

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 15, 2017**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

| | | | |
|---|-----------|---------------|---|
| I | 9:00 A.M. | SDAB-D-17-052 | Construct a Single Detached House with front and rear attached Garage, fireplace, and to demolish an existing Single Detached House 12006 - 87 Avenue NW Project No.: 227340646-001 |
|---|-----------|---------------|---|

| | | | |
|----|------------|---------------|---|
| II | 11:00 A.M. | SDAB-D-17-053 | Construct a Single Detached House with attached Garage, front entry, partially covered deck (irregular shape), balcony and Basement development (Not to be used as an additional Dwelling) 13912 - Valleyview Drive NW Project No.: 224913641-001 |
|----|------------|---------------|---|

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-17-052

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 227340646-001

APPLICATION TO: Construct a Single Detached House with front and rear attached Garage, fireplace, and to demolish an existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: January 30, 2017

DATE OF APPEAL: February 2, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12006 - 87 Avenue NW

LEGAL DESCRIPTION: Plan 2424HW Blk 10 Lot 10

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

We feel that this house suits the neighbourhood of Windsor Park very well. The front drive single car garage enters onto a service road in front. Many other homes in the neighbourhood (and fronting on the same service road) have front or rear attached garages so this home is not unique.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

...

Hearing and Decision

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

...

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

...

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

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

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

Under section 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.

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

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

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

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

Development Officer's Determination

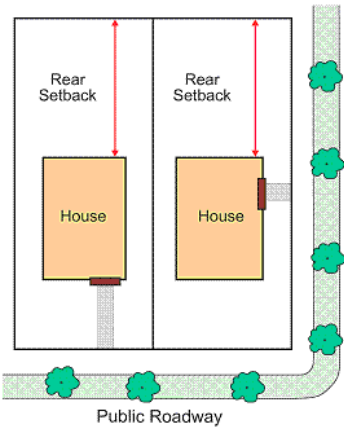
8. The proposed application does not meet the intent of the Mature Neighbourhood Overlay. The purpose of this Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties. [unedited]

Rear Setback

Section 814.3(5) states “The minimum Rear Setback shall be 40% of Site depth. [...]”

Under section 6.1(87), **Rear Setback** means:

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



Development Officer’s Determination

1. Reduced Rear Setback - The distance from the house to the rear property line is 6.38m (20.9% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.5). [unedited]

Vehicular access

Section 814.3(10) states:

Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and

- a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
- b. the Site Width is less than 15.5 m; or
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Development Officer’s Determination

2. Driveway - The driveway is located off of 87 Avenue (front), (Section 814.3.10(c)). [unedited]

Garage protrusion and width

Section 814.3(11) states:

If vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the blockface. The Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface.

Development Officer’s Determination

3. Garage - The front garage width shall meet the average of the block. There are no other front garages within the blockface. (Section 814.3.11). [unedited]

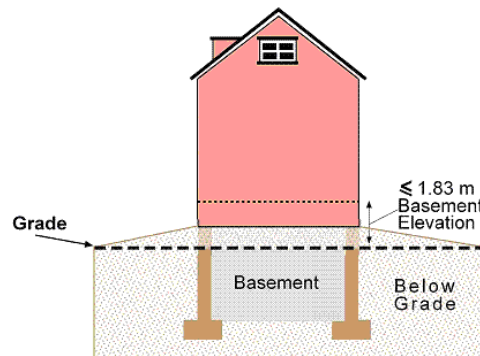
Basement elevation

Section 814.3(16) states

The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

Under section 6.1(10), **Basement** means:

the portion of a building or structure which is wholly or partially below Grade, having above grade no more than 1.83 m of its clear Height which lies below the finished level of the floor directly above;



Under section 6.1(46), **Grade** means “a geodetic elevation from which the Height of a structure is measured, calculated in accordance with Section 52.”

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

Development Officer’s Determination

4. Main floor height: The main floor height is 1.38m, instead of 1.2m, (Section 814.3.16).

Rear attached Garages

Section 814.3(18) states “Rear attached Garages shall not be allowed, except on Corner Sites where the Dwelling faces the flanking public roadway.”

Development Officer’s Determination

5. Attached Garage - A rear attached garage is NOT allowed on an interior lot, (Section 814.3.18). [unedited]

Driveway

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 m; and
- b. a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage;
- c. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 3.1 m.

Under section 6.1(29), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.”

