



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: April 13, 2017
Project Number: 238534241-001
File Number: SDAB-D-17-056

Notice of Decision

- [1] On March 29, 2017, the Subdivision and Development Appeal Board heard an appeal that was filed on **March 7, 2017**. The appeal concerned the decision of the Development Authority, issued on February 23, 2017, to refuse the following development:

To construct exterior alterations (Driveway in Front Yard, 3 metres by 7.32 metres) and to park an RV (6.4 metres by 2.4 metres) in the Front Yard of a Single Detached House.

- [2] The subject property is on Plan 6689NY Blk 10 Lot 34, located at 8903 - 139 Avenue NW, within the (RF1) Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.

- [3] The following documents were received prior to the hearing and form part of the record:

- A copy of the Development Permit application with attachments, the site plan, and the refused Development Permit;
- The Development Officer's written submission;
- The Appellant's written submission with photographs; and
- One letter of opposition.

- [4] The following exhibits were presented during the hearing and form part of the record:

- Exhibit A – A photograph of the subject Site submitted by the Appellant.
- Exhibit B – Community consultation submitted by the Appellant

Preliminary Matters

- [5] At the outset of the appeal hearing, the Presiding Officer confirmed with the parties in attendance that there was no opposition to the composition of the panel.

- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

Summary of Hearing

i) Position of the Appellant, Mr. M. Jaber:

- [8] Mr. Jaber applied for a development permit for the existing front yard concrete pad and to park his trailer on it after he received a Notice from the City.
- [9] He was unaware that a development permit was needed for the concrete pad and the trailer and he has parked on the concrete pad for the past three or four years.
- [10] The Bylaw Officer that issued the Notice made it sound relatively easy to obtain a development permit for the existing concrete pad and to park his trailer there year round.
- [11] He paid \$166.00 for his development permit application and an additional \$166.00 penalty because the concrete pad existed without a permit.
- [12] He addressed the concerns outlined in the letter received from his neighbour and explained that the trailer cannot be parked in the rear yard because of an existing fire pit. The fire pit is used regularly by his family in the summer months.
- [13] The concrete pad was installed specifically to accommodate the trailer. It is not convenient to park the trailer off site because he uses it regularly during the summer months. The trailer is only parked permanently on site from December 1 to May 1.
- [14] A photograph of the subject Site was taken during the summer (Exhibit A) to illustrate that there is mature landscaping located between his property and his neighbour to the south.
- [15] He canvassed his neighbours and received 14 positive responses and only one letter in opposition. He has never received a complaint from his neighbours about his trailer. He submitted the community consultation results (Exhibit B).
- [16] There is a pedestrian gate in the fence located to the west of the concrete pad but it is not wide enough to allow access to the rear yard for the trailer.
- [17] He noted that other property owners in this neighbourhood park their recreational vehicles in their front yards.
- [18] Mr. Jaber provided the following with respect to questions from the Board:

- a) There is no curb cut to access the concrete pad but the curb has a rounded edge.
- b) The fire pit is constructed of concrete blocks and is approximately four feet wide.
- c) He conceded that the fire pit could be moved if required.
- d) It is difficult to maneuver the trailer into the rear yard from the lane because of the existing slope.

The Presiding Officer clarified that even if the gate was wide enough to accommodate the trailer, the existing concrete pad does not comply with the requirements of the *Edmonton Zoning Bylaw*.

ii) Position of the Development Officer, Mr. G. Robinson, representing Ms. H. Vanderhoek, the Development Officer who issued the refused development permit:

[19] He confirmed that the existing front yard concrete pad does not conform to the *Edmonton Zoning Bylaw* requirements because it does not lead to an existing parking area or garage.

[20] It was his opinion that the existing landscaping illustrated in the summer photograph submitted by the Appellant does not provide adequate screening for the immediately adjacent property to the south.

iii) Rebuttal of the Appellant

[21] Mr. Jaber had nothing further to add in rebuttal.

