

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Thursday, 9:00 A.M.  
September 14, 2017**

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

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

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|---|-----------|---------------|--|
| I | 9:00 A.M. | SDAB-D-17-156 | Convert an existing Semi-detached House to 4 Dwellings of Apartment Housing, existing without permits<br><br>11743 / 11745 - 125 Street NW<br>Project No.: 155374557-002 |
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| II | 1:00 P.M. | SDAB-D-17-171 | Construct a Single Detached House with an unenclosed front porch, rear attached Garage, fireplace, and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and Accessory building (rear detached Garage)<br><br>9140 - 77 Avenue NW<br>Project No.: 254327867-001 |
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**NOTE:** *Unless otherwise stated, all references to “section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-17-156

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 155374557-002

APPLICATION TO: Convert an existing Semi-detached House to 4 Dwellings of Apartment Housing, existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: July 19, 2017

NOTIFICATION PERIOD: July 25, 2017 through August 8, 2017

DATE OF APPEAL: August 3, 2017

RESPONDENT:

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11743 / 11745 - 125 Street NW

LEGAL DESCRIPTION: Plan 9420679 Blk 40 Lot 18A and Lot 18B

ZONE: (RF3) Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

***Grounds for Appeal***

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

The following are the reasons I am appealing the Developmental Permit to convert an existing Semi-Detached House to 4 Dwellings of Apartment Housing, existing without permits:

- 1) Variance in site area (the area of the site is 695m<sup>2</sup> instead of the required 750m<sup>2</sup>). This site is lacking a significant amount of area (55m<sup>2</sup>) for this to be viable for a 4 dwelling apartment housing.
- 2) Variance in site width. (the width of the site is 15.2m instead of the required 17.0m).
- 3) Variance in entrance locations. The entrances to 2 of the 4 Dwellings are facing the side instead of the public roadway other than a lane. With having such a small site width and area, residents of these side door dwellings are forced/ or feel obligated to congregate at these side doors to talk, smoke, etc. on the side step. This contributes significantly to the noise levels and liveability of the adjacent single family houses as well as the surrounding houses.

I have personally experienced a similar situation in that I live on this street, next door to another 4 Dwelling of Apartment House (existing without permits). The side door of 11723-125 street is less than 3 meters from my bedroom window. The noise levels of this illegal 4 Dwelling is significant and sometimes ridiculous. The side door opening and slamming at late hours of the night (literally causes my bedroom window to shake). Not to mention the residents of this side suite will congregate at the side door to talk and smoke at late hours of the night. The noise is considerable, especially in the summer months.

The only reason these illegal 4 Dwelling Apartment Houses are allowed to exist is because the City of Edmonton does not enforce their own zoning by-laws. I complained numerous times to many people (Chris Cooper, Mark Garrett, Wayne Cameron, Rick Hachigian) in the bylaw dept when this illegal 4 Dwelling (11723-125 Street) went in next door to me. After many months of lengthy conversations, I was finally told that due to the fact that the vacancy rates for rentals were so low in Edmonton, that they wouldn't even try to enforce the bylaws. So nothing has ever been done and these illegal suites still exist with impunity. My taxes keep going up and the livability of my neighbourhood goes down because the City won't enforce it's own bylaws. I bought my house specifically on this street because it was zoned for duplex only. I do not want to live on a street with apartments. This would affect the resale value of my house in the future.

- 4) Private Outdoor Amenity Area - A portion of the Private Outdoor Amenity Area is located in the Front Yard. This Dwelling barely has a front yard (only about 2.5m from the front side walk to the front step) and it would hardly be considered private. Again as stated previously the site size is too small for a 4 Dwelling Apartment House. This would affect the livability and noise levels of the surrounding neighbourhood, as well as the residents themselves in this 4 Dwelling Apartment House.

5) There are many times when parking on our street has been an issue. I have seen things become heated between different neighbours when they aren't able to park in front of their own house. Having a 4 Dwelling Apartment House will only add to this problem, because with 4 families there could be a minimum of 8 vehicles with only 4 parking spots in the back lane driveway, and the others would have to park on the street.

The owner of the property in question is Mr. Kojo Twumasi. He lives at 4031-108 Street Edmonton. This is not his neighbourhood. Does he really care about the livability and well being of his tenants?.....or of the surrounding neighbours?