Development Officer's Determination

6. Front driveway - The maximum front driveway width shall be 3.1m x the total number of adjacent side by side parking spaces within the garage. The driveway is 4.12m instead of 3.1m (Section 54.1.4(b)). [unedited]

Projection into Setbacks

Section 44(3) states:

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 2.5 m into a Front Setback;
- b) Platform Structures provided such projections do not exceed 2.0 m into any other Setbacks or Separation Spaces with a depth of at least 4.0 m;
- c) Platform Structures provided such projections do not exceed 0.6 m into any other Setbacks or Separation Spaces with a depth of less than 4.0 m; and
- d) Notwithstanding subsection 44(3)(b) and subsection 44(3)(c), Platform Structures 0.6 m or less in Height may be constructed to the Lot lines Abutting an interior Side Yard and Rear Yard.

Under section 6.1(78), **Platform Structures** means:

a raised structure on which people can stand, that projects from the wall of a building, may be surrounded by guardrails, parapet walls or similar features, and is intended for use as an Amenity Area. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Development Officer's Determination

7. Projection - The distance from the deck to the back property line (rear lot line) is 2.72m, instead of 10.19m (Section 44.3). [unedited]

Community Consultation


Section 814.3(24) states:

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

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

Notice to Applicant/Appellant

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

| | |
|---|---|
|  | Project Number: 227340646-001 Application Date: AUG 02, 2016 Printed: January 30, 2017 at 10:13 AM Page: 1 of 2 |
| <h2 style="margin: 0;">Application for House Development and Building Permit</h2> | |
| <p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit Bylaw.</p> | |
| Applicant | Property Address(es) and Legal Description(s) 12006 - 87 AVENUE NW Plan 2424HW Blk 10 Lot 10 |
| | Location(s) of Work Suite: 12006 - 87 AVENUE NW Entryway: 12006 - 87 AVENUE NW Building: 12006 - 87 AVENUE NW |
| Scope of Application To construct a Single Detached House with front and rear attached Garage, fireplace, and to demolish an existing Single Detached House | |
| Permit Details | |
| Affected Floor Area (sq. ft.): 4258 Class of Permit: Front Yard (m): Rear Yard (m): Side Yard, left (m): Site Area (sq. m.): 650.04 Site Width (m): 21.34 | Building Height to Midpoint (m): Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): Site Depth (m): 30.48 Stat. Plan Overlay/Annex Area: |
| I/We certify that the above noted details are correct. Applicant signature: _____ | |
| Development Application Decision Refused | |
| THIS IS NOT A PERMIT | |



Project Number: **227340646-001**
 Application Date: AUG 02, 2016
 Printed: January 30, 2017 at 10:13 AM
 Page: 2 of 2

Application for House Development and Building Permit

Reason for Refusal

1. Reduced Rear Setback - The distance from the house to the rear property line is 6.38m (20.9% of site depth) instead of 12.19m (40% of site depth). (Section 814.3.5).
2. Driveway - The driveway is located off of 87 Avenue (front), (Section 814.3.10(c)).
3. Garage - The front garage width shall meet the average of the block. There are no other front garages within the blockface. (Section 814.3.11).
4. Main floor height: The main floor height is 1.38m, instead of 1.2m, (Section 814.3.16).
5. Attached Garage - A rear attached garage is NOT allowed on an interior lot, (Section 814.3.18).
6. Front driveway - The maximum front driveway width shall be 3.1m x the total number of adjacent side by side parking spaces within the garage. The driveway is 4.12m instead of 3.1m (Section 54.1.4(b)).
7. Projection - The distance from the deck to the back property line (rear lot line) is 2.72m, instead of 10.19m (Section 44.3).
8. The proposed application does not meet the intent of the Mature Neighbourhood Overlay. The purpose of this 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.

