

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
May 17, 2017**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-17-087

To construct a two-Storey Accessory building (main floor Garage 8.83 metres by 6.85 metres, second floor Garage Suite 9.44 metres by 7.16 metres), and to demolish an existing Accessory Building (rear detached Garage)

10756 - 84 Avenue NW
Project No.: 242695476-001

II 10:30 A.M. SDAB-D-17-088

To construct a Single Detached House with a front veranda, attached Garage, Rooftop Terrace, rear uncovered deck 3.36 metres by 3.05 metres, fireplace and a Basement Development (NOT to be used as an additional Dwelling)

10044 - 90 Avenue NW
Project No.: 240201553-001

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-17-087

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 242695476-001

APPLICATION TO: Construct a two-Storey Accessory building (main floor Garage 8.83 metres by 6.85 metres, second floor Garage Suite 9.44 metres by 7.16 metres), and to demolish an existing Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 18, 2017

DATE OF APPEAL: April 19, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10756 - 84 Avenue NW

LEGAL DESCRIPTION: Plan RN4A Blk 134 Lot 17

ZONE: RA7-Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Garneau Area Redevelopment Plan

Grounds for Appeal

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

We typically work with the Development Officer to resolve any variances however due to the height restriction bylaw for low slope roof, the Development Officer had no choice but to issue an automatic refusal on the development permit. In addition, we attended a garage suite seminar on April 12 and the Senior City Bylaw Planner are proposing changes to ALL of these refused/variance items so by the time a building permit is issued, these items may not be a concern anymore.

- 1) **Garage Suite Flat Roof Heights (Item #1 and 2 on the refused permit):** Height restriction for flat roof is an item that the City Bylaw

representatives are proposing to change to 6.2 metres in May of 2017, however, at the time of application, Bylaws 52 and 87 stipulate that the height of a flat roof structure is 5.5 metres and 6.5 metres for a pitched roof. Comparing similar conditions in both scenarios, this would mean that the ceiling height on the second floor of a flat roof structure would approximately be around 7 feet with an 8 foot garage main floor height compared to more than 8 feet second floor with a 9 foot garage height for a pitched roof. Although the seven foot ceiling requirement for a flat roof meets code, a 6 foot individual's head will almost touch the ceilings and will limit the ability to maneuver. In addition, the space may feel cramped, congested and small or lack of space.

With the comparison and potential issues, it seems that there is an unfair height allowance for flat roof designs compared with traditional pitched roofs greater than 4/12. The variance we are asking for is 18 inches which makes the overall height to be 5.95 metres (19 feet, 6 inches overall) in lieu of 5.5 metres. We believe this height increase of 0.45 metres (1.5 feet) is nominal and would allow a 9 feet garage ceiling height for an 8 foot door with header and a standard 8 foot second floor ceiling height. Furthermore, the property is adjacent to two three storey flat roof apartments which are substantially higher so therefore there should not be a concern on height. Please note that this is a similar appeal to various flat roof projects around the Edmonton area. One example is Project No. 182147071-011 (9134 – 117 Street).

- 2) **15% Garage Footprint Lot Coverage in lieu of 12%:** Originally we had proposed a 2% increase to 14%, however, with the cantilever spaces and to prevent the design from looking like a square box, an extra 1% is required. With the 15% garage coverage and 19.9% house coverage, the total site coverage is 34.9%, which means, we are still **well below** the 40% combined lot coverage requirements. In addition, the City is looking at 3 options on increasing the overall lot coverage in May.
- 3) **Parking Requirements 3 down to 2:** The City is also proposing a reduction in parking requirements. This is from 3 to 2 and in cases where there is a major transit road or LRT station it would be reduced down to 1. As for this proposal, the reasons for the request of this variance are: i) Property is located on a major transit route (buses) and the University LRT station; ii) The property is a major rental hub for a post-secondary school (University of Alberta) students whom the suite is built for will most likely walk to campus in lieu of driving; iii) Encourages flexible use of spaces in lieu of a concrete pad; iv) All of the above promotes environmental awareness, reduces pollution, more effective design, and encourages tenants to use the outdoor spaces.
- 4) **Discretionary Use RA7:** This garage suite is in a low rise high density zone and therefore by having a garage suite it helps with the density and overall appearance of the laneway. The adjacent single family owners have no concerns with this development.

