

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Thursday, 9:00 A.M.
September 10, 2020

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

TO BE RAISED

I 9:00 A.M. SDAB-D-20-105 Leave as built a Single Detached House
8722 - Mayday Lane SW
Project No.: 365019393-002

TO BE RAISED

II 9:00 A.M. SDAB-D-20-106 Leave as built a Single Detached House.
8314 - Mayday Link SW
Project No.: 365017477-002

III 10:30 A.M. SDAB-D-20-115 Operate a Major Home Based Business (Massage
therapy - MAGIC HANDS & K-9 THERAPY).
Expires July 16, 2025
11334 - 75 Avenue NW
Project No.: 365588088-001

IV 1:30 P.M. SDAB-D-20-116 Construct a Single Detached House with front
attached Garage, Unenclosed Front Porch, rear
uncovered deck (2.44m x 7.45m), fireplace, and
Basement development (NOT to be used as an
additional Dwelling).
4104 - 123 Street NW
Project No.: 361985439-002

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

TO BE RAISED

ITEM I: 9:00 A.M.

FILE: SDAB-D-20-105

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 365019393-002

APPLICATION TO: Leave as built a Single Detached House

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 16, 2020

DATE OF APPEAL: July 16, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8722 - Mayday Lane SW

LEGAL DESCRIPTION: Plan 1820076 Blk 3 Lot 29

ZONE: (DC1) Direct Development Control Provision - Bylaw
17656

OVERLAY: N/A

STATUTORY PLAN: The Orchards at Ellerslie Neighbourhood Structure Plan

Grounds for Appeal

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

Required: The minimum Side Setback shall be 1.05 m, except that one Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m. (Reference Section DC1.17656(4)(vi)(II)).

Proposed Left Side Setback: 0.90 m Proposed Right Side Setback: 0.84 m

As the variance is minor, we would request that we be granted the development approval.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on August 11, 2020:

“that SDAB-D-20-105 be postponed to September 9 or 10, 2020 at the verbal request of a representative for the Appellant.”

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.

685(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

General Provisions from the (DC1) Direct Development Control Provision - Bylaw 17656 ("DC1"):

Under section 3.e, **Single Detached Housing** is a **Listed Use** in the **DC1**.

Section 4.c states:

The following development regulations shall apply as shown in Figure 1 to the development of Single Detached Housing:

...

vi. The minimum Side Setback shall be 1.05 m, except that:

I. The minimum Side Setback abutting a public roadway other than a Lane shall be 2.4 m.

II. One Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m.

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Section 1 states that the **General Purpose** of the DC1 is:

to provide shallow lot Single Detached Housing uses with attached Garages that reduce the prominence of garages to the street and efficiently utilize undeveloped suburban areas.

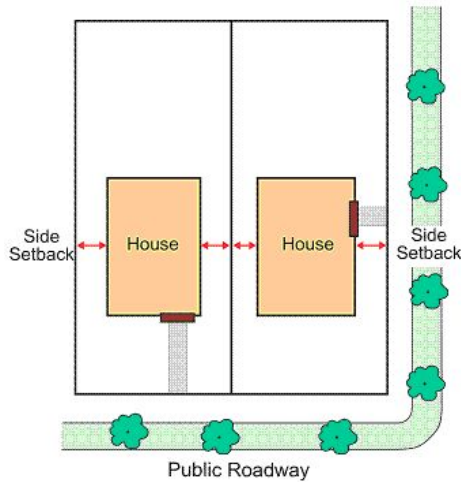
General Provisions from the *Edmonton Zoning Bylaw 12800*:

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.

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

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



Side Setback

Development Officer's Determination


Required: The minimum Side Setback shall be 1.05 m, except that one Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m. (Reference Section DC1.17656(4)(vi)(II)).

Proposed Left Side Setback: 0.90 m
Proposed Right Side Setback: 0.84 m

[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.

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 365019393-002 Application Date: JUN 15, 2020 Printed: July 16, 2020 at 5:31 PM Page: 1 of 1																				
This document is a Development Permit Decision for the development application described below.																						
Applicant	Property Address(es) and Legal Description(s) 8722 - MAYDAY LANE SW Plan 1820076 Blk 3 Lot 29																					
Scope of Application To leave as built a Single Detached House.																						
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SURROUNDING LAND USE DISTRICTS

Site Location ← File: SDAB-D-20-105 ▲
N

TO BE RAISED

ITEM II: 9:00 A.M.