Rights of Appeal

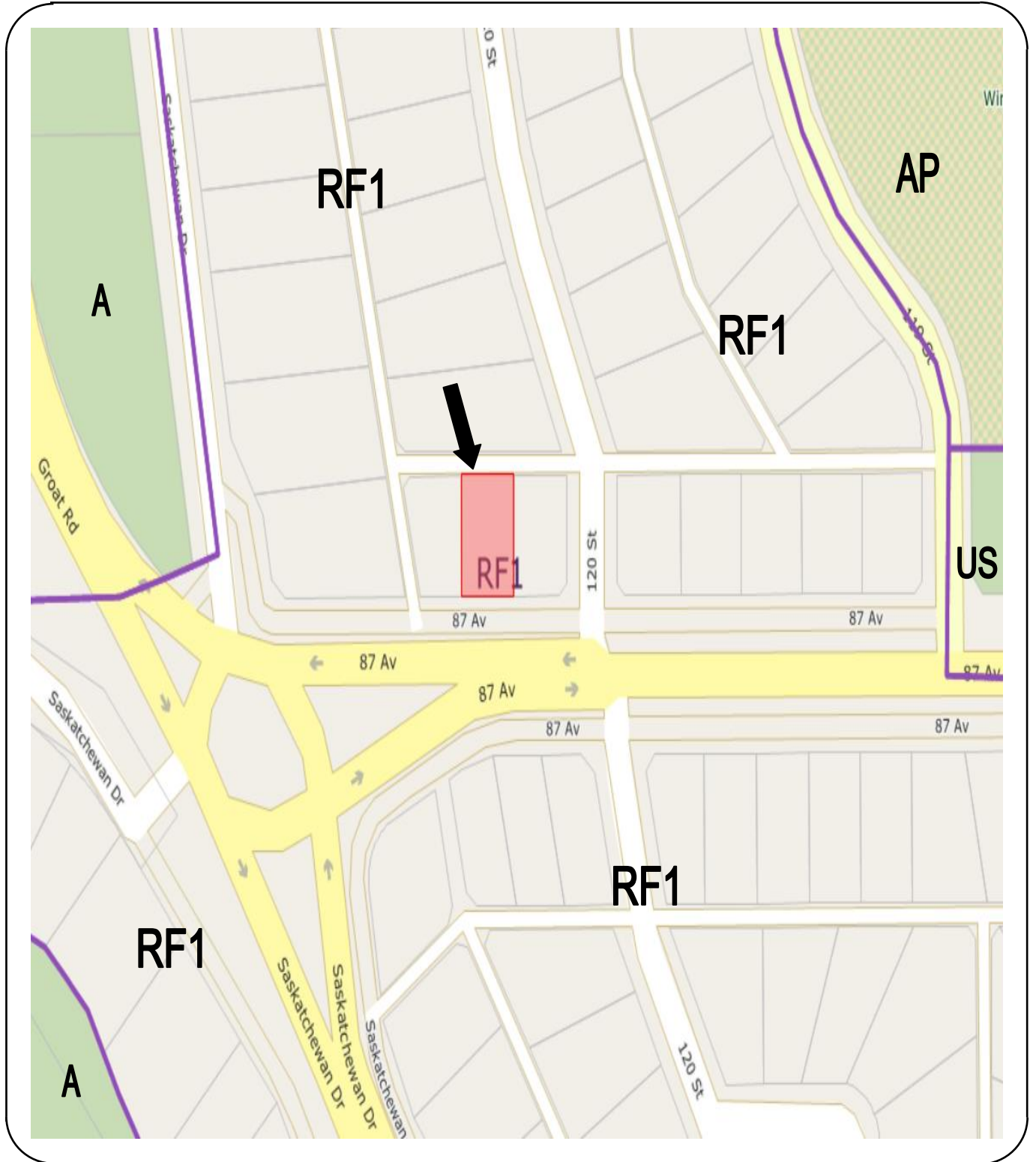
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jan 30, 2017 **Development Authority:** BAUER, KERRY **Signature:** _____

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|-----------------------------|------------|-------------|-----------|--------------|
| Lot Grading Fee | \$135.00 | \$135.00 | 03487544 | Aug 02, 2016 |
| Electrical Fee (Service) | \$77.00 | \$77.00 | 03487544 | Aug 02, 2016 |
| Safety Codes Fee | \$149.60 | \$149.60 | 03487544 | Aug 02, 2016 |
| Building Permit Fee | \$3,740.00 | \$3,740.00 | 03487544 | Aug 02, 2016 |
| Electrical Fees (House) | \$348.00 | \$348.00 | 03487544 | Aug 02, 2016 |
| Electrical Safety Codes Fee | \$18.42 | \$18.42 | 03487544 | Aug 02, 2016 |
| Water Usage Fee | \$108.90 | \$108.90 | 03487544 | Aug 02, 2016 |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$4,576.92 | \$4,576.92 | | |

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-052



ITEM II: 11:00 A.M.

