

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 29, 2016**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

Members Scheduled

Noel Somerville, Presiding Officer
Vincent Laberge
Lyll Pratt
Rohit Handa
Gwen Harris

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

TO BE RAISED

I 9:00 A.M. SDAB-D-16-213 Construct a Semi-detached House with front verandas and to demolish the existing Single Detached House

11921 - 78 Street NW
Project No.: 223352113-001

II 10:30 A.M. SDAB-D-16-240 Construct a Semi-detached House with front attached Garages, front verandas, fireplaces and rear uncovered decks (4.27m x 2.90m) and to demolish an existing Single Detached House, and Accessory Building (rear detached Garage)

7923 - 128 Avenue NW
Project No.: 223152448-001

NOTE: *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

TO BE RAISED
ITEM I: 9:00 A.M.

FILE: SDAB-D-16-213

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 223352113-001

APPLICATION TO: Construct a Semi-detached House with front verandas and to demolish the existing Single Detached House

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 9, 2016

DATE OF APPEAL: August 16, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11921 - 78 Street NW

LEGAL DESCRIPTION: Plan 2436AB Blk 9 Lot 22

ZONE: RA7 Low Rise Apartment Zone

OVERLAY: Medium Scale Residential Infill Overlay

STATUTORY PLAN: Coliseum Station Area Redevelopment Plan

Grounds for Appeal

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

- * In the same area already exist similar houses with the same lot area.
- * The construction will leave plenty space for backyard or green areas and garage.

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.

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 210.3(14), **Semi-detached Housing** is a **Discretionary Use** in the RA7 Low Rise Apartment Zone.

Under section 7.2(8), **Semi-detached Housing** means:

development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

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 823.1 states that the **General Purpose** of the **Medium Scale Residential Infill Overlay** is:

...to accommodate the development of medium-scale infill housing in Edmonton's mature residential neighbourhoods in a manner that ensures compatibility with adjacent properties while maintaining or enhancing a pedestrian-friendly streetscape.

Development Officer's Determination

Discretionary Use – Semi-detached House is a Discretionary Use (Section 210.3(14)). [unedited].

<i>Development Regulations</i>

Section 210.5 provides the following with regard to Additional Development Regulations for Discretionary Uses:

1. 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.

Site Area and Site Width

Section 150.4 states:

2. Site Regulations for Semi-detached Housing and Duplex Housing:
 - a. the minimum Site area shall be 442.2 m²;
 - b. the minimum Site Width shall be 13.4 m, where a Lane exists.

Under section 6.1(95), **Site** means “an area of land consisting of one or more abutting Lots.”

Under section 6.1(98), **Site Width** means “the horizontal distance between the side boundaries of the Site measured at a distance from the Front Lot Line equal to the required Front Setback for the Zone.”

Development Officer’s Determination

Site Area - The area of the site is 367.69m² instead of 442.2m² (Section 150.4(2)(a))

Site Width- The width of the site is 10.06m instead of 13.4m (Section 150.4(2)(b)) [unedited]

<p><i>Private Outdoor Amenity Area</i></p>

Section 150.4(12) states “Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.”

Section 47(3) states:

Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.

Section 47(5) states:

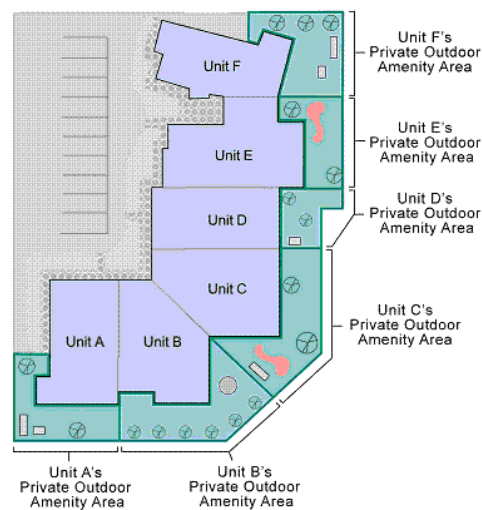
Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.

Under section 6.1(78), **Privacy Screening** means:

a feature that obscures direct and otherwise unimpeded sightlines. Common examples include: vegetative screening, such as shrubs and trees, lattice, masonry or wooden walls, parapet walls, translucent glass or any combination of these or like features. Privacy Screening does not include a balustrade railing or similar railing system.