FILE: SDAB-D-20-106

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 365017477-002

APPLICATION TO: Leave as built a Single Detached House.

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: July 16, 2020

DATE OF APPEAL: July 16, 2020

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 8314 - Mayday Link SW

LEGAL DESCRIPTION: Plan 1820076 Blk 2 Lot 22

ZONE: (DC1) Direct Development Control Provision - Bylaw
17656

OVERLAY: N/A

STATUTORY PLAN: The Orchards at Ellerslie Neighbourhood Structure Plan

Grounds for Appeal

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

Required: The minimum Side Setback shall be 1.05 m, except that one Side Setback may be reduced to 0.75 m where the other Side Setback is a minimum of 1.05 m. (Reference Section DC1.17656(4)(vi)(II)).

Proposed Left Side Setback: 0.83 m Proposed Right Side Setback: 0.96 m

As the variance is minor, we request to have the development approved.

General Matters

Appeal Information:

The Subdivision and Development Appeal Board made and passed the following motion on August 11, 2020:

“that SDAB-D-20-106 be postponed to September 9 or 10, 2020 at the verbal request of a representative for the Appellant.”

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

Grounds for Appeal

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- (a) fails or refuses to issue a development permit to a person,
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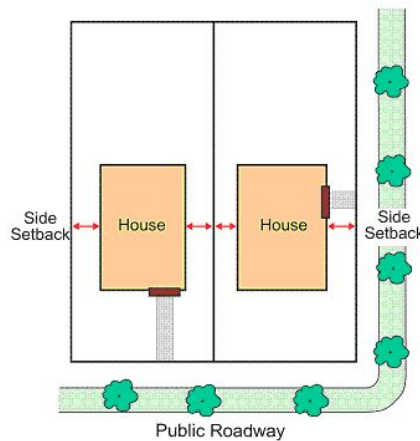
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Side Setback

Development Officer’s Determination


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THIS IS NOT A PERMIT																						



SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-20-106** ▲
N

ITEM III: 10:30 A.M.

FILE: SDAB-D-20-115

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 365588088-001

APPLICATION TO: Operate a Major Home Based Business (Massage therapy - MAGIC HANDS & K-9 THERAPY). Expires July 16, 2025

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 16, 2020

DATE OF APPEAL: August 12, 2020

NOTIFICATION PERIOD: July 23, 2020 through August 13, 2020

RESPONDENT: J. Kalyta

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11334 - 75 Avenue NW

LEGAL DESCRIPTION: Plan N727HW Blk 3 Lot 7

ZONE: (RF1) Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: McKernan/Belgravia Station Area Redevelopment Plan

Grounds for Appeal

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

Hi there,

We received a "Development Permit Notice in McKernan" and the person who is indicated to talk to about it (Jeremy Folkman) is on vacation until August 17th. The notice says the time period to appeal is August 13th! We wish to appeal this notice.

I'm not understanding this notice, it appears when reading this letter that the City has approved for a "Massage Therapy and K9 Therapy" business to go ahead right across the street from our house! How could this happen, without asking the neighbourhood if this is acceptable to the other residents?

It obviously would not be acceptable! This is a residential area with almost nil parking on the street. It is blocks from the University so the houses are close together - hence the limited parking spaces. And "Massage Therapy" what does that mean? I have visions of a massage parlor with strange men coming in and out at all hours! I realize I'm being sarcastic here, but seriously when it says "massage" that is pretty open ended. Plus would there be advertising on the house? An "MASSAGE PARLOR OPEN" flashing sign on the front of their house that we, the rest of the neighbourhood would have to look at! I seriously do not understand how the City could approve this.....

My house is 11339-75 Avenue. This is a nice residential neighbourhood and we do not want any businesses operating with people coming in and out, and parking in the already limited spaces. We also pay considerably higher than the average property taxes in Edmonton. I would think for this amount of money, part of the City's responsibility is to ensure a healthy and vibrant "residential" neighbourhood - without businesses operating in the middle of residential streets.

If this person who filed the request wants to operate a "service" business with people coming in and out - they should operate out of a commercial or business facility, not in the middle of a residential street.

