



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

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Date: September 29, 2016
Project Number: 222806047-001
File Number: SDAB-D-16-221

Notice of Decision

- [1] On September 14, 2016, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **August 19, 2016**. The appeal concerned the decision of the Development Authority, issued on August 3, 2016, to refuse the following development:

To construct exterior alterations to an existing Single Detached House - Driveway extension in front of the front attached Garage

- [2] The subject property is on Plan 0725259 Blk 5 Lot 68, located at 17040 - 73 Street NW, within the RF1 Single Detached Residential Zone. The Schonsee Neighbourhood Structure Plan and Edmonton North Area Structure Plan apply to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
 - The Development Officer’s written submissions; and
 - The Appellant’s written submissions including a copy of the Development Permit application for a secondary suite at the subject site, a community consultation form related to parking for the secondary suite, along with six photographs including three showing a planter that has been constructed on the front edge of the driveway extension.
- [4] The following exhibits were presented during the hearing and form part of the record:
- Exhibit A – Site Plan

Preliminary Matters

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

- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The decision of refusal by the Development Officer is dated August 3, 2016. Fourteen days from the decision date is August 17, 2016 and the Notice of Appeal was filed on August 19, 2016. The Appellant submitted that he received the Notice of the Development Permit approximately 3 days prior to filing an appeal. The Development Officer indicated the Notice of the Development Permit was not issued by Registered Mail. The Board finds the appeal was filed on time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

Summary of Hearing

i) Position of the Appellants, Mr. M. Tewolde and Ms. D. Coultres

- [8] Mr. Tewolde retained Techview Homes to build a Secondary Suite in his Single Detached House. It is his understanding the Secondary Suite required no variances. This permit was issued on June 30, 2016. Shortly after that decision was issued, Mr. Tewolde was made aware of a problem with his driveway. Specifically, that he had no permit for the extension into the Front Yard.
- [9] Mr. Tewolde had his property re-surveyed and prepared plans. He submitted an application to the City Sustainable Development Department, who advised him to provide additional landscaping. His application was still refused. He is not entirely clear what portion of the development is refused.
- [10] Mr. Tewolde advised notwithstanding the added landscaping, he still wants to park between the garage and the planters.
- [11] Mr. Tewolde advised he has a 3 car garage plus a driveway that can fit at least 2 more vehicles in tandem. He would also like the space in the Front Yard behind the planters. He has only 2 cars in the household and can potentially give his tenant one space in the garage. In his neighbourhood, most people park on the driveway.
- [12] Mr. Tewolde reviewed the pictures he submitted. The house next door has the same issue as him and was also issued a violation notice. Another nearby property has the same issue. They planted flower beds in their Front Yard in front of their parking stall but can still park one car. The house across the way installed fake grass, but the residents are still able to park a couple cars parked beside the grass.
- [13] Mr. Tewolde stated the newly installed landscaping is located on his property not his neighbour's property. The side of his house has a concrete walkway to the Secondary Suite.
- [14] Mr. Tewolde clarified that he asked his neighbours if they had an issue if his tenant parks in the Front Yard. Those who signed had no issue and some neighbours did not leave a comment.
- [15] Mr. Tewolde confirmed his Secondary Suite is 2 bedrooms.

- [16] Mr. Tewolde reiterated that the City advised him to put in flower beds and trees. The concrete under the flower bed directly on the side of the garage has been removed. The two flower beds directly adjacent to the street are sitting right on the concrete. When these planters are watered, the dirt does not come out because they are lined with landscaping fabric.
- [17] Mr. Tewolde confirmed the pictures in the Development Officer's submission were taken prior to the installation of the landscaping.
- [18] Mr. Tewolde stated the garage window falls directly in the middle of the one planter.
- [19] Mr. Tewolde stated he is not the original owner. The driveway extension existed prior to his purchase in 2011.