Under section 6.1(80), **Private Outdoor Amenity Area** means:

required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve;



Development Officer's Determination

Private Outdoor Amenity Space - Amenity space shall be screened to prevent viewing into a part of it from any adjacent areas (Section 47.3).

Private Outdoor Amenity Space - Neither the width nor length of any Private Outdoor Amenity Area shall be less than 4.0m (Section 47.5) [unedited]

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: **223352113-001**
 Application Date: JUN 07, 2016
 Printed: August 16, 2016 at 10:48 AM
 Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant	Property Address(es) and Legal Description(s) 11921 - 78 STREET NW Plan 2436AB Blk 9 Lot 22
	Specific Address(es) Entryway: 11921 - 78 STREET NW Entryway: 11923 - 78 STREET NW Building: 11921 - 78 STREET NW

Scope of Application

To construct a Semi-Detached House with front verandas and to demolish the existing Single Detached House.

Permit Details

# of Dwelling Units Add/Remove: 1 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: (none) Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

Site Area - The area of the site is 367.69m² instead of 442.2m² (Section 150.4(2)(a))

Site Width - The width of the site is 10.06m instead of 13.4m (Section 150.4(2)(b))

Discretionary Use - Semi-detached House is a Discretionary Use (Section 210.3(14)).

Private Outdoor Amenity Space - Amenity space shall be screened to prevent viewing into a part of it from any adjacent areas (Section 47.3).

Private Outdoor Amenity Space - Neither the width nor length of any Private Outdoor Amenity Area shall be less than 4.0m (Section 47.5)

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: Aug 09, 2016 **Development Authority:** McARTHUR, JORDAN **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$456.00	\$456.00	03340502	Jun 07, 2016
Lot Grading Fee	\$135.00	\$135.00	03340502	Jun 07, 2016

THIS IS NOT A PERMIT



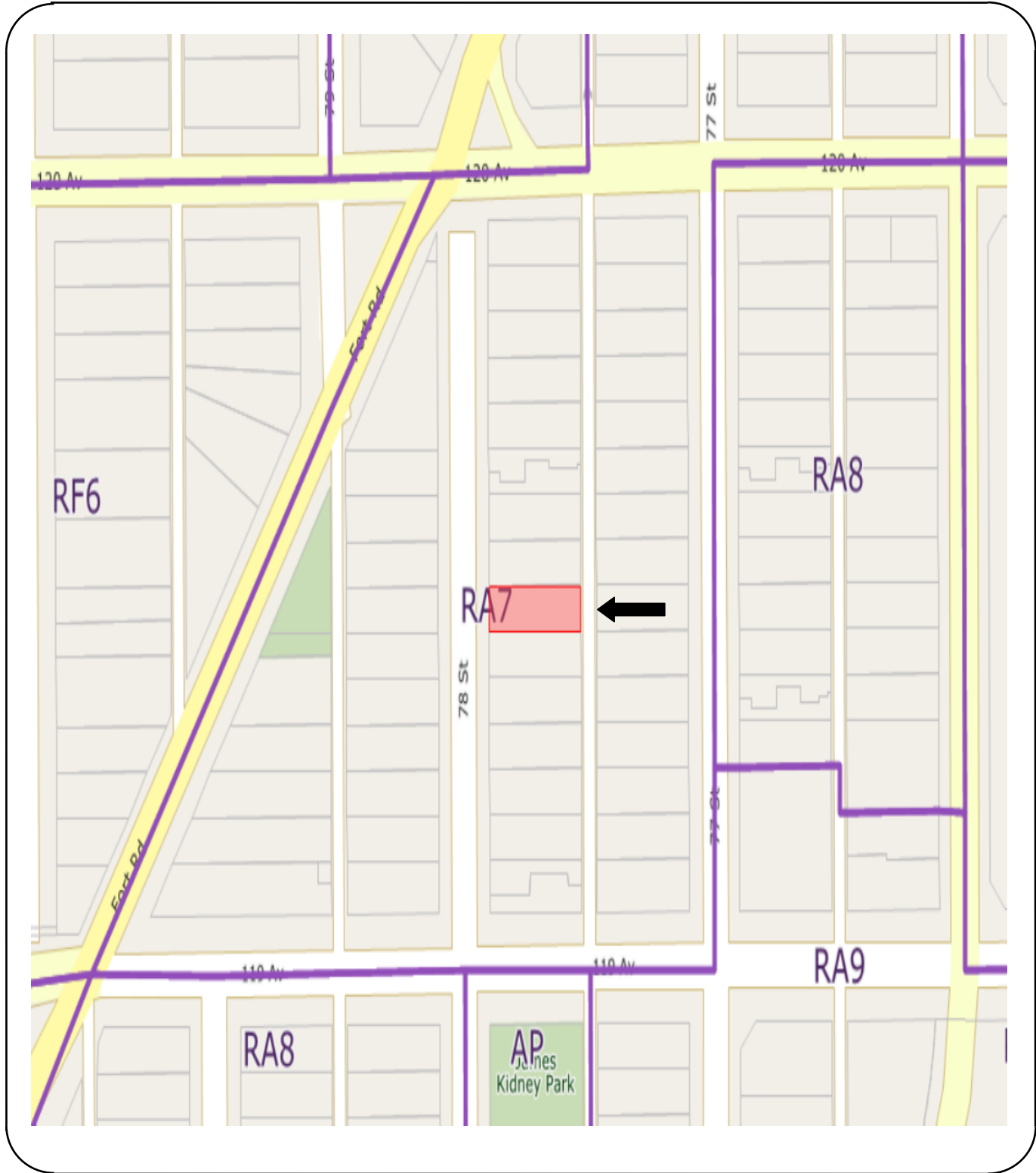
Project Number: **223352113-001**
Application Date: JUN 07, 2016
Printed: August 16, 2016 at 10:48 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03340502	Jun 07, 2016
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$2,157.00	<u>\$2,157.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-213