Does he care about the property values and neighbourhood enjoyment of single family residents? Or does he just care about collecting 4 rent cheques instead of 2?

I bought my house over 20 years ago in a neighbourhood zoned for duplexed only. Its a lovely neighbourhood. Please let it stay that way.

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| <i>General Matters</i> |
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**Appeal Information:**

The Subdivision and Development Appeal Board made and passed the following motion:

**"That SDAB-D-17-156 be tabled to September 14, 2017."**

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

**Grounds for Appeal**

**685(1)** If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**(2)** In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

### **Appeals**

**686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

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

(i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

(b) in the case of an appeal made by a person referred to in section 685(2), 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 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*:**

**It should be noted that the Mature Neighbourhood Overlay was amended under Bylaw 18013 and passed by City Council on May 29, 2017. This Bylaw came into effect September 1, 2017. The following provisions from the *Edmonton Zoning Bylaw* include the Bylaw 18013 amendments.**

Under section 140.2(1), **Apartment Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Section 140.4(19)(b) states “where Apartment Housing, Stacked Row Housing, or Row Housing are allowed in this Zone, a maximum of four Dwellings per Site shall be allowed.”

Under section 7.2(1), **Apartment Housing** means:

means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Under section 6.1(32), **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 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

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.

***Site regulations for Apartment Housing***

Section 140.4(5)(a) states “the minimum Site area shall be 750 m<sup>2</sup>”.

Under section 6.1(102), **Site** means “an area of land consisting of one or more abutting Lots”.

**Development Officer’s Determination:**

**1. Site Area - The area of the site is 695m<sup>2</sup> instead of 750m<sup>2</sup> (Section 140.4.5.a)**

Section 140.4(5)(b) states “the minimum Site Width shall be 17.0 m”.

Under section 6.1(105), **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:**

**2. Site Width - The width of the site is 15.2m instead of 17.0m (Section 140.4.5.b)**

***Architectural features***

Section 140.4(20) states:

Each Dwelling within Semi-detached Housing and Row Housing shall be individually defined on all Façades through a combination of architectural features that may include variations in the rooflines, non-repetitive window spacing, projection or recession of the Façade, porches or entrance features, building materials, colour, or other treatments.

**Development Officer’s Determination:**

**3. Entrance locations - The entrances to 2 of the 4 Dwellings are facing the side instead of the public roadway other than a lane (front) (Section 140.4.20)**

***Private Outdoor Amenity Area***

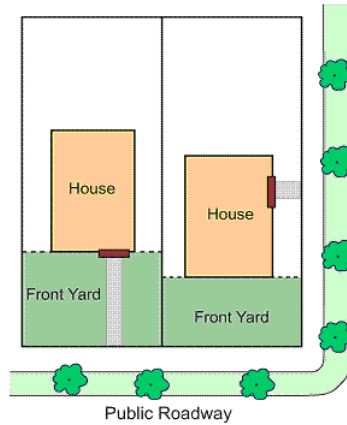
Section 140.4(15) states “Private Outdoor Amenity Area shall be provided on Site in accordance with Section 47 of this Bylaw.”



Section 47.4 states “Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard.”

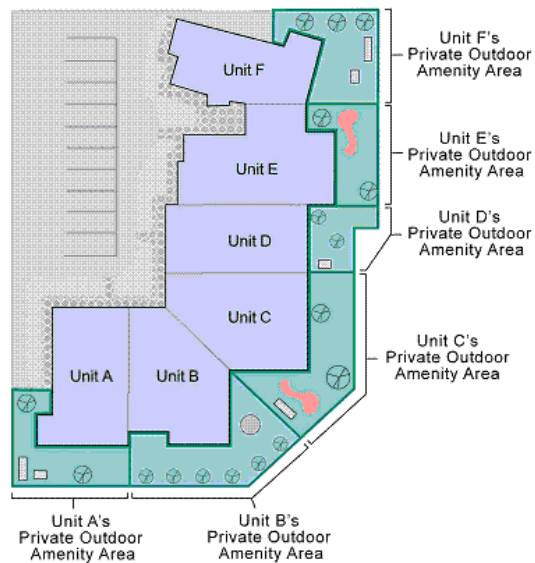
Under section 6.1(46), **Front Yard** means:

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



Under section 6.1(86), **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:**


**4. Private Outdoor Amenity Area - A portion of the Private Outdoor Amenity Area is located in the Front Yard (Section 47.4)**

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**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*.

