

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
March 24, 2021

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

I 9:00 A.M. SDAB-D-21-045

Construct a Single Detached House with a front attached Garage, Unenclosed Front Porch, rear uncovered deck (4.88m x 3.66m @ 0.6m in Height), fireplace, and basement development (NOT to be used as an additional Dwelling)

12410 - 40 Avenue NW
Project No.: 363991894-002

II 1:00 P.M. SDAB-D-21-043

Erect a fence @ 1.85m in Height in the flanking Side Yard abutting 81 Street NW, existing without permits

7603 - 81 Street NW
Project No.: 382006945-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-21-045

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 363991894-002

APPLICATION TO: Construct a Single Detached House with a front attached Garage, Unenclosed Front Porch, rear uncovered deck (4.88m x 3.66m @ 0.6m in Height), fireplace, and basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 29, 2021

DATE OF APPEAL: February 23, 2021

NOTIFICATION PERIOD: February 4, 2021 through February 25, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12410 - 40 Avenue NW

LEGAL DESCRIPTION: Plan 2120223 Blk 12 Lot 9A

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:

After reviewing the Development permit notice I'm very disappointed with the results. We live at 12404 40 ave Aspen Garden Directly next door to the development. The city of Edmonton has spent a significant amount of money creating standards for infill housing and I understand that on occasions they need to include variances.

Variances requested for review and comment

Section 814.3.4

Do Not support less than 40 % of rear yard this makes his house 2.3 meter longer in depth it will block sunlight to or rear sunroom. I have a satellite picture from google maps and it would be just random picture. So It's not representing the best or worst time of the day or day of the years as the worst would during solace Dec 21 I laid out the house location of 12410 40 ave NW. On google map it shows the house shadow at 12402 40 Ave and it's a 3 meter Tall house the shadow 7.01 meters. That's 2.33 meters of shadow per 1 meter of elevation. The proposed house is 8.86 meter house will be 20.67 meters of shadow. The extra 2.3 meters of his longer house will create extra sun lost in our rear sun Room also will be able to look into our rear bathroom window from there rear porch

814.3.17

Do not support with having with a front garage access The owner of the property decided to subdivide the lot and now he wants to bypass the guide lines of mature neighborhood infill. As with a shinny house all you will see is a garage door witch devalues the area appearance with no reason for it as there is a rear lane way. Also having the front attached garage increases the length of the two story building. Now we have a 21.5 meter Two story house on a 33.67 meter lot. This will shadow the front of our house and rear I know you did not want use to comment but there is missing information that was not included on the Hagen Survey and the scale and representation of the adjacent houses are very misrepresented We have our master bedroom window in front. His garage door opening and closing will be very disruptive.

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.

(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,

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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;

- (a.2) subject to section 638, must comply with any applicable statutory plans;
 - (a.3) subject to clause (d), must comply with any land use bylaw in effect;
 - (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
 - ...
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(7), **Single Detached Housing** is a **Permitted Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 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, Garden Suites, Semi-detached Housing and Duplex Housing.

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

to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the impact of a proposed variance to the Overlay regulations.

Driveway Access

Section 814.3(17) states "Where the Site Abuts a Lane, vehicular access shall be from the Lane and no existing vehicular access from a public roadway other than a Lane shall be permitted to continue."

Development Officers Determination

Driveway Access - The driveway access is located off 40 Avenue instead of the lane. (Section 814.3.17).

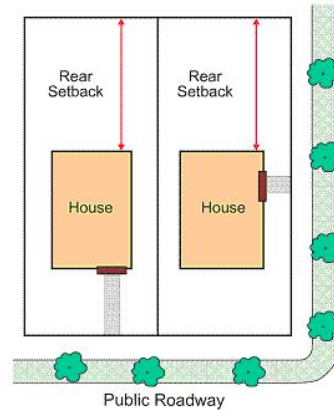
[unedited]

Rear Setback

Section 814.3(4) states "the minimum Rear Setback shall be 40% of Site Depth, except in the RF5 Zone, individual buildings up to 6.5 m in Height shall be permitted with a minimum Rear Setback of 1.2 m."