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-240

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 223152448-001

APPLICATION TO: Construct a Semi-detached House with front attached Garages, front verandas, fireplaces and rear uncovered decks (4.27m x 2.90m) and to demolish an existing Single Detached House, and Accessory Building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 17, 2016

DATE OF APPEAL: August 31, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 7923 - 128 Avenue NW

LEGAL DESCRIPTION: Plan 4983KS Blk D Lot 16

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:

1. Rear Yard Setback.
2. Attached Garage.
3. Height of Building.
4. Site Coverage of 40.17.
5. Overall Setback based on Corner Lot.

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.

Appeals

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- (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 110.3(3), **Semi-detached Housing** is a **Discretionary Use** in the RF1 Single Detached Residential Zone.

Under section 7.2(8), **Semi-detached Housing** means:

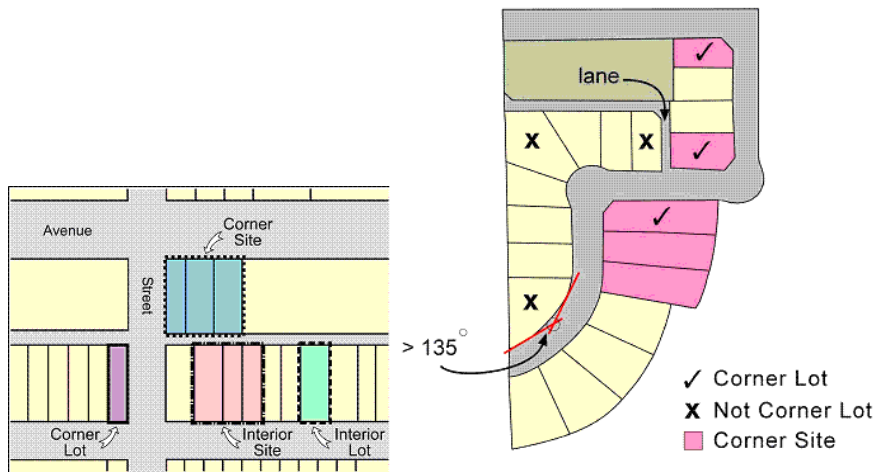
development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

Under section 6.1(19), **Corner Site** means:

an area of land consisting of one or more adjacent Lots where at least one Lot is:

- a. located at the intersection of two public roadways, other than Lanes; or
- b. abuts a public roadway, other than a Lane, which changes direction at any point where it abuts the Site;

provided that in both cases the Site shall not be considered a Corner Site where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a Lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the Site shall be that point on the property line abutting the public roadway, provided the roadway is not a Lane, which is nearest to the point of intersection of the tangent lines.



Under section 6.1(27), **Dwelling** means:

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

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, Semi-detached Housing and Duplex Housing 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.