ii) Position of the Development Officer, Ms. S. Watts

- [20] The Development Officer stated that the Secondary Suite requires one extra stall. The proposed development is unrelated to the Secondary Suite as the garage has the requisite 3 spaces. Further the Appellant has 2 or more spaces in tandem on the portion of the driveway which leads to the garage. In her opinion, this is excessive parking if parking is also allowed in the Front Yard.
- [21] The Development Officer has no record of the Appellant's discussion regarding the installation of landscaping. He may have received that information from the Sustainable Development counter operations. The landscaping that has been installed is a good start to addressing the issue, but does not alleviate the parking concern.
- [22] The Development Officer stated the Area has a problem with parking in Front Yards. 31 Violation Notices have been issued, with 17 still outstanding. Some have been resolved with landscaping eliminating the ability of parking. Some of the signatures in support of the Appellant's development are attributed to addresses that have similar developments which are also under enforcement review, so it is not surprising that they would agree. Conditions have been made with permanent landscaping instead of forcing property owners to remove concrete. A previous panel of this Board also issued one decision in this area. She stressed that it cannot be assumed the neighbours' pads are properly permitted.
- [23] The Development Officer submitted as Exhibit A the plot plan provided when the application for the Secondary Suite was made. A note was made that that concrete driveway sidewalk was inaccessible due to snow/ice cover. Only three parking spots were identified. Parking spaces four and five were not identified. The plot plan gave no indication that two additional parking stalls were also located on the subject Site in the Front Yard on the original approved driveway.
- [24] The Development Officer asked that, if the Board approved the development, could the Board consider a condition to block the ability to park behind those two planters. This could include the installation of some permanent landscaping features. She did acknowledge the current planters do provide some additional on-street parking because

individuals will no longer believe they are blocking a driveway. However, the owner can still drive around the planters to park and the solution should prevent parking in the Front Yard.

- [25] Extended driveways exist on 72 Street and 168 Avenue and 71 Street and 169 Avenue. These are in close proximity to the subject site and many within the 60 metres notification radius.
- [26] The Development Officer stated the non-existence of a back lane is not a hardship. She may have considered it a hardship if it was a reverse pie lot. She reiterated there is already ample parking on site. Six parking stalls are more than enough.

iii) Rebuttal of the Appellants

- [27] Ms. Coultres asked the Board that if the extension was not approved, could they change the configuration of the garage and doors. The Board advised that issue is not currently before them. Mr. Tewolde is amenable to the Development Officer's proposed condition restricting parking on the Front Yard.

Decision

- [28] The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is REFUSED.

Reasons for Decision

- [29] The proposed development is accessory to a Permitted Use in the RF1 Single Detached Residential Zone.
- [30] Based on the evidence before it, including the submissions of the Appellant, the Board interprets the application for a driveway extension as an application to park a vehicle in the Front Yard as defined in Section 6.1(70) and contrary to section 54.2.2.e.i of the *Edmonton Zoning Bylaw*. While the Appellant provided pictures of a landscaping barrier that has been introduced in the extension to prevent direct access from the street, the clear intent of the Appellant is to allow parking of at least one vehicle in the Front Yard, which the Board is not prepared to accept.
- [31] The attached garage protrudes from the front of the house. It is accessed at an angle perpendicular to the principal dwelling via a curved driveway located in front of the house to one side of the garage. Given this configuration, the Board notes the subject Site without the extension provides ample off street parking. There are at least 5 parking spaces within the 3 car garage and on the approved driveway for both the Principal Dwelling residents and Secondary Suite residents.

- [32] The Board accepts the evidence from the Development Officer that there are many outstanding violation notices regarding extended driveways in this neighbourhood so it is difficult to determine if proper permits are in place.
- [33] The Appellant submitted a Community Consultation containing 8 signatures. The intent of this consultation was unclear as it related in part to the application for a Secondary Suite and did not clarify what the neighbours were signing. The Board notes that this consultation did not identify or directly relate to the variances required for the driveway extension at issue in this appeal. Further, one of the most affected neighbours did not sign the document.
- [34] In denying the appeal, the Board is clearly stating its objection to parking in a Front Yard. This denial of the appeal does not eliminate the possibility of an alternative solution which would ensure that there is no parking in the Front Yard except on the driveway to the existing garage.
- [35] Based on the evidence submitted, the Board finds the proposed development would unduly interfere with the amenities of the neighbourhood and materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. N. Somerville, Presiding Officer
Subdivision and Development Appeal Board