Respectfully Yours,
Lori and Russ Bennett

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,
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 - 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 110.3(4), a **Major Home Based Business** is a **Discretionary Use** in the **(RF1) Single Detached Residential Zone**.

Under section 7.3(7), **Major Home Based Business** means:

development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per

day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

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.

Discretionary Use

Development Officer's Determination

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Bylaw, and there are no variances to the development regulations.

[unedited]


Major Home Based Business

Under section 75 a **Major Home Based Business** shall comply with the following regulations:

1. there shall be no exterior display or advertisement other than an identification plaque or Sign a maximum of 20 cm x 30.5 cm in size located on the Dwelling;
2. there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent Dwellings;
3. the Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
4. the number of non-resident employees or business partners working on-site shall not exceed two at any one time;
5. there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity shall be allowed in either the Dwelling or Accessory buildings;
6. the Major Home Based Business shall not change the principal character or external appearance of the Dwelling or Accessory buildings;
7. a Bed and Breakfast Operation, operating as a Major Home Based Business shall have a maximum of two Sleeping Units. Cooking facilities shall not be located within the Sleeping Units. In addition to any other parking requirements of this Bylaw, one additional parking space shall be provided for each Sleeping Unit;
8. in addition to the information requirements of subsection 13.1 of this Bylaw, each application for a Development Permit for the Use Major Home Based Business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
9. the Major Home Based Business shall not be allowed if, in the opinion of the Development Officer, such Use would be more appropriately located in a Commercial or Industrial Zone having regard for the overall compatibility of the Use with the residential character of the area.
10. a Major Home Based Business shall not be allowed within the same principal Dwelling containing a Secondary Suite or within the same Site containing a Garden Suite and an associated principal Dwelling, unless the Home Based Business is a Bed and Breakfast Operation and the Secondary Suite or the Garden Suite is an integral part of the Bed and Breakfast Operation.

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: 365588088-001 Application Date: JUN 22, 2020 Printed: July 16, 2020 at 10:23 AM Page: 1 of 3			
	<h2>Home Occupation</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) 11334 - 75 AVENUE NW Plan N727HW Blk 3 Lot 7			
	Specific Address(es) Entryway: 11334 - 75 AVENUE NW Building: 11334 - 75 AVENUE NW			
Scope of Permit To operate a Major Home Based Business (Massage therapy - MAGIC HANDS & K-9 THERAPY). Expires July 16, 2025.				
Permit Details <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> # of business related visits/day: 0 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N </td> <td style="width: 50%; vertical-align: top;"> # of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Massage therapy by appointment only.Up to 3 client visits per day. Expiry Date: 2025-07-16 00:00:00 </td> </tr> </table>			# of business related visits/day: 0 Administration Office Only?: N Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: Business has Trailers or Equipment?: Description of Business: Massage therapy by appointment only.Up to 3 client visits per day. Expiry Date: 2025-07-16 00:00:00
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Development Permit Decision Approved Issue Date: Jul 16, 2020 Development Authority: FOLKMAN, JEREMY				

Home Occupation

Subject to the Following Conditions

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

1. The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).
2. There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
3. The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
4. If non-resident employees or business partners are working on-site, the maximum number shall not exceed the number applied for with this application.
5. If there are visits associated with the business the number shall not exceed the number applied for with this application.
6. Clients visit must be by-appointment only and appointments shall not overlap.
7. There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
8. No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
9. The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighborhood.
10. All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
11. This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
12. This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on July 16, 2025.

Notes:

1. 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 such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
2. This Development Permit is not a Business License.
3. Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).

Variations

You are receiving this notice because a Discretionary Use Development Permit has been issued, pursuant to Section 12.4 and 20.3 of the Edmonton Zoning Bylaw.

Note: The proposed development complies with the Bylaw, and there are no variations to the development regulations.