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|--|--|--|---|
|   | Project Number: <b>155374557-002</b><br>Application Date: SEP 29, 2015<br>Printed: July 19, 2017 at 10:52 AM<br>Page: 1 of 3   |  |   |
| <b>Major Development Permit</b>  |  |  |   |
| 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.  |  |  |   |
| <b>Applicant</b>   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> <b>Property Address(es) and Legal Description(s)</b><br/>                     11745 - 125 STREET NW<br/>                     Plan 9420679 Blk 40 Lot 18A<br/><br/>                     11743 - 125 STREET NW<br/>                     Plan 9420679 Blk 40 Lot 18B                 </td> </tr> <tr> <td style="padding: 5px;"> <b>Specific Address(es)</b><br/>                     Entryway: 11743 - 125 STREET NW<br/>                     Entryway: 11745 - 125 STREET NW<br/>                     Building: 11743 - 125 STREET NW                 </td> </tr> </table> | <b>Property Address(es) and Legal Description(s)</b><br>11745 - 125 STREET NW<br>Plan 9420679 Blk 40 Lot 18A<br><br>11743 - 125 STREET NW<br>Plan 9420679 Blk 40 Lot 18B | <b>Specific Address(es)</b><br>Entryway: 11743 - 125 STREET NW<br>Entryway: 11745 - 125 STREET NW<br>Building: 11743 - 125 STREET NW        |
| <b>Property Address(es) and Legal Description(s)</b><br>11745 - 125 STREET NW<br>Plan 9420679 Blk 40 Lot 18A<br><br>11743 - 125 STREET NW<br>Plan 9420679 Blk 40 Lot 18B   |  |  |   |
| <b>Specific Address(es)</b><br>Entryway: 11743 - 125 STREET NW<br>Entryway: 11745 - 125 STREET NW<br>Building: 11743 - 125 STREET NW   |  |  |   |
| <b>Scope of Permit</b><br>To convert an existing Semi-Detached House to 4 Dwellings of Apartment Housing, existing without permits.  |  |  |   |
| <b>Permit Details</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">                     Class of Permit: Class A<br/>                     Gross Floor Area (sq.m.):<br/>                     New Sewer Service Required: Y<br/>                     Site Area (sq. m.):                 </td> <td style="width: 50%; padding: 5px;">                     Contact Person:<br/>                     Lot Grading Needed?: N/A<br/>                     NumberOfMainFloorDwellings: 2<br/>                     Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay                 </td> </tr> </table> |  | Class of Permit: Class A<br>Gross Floor Area (sq.m.):<br>New Sewer Service Required: Y<br>Site Area (sq. m.):  | Contact Person:<br>Lot Grading Needed?: N/A<br>NumberOfMainFloorDwellings: 2<br>Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay |
| Class of Permit: Class A<br>Gross Floor Area (sq.m.):<br>New Sewer Service Required: Y<br>Site Area (sq. m.):  | Contact Person:<br>Lot Grading Needed?: N/A<br>NumberOfMainFloorDwellings: 2<br>Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay  |  |   |
| I/We certify that the above noted details are correct.<br>Applicant signature: _____   |  |  |   |
| <b>Development Permit Decision</b><br>Approved   |  |  |   |
| <b>The permit holder is advised to read the reverse for important information concerning this decision.</b>  |  |  |   |



Project Number: **155374557-002**  
 Application Date: SEP 29, 2015  
 Printed: July 19, 2017 at 10:52 AM  
 Page: 2 of 3

## Major Development Permit

**Subject to the Following Conditions**

This Development Permit authorizes the development of a conversion from an existing Semi-Detached House to 4 Dwellings of Apartment Housing. The development shall be constructed in accordance with the stamped and approved drawings.