Board members in attendance: Ms. K. Cherniawsky, Mr. A. Nagy, Mr. R. Handa, Ms. C. Weremczuk

Important Information for the Applicant/Appellant

1. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, RSA 2000, c M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
2. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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



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Date: September 29, 2016
Project Number: 221896019-001
File Number: SDAB-D-16-222

Notice of Decision

- [1] On September 14, 2016, the Subdivision and Development Appeal Board (the “Board”) heard an appeal that was filed on **August 18, 2016**. The appeal concerned the decision of the Development Authority, issued on August 17, 2016, to refuse the following development:

To construct a two-storey addition to a Single Detached House (rec room, bonus room and bedroom).

- [2] The subject property is on Plan 590NY Blk 65 Lot 35, located at 3624 - 113B Street NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.
- [3] The following documents were received prior to the hearing and form part of the record:
- Copy of the Development Permit application with attachments, proposed plans, and the refused Development Permit;
 - The Development Officer’s written submissions;
 - The Appellant’s written submissions;
 - Email of opposition.

Preliminary Matters

- [4] At the outset of the appeal hearing, Mr. Mittal confirmed with the Board that no one was acquainted with the son of his neighbor to the south. The Presiding Officer then confirmed with the parties in attendance that there was no opposition to the composition of the panel.
- [5] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.

- [6] The appeal was filed on time, in accordance with Section 686 of the Municipal Government Act, R.S.A 2000, c. M-26 (the "*Municipal Government Act*").

Summary of Hearing

i) Position of the Appellant, Mr. M Mittal

- [7] The Appellant referred the Board to his written submissions. The Appellant lives with his adult interdependent partner and adult children. He is building this extension to provide his family with additional living space. When he made the application, in no way did he believe he was applying for a Secondary Suite. He did make some changes to support his application. He marked some doors as non-locking and then even removed some doors and changed what appeared to be a kitchen to a wet-bar. The Development Officer's supervisor suggested he core some of the wall to attach the two portions of the basement, but there was engineering concerns associated with that.
- [8] The Appellant believes the application adheres to purpose set out in the Mature Neighbourhood Overlay as he is not changing or affecting the streetscape. The proposed development does not increase the Non-conforming deficiency in the required total side setback of 20 percent of Site Width.
- [9] The Appellant performed an extensive community consultation. He attempted to contact residents from 27 properties and mailed a letter to the Community League president. He received several letters of support. One individual had concerns about Secondary Suites in general, but he addressed those concerns with that person.
- [10] The Appellant communicated by way of email with the son of the neighbour to the south, who was very opposed to the proposed development. The Appellant did have challenges responding to the concerns because the neighbour's son did not really discuss the variances, but was concerned about his mother's restricted ability to look through the backyard to enjoy a view of nature.
- [11] If the Appellant accommodated these concerns, he would not be able to build anything. The Appellant could not make a lot of sense of what was set out in the complainant's email, but wants to address the fact that the Appellant sounded like he is misleading the Board. He provided pictures of the back alley. His portion looks the same as all the neighbours across the way. He acknowledged his maintenance guy mistakenly parked on his neighbour's driveway but this was rectified as soon as possible. He never knew there was an issue with a juniper.
- [12] The Appellant submitted a diagram to try and illustrate to the Board the neighbour's concerns regarding blocking the natural view and natural light through her kitchen window. The Appellant stated that anything he builds will have an effect and there is no common law right to a view.
- [13] The Appellant submitted that some of the variances are required to ensure he has meaningful sized rooms.