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 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*:

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

Section 210.5(1) states notwithstanding subsection 210.4, Single Detached, Semi-detached Duplex Housing, Secondary Suites, Garage Suites and Garden Suites in this Zone shall be developed in accordance with the provisions of the RF4 Zone.

Section 823.4 states, Development Regulations for Permitted and Discretionary Uses, Except Stacked Row Housing and Apartment Housing:

1. Development shall comply with the regulations contained in the Mature Neighbourhood Overlay.

Discretionary Use

Under section 210.3(6), a **Garage Suite** is a **Discretionary Use** in the **RA7 Low Rise Apartment Zone**.

Under section 7.2(3), **Garage Suite** means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal Use is Single Detached Housing. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate

from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use does not include Garden Suites, Secondary Suites, Blatchford Lane Suites, or Blatchford Accessory Suites.

Section 87(14) states where Garage Suites or Garden Suites are Discretionary within the applicable Zone, the Development Officer may exercise discretion in considering a Garage Suite having regard to:

- a. compatibility of the Use with the siting, geodetic elevations, Height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
- b. the effect on the privacy of adjacent properties;
- c. the policies and guidelines for Garage Suites and Garden Suites contained in a Statutory Plan for the area.

Development Officer's Determination:

Discretionary Use - Garage suite is a Discretionary Use in the (RA7) Low Rise Apartment Zone (Section 210.3.6).

Height

Section 87.2.a.ii states the maximum Height for a Garage containing a Garage Suite (above Grade) is 5.5 metres or up to 1.5 metres greater than the Height of the principal Dwelling as constructed at the time of the Development Permit Application, whichever is the lesser, where the building containing the Garage Suite has a roof slope of less than 4/12 (18.4 degrees)

Development Officer's Determination:

Height (to midpoint of parapet) - The maximum height is 6.0 metres instead of 5.5 metres (Section 87.2.a.ii).

Height

Section 52.1.b states for the flat roof type, Height shall be determined by measuring from the horizontal plane through Grade to the midpoint of the highest parapet, provided the resulting top of the parapet is no more than 0.4 metres above the maximum Height allowed in the zone or overlay;

Development Officer's Determination:

Height (to highest point of parapet) - The maximum height is 6.1 metres instead of 5.9 metres (Section 52.1.b).

Site Coverage

Section 150.4(5) states the Maximum Site Coverage shall be as follows:

	Principal Dwelling building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached Housing – Site area 300 square metres or greater	28 percent	12 percent	40 percent	40 percent

Under Section 6.1(101), **Site Coverage** means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metres above Grade, including Accessory buildings or Structures, calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This definition shall not include:

- a. steps, eaves, cornices, and similar projections;
- b. driveways, aisles and parking lots unless they are part of a Parking Garage which extends 1.0 metres or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metres above Grade.

Development Officer’s Determination:

Site Area:	405.14 square metres
12 percent allowable Site Coverage:	48.62 square metres
28 percent allowable Site Coverage:	113.44 square metres
40 percent allowable Site Coverage:	162.06 square metres
Accessory Building:	59.90 square metres
Principal Building:	80.75 square metres
Total Site Coverage:	140.65 square metres

The maximum allowable Site Coverage for an Accessory Building is 48.62 square metres, proposed is 59.90 square metres, which exceeds the maximum allowable Site Coverage for an Accessory Building by 11.28 square metres.

Parking

Section 54.2, Schedule 1(A)(2), states a **Garage Suite** requires 1 parking space per 2 Sleeping Units in addition to the parking requirements for primary Dwelling. Tandem Parking is allowed for Secondary Suites, Garage Suites and Garden Suites.

Section 54.2, Schedule 1(A)(3), states **Single Detached Housing** requires 2 parking spaces per Dwelling, may be in tandem and may include 1 Garage space.