Decision

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

Reasons for Decision

[23] The proposed development is Accessory to a Single Detached House, which is a Permitted Use in the (RF1) Single Detached Residential Zone.

[24] The Appellant completed and submitted community consultation, marked Exhibit B, that complies with the requirements of section 814.3(24) of the Mature Neighbourhood Overlay.

- [25] The subject Site is located on a Corner Lot and based on photographic evidence, parking the recreational vehicle in the Front yard may block sight-lines for approaching traffic.
- [26] The Board accepts the concerns of the most affected neighbour to the south regarding the negative visual impact and obstruction of sight-lines. The recreational vehicle is parked year round which is not sensitive in scale and does not maintain the traditional character of the neighbourhood.
- [27] The Board accepts the review completed by the Development Authority and supports the reasons for refusing this development permit application.
- [28] Section 45.4 of the *Edmonton Zoning Bylaw* states:

Notwithstanding subsection 45.3, from April 1 through October 31 inclusive, on a residential Site with no rear Lane, large Recreational Vehicles may be parked to within 2.0 m of the interior edge of the sidewalk, or within 2.0 m of the curb if there is no sidewalk:

- a. where vehicular access is solely available through the Front Yard.
- b. in the case of a corner Site, where vehicular access is solely available through the Front Yard or through the exterior flanking Side Yard,

subject to the discretion of the Development Officer, who may exercise their variance power to decrease this minimum Setback requirement on a Site by Site basis, given the proximity and orientation of driveways, parking areas, buildings and other physical features which may affect sight lines and amenities on the subject property and on adjacent properties.

- [29] Based on a review of the evidence provided, vehicular access to the subject Site is available from the rear Lane. Therefore, the recreational vehicle could not be parked on the Front Yard concrete pad between April 1 and October 31.
- [30] Based on the above, it is the opinion of the Board, that the proposed development will unduly interfere with the amenities of the neighbourhood and materially interfere with and affect the use, enjoyment and value of neighbouring parcels of land.

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

Board members in attendance: Ms. N. Hack, Mr. J. Kindrake, Ms. M. McCallum, Mr. N. Somerville

Important Information for the Applicant/Appellant

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



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Date: April 13, 2017
Project Number: 186245874-003
File Number: SDAB-D-17-057

Notice of Decision

- [1] On March 29, 2017, the Subdivision and Development Appeal Board heard an appeal that was filed on **March 6, 2017**. The appeal concerned the decision of the Development Authority, issued on February 27, 2017, to approve the following development:

To develop a Secondary Suite in the Basement of a Single Detached House, existing without permits.

- [2] The subject property is on Plan 0724456 Blk 54 Lot 112, located at 5875 - 166 Avenue NW, within the (RSL) Residential Small Lot Zone. The Hollick Kenyon Neighbourhood Structure Plan and the Pilot Sound Area Structure Plan apply to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- A copy of the Development Permit application with attachments, proposed plans, photographs and the approved Development Permit;
 - The Development Officer's written submission;
 - One on-line response in support of the proposed development; and
 - A copy of the Hollick Kenyon Neighbourhood Structure Plan and the Pilot Sound Area Structure Plan.

Preliminary Matters

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

Summary of Hearing*i) Position of the Appellant, Mr. E. Henshall:*

- [7] Mr. Henshall explained that he did not object to the existing Secondary Suite.
- [8] His only concern is the impact that the Secondary Suite has on street parking because the property owners and their tenant own numerous vehicles which are parked on the street.
- [9] There are at least three other rental units on the street, which also impacts parking congestion.
- [10] He questioned whether or not the number of vehicles allowed to park on the street could be limited or restricted to the subject property.

The Presiding Officer clarified that two parking spaces are required for the Principal Dwelling and one parking space is required for the Secondary Suite. There are four on-site parking spaces available, which meets the minimum parking requirements.