Development Officer’s Determination

This application is located within the Mature Neighbourhood Overlay. By the number of variances required against the overlay, indicates this development does not meet the general purpose. It is not sensitive in scale, maintains traditional character or keeps a pedestrian friendly design of the streetscape. [unedited]

Mature Neighbourhood Overlay Development Regulations

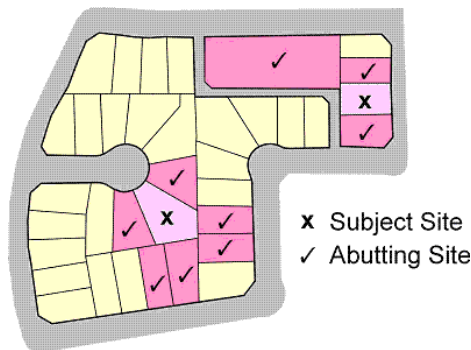
Front Setback

Section 814.3(1) states:

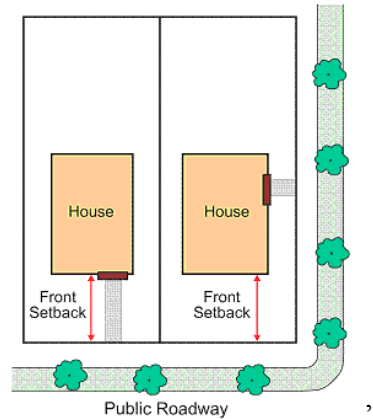
The Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Separation Space and Privacy Zone shall be reduced to accommodate the Front Setback requirement where a Principal Living Room Window faces directly onto a local public roadway, other than a Lane. [...].

Under section 6.1(1), **Abut** or **Abutting** means:

immediately contiguous to or physically touching, and when used with respect to a lot or Site, means that the lot or Site physically touches upon another lot, Site, or piece of land, and shares a property line or boundary line with it;



Under section 6.1(40), **Front Setback** means “the distance that a development or a specified portion of it, must be set back from a Front Lot Line. A Front Setback is not a Front Yard, Amenity Space or Separation Space.



Development Officer’s Determination

A. The minimum Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Required Front Setback: between 5.94 to 8.94m (Reference Section 814.3.1)

Proposed: 5.50m
Deficient by: 0.44m [unedited].

Side Setback

Section 814.3(3) states:

Where the Site Width is 18.3 m or greater:

- b. the minimum interior Side Setback shall be 2.0 m, except if the requirements of the underlying Zone are greater, the underlying Zone requirements shall apply.

Development Officer’s Determination

B. The minimum Side Setback shall be 2m (Reference Section 814.3.3(b))

Proposed: 1.65m
Deficient by: 0.35m [unedited].

Windows

Section 814.3(4) states:

Where a structure is two or more Storeys and an interior Side Setback is less than 2.0 m, the applicant shall provide information regarding the location of windows and Amenity Areas on Abutting properties, and the windows of the proposed development shall be located to minimize overlook into Abutting properties or the development shall incorporate design techniques such as, but not limited to, incorporating vegetative Privacy Screening, translucent window treatment or raised windows to minimize overlook into Abutting properties, to the satisfaction of the Development Officer.

Development Officer's Determination

C. The proposed application has window facing south. The window sill height above grade is over 1.8m, allowing each of these windows direct overlook into adjacent properties. (Reference Section 814.3.4)

None provided [unedited].

Rear Setback

Section 814.3(5) states “the minimum Rear Setback shall be 40% of Site depth. [...]”

Development Officer's Determination

D. The minimum Rear Setback shall be 40% of site depth (Reference Section 814.3.5)

Proposed: 5.52m
Deficient by: 9.13m [unedited].

Platform Structures

Section 814.3(6) states:

Notwithstanding Section 44 of this Bylaw, a single Storey Platform Structure may project a maximum of 2.0 m into a Front Setback from the first Storey of a Dwelling, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure.

Under section 6.1(75), **Platform Structures** means:

a raised structure on which people can stand, that projects from the wall of a building, may be surrounded by guardrails, parapet walls or similar features, and is intended for use as an Amenity Area. Common examples include: balconies, raised terraces and decks. This definition does not include a Rooftop Terrace.