Development Officer's Determination:

Parking - The site has 2 parking spaces, instead of 3 (Section 54.2 and Schedule 1).

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: 242695476-001 Application Date: MAR 07, 2017 Printed: April 19, 2017 at 2:02 PM 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 <div style="border: 1px solid black; width: 200px; height: 40px; margin: 10px auto;"></div>	Property Address(es) and Legal Description(s) 10756 - 84 AVENUE NW Plan RN4A Blk 134 Lot 17 Location(s) of Work Entryway: 10756A - 84 AVENUE NW Building: 10756A - 84 AVENUE NW		
Scope of Application To construct a two-Storey Accessory building (main floor Garage 8.83m x 6.85m, second floor Garage Suite 9.44m x 7.16m), and to demolish an existing Accessory Building (rear detached Garage).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> Affected Floor Area (sq. ft.): 644 Class of Permit: Front Yard (m): 28.33 Rear Yard (m): 3.04 Side Yard, left (m): 1.67 Site Area (sq. m.): 405.14 Site Width (m): 10.06 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 6.04 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 39.75 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 644 Class of Permit: Front Yard (m): 28.33 Rear Yard (m): 3.04 Side Yard, left (m): 1.67 Site Area (sq. m.): 405.14 Site Width (m): 10.06	Building Height to Midpoint (m): 6.04 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 39.75 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
Affected Floor Area (sq. ft.): 644 Class of Permit: Front Yard (m): 28.33 Rear Yard (m): 3.04 Side Yard, left (m): 1.67 Site Area (sq. m.): 405.14 Site Width (m): 10.06	Building Height to Midpoint (m): 6.04 Dwelling Type: Garden Suite Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 39.75 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal Application for a Garage Suite is refused for the following reasons: <ol style="list-style-type: none"> 1. Height (to midpoint of parapet) - The maximum height is 6.0m instead of 5.5m (Section 87.2.a.ii). 2. Height (to highest point of parapet) - The maximum height is 6.1m instead of 5.9m (Section 52.1.b). 3. Site Coverage - The garage suite covers 15% of the site, instead of 12% In total all the buildings cover 35% of the site, which is less than the total maximum site coverage (40%) allowed (Section 150.4.5). 4. Parking - The site has 2 parking spaces, instead of 3 (Section 54.2 and Schedule 1). 5. Discretionary Use - Garage suite is a Discretionary Use in the (RA7) Low Rise Apartment Zone (Section 210.3.6). 			
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: Apr 18, 2017 Development Authority: YEUNG, KENNETH Signature: _____			
THIS IS NOT A PERMIT			