FILE: SDAB-D-17-053

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

APPELLANT:

APPLICATION NO.: 224913641-001

APPLICATION TO: Construct a Single Detached House with attached Garage, front entry, partially covered deck (irregular shape), balcony and Basement development (Not to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: January 30, 2017

NOTIFICATION PERIOD: February 7, 2017 through February 21, 2017

DATE OF APPEAL: February 16, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 13912 - Valleyview Drive NW

LEGAL DESCRIPTION: Plan 2630KS Blk 1 Lot 14

ZONE: (RF1) Single Detached Residential Zone

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

STATUTORY PLAN: N/A

Grounds for Appeal

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

RE: 13912 Valleyview Drive NW. File: 224913641-001

We find it disconcerting that the City has not only granted all 3 requested variances which we have been aware of since September 2016, but, to our surprise, the granting of 2 additional variances as well. The measurements stated in the variances themselves have changed since January 19th, 2017, and the Development Officer, Brandon Langille has confirmed that a new set of plans were drawn up.

1. Reduced Rear Setback of 3.6 meters (or 11.8 ft.):

All the properties on this blockface are ravine and/or city view properties, and the proposed house seeks to maximize those views. The views they have been granted are just as important to us (and our neighbours to the west) as it is to the owners of 13912.

Because our lots are not rectangles, the portion of the proposed home with a variance of 11.84 feet actually equates to over 12.4 feet of wall. That 12 feet is also 3 storeys high. We believe this is an unreasonable request, particularly when the large lot allows for many design options.

Thurber Engineering Ltd. conducted a geotechnical survey and report on our property in November, 2004. They recommended a minimum development set back of 15 m from the top of the existing slope. The NW corner of the proposed development will sit less than 4m away from a very fragile area at the top of our slope of the ravine, increasing the risk to our property over time.

2. Requested 3 car garage:

The garage and second floor above would be situated 6 feet closer to our property line than the existing structure, blocking out direct sunlight to our living room and taking away east facing views from our second floor.

Of the 51 houses located on Valleyview Drive, 27 have attached double garages, accounting for 53% of the homes. 4 have triple garages, (incl. 1 under construction) and 1 has a 4 car garage, accounting for 10%. The garage will stand out, fully exposed from the street. It is atypical compared to the 3 adjacent redevelopments, which have complied with the 2 car rule.

3. Reduced Front Setback of 2.855 metres (or 9.4 feet):

Without the relaxed front setback, the garage would not protrude as far and dominate the street.

The structure will take away much of the direct sunlight we currently enjoy and ruin the celestial views that were designed into our residence.

We are questioning the validity of the blockface average number used for this application, and the abutting lot value as well.

4. Deck Projection:

This deck extends beyond the 40% line, within the 8m buffer to the top of the slope, and will block the view for both neighbours to the east of us and possibly for us as well.

The proposed house has minimal architectural relief on our side, and the City has granted an extended wall for us to look at, for a total of 96.5 feet of structure, the majority of which will be 2 to 3 storeys high. The subject property is elevated approximately 3 feet above our lot's ground level (at the centre point of the lot) for a substantial length, so the house will be that much more intrusive/massive. With 10 foot high ceilings even in the basement, the height of the new home will tower over ours, especially in our back yard.

It is our understanding that the Mature Neighbourhood Overlay was implemented, in part, to curtail the proliferation of oversized homes on infill lots. With a 16,000 sq. ft. lot at their disposal, we do not understand how the City can justify the approval of this long list of substantial variances, which are sure to be a detriment to our enjoyment and the value of our property, blocking out all views & sunlight we currently get to the east, from every major room in our house.

| |
|------------------------|
| <i>General Matters</i> |
|------------------------|

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
- ...
- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Hearing and Decision

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

- ...
- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

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

Under section 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.

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

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

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

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

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is:

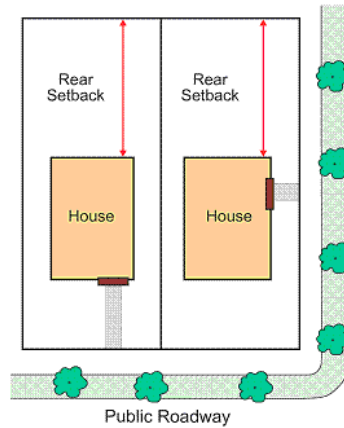
...to provide a development Setback from the North Saskatchewan River Valley and Ravine System.

Rear Setback

Section 814.3(5) states "The minimum Rear Setback shall be 40% of Site depth. [...]."