Development Officer's Determination

E. A single Storey Platform Structure may project a maximum of 2.0 m into a Front Setback from the first Storey of a Dwelling, towards 80 Street NW, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure. (Reference Section 814.3.6)

Required Front Setback: between 5.94 to 8.94m

Proposed Front Setback: 5.50m

Required: 5.94m - 2.00m = 3.94m

Proposed: 5.50m - 2.90m = 2.60m, Deficient on the 3m minimum distance between Front Lot Lane and Platform Structure requirement by 0.40m. [unedited].

Privacy Screening

Section 814.3(8) states “Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.”

Under section 6.1(78), **Privacy Screening** means:

a feature that obscures direct and otherwise unimpeded sightlines. Common examples include: vegetative screening, such as shrubs and trees, lattice, masonry or wooden walls, parapet walls, translucent glass or any combination of these or like features. Privacy Screening does not include a balustrade railing or similar railing system.

Development Officer’s Determination

F. Decks (front yard and back yard) greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties. (Reference Section 814.3.8)

None provided. [unedited].

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

Development Officer's Determination

G. 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 fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway (reference Section 814.3.10(c))

There is a rear lane and 36.4% (4 properties) have vehicular access from the 128 Avenue, 0% has vehicular access from 80 Street.
[unedited].

Garage Protrusion and Garage Width

Section 814.3(11) states:

If vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the block face. The Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface.

Development Officer's Determination

H. If vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the blockface. (Reference Section 814.3.11)

Proposed: 3.96m

Deficient by: 3.96m, none of the existing properties have a garage which protrudes beyond the front wall.

I. the Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface (reference Section 814.3.11)

Proposed: 12.8m

Deficient by: information not provided [unedited].

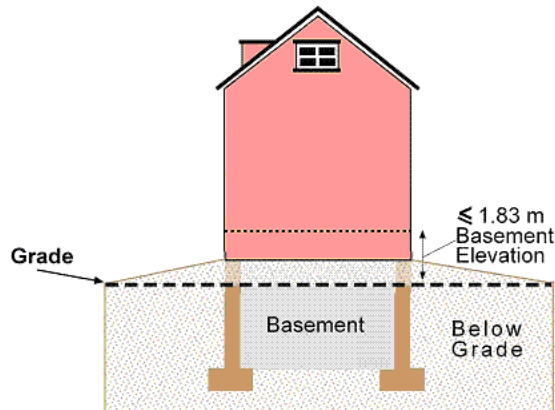
Basement Elevation

Section 814.3(16) states:

The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

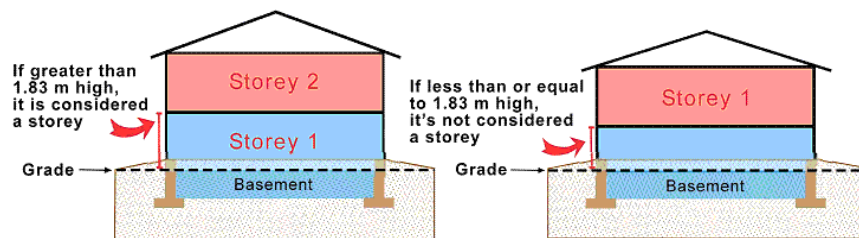
Under section 6.1(10), **Basement** means:

the portion of a building or structure which is wholly or partially below Grade, having above grade no more than 1.83 m of its clear Height which lies below the finished level of the floor directly above;



Under section 6.1(102), **Storey** means:

that portion of a building, which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a Basement is more than 1.83 m above Grade, such Basement shall be considered a Storey for the purpose of this Bylaw;



Development Officer’s Determination

J. the Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. (Reference section 814.3.16)

Proposed: 1.528m
Deficient by: 0.33m [unedited].

Section 814.3(24) states:

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 m 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.

<p><i>RF1 Single Detached Residential Zone Regulations</i></p>

Architectural Features

Section 110.4(13) states:

Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the façade, porches or entrance features, building materials, or other treatments.

Under section 6.1(32), **Façade** means:

the exterior outward face of a building. Typically, the façade of interest is that surface that serves as the front of that building and faces a building's primary street. Buildings on the corner of two streets or a street and an alley present two public façades.

Development Officer's Determination

K. Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the façade, porches or entrance features, building materials, or other treatments. (Reference section 110.4.13)

Currently both sides look similar. [unedited].