1. When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until:
  - a. any conditions of approval, except those of a continuing nature, have been fulfilled; and
  - b. the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in subsection 21.1 of this Bylaw and the Municipal Government Act has passed.
2. The maximum number of Dwellings per Site where Apartment Housing is allowed in this Zone, shall be a maximum of four Dwellings. (Section 140.4.19.c)
3. Private Outdoor Amenity Area shall be provided on Site in accordance with the stamped and approved drawings.
4. The Outdoor Amenity Area shall be permanently retained as open space, unencumbered by an Accessory building or future additions. (Reference Section 160.4(9)(b))
5. Landscaping shall be provided on the Site in accordance with Section 55.
6. Parking shall be provided in accordance with Section 54. All off-street parking spaces shall be Hardsurfaced (Section 54.6)

**Notes:**

1. Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.
2. An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the Site.
3. A Building Permit is required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.

**Variations**

1. Site Area - The area of the site is 695m<sup>2</sup> instead of 750m<sup>2</sup> (Section 140.4.5.a)
2. Site Width - The width of the site is 15.2m instead of 17.0m (Section 140.4.5.b)
3. Entrance locations - The entrances to 2 of the 4 Dwellings are facing the side instead of the public roadway other than a lane (front) (Section 140.4.20)
4. Private Outdoor Amenity Area - A portion of the Private Outdoor Amenity Area is located in the Front Yard (Section 47.4)

**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.

Issue Date: Jul 19, 2017      Development Authority: VANDERHOEK, HEATHER      Signature: \_\_\_\_\_  
 Notice Period Begins: Jul 25, 2017      Ends: Aug 08, 2017

**The permit holder is advised to read the reverse for important information concerning this decision.**



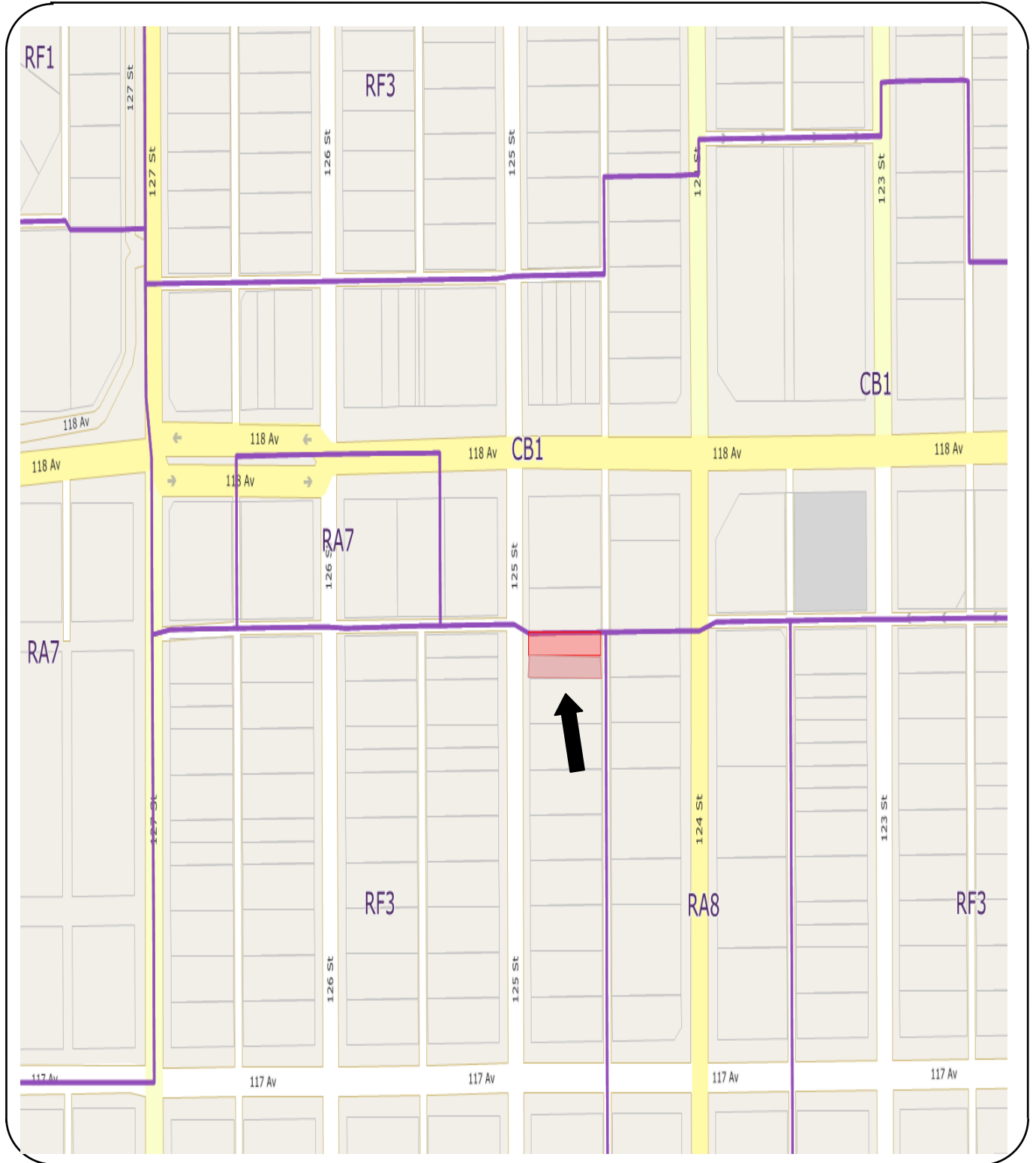
Project Number: **155374557-002**  
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Page: 3 of 3