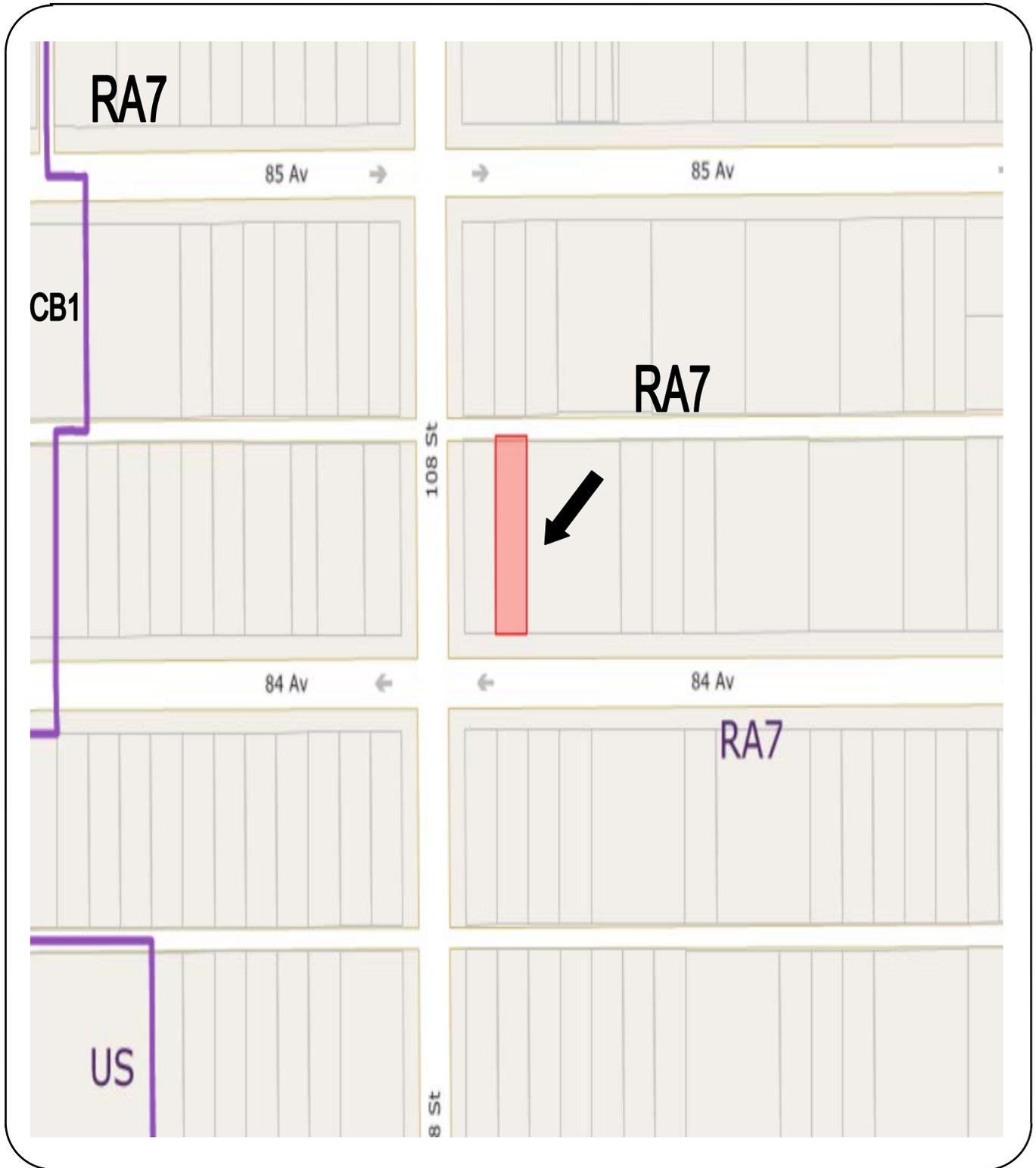
Project Number: **242695476-001**
Application Date: MAR 07, 2017
Printed: April 19, 2017 at 2:02 PM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$693.00	\$693.00	03964826	Mar 07, 2017
Building Permit Fee	\$1,064.00	\$1,064.00	03964826	Mar 07, 2017
Electrical Fee (Service)	\$79.00	\$79.00	03964826	Mar 07, 2017
Water Usage Fee	\$25.41	\$25.41	03964826	Mar 07, 2017
Safety Codes Fee	\$42.56	\$42.56	03964826	Mar 07, 2017
Electrical Safety Codes Fee	\$13.42	\$13.42	03964826	Mar 07, 2017
Electrical Fees (House)	\$223.00	\$223.00	03964826	Mar 07, 2017
Lot Grading Fee	\$140.00	\$140.00	03964826	Mar 07, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	<u>\$2,280.39</u>	<u>\$2,280.39</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-087



AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 240201553-001

APPLICATION TO: Construct a Single Detached House with a front veranda, attached Garage, Rooftop Terrace, rear uncovered deck 3.36 metres by 3.05 metres, fireplace and a Basement Development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: April 20, 2017

DATE OF APPEAL: April 24, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10044 - 90 Avenue NW

LEGAL DESCRIPTION: Plan 8057R Blk 2 Lot 8

ZONE: RF2-Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

It is submitted that the proposed development will not unduly interfere with the amenities of the neighborhood, nor materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land. Further written submissions will be uploaded outlining the specific reasons for appealing the decision of the Development Authority. These reasons include, but are not limited to, the following:

- With respect to the driveway, the topography of the site and undeveloped existing lane are such that not allowing access from the front street would create an unnecessary hardship;

- With respect to the height, the proposed half storey loft area is set back from the front and rear of the second story and occupies a small percentage of the floor space atop the second storey, therefore mitigating the massing and variance required;
- With respect to the step back of the rooftop terrace, the site width exceeds the threshold for a 2-meter step back by 0.05 meters, and privacy screening will be implemented to ensure the privacy of neighbouring property owners;
- With respect to the advice of the Integrated Infrastructure Services, a geotechnical report has been secured in relation to the proposed development and the property owner understands and assumes the risk in developing at this location; and
- Overall, the proposed development is consistent with redevelopment in the neighbourhood.

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 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 120.2(6), **Single Detached Housing** is a **Permitted Use** in the **RF2 Low Density Infill Zone**.

Under section 7.2(9), **Single Detached Housing** means:

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 in a Zone, a building which contains Single Detached

Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 120.1 states that the **General Purpose** of the **RF2 Low Density Infill Zone** is:

...to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites 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.

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 metres; or
- c. fewer than 50 percent of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Development Officer's Determination:

Driveway - The driveway is located off of 90 Avenue (front or flanking) instead of the alley (Section 814.3.10).

Height

Section 814.3(13) states the maximum Height shall not exceed 8.6 metres, in accordance with Section 52.

Development Officer's Determination:

Height - The Height of the House is 9.75 metres, instead of 8.60 metres (Section 814.3.13).

Rooftop Terraces

Section 61.1 states on a Site Abutting a Site zoned to allow Single Detached Housing as a Permitted Use, or a Site zoned RF5 Row Housing Zone, Rooftop Terraces and Privacy Screening, excluding vegetative screening constructed on a Rooftop Terrace, shall be developed in accordance with the following Stepback regulations:

- a. On an Interior Site, the minimum Stepback shall be:
 - i. 1.0 metres from any building Façade facing a Front Lot Line;
 - ii. 2.0 metres from any building Façade facing a Rear Lot Line;
 - iii. 1.0 metres from any building Façade facing a Side Lot Line, where the Site Width is less than 10.0 metres; and
 - iv. 2.0 metres from any building Façade facing a Side Lot Line, where the Site Width is 10.0 metres or greater.

Under Section 6.1(92), **Rooftop Terrace** means a raised surface on which people can stand, that is located on top of a roof or partially recessed within the roof structure of a building, does not project beyond any Façade of the Storey below, is surrounded by guardrails, parapet walls or similar feature, and is intended for use as an Amenity Area.

Under Section 6.1(106), **Stepback** means the horizontal distance a building façade is stepped back, on a horizontal plane, from the building façade immediately below it.

Development Officer's Determination:

Rooftop Terrace - The stepback from the Rear Lot Line is 0 metres, instead of 2 metres (Section 61.1(a)(ii))

Rooftop Terrace - The stepback from the Right and Left Side Lot Line is 1.07 metres, instead of 2 metres (Section 61.1(a)(iv))

Geotechnical

Section 811.1 states 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.

Section 811.2.1 states the North Saskatchewan River Valley and Ravine System Protection Overlay applies to:

- a. all lands within the North Saskatchewan River Valley and Ravine System, as shown on Appendix I to this Overlay; and
- b. all lands within 7.5 metres of the North Saskatchewan River Valley and Ravine System as shown on Appendix I to this Overlay.

Section 811.3.3 states any development permit application on a Site that Abuts or is partially or wholly contained within the North Saskatchewan River Valley and Ravine System, as shown in Appendix I to this Overlay, shall be accompanied by a report prepared by a registered Professional Engineer, and as set out in subsection 14.1 of this Bylaw, and that also details:

- a. the minimum Setback for structures on the Site; and
- b. any development conditions for the property required to prolong the stability of the bank.

The Development Officer shall seek the advice of Transportation Services with respect to these applications and may approve the conditions or refuse such applications accordingly.