- [11] Mr. Henshall indicated that he did not have a concern regarding the deficiency in the minimum required Site Area and reiterated that his only concern was the impact that this development has on street parking.

ii) Position of the Development Officer, Ms. J. Kim:

- [12] The variance was granted because the Applicant was able to meet the landscaping requirements, parking requirements and the minimum Floor Area for the proposed Secondary Suite which is the intent of the minimum Site Area requirement. It was her opinion that the required variance was very minimal.
- [13] She confirmed that the proposed development exceeded the minimum parking requirements. Applicants are not required to provide information regarding the number of vehicles that they own.
- [14] The proposed development complies with the General Purpose of the (RSL) Residential Small Lot Zone to provide an opportunity for the development of Secondary Suites.

iii) Position of the Respondents, Mr. M. & Mrs. R. Khan:

- [15] Their tenants are very respectful about parking on the street and they do not block the driveways of their neighbours.

[16] They have asked their tenants to park along the street at the west end of the block where there is space to accommodate at least seven vehicles. They noted that several neighbours also park their vehicles in that area.

[17] Street parking is public parking and it is not designated to anyone's property.

[18] Ms. Khan provided the following with respect to a question from the Board:

- a) The Secondary Suite existed and was occupied when they purchased the property in 2012 but she was not aware that it did not have a Development Permit.

iv) *Rebuttal of the Appellant*

[19] Mr. Henshall questioned how the on-site parking was managed by the property owner and their tenant.

The Presiding Officer clarified that the *Edmonton Zoning Bylaw* does not regulate the number of vehicles owned by a property owner or the designation of on-site parking spaces between the property owner and the tenant of the Secondary Suite. It is the responsibility of the property owner to manage on-site parking with their tenant.

[20] It was Mr. Henshall's opinion that this is an oversight in the *Edmonton Zoning Bylaw*.

Decision

[21] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:

1. The development shall be constructed in accordance with the stamped and approved drawings;
2. A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business;
3. Notwithstanding subsection 86.7 of this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three;
4. The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion;

5. Only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.

[22] In granting the development, the following variance to the *Edmonton Zoning Bylaw* is allowed:

1. The minimum required Site Area of 360 square metres as per section 86.1 is varied to allow a deficiency of 6.17 square metres, thereby decreasing the minimum required Site Area to 353.83 square metres.

Reasons for Decision

[23] A Secondary Suite is a Permitted Use in (RSL) Residential Small Lot Zone.

[24] The proposed development is in keeping with the General Purpose of the (RSL) Residential Small Lot Zone which 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.

[25] The proposed Secondary Suite complies with all of the development regulations pursuant to section 86 of the *Edmonton Zoning Bylaw* with the exception of a deficiency in the minimum required Site Area for a Single Detached Dwelling containing a Secondary Suite.

[26] The Board accepts the conclusion of the Development Authority that even with the required variance, the proposed development complies with the landscaping requirements, parking requirements and the minimum required Floor Area for the Secondary Suite which is the intent of the minimum required Site Area.

[27] Based on the evidence provided, the Appellant did not have any concerns regarding the Secondary Suite. The Appellant's primary concern was the impact of the proposed Use on street parking.

[28] The Board accepts the findings of the Development Authority that three on-site parking spaces are required, two for the Principal Dwelling and one for the proposed Secondary Suite. Based on the evidence provided, four parking spaces are proposed on the subject site which exceeds the minimum parking requirement.

[29] The Appellant did not provide any valid planning reasons that would persuade the Board that the proposed Secondary Suite with the required variance, will negatively impact neighbouring property owners.

[30] Based on the above, it is the opinion of the Board, that the proposed development with the required variance will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

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

Board members in attendance: Ms. N. Hack, Mr. J. Kindrake, Ms. M. McCallum, Mr. N. Somerville

Important Information for the Applicant/Appellant

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

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



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Date: April 13, 2017
Project Number: 233896228-001
File Number: SDAB-D-17-058

Notice of Decision

[1] On March 29, 2017, the Subdivision and Development Appeal Board heard an appeal that was filed on **March 2, 2017**. The appeal concerned the decision of the Development Authority, issued on February 20, 2017, to approve the following development:

To construct a Semi-detached House with a front veranda, rear uncovered decks (irregular shape, 5.18 metres by 2.74 metres by 2) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage).