- [14] The Appellant submitted that he has another pending application to demolish the existing garage. This is to facilitate the building of the addition.
- [15] The Appellant submitted that pursuant to the definition of Single Detached House under Section 7.2(9) and Section 7.1(3)(a) of the *Edmonton Zoning Bylaw*, his proposed development is an addition to Single Detached House, and not an application for a Secondary Suite. He does not plan to have an additional kitchen, which is a necessary element in the definition of a Secondary Suite. Given that he complies with the addition of a Single Detached House, it should not be necessary to look at Section 7.1(3)(b), which states that “where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may, in his discretion, deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose.”
- [16] The Appellant confirmed the topography of the site, using pictures. The Front Yard is way lower than the Rear Yard and there is an extremely steep driveway and sidewalk.
- [17] The Appellant confirmed that as he is eliminating the current back door, he is installing another back door. The doorway connection from the house is eliminated. The design is such that extension goes straight up and there is no roof alteration to the existing residence. The main floor has a bathroom and only has one bathtub for sharing. The bonus room has a fridge, coffee bar, and sink, but no cooking facilities.
- [18] The Board asked the Appellant to comment on the drawings, specifically that the access to the house is limited to the one point of entry with a staircase connecting to the addition, which seems so isolated and supports the intention of Secondary Suite. The Appellant is open to the idea of opening the dining room to the bonus room on the main floor of the extension and is more than willing to put in a non-locking door. The Board asked the Appellant whether the set of stairs from the existing door is to be removed. The Appellant stated that the existing door is staying there until the extension is completed and then the door will be taken out. This is in order to get new windows into the basement.
- [19] The Appellant confirmed that his addition will not increase the non-conformity of his Side Setbacks.
- [20] The Appellant stated windows on the west elevation will include one beside the bathtub and one in reading room. The window in the kitchen of the existing house will be removed, but he can keep the window there if it helps.
- [21] The Appellant confirmed he is willing to put a door between the bonus room and existing dining room, but his preference is not to.
- [22] The Appellant confirmed the house is slightly askew on the lot. The back corner of the addition is 1.293 metres from the side property line, while the front corner is 1.251 metres from the side property line. The portion along the addition will follow the line of the existing house and continue to get farther from the Side Lot Line toward the rear.

- [23] The Appellant confirmed that the master bedroom will have a fridge, coffee bar, and sink. The main floor will have a full fridge, but there is not enough counter room for a stove. The original plan included a smaller counter. The Development Officer was concerned about the windows so he relocated them to face the rear so that they would not face the objecting neighbour's house. However, with that change the fridge would have been in front of the windows. So he reconfigured the space again and also added counter space. There is a lot of counter space, but this is for extra storage. There is no kitchen and no wiring for a stove.
- [24] The Appellant had no issue with the conditions suggested by the Development Officer.
- [25] The Appellant stated he has Development Permit approval for his new garage, but held off on Building Permit approval until the outcome of this hearing.
- [26] The Appellant confirmed that he performed the community consultation in accordance with the Development Officer's instructions. With the cover letter, he provided the feedback form and plans. He used the map provided and attempted to contact all 27 properties noted. He submitted the results to the Development Officer. It is his belief that the people who signed the form are owners not tenants.
- [27] The Appellant confirmed there are no wall changes in the existing house. The basement contains a large rec room and a three piece bathroom.
- [28] The Appellant stated the addition designated as "bonus room" is really a family room.
- [29] Upon questioning from the Board, the Appellant believed there is enough headroom over the set of stairs to the basement. He wanted the family room level to be the same level as the existing house. The variance required for the basement elevation is minimal and may even be a Non-conforming issue.

ii) Position of the Development Officer, J. McArthur

- [30] The Development Officer submitted this application is to construct a two storey addition. The property is zoned RF1 Single Detached Residential Zone and is within the Mature Neighbourhood Overlay. The house was originally built in 1967 and the basement in 1968. The floor plans of the original house are no longer on file.
- [31] The Community Consultation was conducted between June 24 and July 14. Most owners were in support of the development. One letter of objection was received. There was no response from the Community League.
- [32] The Development Officer identified 4 regulations that required variances.
- [33] The Development Officer deemed the proposed development to be a Secondary Suite for a number of reasons. There is only one common connection at the rear, two bathrooms and a sleeping bedroom. Each portion has a separate furnace and hot water tank. Because he deemed the proposal a Secondary Suite, section 86.2(b) also comes into effect, which limits the maximum allowable Floor Area.