Under section 6.1(87), **Rear Setback** means:

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



Development Officer's Determination

1. Reduced Rear Setback - The distance from the house to the rear property line is 19.84m, instead of 23.44m (Section 814.3.5) [unedited]

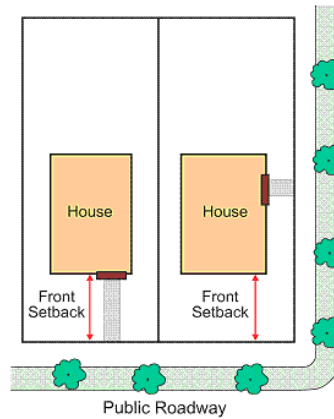
Front Setback

Section 814.3(1) states:

The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. On a Corner Site, in the (RF3) Small Scale Infill Development Zone, where Row Housing, Stacked Row Housing or Apartment Housing faces the flanking Side Lot Line, the following regulations shall apply:

Under section 6.1(43), **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

2. Reduced Front Setback - The minimum distance from the House to the property line along Valleyview Drive (front lot line) is 8.73m, instead of 11.58m (Section 814.3.1) [unedited]

Projection into Setbacks

Section 44(3) states:

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 2.5 m into a Front Setback;
- b) Platform Structures provided such projections do not exceed 2.0 m into any other Setbacks or Separation Spaces with a depth of at least 4.0 m;
- c) Platform Structures provided such projections do not exceed 0.6 m into any other Setbacks or Separation Spaces with a depth of less than 4.0 m; and
- d) Notwithstanding subsection 44(3)(b) and subsection 44(3)(c), Platform Structures 0.6 m or less in Height may be constructed to the Lot lines Abutting an interior Side Yard and Rear Yard.

Under section 6.1(78), **Platform Structures** means:

a raised structure on which people can stand, that projects from the wall of a building, may be surrounded by guardrails, parapet walls or similar features, and is intended for use as an Amenity Area. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Development Officer's Determination

3. Projection - The distance from the Covered Deck to the back property line (rear lot line) is 18.26m, instead of 21.44m (Section 44.3) [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:

1. 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 which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade; and

...

Development Officer's Determination

4. Eave Projection - The distance from the Eaves on the Covered Deck to the back property line is 17.40m, instead of 22.84m (Section 44.1(a)). [unedited]

Attached Garage

Section 814.3(19)(a) 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:

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

...

Development Officer's Determination

5. Vehicle Parking - The front attached Garage has 3 vehicle parking spaces, instead of a maximum of 2 (Section 814.3(19)(a)) [unedited]

Community Consultation


Section 814.3(24) states:

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

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

Notice to Applicant/Appellant

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

| | | | |
|---|---|--|---|
|  | Project Number: 224913641-001 Application Date: JUN 29, 2016 Printed: January 30, 2017 at 10:34 AM Page: 1 of 5 | | |
| <h2 style="margin: 0;">Application for House Development and Building Permit</h2> | | | |
| <p>This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit</p> | | | |
| Applicant | Property Address(es) and Legal Description(s) 13912 - VALLEYVIEW DRIVE NW Plan 2630KS Blk 1 Lot 14 Location(s) of Work Suite: 13912 - VALLEYVIEW DRIVE NW Entryway: 13912 - VALLEYVIEW DRIVE NW Building: 13912 - VALLEYVIEW DRIVE NW | | |
| Scope of Application To construct a Single Detached House with attached garage, front entry, partially covered deck (irregular shape), Balcony 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;"> Affected Floor Area (sq. ft.): 5737 Class of Permit: Class B Front Yard (m): 8.73 Rear Yard (m): 19.84 Side Yard, left (m): 2.88 Site Area (sq. m.): 1486.53 Site Width (m): 24.38 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 8.39 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 2 Site Depth (m): 60.96 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table> | | Affected Floor Area (sq. ft.): 5737 Class of Permit: Class B Front Yard (m): 8.73 Rear Yard (m): 19.84 Side Yard, left (m): 2.88 Site Area (sq. m.): 1486.53 Site Width (m): 24.38 | Building Height to Midpoint (m): 8.39 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 2 Site Depth (m): 60.96 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 Permit Decision Approved | | | |
| THIS IS NOT A PERMIT | | | |



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Application for House Development and Building Permit

Subject to the Following Conditions

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

1. This Development Permit authorizes the development of a Single Detached House with attached garage, front entry, partially covered deck (irregular shape), Balcony and Basement development (Not to be used as an additional Dwelling). The development shall be constructed in accordance with the approved drawings and is subject to the following conditions:

2. The Height of the principal building shall not exceed 8.6m as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

3. The proposed Basement development(s) shall NOT be used as an additional Dwelling. Proposed wet bar shall only be used by the household which uses the principal kitchen on the main floor. A Secondary Suite shall require a new development permit application.