Site Coverage

Section 110.4(7) states the maximum total Site Coverage shall be as follows:

	Principal Dwelling building	Accessory building	Principal building with attached Garage or where parking is provided underground
(d) Semi-detached Housing - Site area 600 m ² or greater	28 percent	12 percent	40 percent

Under section 6.1(94), **Site Coverage** means:

the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 m 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 m or more above Grade; or
- c. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m above Grade.

Development Officer’s Determination

L. The maximum total site coverage shall not exceed 40%. (Reference Section 110.4.7(d))

Proposed: 44.2% (291.85m²)

Deficient by: 4.2% (5.31m²) Note: both front and rear decks are over 1m in height and are included in site coverage [unedited].

Private Outdoor Amenity Area

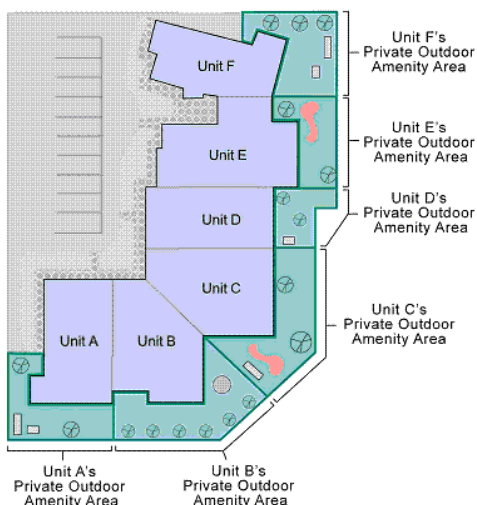
Section 110.4(12) states “Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.”

Section 47 provides the following with regard to Private Outdoor Amenity Area:

1. Where required in any Zone, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the Zone.
2. Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.
3. Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.
4. Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard.
5. Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4.0 m, except that if it is provided above the first Storey the minimum dimensions shall be 3.0 m.
6. Private Outdoor Amenity Area may be located within a required Separation Space, but only if the Amenity Area is intended for the use of the Dwelling for which the Separation Space is provided.

Under section 6.1(80), **Private Outdoor Amenity Area** means:

required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve;



Development Officer's Determination

M. Private Outdoor Amenity Area, per dwelling (reference section 47).

Not shown on drawings [unedited].

Architectural Features on Corner Sites

Section 110.4(14) states:

On Corner Sites the façades of a principal building abutting the Front Lot Line and the flanking Side Lot Line shall use consistent building materials and architectural features, and shall include features such as windows, doors, or porches.

Development Officer's Determination

N. On Corner Sites the façades of a principal building abutting the Front Lot Line and the flanking Side Lot Line shall use consistent building materials and architectural features, and shall include features such as windows, doors, or porches (Reference Section 110.4.14). [unedited].


Driveway Note

Development Officer's Determination

Note: The proposed driveway is located in alignment of an existing power pole. The owner will be responsible to cover the cost of relocating the power pole.

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: 223152448-001 Application Date: JUN 03, 2016 Printed: August 17, 2016 at 1:54 PM Page: 1 of 3
<h2 style="margin: 0;">Application for Minor Development Permit</h2>	
This document is a Development Permit Decision for the development application described below.	
Applicant	Property Address(es) and Legal Description(s) 7923 - 128 AVENUE NW Plan 4983KS Blk D Lot 16
	Specific Address(es) Entryway: 7923 - 128 AVENUE NW Entryway: 7925 - 128 AVENUE NW Building: 7923 - 128 AVENUE NW
Scope of Application To construct a Semi-Detached House with front attached Garages, front verandas, fireplaces and rear uncovered decks (4.27m x 2.90m) and to demolish an existing Single Detached House, and Accessory Building (rear detached Garage)	
Permit Details	
# of Dwelling Units Add/Remove: 2 Client File Reference Number: Minor Dev. Application Fee: Semi-Detached House Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: Y New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
THIS IS NOT A PERMIT	



Project Number: **223152448-001**
 Application Date: JUN 03, 2016
 Printed: August 17, 2016 at 1:54 PM
 Page: 2 of 3

Application for Minor Development Permit

Reason for Refusal

This application is located within the Mature Neighbourhood Overlay. By the number of variances required against the overlay, indicates this development does not meet the general purpose. It is not sensitive in scale, maintains traditional character or keeps a pedestrian friendly design of the streetscape.