- [34] The Development Officer stated the Floor layout is not optimal. The plans have been changed so a few items have been improved.
- [35] The proposed development complies with general purpose of the Mature Neighbourhood Overlay. There is no sunlight impact to the neighbor to the south because the property development faces north.
- [36] The Development Officer stated that because the house is skewed, it does meet the minimum 20 percent requirement closer to the rear and all along the length of the addition.
- [37] The Development Officer confirmed the Site Coverage for the Principal Building is slightly over 29 percent but, with the proposed garage under 12 percent, the maximum allowable total Site Coverage of 40 percent is met. As indicated by the Appellant, the proposed garage has Development Permit approval, and they are just waiting to see if this proposed development gets approved before proceeding to process the Building Permit.
- [38] The Development Officer would be satisfied the proposed development is not considered a secondary suite if the Board imposes his suggested conditions and added an additional condition regarding an entryway. He is not concerned about this current owner but potential users in the future.
- [39] The Development Officer confirmed total building Height to peak is not even 8.6 metres.
- [40] The Development Officer deemed the Community Consultation acceptable. He agreed that the concerns raised by the neighbour to the south did not touch on the variances, but past grievances. In his opinion, because that property is located to the south of the subject Site, the proposed development should have no impact on light or view.
- [41] The Development Officer stated he would have preferred the basement being connected with a door so there were multiple levels and multiple doors.
- [42] The Development Officer had no issue with the upstairs wet-bar because it is small and there is no opportunity for a stove. He is more concerned about the main floor wet-bar because there is a potential to put a tabletop cooker or possibility for venting. Moving the window, however, lessens that potential.
- [43] The Development Officer confirmed the existing house is a bungalow and the addition is a two storey addition at the rear. There are three risers into the vestibule and four risers into the kitchen. The exterior walls line up.
- [44] The Development Officer stated all the variances considered individually or cumulatively are small. He would have granted them if a different floor plan was submitted.
- [45] The Development Officer stated that the Side Setback is Non-conforming and he would concede that the main floor elevation could be considered Non-conforming as well. However, the excess in Site Coverage and deficiency in Rear Setback are new variances.
- [46] The Development Officer stated the lack of head room is a Building Code issue.

iii) Rebuttal of the Appellant

- [47] The Appellant stated there will be adequate head room. There are probably 9-10 risers between the landing and the basement.
- [48] The Appellant wanted a second furnace because the existing furnace was not large enough to serve the addition. Also, there are already noise concerns with his son's musical band in his house so he did not want to share common ducts. His existing hot water tank is almost ready to be replaced. He would like only one tank. He will only use a second tank if his contractor states it is a necessity.
- [49] The Appellant wanted to clarify that the neighbour to the south did not talk about sunlight, but view of nature and natural light.
- [50] The Appellant is only going to have one mailbox and one door bell.
- [51] With regards to the size of the wet bar, the Appellant stated he could potentially go back to old kitchen plan and place narrow windows on top. There would be no space for a stove in the future, but he would also lose storage space.
- [52] When the Appellant performed his community consultation, he was not advised by the Development Officer regarding the issue about the potential secondary suite, so he did not canvass his neighbors regarding that.

Decision

- [53] The appeal is **ALLOWED** and the decision of the Development Authority is **REVOKED**. The development is **GRANTED** as applied for to the Development Authority, subject to the following **CONDITIONS**:
- a) A minimum 3 foot wide unlocked door connecting the dining room of the existing main floor to the bonus room of the addition is to be provided.
 - b) The proposed addition shall **NOT** be used as an additional Dwelling. An additional Dwelling shall require a separate Development Permit application.
 - c) Proposed wet bar shall only be used by the household which uses the principal kitchen.
 - d) No lockable doors shall be installed that separate the addition from the existing dwelling.
 - e) This Development Permit shall be revoked if the conditions of this permit are not met.
- [54] In granting the development the following variances to the Zoning Bylaw are allowed:
- a) The maximum allowable Site Coverage for a Principal Building of 156.08 square metres as per Section 110.4(7)(a) is varied to allow an excess of 5.99 square metres, thereby increasing the maximum allowable to 162.07 square metres.

