadways, communal parking areas, and communal Amenity Areas.

Under 6.1(87), **Separation Space** means open space around Dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation Space is not a yard.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER’S COMMENTS  
(CONTINUED)



Section 210.1 states that the purpose of the RA7 Low Rise Apartment Zone is to provide a Zone for Low Rise Apartments.

Included in the Sustainable Development Department’s POSSE system, under “SDAB”, is a Memorandum dated January 14, 2015 from Karen Haromy, Senior Transportation Technician, Development Planning, Transportation Planning Branch which indicates that Transportation Services has reviewed the development application and has provided conditions and advisements if approved. **A copy of the Memorandum from Transportation Services is on file.**

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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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### SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-050



***BUSINESS LAID OVER******BUSINESS LAID OVER***

<b>SDAB-D-15-051</b>	An appeal by <u>Tom Parada</u> to construct an uncovered deck (irregular, 8.61 metres by 4.89 metres at 0.95 metres in Height and 6.01 metres by 1.01 metres at 0.34 metres in Height), existing without permits. <b>March 12, 2015</b>
<b>SDAB-D-15-040</b>	An appeal by the <u>Lessard Community League</u> to change a portion of an existing Religious Assembly Use to a Childcare Service (Out of School Care - 3 employees, 31 children) <b>March 18, 2015</b>
<b>SDAB-D-15-041</b>	An appeal by the <u>Lessard Community League</u> To change a portion of an existing Religious Assembly Use to a Childcare Service (daycare - 10 employees, 54 children) and construct interior / exterior alterations. <b>March 18, 2015</b>
<b>SDAB-D-15-036</b>	An appeal by Blu Café/Ogilvie LLP to change the use from Convenience Retail Stores to a Restaurant (79.15 square metres of Public Space) and construct interior alterations <b>March 19, 2015</b>

***APPEAL HEARINGS TO BE SCHEDULED***

<b>161821680-001</b>	An appeal by <u>Abington Homes Ltd.</u> to construct four Dwellings of Stacked Row Housing with front verandas (four at 2.13 metres by 6.10 metres) and uncovered rear decks (two irregulars at 3.66 metres by 6.10 metres) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage) <b>March 25 or 26, 2015</b>
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