Project Number: **365588088-001**
Application Date: JUN 22, 2020
Printed: July 16, 2020 at 10:23 AM
Page: 3 of 3

Home Occupation

Rights of Appeal

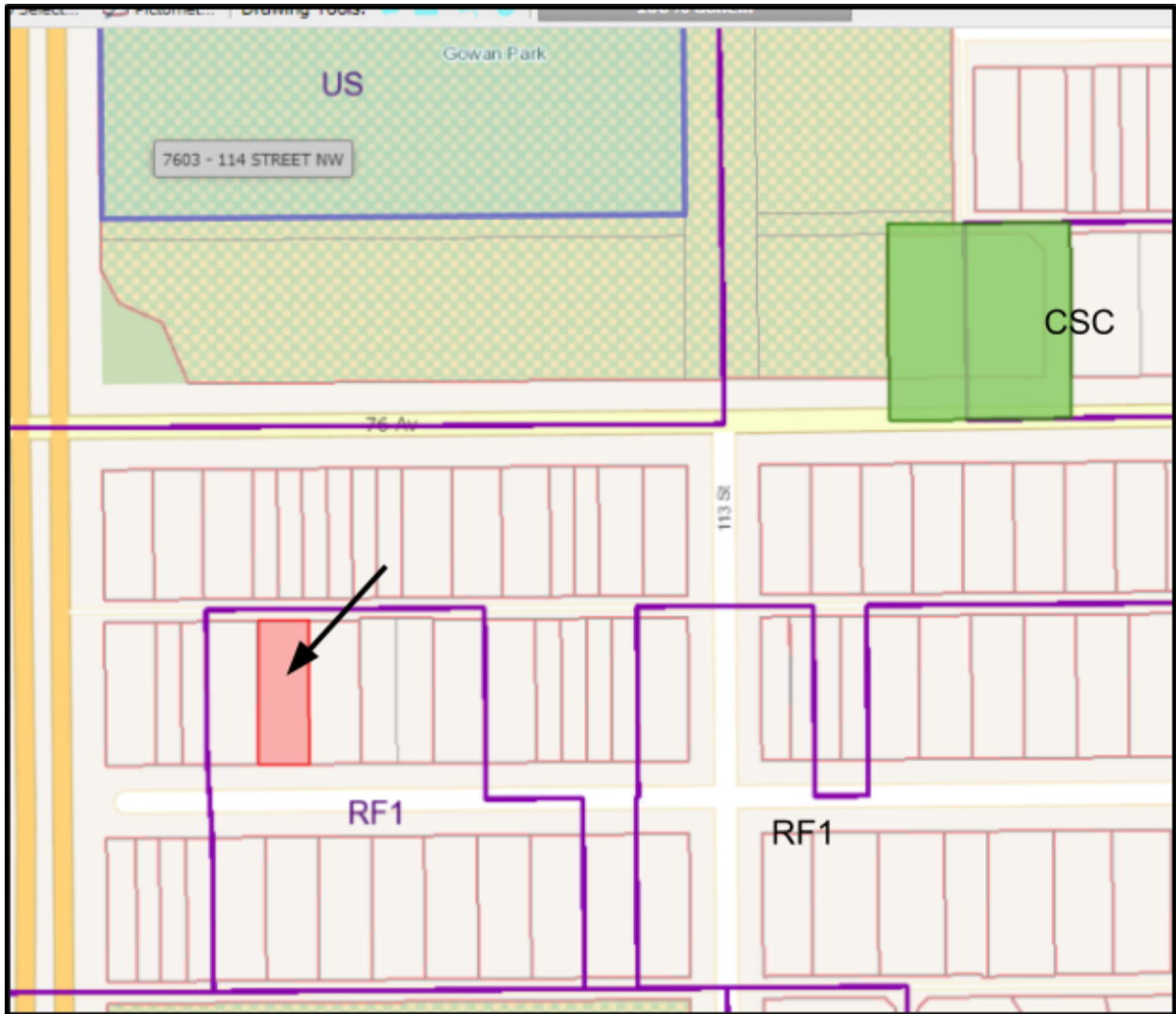
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Notice Period Begins: Jul 23, 2020

Ends: Aug 13, 2020

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$327.00	\$327.00	974538012145001	Jul 06, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$327.00</u>	<u>\$327.00</u>		



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-20-115

▲
N

ITEM IV: 1:30 P.M.

FILE: SDAB-D-20-116

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 361985439-002

APPLICATION TO: Construct a Single Detached House with front attached Garage, Unenclosed Front Porch, rear uncovered deck (2.44m x 7.45m), fireplace, and Basement development (NOT to be used as an additional Dwelling)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 7, 2020

DATE OF APPEAL: August 14, 2020

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 4104 - 123 Street NW

LEGAL DESCRIPTION: Plan 6773MC Blk 10 Lot 74

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:

The document is too large to attach. Please see the SDAB-D-20-116 file.