A. The minimum Front Setback shall be a minimum of 3.0 m and shall be consistent within 1.5 m of the Front Setback on Abutting Lots and with the general context of the blockface. Required Front Setback: between 5.94 to 8.94m (Reference Section 814.3.1)

Proposed: 5.50m
 Deficient by: 0.44m

B. The minimum Side Setback shall be 2m (Reference Section 814.3.3(b))

Proposed: 1.65m
 Deficient by: 0.35m

C. The proposed application has window facing south. The window sill height above grade is over 1.8m, allowing each of these windows direct overlook into adjacent properties. (Reference Section 814.3.4)

None provided

D. The minimum Rear Setback shall be 40% of site depth (Reference Section 814.3.5)

Proposed: 5.52m
 Deficient by: 9.13m

E. A single Storey Platform Structure may project a maximum of 2.0 m into a Front Setback from the first Storey of a Dwelling, towards 80 Street NW, provided that a minimum of 3.0 m is maintained between the Front Lot Line and the Platform Structure. (Reference Section 814.3.6)

Required Front Setback: between 5.94 to 8.94m
 Proposed Front Setback: 5.50m

Required: $5.94\text{m} - 2.00\text{m} = 3.94\text{m}$
 Proposed: $5.50\text{m} - 2.90\text{m} = 2.60\text{m}$, Deficient on the 3m minimum distance between Front Lot Lane and Platform Structure requirement by 0.40m.

F. Decks (front yard and back yard) greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties. (Reference Section 814.3.8)

None provided.

G. 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 fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway (reference Section 814.3.10(c))

There is a rear lane and 36.4% (4 properties) have vehicular access from the 128 Avenue, 0% has vehicular access from 80 Street.

H. If vehicular access is provided from a public roadway other than a Lane, a Garage may only protrude beyond the front wall of the principal building a distance that is characteristic of the majority of existing Garages on the blockface. (Reference Section 814.3.11)

Proposed: 3.96m
 Deficient by: 3.96m, none of the existing properties have a garage which protrudes beyond the front wall.

THIS IS NOT A PERMIT



Project Number: **223152448-001**
 Application Date: JUN 03, 2016
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Application for Minor Development Permit

I. the Garage may have a width that does not exceed the width of the majority of existing Garages on the blockface (reference Section 814.3.11)

Proposed: 12.8m
 Deficient by: information not provided

J. the Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. (Reference section 814.3.16)

Proposed: 1.528m
 Deficient by: 0.33m

K. Each Dwelling within Semi-detached Housing shall be individually defined through a combination of architectural features that may include variations in the rooflines, projection or recession of the façade, porches or entrance features, building materials, or other treatments. (Reference section 110.4.13)

Currently both sides look similar.

L. The maximum total site coverage shall not exceed 40%. (Reference Section 110.4.7(d))

Proposed: 44.2% (291.85m²)
 Deficient by: 4.2% (5.31m²) Note: both front and rear decks are over 1m in height and are included in site coverage

M. Private Outdoor Amenity Area, per dwelling (reference section 47).

Not shown on drawings

N. On Corner Sites the façades of a principal building abutting the Front Lot Line and the flanking Side Lot Line shall use consistent building materials and architectural features, and shall include features such as windows, doors, or porches (Reference Section 110.4.14).

Note: The proposed driveway is located in alignment of an existing power pole. The owner will be responsible to cover the cost of relocating the power pole.