## Major Development Permit

### Fees

|                                 | <b>Fee Amount</b> | <b>Amount Paid</b> | <b>Receipt #</b> | <b>Date Paid</b> |
|---------------------------------|-------------------|--------------------|------------------|------------------|
| Major Dev. Application Fee      | \$508.00          | \$508.00           | 02799381         | Oct 05, 2015     |
| Sanitary Sewer Trunk Fund 2012+ | \$2,236.00        | \$2,236.00         |                  |                  |
| Total GST Amount:               | \$0.00            |                    |                  |                  |
| Totals for Permit:              | \$2,744.00        | \$2,744.00         |                  |                  |

The permit holder is advised to read the reverse for important information concerning this decision.



**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-156



ITEM II: 1:00 P.M.

FILE: SDAB-D-17-171

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 254327867-001

APPLICATION TO: Construct a Single Detached House with an unenclosed front porch, rear attached Garage, fireplace, and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and Accessory building (rear detached Garage)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 9, 2017

DATE OF APPEAL: August 17, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9140 - 77 Avenue NW

LEGAL DESCRIPTION: Plan 2000U Blk 2 Lots 12-13

ZONE(S): (RF3) Small Scale Infill Development Zone  
(A) Metropolitan Recreation Zone

OVERLAY(S): Mature Neighbourhood Overlay  
North Saskatchewan River Valley and Ravine System Protection Overlay

STATUTORY PLAN: N/A

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***Grounds for Appeal***

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

The following is information that I was going to include in the submission box, along with the attachments. Please review tonight and provide feedback, as I would like to submit by tomorrow at noon. Sebastian, I was able to locate the lot plan. I have not included the consultation, just to keep the size down for now.

There are 2 variances requested:

1. To allow a rear attached Garage within the mature neighbourhood overlay (Zoning bylaw section 814.3.18)
2. To allow a rear setback of 1.35m as opposed to 16.04m.

We submit that these should be allowed resulting in approval of the development permit for the following reasons:

\* The community consultation yielded overwhelming support, which included the immediate neighbour endorsement, community league endorsement and neighbour feedback that the design "fit with the neighbourhood" and "was much better than having a duplex or triplex on the lot". Please see the attached "community consultation.PDF"

\* The neighbouring property to the east has effectively no backyard, with the setback of the house and the position of the garage. There is no blockage of ravine access for that property. Please see attachment "overhead view.png"

\* There are 2 properties on the block that have rear attached garages, one that is a corner lot at the opposite end of the same block (9102 77 Avenue) and another that is an interior lot (9106 77 Avenue) that are currently part of the mature neighbourhood. Please see attachment "2 attached garages.png"

\* As per the current bylaws, rear attached garages are within the bylaw specification if the lot is a corner lot. The property is effectively a corner lot, as the neighbouring lot to the west is owned by the city and defined for ravine use due to the fact that the south side of the lot is very near the ravine. There cannot be development that occurs on that lot due to the proximity to the ravine, and the very small width of the front of the lot. Given the results of our geotechnical survey, we required a setback due to the ravine. It would be unlikely that the city lot can support building of any kind. The front street also ends in a cul-de-sac. See "front overhead view.png"

\* The width of the house ensures that there is less than 40% lot coverage coverage, necessitating the close proximity of the garage to the house along with the attachment (25 foot wide home) as per the lot plan "lot plan.pdf" The difference necessitates that the yard is effectively in the west part of the lot to meet geotechnical requirements and ensure the appropriate lot coverage consistent with COE bylaws.