Under section 6.1, **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 Officers Determination

Reduced Rear Setback - The distance from the house to the rear property line is 11.1m instead of 13.4m. (Section 814.3.4)

[unedited]

Community Consultation

Section 814.5(1) states the following with respect to Proposed Variances:

When the Development Officer receives a Development Permit Application for a new principal building, or a new Garden Suite that does not comply with any regulation contained within this Overlay, or receives a Development Permit for alterations to an existing structure that require a variance to Section 814.3(1), 814.3(3), 814.3(5) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;
- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to



approve the Development Permit Application in accordance with Sections 11.3 and 11.4.

Section 814.5(2) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	814.3(17) - Driveway Access
Tier 2	The municipal address and assessed owners of the land Abutting the Site, directly adjacent across a Lane from the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site and directly adjacent across a Lane from the Site of the proposed development	814.3(4) – Rear Setback

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 363991894-002 Application Date: JUN 02, 2020 Printed: February 23, 2021 at 12:55 PM Page: 1 of 4		
<h2>Minor Development Permit</h2>			
This document is a record of a Development 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.			
Applicant 	Property Address(es) and Legal Description(s) 12408 - 40 AVENUE NW Plan 6773MC Blk 12 Lot 9 12410 - 40 AVENUE NW Plan 2120223 Blk 12 Lot 9A Specific Address(es) Suite: 12410 - 40 AVENUE NW Entryway: 12410 - 40 AVENUE NW Building: 12410 - 40 AVENUE NW		
Scope of Permit To construct a Single Detached House with a front attached Garage, Unenclosed Front Porch, rear uncovered deck (4.88m x 3.66m @ 0.6m in Height), fireplace, and Basement development (NOT to be used as an additional Dwelling).			
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; vertical-align: top;"> # of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: N Stat. Plan Overlay/Amex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: 1 Class of Permit: Class B Lot Grading Needed?: Y New Sewer Service Required: N Stat. Plan Overlay/Amex Area: Mature Neighbourhood Overlay
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Development Permit Decision Approved Issue Date: Jan 29, 2021 Development Authority: LAI, ECHO Subject to the Following Conditions Subject to the right of appeal this Development Permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1. This Development Permit authorizes the development of a Single Detached House with a front attached Garage, Unenclosed Front Porch, rear uncovered deck (4.88m x 3.66m @ 0.6m in Height), fireplace, and Basement development (NOT to be used as an additional Dwelling). The development shall be constructed in accordance with the stamped and approved drawings WITHIN 14 DAYS OF APPROVAL, prior to any demolition or construction activity, the applicant must post on-site a development permit notification sign (Section 20.6) The maximum Height shall not exceed 8.9 m in accordance with Section 52. (Section 814.3.5) Frosted or translucent glass treatment shall be used on windows as required on the side elevations to minimize overlook into adjacent properties (Reference Section 814.3.8). Landscaping shall be installed and maintained in accordance with Section 55 and the approved landscaping plan . (Reference Section 55)			



Project Number: **363991894-002**
 Application Date: JUN 02, 2020
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Minor Development Permit

The existing front access and/or Parking Area shall be removed. A residential curb fill permit shall be obtained from Transportation Services to remove the existing Driveway access 40 Ave.

Platform Structures located within a Rear Yard or interior Side Yard, and greater than 1.0 m above the finished ground level, excluding any artificial embankment, shall provide Privacy Screening to prevent visual intrusion into Abutting properties. (Section 814.3.9)

Existing vegetation should be preserved and protected unless removal is demonstrated to be necessary or desirable to efficiently accommodate the proposed development. (Reference Section 55.6)

Except for the hard surfacing of Driveways and/or Parking Areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw 12800.

The proposed Basement development shall NOT be used as an additional Dwelling. An additional Dwelling shall require a new Development Permit application.

- Dwelling means a self contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A Dwelling is used permanently or semi-permanently as a residence for a single Household (Reference Section 6.1).