4. The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

5. Platform Structures greater than 1.0 m above Grade shall provide privacy screening to the satisfaction of the Development Officer to prevent visual intrusion into adjacent properties.

6. All unenclosed steps shall not project more than 0.60m into required Setbacks of 1.20m or greater (Reference Section 44.1(a))

7. All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

8. Landscaping shall be developed in accordance with Section 55 and Section 140.4(16) of the Edmonton Zoning Bylaw 12800.

9. A. Landscaping shall be provided on a Site within 18 months of the occupancy of the Single Detached House. Trees and shrubs shall be maintained on a Site for a minimum of 42 months after the occupancy of the Single Detached House (Reference Section 55.2.1).

B. Two deciduous trees with a minimum Caliper of 50 mm, Two coniferous tree with a minimum Height of 2.5 m and Eight shrubs shall be provided on the property. Deciduous shrubs shall have a minimum Height of 300 mm and coniferous shrubs shall have a minimum spread of 450 mm (Reference Section 55.2.1).

C. All Yards visible from a public roadway, other than a Lane, shall be seeded or sodded. Seeding or sodding may be substituted with alternate forms of ground cover, including hard decorative pavers, washed rock, shale or similar treatments, perennials, or artificial turf, provided that all areas of exposed earth are designed as either flower beds or cultivated gardens (Reference Section 55.2.1).

10. The various development restrictions and site management guidelines outlined in the geotechnical report and addenda must be followed in any development of the site. The owner is also encouraged to become familiar with the site management guidelines and to fully adhere to them. Such restrictions are proposed not to be punitive, but rather to improve the long term viability of the property and reduce risk. In this regard, the supplemental geotechnical addenda prepared by Shelby Engineering dated August 31, 2016, November 9, 2016, and January 23, 2017 must be read and interpreted in conjunction with the Slope Stability and Building Setback Assessment Report for the subject property prepared by Shelby Engineering, dated May 2016. (Reference Section 811.3(8))

11. Recommendations pertaining to the management of water at the site and adherence to the related restrictions concerning the prohibition of water retention structures, irrigation, and water features (pools, ponds, fountains, permanent underground sprinklers or irrigation systems, etc.) will be of high importance in order to reduce the risk of erosion and instability. Failure to comply with any of the recommendations of the geotechnical consultant could either hasten or increase the severity of any slope instability which could ultimately threaten the property and residence. (Reference Section 811.3(8))

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12. Past experience has shown that stripping of vegetation and significant re-grading, in addition to negating the significant positive aspects of vegetative cover, can also lead to negative changes in the surface water regime and slope hydrology which may adversely impact stability. The minimization of such disturbance is of high importance in proximity to the sensitive top-of-bank area. I would therefore recommend that only minimal lot disturbance be permitted, and only as required to construct the residence. (Reference Section 811.3(8))

13. Grading of the site must not involve the direction or channeling of water toward the slopes. In addition, the retention of existing vegetation during site development is considered highly desirable, and all vegetation on or near the slopes should be maintained. (Reference Section 811.3(8))

14. Any proposed excavation and re-grading, as well as any significant removal of vegetation, must only be undertaken in accordance with the recommendations of the consultant, and with their inspection, to confirm that the recommendations presented in the geotechnical report have been properly interpreted. (Reference Section 811.3(8))

15. The final lot grading and landscaping plans must be reviewed by the geotechnical consultant to ensure their recommendations are met and risks related to site disturbance are properly mitigated through the proposed design and construction plans for the lot. (Reference Section 811.3(8))

16. The architectural drawings showed that two retaining walls will be installed to extend northwards from the northeast and northwest corners of the proposed building and will replace existing concrete retaining walls on site. It is understood the new walls will be concrete to the setback line and then landscaped block or segmented, and considered sacrificial beyond the building setback line. Shelby Engineering has confirmed that since the retaining walls will be replacing existing retaining walls and therefore there will be little to no additional site disturbance to the top-of-bank area. The retaining structures will provide consistency with the grading of the adjacent properties and overall they were confirmed by the geotechnical consultant to be in compliance with the recommendations of the geotechnical report. To ensure geotechnical compliance during construction, construction quality and ensure disturbance to the sensitive top-of-bank area is minimized, inspection of the retaining wall construction should also be conducted by Shelby Engineering. (Reference Section 811.3(8))