<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 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:

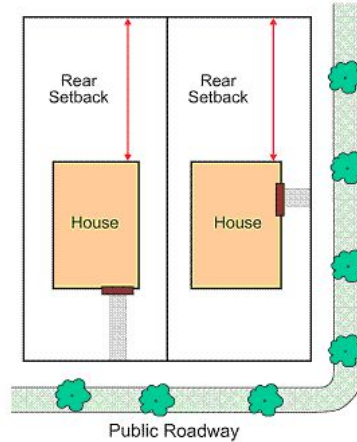
to regulate residential development in Edmonton's mature residential neighbourhoods, while responding to the context of surrounding development, maintaining the pedestrian-oriented design of the streetscape, and to provide an opportunity for consultation by gathering input from affected parties on the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

Rear Setback

Section 814.3(4) states "The minimum Rear Setback shall be 40% of Site Depth, [...]"

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 Officer’s Determination

1. The minimum Rear Setback is 40% of Site Depth or 13.42m (Reference Section 814.3.4).

**Proposed: 29% or 9.89m
Deficient by 11% or 3.53m**

[unedited]

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 Officer’s Determination

2. 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 (Reference Section 814.3.17).

Proposed vehicular access from 123 Street NW.

[unedited]

Attached Garage

Section 814.3(18) states:

Attached Garages shall be developed in accordance with the following:

- a. a Garage may protrude beyond the front or flanking wall of the principal building a distance that is characteristic of existing Garages on the blockface;
- b. a Garage may have a maximum width that is characteristic of the width of existing attached Garages on the blockface;
- c. building mass shall be articulated through features such as recessions or off-sets, architectural treatments, and Landscaping; and
- d. ...

Development Officer's Determination

3. Attached Garage protrusion and width shall be characteristic of existing attached Garages on the blockface (Reference Section 814.3.18).

One other existing attached garage on the blockface does not protrude and is approximately 3.96m wide.

Proposed garage protrudes 4.54m from front wall of house and is 7.32m wide.

[unedited]

Mature Neighbourhood Overlay - Community Consultation

Section 814.5(1) states:

When the Development Officer receives a Development Permit Application for a new principal building or 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) or 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 Proposed to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of <u>60.0 m</u> 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 <u>60.0 m</u> of the Site of the proposed development and the President of each Community League	814.3(17) - Driveway Access 814.3(18) - Attached Garage
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.

	<p>Project Number: 361985439-002 Application Date: MAY 08, 2020 Printed: August 7, 2020 at 1:33 PM Page: 1 of 2</p> <h2 style="text-align: center;">Application for Minor Development Permit</h2>												
<p>This document is a Development Permit Decision for the development application described below.</p>													
<p>Applicant</p>	<p>Property Address(es) and Legal Description(s) 4104 - 123 STREET NW Plan 6773MC Blk 10 Lot 74</p> <p>Specific Address(es) Entryway: 4104 - 123 STREET NW Building: 4104 - 123 STREET NW</p>												
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<p>Development Application Decision Refused</p> <p>Issue Date: Development Authority: NICHOLAS, CAROLYN</p> <p>Reason for Refusal</p> <ol style="list-style-type: none"> 1. The minimum Rear Setback is 40% of Site Depth or 13.42m (Reference Section 814.3.4). Proposed: 29% or 9.89m Deficient by 11% or 3.53m 2. 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 (Reference Section 814.3.17). Proposed vehicular access from 123 Street NW. 3. Attached Garage protrusion and width shall be characteristic of existing attached Garages on the blockface (Reference Section 814.3.18). One other existing attached garage on the blockface does not protrude and is approximately 3.96m wide. Proposed garage protrudes 4.54m from front wall of house and is 7.32m wide. <p>Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.</p>													
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<p>THIS IS NOT A PERMIT</p>													



Application for Minor Development Permit

Project Number: **361985439-002**
Application Date: MAY 08, 2020
Printed: August 7, 2020 at 1:33 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$148.00	\$148.00	953860080661001	May 08, 2020
Development Permit Inspection Fee	\$211.00	\$211.00	953860080661001	May 08, 2020
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$861.00</u>	<u>\$861.00</u>		

THIS IS NOT A PERMIT