- Household means: one or more persons related by blood, adoption, foster care, marriage relationship; or a maximum of three unrelated persons; all living together as a single social and economic housekeeping group and using cooking facilities shared in common. For the purposes of this definition, two people living together in an adult interdependence relationship shall be deemed to be in a marriage relationship and each of the relatives of the parties to an adult interdependence relationship shall be considered to be related to the partners and to the other relatives thereof. One domestic worker or one boarder may be deemed the equivalent of a blood relative (Reference Section 6.1).

- i.) No lockable doors shall be installed that physically separates the main floor and basement.
- ii.) There may be an inspection in the future to ensure that no illegal suite has been developed.
- iii.) This development permit shall be revoked if the conditions of this permit are not met.

ADVISEMENTS:

A Building Permit is required for any construction or change in use of a building. Please contact the 311 Call Centre for further information.

Any proposed change from the original approved drawings is subject to a revision/re-examination fee. The fee will be determined by the reviewing officer based on the scope of the request and in accordance with current fee schedules. A review fee may be collected for each change request.

Lot grades must match the Edmonton Drainage Bylaw 18093 and/or comply with the Engineered approved lot grading plans for the area. Contact Lot Grading at 780-496-5576 or lot.grading@edmonton.ca for lot grading inspection inquiries.

Any future deck greater than 0.6m (2ft) in Height will require development and building permit approvals

Any future deck enclosure or cover requires a separate development and building permit approval.

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

An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site.



Project Number: **363991894-002**
 Application Date: JUN 02, 2020
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Minor Development Permit

TRANSPORTATION CONDITIONS:

1. The proposed approximate 6.7 m wide private driveway access to 40 Avenue located approximately 1.3 m from the east property line, as shown on the Enclosure, is acceptable to Subdivision Planning.

2. The existing approximate 4.0 m wide private driveway access to 40 Avenue located approximately 2.2 m from the west property line, must be removed with reconstruction of the curb, gutter, sidewalk and restoration of the grassed boulevard within road right-of-way outside of the proposed private driveway access, as shown on the Enclosure to the City of Edmonton Complete Streets Design and Construction Standards.

The owner must obtain a Permit to remove the access, available from Development Services. Applicant must submit the request by email to developmentpermits@edmonton.ca.

3. There is an existing boulevard tree adjacent to the existing private driveway access that must be protected during construction, as shown on the Enclosure. Prior to construction, the owner/applicant must contact City Operations, Parks and Roads Services at citytrees@edmonton.ca 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; 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.

5. Any boulevard or sidewalk damage occurring as a result of construction traffic must be restored to the satisfaction of Development Inspections, as per Section 15.5(f) of the Zoning Bylaw. The alley and boulevard will be inspected by Development Inspections 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 (On-Street Construction and Maintenance) permit. 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
- confirmation 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 online at:

https://www.edmonton.ca/business_economy/oscam-permit-request.aspx and
https://www.edmonton.ca/business_economy/documents/PDF/ConstructionSafety.pdf

ADVISEMENT:

1. This neighbourhood was constructed with roll faced curb. However, should the applicant/owner wish to cut the curb in the future, a curb crossing permit will be required, available from Development Services at developmentpermits@edmonton.ca.

Variances

Reduced Rear Setback - The distance from the house to the rear property line is 11.1m instead of 13.4m. (Section 814.3.4)

Driveway Access - The driveway access is located off 40 Avenue instead of the lane. (Section 814.3.17).

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.



Project Number: **363991894-002**
Application Date: JUN 02, 2020
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Minor Development Permit

Notice Period Begins:Feb 04, 2021 **Ends:** Feb 25, 2021

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$502.00	\$502.00	97994606579B001	Jul 20, 2020
Development Permit Inspection Fee	\$211.00	\$211.00	97994606579B001	Jul 20, 2020
Lot Grading Fee	\$148.00	\$148.00	97994606579B001	Jul 20, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$861.00</u>	<u>\$861.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-21-045** ▲
N

ITEM II: 1:00 P.M.