17. The geotechnical report consisted of a slope stability and building setback assessment and did not include recommendations for site preparation, basement construction, and foundation design and construction for the new residence. The developer and owner should also be aware that obtaining these site-specific geotechnical recommendations from the geotechnical consultant will further reduce risk to the development. It is recommended that additional inspections by qualified geotechnical personnel be undertaken during construction to confirm the removal of fill and any deleterious materials and to verify that any recommended foundation design and construction procedures are followed. (Reference Section 811.3(8))

18. Should development be approved to proceed, the applicant must be aware that they are fully responsible to suitably protect surrounding properties, structures and infrastructure from any adverse impacts during construction. (Reference Section 811.3(8))

19. The developer and owner must be aware that there remains some residual risk of instability of the slopes below and within the subject property that could lead to a loss of property within the life span of the proposed development. The owner must also recognize that the City of Edmonton will assume all erosion and regression of the slopes to be of natural origin and that we will not undertake any remedial repairs, irrespective of the ownership of the land between the development and the ravine slopes. (Reference Section 811.3(8))

Development Advisements:

- i.) Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.
- ii.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
- iii.) Any future deck enclosure or cover requires a separate development and building permit approval.
- iv.) The driveway access must maintain a minimum clearance of 1.5m from any service pedestal and all other surface utilities.
- v.) 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
- vi.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw

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vii.) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It 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.

Transportation Advisements

1. The proposed 6.5 m residential access to Valleyview Drive located approximately 7 m from the east property line, as shown on Enclosure I is acceptable to Transportation Planning and Engineering and must be constructed as a private crossing access to current City of Edmonton Design and Construction Standards. The owner/applicant must obtain a crossing permit, available from Development and Zoning Services, 5thfloor, 10250-101 Street.
2. The existing 6 m residential access to Valleyview Drive located approximately 1.5m from the east property line, must be removed and filled in with curb and gutter constructed as per City of Edmonton Design and Construction Standards and boulevard restored to grass, as shown on Enclosure II. The "fill-in" of the existing access must be included as a requirement of the crossing permit.
3. There is an existing boulevard tree adjacent to the existing access that must be protected during construction, as shown on Enclosure II. Prior to construction, the owner/applicant must contact Bonnie Fermanuik of City Operations, Parks and Roadways (780-496-4960) to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.
4. 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; vvvvw.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.
5. Any sidewalk or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Planning and Engineering, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Planning and Engineering prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.
6. Any hoarding or construction taking place on road right-of-way requires an OSCAM (OnStreet Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. OSCAM permit applications require Transportation Management Plan (TMP) information. The TMP must include:
 - the start/finish date of project;
 - accommodation of pedestrians and vehicles during construction;
 - confirmation of lay down area within legal road right of way if required;
 - and to confirm if crossing the sidewalk and/or boulevard is required to temporarily access the site.

It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM

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Variations

1. Reduced Rear Setback - The distance from the house to the rear property line is 19.84m, instead of 23.44m (Section 814.3.5)
2. Reduced Front Setback - The minimum distance from the House to the property line along Valleyview Drive (front lot line) is 8.73m, instead of 11.58m (Section 814.3.1)
3. Projection - The distance from the Covered Deck to the back property line (rear lot line) is 18.26m, instead of 21.44m (Section 44.3)
4. Eave Projection - The distance from the Eaves on the Covered Deck to the back property line is 17.40m, instead of 22.84m (Section 44.1(a))
5. Vehicle Parking - The front attached Garage has 3 vehicle parking spaces, instead of a maximum of 2 (Section 814.3(19)(a))

Rights of Appeal

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

Issue Date: Jan 30, 2017 Development Authority: LANGILLE, BRANDON Signature: _____
 Notice Period Begins: Feb 07, 2017 Ends: Feb 21, 2017