\* Design is consistent with the current trend of "skinny infills" endorsed and encouraged by the City of Edmonton Development branch.

\* House design is consistent with the land footprint given the ravine location, we cannot make it wider to meet geotechnical guidelines. A garage cannot be done at the front of the house due to this constraint along with the position of the cul de sac as per "front overhead view.png".

\* The City of Edmonton planner noted that plan made sense consistent with geotechnical feedback and lot specifications and lot shape limitations.

\* The garage attachment is designed to facilitate independent living standards as the house build was undertaken as our retirement home. We have created the attached garage with ramps for wheelchair access. Independent living was also the goal for the rear setback; there is minimal snow to shovel in the back driveway, especially important for myself and my wife as we age. In fact, with an increased setback and unattached garage, this could be an "undue hardship" for an elderly person.

\* Given the ravine location, there have been some concerns with transient people and security. The attached garage minimizes this risk, again even more important for an elderly person.

|                               |
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| <b><i>General Matters</i></b> |
|-------------------------------|

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*:**

**It should be noted that the Mature Neighbourhood Overlay was amended under Bylaw 18013 and passed by City Council on May 29, 2017. This Bylaw came into effect September 1, 2017. The following provisions from the *Edmonton Zoning Bylaw* include the Bylaw 18013 amendments.**

Section 4.2(1) provides the following with respect to **Zoning and Overlay Boundaries**:

Should uncertainty or dispute arise relative to the precise location of any Zone boundary, as depicted on the Zoning Map, or Overlay boundary, as depicted on the Zoning Map, the location shall be determined by applying the following rules:

...

- g. where a Zone or Overlay boundary is shown as approximately following a topographic contour line or a top of bank line, it shall be deemed to follow such line, and in the event of change in such line, it shall be deemed as moving with that line;
- h. where features on the ground are at variance with those shown on the Zoning Map or map appended to an Overlay, or in other circumstances not mentioned above, the Development Officer shall interpret the Zone or Overlay boundaries. Any such decision shall be a Class B Discretionary Development; and
- i. where a Zone or Overlay boundary is not located in conformity to the provisions of subsections 4.2(1)(a) to (h), and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Zoning Map or map appended to an Overlay, or by measurements directly scaled from that Map.

Section 814.2(1) states “[The Mature Neighbourhood] Overlay applies to all **Sites** *[emphasis added]* zoned RF1, RF2, RF3, RF4 and RF5 within the areas shown on the Appendix to this Overlay.”

Under section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the **(RF3) Small Scale Infill Development Zone**.

Under section 540.3(14), **Single Detached Dwelling** is a **Discretionary Use** in the **(A) Metropolitan Recreation Zone**.

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

development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Under section 6.1(102), **Site** means “an area of land consisting of one or more abutting Lots.”

Section 811.1 states that the **General Purpose** of the **North Saskatchewan River Valley and Ravine System Protection Overlay** is:

To provide a development Setback from the North Saskatchewan River Valley and Ravine System.

Section 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.

Section 140.1 states that the **General Purpose** of the **(RF3) Small Scale Infill Development Zone** is:

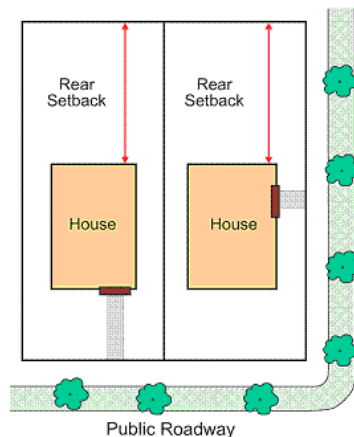
to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

***Rear Setback***

Section 814.3(4) of the Mature Neighbourhood Overlay states “The minimum Rear Setback shall be 40% of Site Depth.”