Rights of Appeal

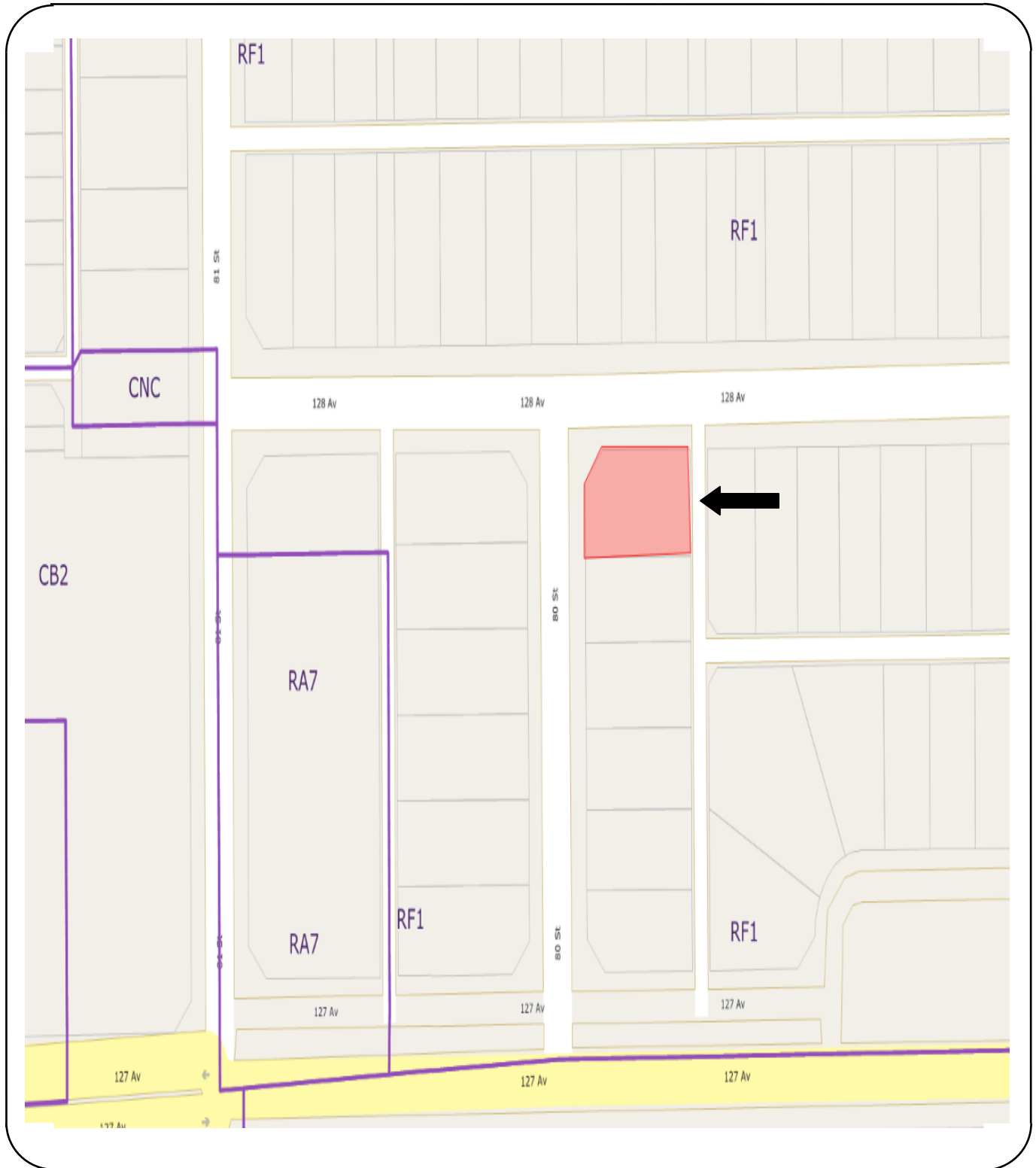
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 17, 2016 Development Authority: BAUER, KERRY Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$456.00	\$456.00	03331902	Jun 03, 2016
Lot Grading Fee	\$270.00	\$270.00	03331902	Jun 03, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03331902	Jun 03, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,292.00	\$2,292.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-240



BUSINESS LAID OVER

SDAB-D-16-205	An appeal by <u>Rossdale Community League & Gabe Shelley VS Edmonton Fire Rescue Services</u> to continue and intensify the use of an existing Protective and Emergency Services Use (Fire Station 21 with a 24/7 crew) and to allow interior and exterior alterations <i>October 6, 2016</i>
SDAB-D-16-214	An appeal by <u>1665481 Alberta Ltd.</u> to comply with a Stop Order to immediately cease the use of the basement as Secondary Suites and Decommission the Secondary Suite. <i>October 6, 2016</i>
SDAB-S-14-001	An appeal by <u>Stantec Consulting Ltd.</u> to create 78 Single Detached residential lots, 36 Semi-detached residential lots, 31 Row Housing lots and three (3) Public Utility lots from SE 13-51-25-4 <i>October 31, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

188282372-001	An appeal by <u>Kennedy Agrios</u> to change the use from general Retail to a Bar and Neighbourhood Pub (maximum of 400 occupants and 691 square metres of Public Space) <i>November 2 or 3, 2016</i>
188283359-001	An appeal by <u>Kennedy Agrios</u> to change the use from a Flea Market Use to a Night Club and Major Amusement Establishment (1757 square metres of Public space) <i>November 23 or 24, 2016</i>