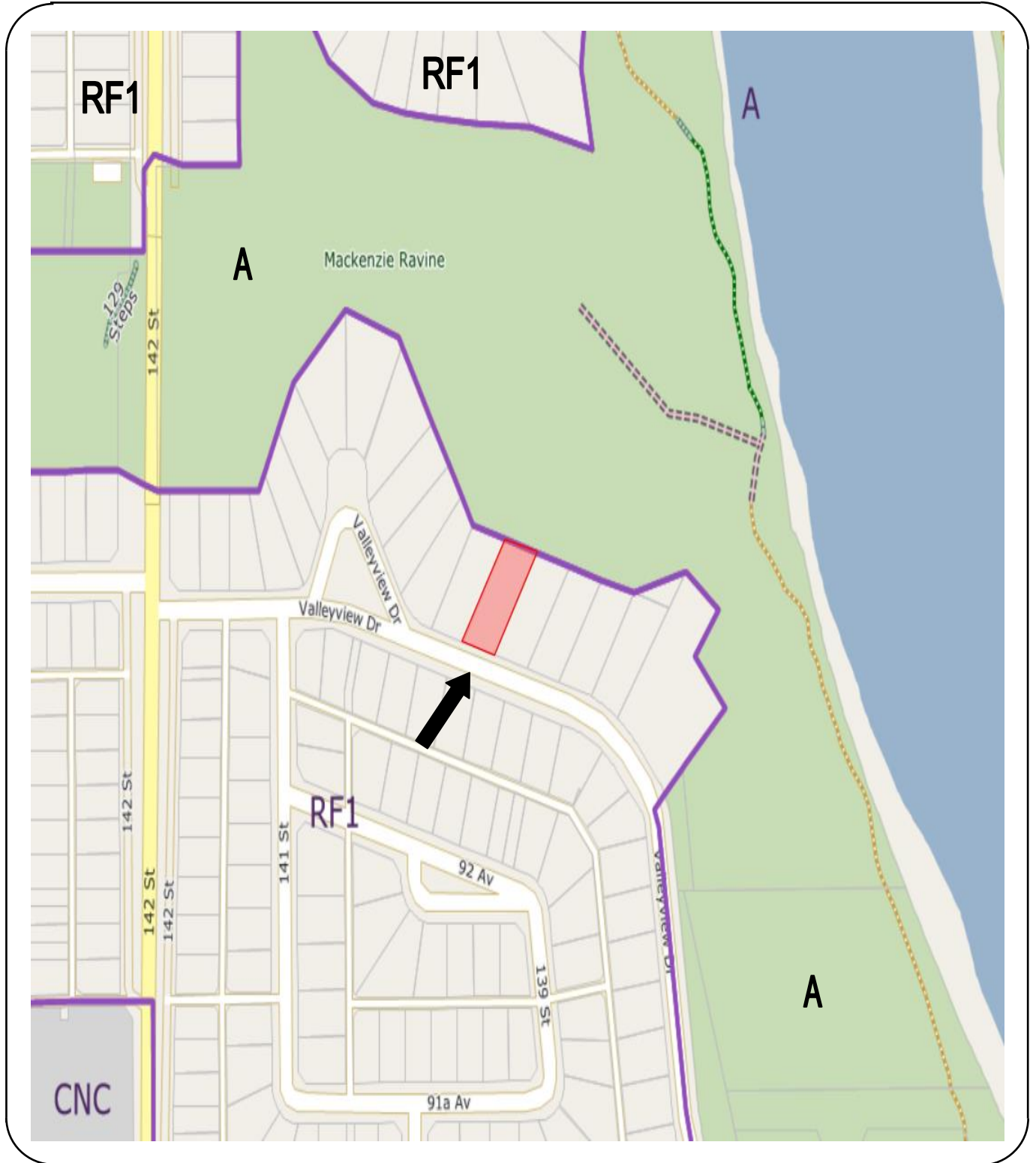
Building Permit Decision

No decision has yet been made.

Fees

| | Fee Amount | Amount Paid | Receipt # | Date Paid |
|-----------------------------|------------|-------------|-----------|--------------|
| Lot Grading Fee | \$135.00 | \$135.00 | 03484550 | Jul 29, 2016 |
| Safety Codes Fee | \$258.48 | \$258.48 | 03484550 | Jul 29, 2016 |
| Building Permit Fee | \$6,462.00 | \$6,462.00 | 03484550 | Jul 29, 2016 |
| Electrical Safety Codes Fee | \$20.18 | \$20.18 | 03484550 | Jul 29, 2016 |
| Electrical Fee (Service) | \$77.00 | \$77.00 | 03484550 | Jul 29, 2016 |
| Water Usage Fee | \$145.20 | \$145.20 | 03484550 | Jul 29, 2016 |
| Electrical Fees (House) | \$392.00 | \$392.00 | 03484550 | Jul 29, 2016 |
| DP Notification Fee | \$102.00 | | | |
| Total GST Amount: | \$0.00 | | | |
| Totals for Permit: | \$7,591.86 | \$7,489.86 | | |
| (\$102.00 outstanding) | | | | |

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SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-053