- b) The minimum allowable total Side Setbacks of 3.05 metres, that being 20 percent of Site Width as per Section 110.4(10)(a), is varied to allow a deficiency of 0.15 metres, thereby decreasing the minimum allowable to 2.9 metres.
- c) The minimum allowable Rear Setback of 14.63 metres, that being 40 percent of Site depth as per Section 814.3(5), is varied to allow a deficiency of 0.45 metres, thereby decreasing the minimum allowable to 14.18 metres.
- d) The maximum allowable Basement elevation of 1.2 metres above Grade as per Section 814.3(16) is varied to allow an excess of 0.1 metres, thereby increasing the maximum allowable to 1.3 metres.

Reasons for Decision

- [55] The Board finds that the proposed development is an addition to a Single Detached House which is Permitted Use in the RF1 Single Detached Residential Zone.
- [56] The Board finds no evidence that the design of the addition is any way an attempt by the Appellant to create a Secondary Suite, but rather an attempt to extend the Single Detached House and provide adequate separation between different generations of the same family. The Board accepts the evidence provided regarding the use of the “wet-bars”. There are no cooking facilities as would be required pursuant to the definition of Secondary Suite (Section 7.2(7) of the *Edmonton Zoning Bylaw*). Further, the Board notes that the introduction of any such change would require an additional permit.
- [57] Pursuant to Section 643(5)(c) of the *Municipal Government Act*, a Non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section. Section 11.3(3) of the *Edmonton Zoning Bylaw* states that the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for the land in this Bylaw and the proposed development would not, in his opinion: unduly interfere with the amenities of the neighbourhood; nor materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- [58] With regards to the variance granted to the maximum allowable Site Coverage for a Principal Building, the Board finds with the proposed detached garage which was approved under a separate development permit, the total Site Coverage is under the maximum allowable total Site Coverage of 40 percent. Further there is still ample Amenity Space and the proposed development does not push into the streetscape.
- [59] With regards to the variance granted in the minimum required total Side Setbacks, the Board notes this issue is a result of the Non-conformity of the building. The Board grants this variance because the existing Side Setbacks of the building are being maintained throughout the addition. Further the Board notes the Side Setback is increasing towards

- the back of the property to the extent that the ultimate required 20 percent is achieved. The existing house and proposed addition both meet the required 1.2 metres Side Setback.
- [60] With regards to the variance granted in the minimum required 40 percent Rear Setback, the Board finds there is still ample Amenity Space and there will be minimal impact to the neighbours.
- [61] With regards to the variance granted in the excess in Basement elevation, the Board notes this issue is most likely a result of the Non-conformity of the building. The Board grants this variance because it is typical of the neighbourhood, the lot is sloped, the basement elevation is not visible from the street, and the development is under the maximum allowable Height.
- [62] Given the Board's finding that this application is an addition, the Board further accepts the submission of the Development Officer that none of the variances individually, nor the four variances collectively, will have any material impact or adverse effect on the neighbours or the neighbourhood.
- [63] The Board finds the proposed development meets the Section 814.1 of the *Edmonton Zoning* Bylaw which states 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.
- [64] The Board notes that the Appellant conducted a comprehensive community consultation and received support for the addition. While the neighbour immediately south expressed concern, the Board does not find these concerns relate to the requested variances. The Board notes that the Appellant changed his plan to relocate windows to the rear of the addition to increase this neighbour's privacy. The subject Site is north of this neighbour and the proposed development is under the maximum allowable Height. The Board accepts the submission of the Development Officer that there will be minimal impact on the neighbour.
- [65] Based on the evidence submitted and reasons above, the Board finds the proposed development would not unduly interfere with the amenities of the neighbourhood nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. N. Somerville, Presiding Officer
Subdivision and Development Appeal Board

Board members in attendance: Ms. K. Cherniawsky, Mr. A. Nagy, Mr. R. Handa, Ms. C. Weremczuk

Important Information for the Applicant/Appellant

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.
2. Obtaining a Development Permit does not relieve you from complying with:
 - a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
 - b) the requirements of the *Alberta Safety Codes Act*,
 - c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
 - d) the requirements of any other appropriate federal, provincial or municipal legislation,
 - e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.
4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.
5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.
6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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SDAB-D-15-223

Project No. 224546084-001

An application to install (1) Fascia Off-premises Sign (8 metres by 8 metres – Imagine Outdoor Advertising Ltd.), located at 9925 – Jasper Avenue NW was **WITHDRAWN**