[2] The subject property is on Plan 426HW Blk 6C Lot D, located at 9828 - 73 Avenue NW, within the (RF3) Small Scale Infill Development Zone. The Mature Neighbourhood Overlay and the Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan apply to the subject property.

[3] The following documents were received prior to the hearing and form part of the record:

- A copy of the Development Permit application with attachments, proposed plans, and the approved Development Permit;
- The Development Officer's written submission;
- The Respondent's response to the Appeal;
- A copy of residential feedback provided by the Respondent; and
- A copy of the Ritchie Neighbourhood Improvement Plan / Area Redevelopment Plan.

[4] The following exhibits were presented during the hearing and form part of the record:

- Exhibits A1 to A6 – Letters and an e-mail of support submitted by the Appellant.

Preliminary Matters

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

Summary of Hearing*i) Position of the Appellant, Mr. D. & Mrs. D. Brettelle:*

- [8] The primary concern is the impact that the proposed development will have on density in this neighbourhood.
- [9] There are two existing duplexes located on either side of the subject Site and the subject Site is too small for a duplex development which will add to the massing of the block face.
- [10] The increased density from the proposed development will impact street parking in the area.
- [11] Four letters and an e-mail from neighbouring property owners, marked Exhibit A1 to A6, were submitted in support of the appeal.
- [12] Ms. Brettelle advised the Board that the Applicant did not speak to the owners of some of the neighbouring properties when canvassing the neighbourhood and that two of the owners who signed the Applicant's survey, provided her with a letter of support for the appeal. The Applicant even asked her husband to sign a petition of support for the development. It was her opinion that there were language barriers with some of the residents that were contacted and therefore they did not completely understand what was being proposed.
- [13] Ms. Brettelle acknowledged the hard work that the Applicant had put into the design of the proposed development but reiterated they are concerned with the increased density and the number of multi-family housing units in this neighbourhood.
- [14] It was her opinion that several of the photographs of street parking submitted by the Applicant were taken during the day when residents were at work. Parking is a problem during the evening when everyone is at home.

[15] They are not opposed to new infill development but it was her opinion that this neighbourhood cannot support much more density. They currently look at a wall of duplexes which will decrease the value and saleability of their property.

[16] Mr. & Mrs. Brettelle provided the following with respect to questions from the Board:

a) Ms. Brettelle acknowledged the limitations of the Board. However, they decided to file an appeal in order to voice their concerns about the impact that increased density is having in their neighbourhood.

b) It was her opinion that the developer should have chosen a lot that complied with site requirements.

ii) Position of the Development Officer, Mr. B. Liang

[17] The plan of subdivision for this lot was approved in 1947.

[18] He used his discretion to grant a variance in the minimum required site width because it was his opinion that the width of the subject lot created a hardship for the property owner.

iii) Position of the Respondent, Mr. Khatri:

[19] In response to some of the concerns raised by the Appellant, Mr. Khatri assured the Board that none of the neighbours were coerced into providing support for the proposed development.

[20] He and his father canvassed the neighbourhood on the evening of March 28, 2017 between 5:30 p.m. and 7:30 p.m. and they did speak to Mr. Brettelle.

[21] He noted that the letters of support submitted by Ms. Brettelle were written after they talked with the neighbours. He could not comment on what happened after they completed their canvassing.

[22] He clarified that the submitted photographs of street parking were taken at approximately 6:30 p.m. on several different days.

[23] The proposed development complies with all of the development regulations for Semi-detached Housing with the exception of the site width, which is beyond their control.

[24] They plan to have two-double vehicle garages as well as room for four additional vehicles to park on the driveway.

iv) Rebuttal of the Appellant

[25] Ms. Brettelle made the decision to accept letters from some of their neighbours who were concerned about the proposed development and could not attend the hearing after they saw the Applicant canvassing the neighbourhood last evening.