Section 811.3.8 states the Development Officer, having regard to the detailed engineering study required in 811.3.3 or 811.3.4 and in consultation with Integrated Infrastructure Services, may apply conditions of approval to any Development Permit issued on a Site that Abuts or is partially or wholly contained within the North Saskatchewan River Valley and Ravine System, as shown in Appendix 1 to this Overlay, including but not limited to, any conditions required to minimize erosion and stabilize soil conditions as well as, when applicable, requirement to comply with subsection 811.3.7, or may refuse the application.

Development Officer's Determination:

North Saskatchewan River Valley and Ravine System Overlay - The advice of Integrated Infrastructure Services is to refuse this application (Section 811.3)

<i>Community Consultation</i>

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

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

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: 240201553-001 Application Date: JAN 27, 2017 Printed: April 20, 2017 at 11:53 AM Page: 1 of 2		
<h2 style="margin: 0;">Application for House Development and Building Permit</h2>			
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			
Applicant <div style="border: 1px solid black; width: 200px; height: 50px; margin: 10px auto;"></div>	Property Address(es) and Legal Description(s) 10044 - 90 AVENUE NW Plan 8057R Blk 2 Lot 8 Location(s) of Work Suite: 10044 - 90 AVENUE NW Entryway: 10044 - 90 AVENUE NW Building: 10044 - 90 AVENUE NW		
Scope of Application To construct a Single Detached House with a front veranda, attached Garage, Rooftop Terrace, rear uncovered deck 3.36m x 3.05m, fireplace and a 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.): 2685 Class of Permit: Class B Front Yard (m): 3.2 Rear Yard (m): 16.1 Side Yard, left (m): 1.22 Site Area (sq. m.): 404.69 Site Width (m): 10.05 </td> <td style="width: 50%; border: none; vertical-align: top;"> Building Height to Midpoint (m): 9.75 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 40.13 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		Affected Floor Area (sq. ft.): 2685 Class of Permit: Class B Front Yard (m): 3.2 Rear Yard (m): 16.1 Side Yard, left (m): 1.22 Site Area (sq. m.): 404.69 Site Width (m): 10.05	Building Height to Midpoint (m): 9.75 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 40.13 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
Affected Floor Area (sq. ft.): 2685 Class of Permit: Class B Front Yard (m): 3.2 Rear Yard (m): 16.1 Side Yard, left (m): 1.22 Site Area (sq. m.): 404.69 Site Width (m): 10.05	Building Height to Midpoint (m): 9.75 Dwelling Type: Single Detached House Home Design Type: Secondary Suite Included?: N Side Yard, right (m): 1.21 Site Depth (m): 40.13 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reason for Refusal <ol style="list-style-type: none"> 1. Driveway - The driveway is located off of 90 Avenue (front or flanking) instead of the alley (Section 814.3.10). 2. Height - The Height of the House is 9.75m, instead of 8.60m (Section 814.3.13). 3. Rooftop Terrace - The stepback from the Rear Lot Line is 0m, instead of 2m (Section 61.1(a)(ii)) 4. Rooftop Terrace - The stepback form the Right and Left Side Lot Line is 1.07m, instead of 2m (Section 61.1(a)(iv)) 5. North Saskatchewan River Valley and Ravine System Overlay - The advice of Integrated Infrastructure Services is to refuse this application (Section 811.3) 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: Apr 20, 2017 Development Authority: LANGILLE, BRANDON Signature: _____			
THIS IS NOT A PERMIT			