FILE: SDAB-D-21-043

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 382006945-002

APPLICATION TO: Erect a fence @ 1.85m in Height in the flanking Side Yard abutting 81 Street NW, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Conditions

DECISION DATE: January 29, 2021

DATE OF APPEAL: February 16, 2021

NOTIFICATION PERIOD: February 4, 2021 through February 25, 2021

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7603 - 81 Street NW

LEGAL DESCRIPTION: Plan 591KS Blk 41 Lot 1

ZONE: (RF3) Small Scale Infill Development 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:

I had originally started this inquiry as both fences of the properties abutting the alleyway (where the alley meets the paved sidewalk) currently have

fences approximately 1.85m in height in their flanking side yards WITHIN 10 feet of the alleyway. The occluded line of site for both egress and ingress to the alleyway makes it impossible to see around the fences to be able to check if pedestrians are walking on the sidewalk toward the alley, and also to be able to see if cars are turning into or out of the alley. It is necessary to inch forward in your vehicle to see if anyone is approaching on the sidewalk. If you are not so inclined to slow down and come to a stop prior to breaching the sidewalk, there exists a situation where pedestrians are at risk of being run into by the approaching cars.

We have small children who are not accustomed to recognizing the importance of listening, and then looking, before crossing past the alleyway. When trying to exit the alley it is necessary to walk up on the grass fringe on either side of the alley to ensure a car entering the alley does not strike you.

The stated City of Edmonton regulation for the height of a fence, wall, gate or privacy screening (excluding vegetative screening) built on ground level should not exceed 1.2 m (4 ft) in any portion of the front yard and flanking side yard (longer property line adjacent to the roadway). In other documents this maximum height is 42 inches for a fence within 10 feet on the alley way.

Voicing our concerns over having a safe meeting point between our alley and adjacent sidewalk and roadway resulted in the property owner at this address filing and receiving a permit for a variance against the set Zoning Bylaw 12800. I am going to assume that this Bylaw was at least partially incorporated to maintain the safe passage of both cars and pedestrians at alleyway-sidewalk/roadway junctions, and if this is the exact reason why the Bylaw exists, then I should not have to take the time to appeal a variance that should not have been granted.

<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,

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days 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;

(a.2) subject to section 638, must comply with any applicable statutory plans;

- (a.3) subject to clause (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- ...
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 140.2(8), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

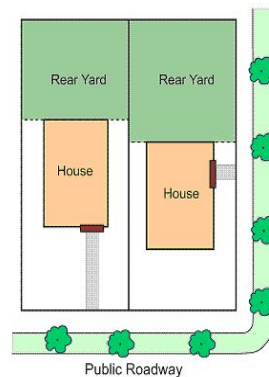
Under section 6.1, **Accessory** means “when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under section 6.1, **Fence** means “a structure constructed at ground level, used to prevent or restrict passage, provide visual screening, noise attenuation, Landscaping, or to mark a boundary.”

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

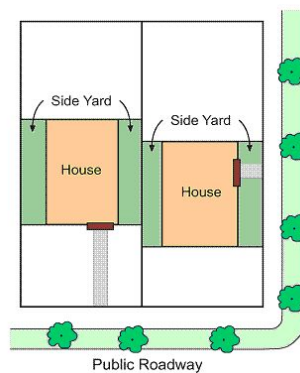
Under section 6.1, **Rear Yard** means:

the portion of a Site abutting the Rear Lot Line extending across the full width of the Site, situated between the Rear Lot Line and the nearest wall of the principal building, not including projections.



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

that portion of a Site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard is situated between the Side Lot Line and the nearest wall of principal building, not including projections.



Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is “to provide for a mix of small scale housing”.

Fences, Walls, Gates, and Privacy Screening in Residential Zones

Section 49.1 states the following with respect to *Fences, walls and gates*:

- a. The regulations contained within Section 49.1 of this Bylaw apply to:
 - i. the Height of the material used in the construction of a Fence, wall, or gate, such as but not limited to boards, panels, masonry, ornamental iron, and chain link, plus any additional elements used for screening, such as, but not limited to, lattice.
- b. Notwithstanding subsection 49(1)(a), the regulations for Fences, walls, and gates contained within this Section do not apply to the Height of the posts or other supporting material used to anchor the Fence, wall, or gate.
- c. The Height of a Fence, wall, or gate shall be measured from the general ground level 0.5 m back from the property line of the Site on which the Fence, wall, or gate is to be constructed.
- d. On an Interior Site, the Height of a Fence, wall, or gate shall not exceed:
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard, and
 - ii. 1.85 m in all other Yards.
- e. **On a Corner Site, the Height of a Fence, wall, or gate shall not exceed:**
 - i. 1.2 m for the portion of the Fence, wall, or gate constructed in the Front Yard,
 - ii. **1.2 m for the portion of the Fence, wall, or gate situated between the flanking Side Lot Line and the foremost side Façade of the principal structure, and extending from the Front Lot Line to the Rear Lot Line, and**
 - iii. 1.85 m in all other Yards.
- f. **In the case where the permitted Height of a Fence, wall, or gate is 1.2 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 1.85 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,**

- g. In the case where the permitted Height of a Fence, wall, or gate is 1.85 m, the Development Officer may vary the Height of the Fence, wall, or gate to a maximum of 2.44 m, in order to provide additional screening from public roadways or incompatible adjacent Uses,
- h. Notwithstanding subsection 49.1(f) and subsection 49.1(g) of this Bylaw, in the case of Double Fronting Sites, the Development Officer may grant a variance to allow a Fence, wall, or gate of up to 1.85 m in Height in one of the Front Yards, and allow a Fence, wall, or gate of up to 2.44 m in Height in the other Front Yard, having regard to the location of Fences, walls, and gates in the surrounding area and the requirement for screening.



Development Officer's Determination

Fence Height - The fence abutting the flanking side lot line (81 Street NW) is 1.85m high, instead of 1.2m (Section 49.1.e)

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 382006945-002 Application Date: DEC 29, 2020 Printed: January 29, 2021 at 4:43 PM Page: 1 of 2		
<h2>Overheight Fence Permit</h2>			
<p>This document is a record of a Development 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.</p>			
<p>Applicant</p> 	<p>Property Address(es) and Legal Description(s) 7603 - 81 STREET NW Plan 591KS Blk 41 Lot 1</p> <p>Location(s) of Work Suite: 7603 - 81 STREET NW Entryway: 7603 - 81 STREET NW Building: 7603 - 81 STREET NW</p>		
<p>Scope of Permit To erect a fence @ 1.85m in Height in the flanking Side Yard abutting 81 Street NW, existing without permits.</p>			
<p>Permit Details</p> <table border="1" style="width: 100%;"> <tr> <td data-bbox="293 863 846 940"> Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td data-bbox="857 863 1455 940"> Site Area (sq. m.): 544.6 </td> </tr> </table>		Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 544.6
Class Of Permit: Class B Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Site Area (sq. m.): 544.6		
<p>Development Permit Decision Approved Issue Date: Jan 29, 2021 Development Authority: LANGILLE, BRANDON</p> <p>Subject to the Following Conditions</p> <p>This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21 (Section 17.1).</p> <p>This Development Permit authorizes the development of a fence @ 1.85m in Height in the flanking Side Yard abutting 81 Street NW, existing without permits.</p> <p>The development shall be constructed in accordance with the stamped and approved drawings.</p> <p>The fence shall be installed entirely on the subject property.</p> <p>The fence shall not impede any sightlines for vehicular or pedestrian traffic.</p> <p>As far as reasonably practicable, the design and use of exterior finishing materials used shall be similar to, or better than, the standard of surrounding development (Section 57.3.1).</p> <p>Immediately upon completion of the development of the fence, the site shall be cleared of all debris.</p> <p>ADVISEMENTS:</p> <p>An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site (Section 5.2).</p> <p>Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.</p> <p>Variances Fence Height - The fence abutting the flanking side lot line (81 Street NW) is 1.85m high, instead of 1.2m (Section 49.1.e)</p>			



Project Number: **382006945-002**
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Overheight Fence Permit

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.