Decision

[26] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:

1. This Development Permit authorizes the development of a Semi-detached House with a front veranda, rear uncovered decks (irregular shape, 5.18 metres by 2.74 metres by 2) and to demolish the existing Single Detached House and Accessory Building (rear detached Garage). The development shall be constructed in accordance with the stamped and approved drawings.
2. **PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW**, the applicant or property owner shall pay a Notification Fee of \$41.00.
3. Prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.2).
4. Immediately upon demolition of the buildings, the site shall be cleared of all debris.
5. The Height of the Semi-Detached House shall not exceed 8.6 metres in accordance with Section 52 of the Edmonton Zoning Bylaw 12800 (Reference Section 814.3.13).
6. The Basement elevation 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 (Reference Section 814.3.16).
7. There shall be no vehicular access from the front or flanking public roadway (Reference Section 814.3.10).
8. A minimum of 4 off-street parking spaces shall be used for the purpose of accommodating the vehicles of residents in connection with the Semi-detached House (Reference Section 54.1.1.c, 54.2.1.a).
9. Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw (Reference Section 140.4.15).
10. Landscaping shall be provided on a Site within 18 months of the occupancy of the Semi-detached House. Trees and shrubs shall be maintained on a Site for a minimum

of 42 months after the occupancy of the Semi-detached House (Reference Section 55.2.1).

11. 1 deciduous tree with a minimum Caliper of 50 mm, 1 coniferous tree with a minimum Height of 2.5 m and 4 shrubs shall be provided for each Dwelling on the Site. 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).
12. 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).
13. There shall be a maximum of 2 Dwellings on this site (Reference Section 140.4.20.b).

NOTES:

- A. Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals.
 - B. Any future deck enclosure or cover requires a separate development and building permit approval.
 - C. Any future basement development will require development and building permit approvals.
 - D. The applicant is advised that there may be complications in obtaining a Development Permit for a future covered or uncovered deck because of excess in Site Coverage.
 - E. Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
 - F. Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Planning and Engineering at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.
- [27] In granting the development, the following variance to the *Edmonton Zoning Bylaw* is allowed:
2. The minimum required Site Width of 13.4 metres as per section 140.4(3)(b) is varied to allow a deficiency of 0.5 metres, thereby decreasing the minimum required Site Width to 12.9 metres.

Reasons for Decision

[28] Semi-detached Housing is a Permitted Use in the (RF3) Small Scale Infill Development Zone.

[29] Section 140.1 of the *Edmonton Zoning Bylaw* states:

The purpose of [the (RF3) Small Scale Infill Development Zone] is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four dwellings, and including Secondary Suites under certain conditions.

The proposed development meets the General Purpose of the (RF3) Small Scale Infill Development Zone.

[30] The proposed Semi-detached House meets the Setback, Site Coverage and Height requirements and all development regulations contained in the Mature Neighbourhood Overlay.

[31] The Appellant did not provide a valid planning reason to persuade the Board that the proposed development with the required variance in Site Width would materially impact neighbouring property owners.

[32] The variance required in the minimum required Site Width was created when this lot was subdivided in 1947 and is not related to any of the development regulations for the (RF3) Small Scale Infill Development Zone or the Mature Neighbourhood Overlay.

[33] Based on a review of the community feedback, the Board notes that neighbouring property owners have provided both support and opposition for the proposed development. However, the Board notes that the letters of opposition addressed concerns regarding increased density and built form and not the only required variance in Site Width. The subject Site is located in the (RF3) Small Scale Infill Development Zone where Semi-detached Housing is listed as a Permitted Use and higher density development is encouraged.

[34] Based on the above, it is the opinion of the Board, that the proposed development with the required variance will not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

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

Board members in attendance: Ms. N. Hack, Mr. J. Kindrake, Ms. M. McCallum, Mr. N. Somerville

Important Information for the Applicant/Appellant

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

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