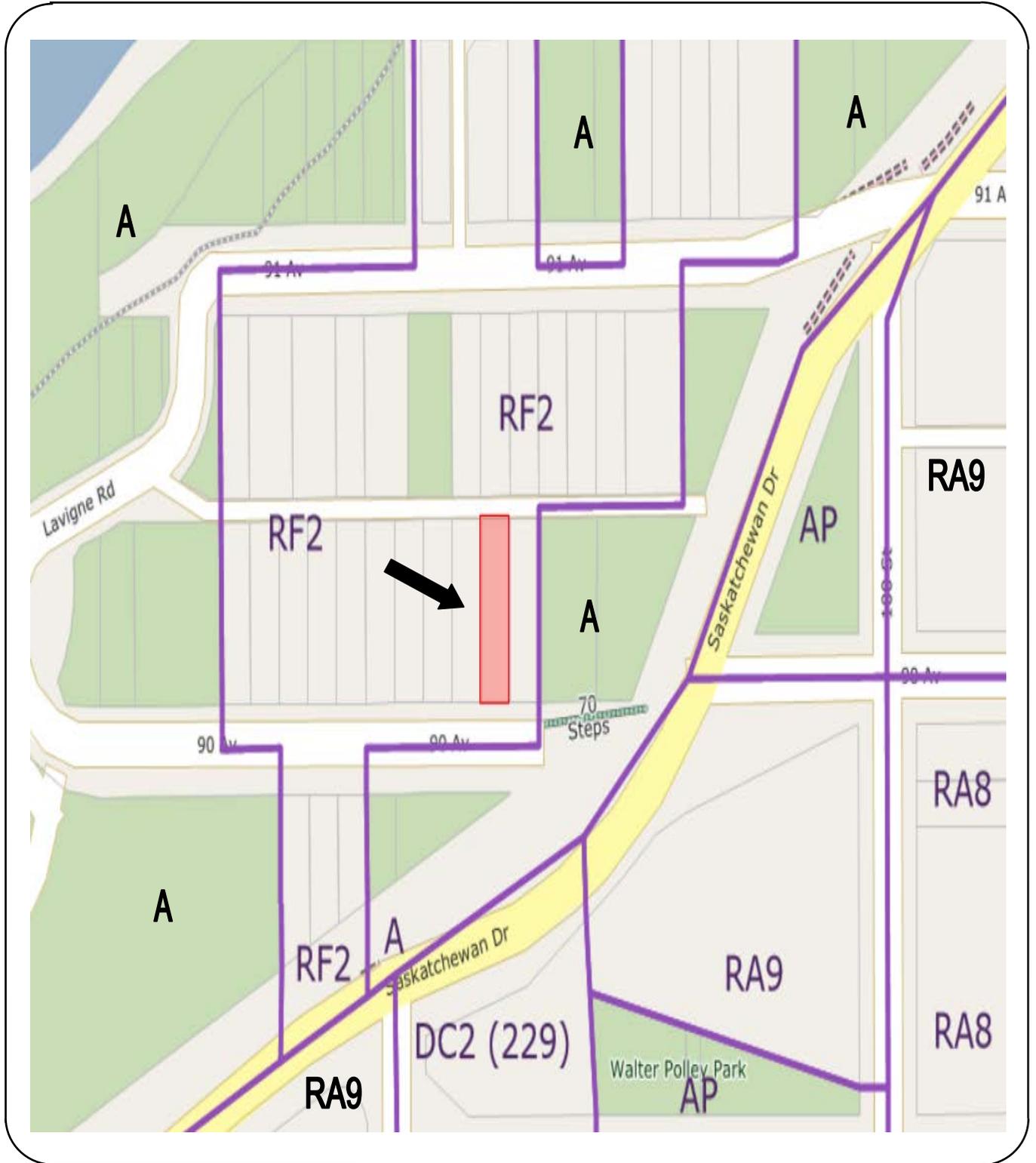
Project Number: **240201553-001**
Application Date: JAN 27, 2017
Printed: April 20, 2017 at 11:53 AM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$317.00	\$317.00	03894078	Jan 31, 2017
Lot Grading Fee	\$140.00	\$140.00	03894078	Jan 31, 2017
Electrical Safety Codes Fee	\$17.18	\$17.18	03894078	Jan 31, 2017
Electrical Fee (Service)	\$79.00	\$79.00	03894078	Jan 31, 2017
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03894078	Jan 31, 2017
Building Permit Fee	\$2,353.00	\$2,353.00	03894078	Jan 31, 2017
Safety Codes Fee	\$94.12	\$94.12	03894078	Jan 31, 2017
Water Usage Fee	\$72.60	\$72.60	03894078	Jan 31, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$4,638.90	\$4,638.90		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-088