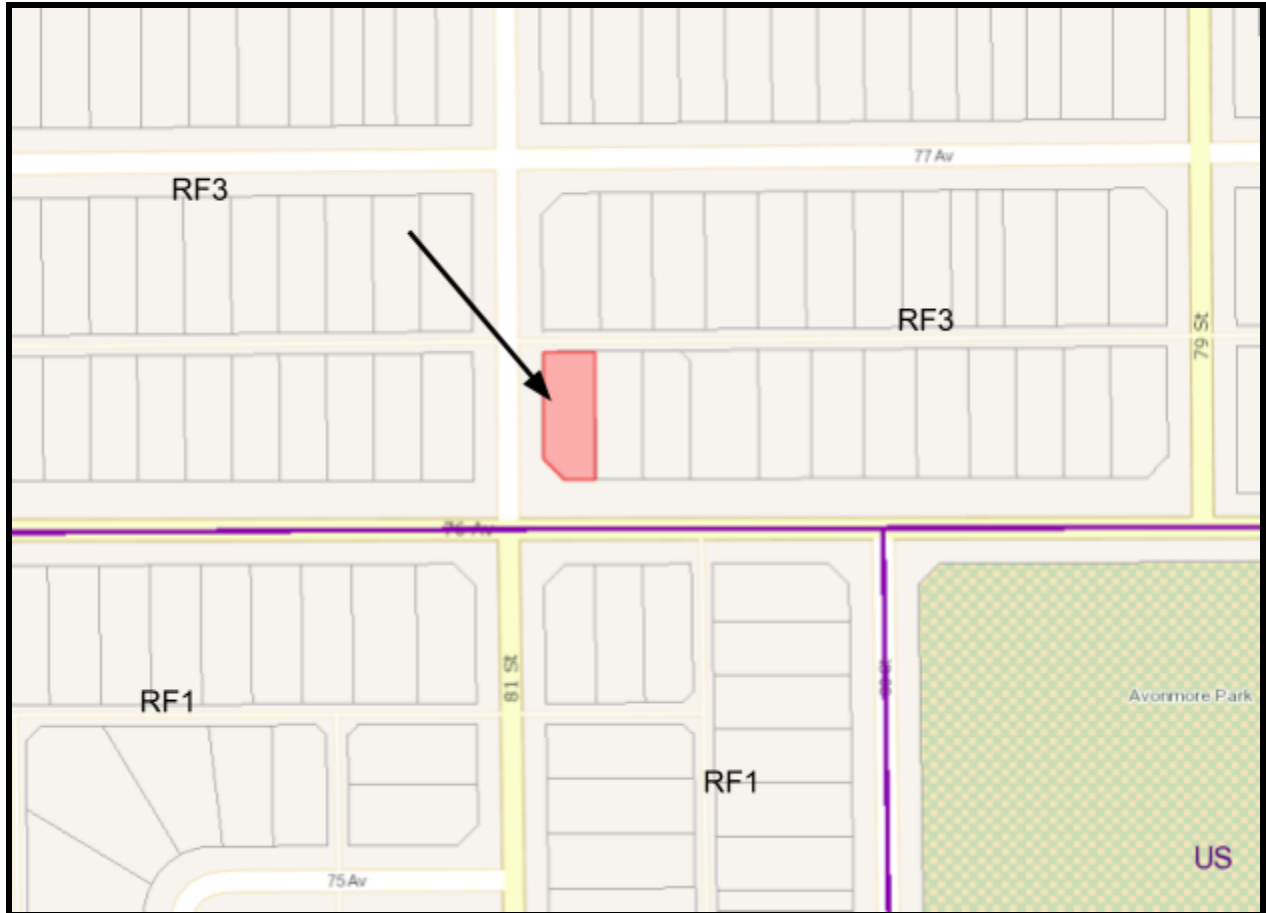
Notice Period Begins: Feb 04, 2021 **Ends:** Feb 25, 2021

Building Permit Decision

No decision has yet been made.

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Application Fee	\$182.00	\$182.00	04182306338F001	Dec 29, 2020
Existing Without Permit Dev Application Penalty Fee	\$182.00	\$182.00	04452506387F001	Jan 06, 2021
Total GST Amount:	\$0.00			
Totals for Permit:	\$364.00	\$364.00		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-21-043

▲
N