Under section 6.1(90), **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. Reduced Rear Setback - The distance from the house with rear attached Garage to the rear property line is 1.35m (3% of site depth) instead of 16.04m (40% of site depth). (Section 814.3.5)**

***Rear attached Garage***

Section 814.3(19) of the Mature Neighbourhood Overlay states “Rear attached Garages shall not be allowed.”

**Development Officer’s Determination**

**2. Attached Garage - A rear attached Garage is allowed on an interior lot, instead of a corner lot (Section 814.3.18)**

***Side Setback***

Section 811.3(1) of the North Saskatchewan River Valley and Ravine System Overlay states:

All developments shall maintain a minimum 7.5 m Setback from the North Saskatchewan River Valley and Ravine System, as shown on Appendix I to this Overlay.

Under section 6.1(98), **Setback** means “the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.”

***Community Consultation***

Section 814.5(1) of the Mature Neighbourhood Overlay states the following with respect to **Proposed Variances**:

When the Development Officer receives a Development Permit Application for a new principal building, new Garage Suite, 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) and 814.3(9) of this Overlay:

- a. the Development Officer shall send notice, to the recipient parties specified in Table 814.5(2), to outline any requested variances to the Overlay and solicit comments directly related to the proposed variance;

- b. the Development Officer shall not render a decision on the Development Permit application until 21 days after notice has been sent, unless the Development Officer receives feedback from the specified affected parties in accordance with Table 814.5(2); and
- c. the Development Officer shall consider any comments directly related to the proposed variance when determining whether to approve the Development Permit Application in accordance with Sections 11.2 and 11.3.

Section 814.5(2) of the Mature Neighbourhood Overlay states:


| Tier # | Recipient Parties   | Affected Parties  | Regulation of this Overlay to be Varied                     |
|--------|---|---|---|
| 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<br>814.3(19) – Rear Attached Garage |

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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*.

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|   | Project Number: <b>254327867-001</b><br>Application Date: JUN 14, 2017<br>Printed: August 31, 2017 at 1:08 PM<br>Page: 1 of 2   |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
|--|---|---|---|--------------|-----------|-----------|------------------|---------|---------|----------|--------------|---------------------|------------|------------|----------|--------------|-----------------------------|---------|---------|----------|--------------|-----------------------------------|--------|----------|----------|--------------|
| <b>House Development and Building Permit</b>   |   |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit  |   |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| <b>Applicant</b>   | <b>Property Address(es) and Legal Description(s)</b><br>9140 - 77 AVENUE NW<br>Plan 2000U Blk 2 Lots 12-13  |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| <b>Scope of Application</b><br>To construct a Single Detached House with an Unenclosed Front Porch, rear attached Garage, fireplace, and Basement development (NOT to be used as an additional Dwelling), and to demolish an existing Single Detached House and Accessory Building (rear detached Garage).   |   |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| <b>Permit Details</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">                     Affected Floor Area (sq. ft.): 2932<br/>                     Class of Permit:<br/>                     Front Yard (m): 7.37<br/>                     Rear Yard (m): 1.35<br/>                     Side Yard, left (m): 6.2<br/>                     Site Area (sq. m.): 604.65<br/>                     Site Width (m): 15.07                 </td> <td style="width: 50%; border: none;">                     Building Height to Midpoint (m): 8.17<br/>                     Dwelling Type: Single Detached House<br/>                     Home Design Type:<br/>                     Secondary Suite Included?: N<br/>                     Side Yard, right (m): 1.25<br/>                     Site Depth (m): 40.09<br/>                     Stat. Plan Overlay/Annex Area:                 </td> </tr> </table> |   | Affected Floor Area (sq. ft.): 2932<br>Class of Permit:<br>Front Yard (m): 7.37<br>Rear Yard (m): 1.35<br>Side Yard, left (m): 6.2<br>Site Area (sq. m.): 604.65<br>Site Width (m): 15.07 | Building Height to Midpoint (m): 8.17<br>Dwelling Type: Single Detached House<br>Home Design Type:<br>Secondary Suite Included?: N<br>Side Yard, right (m): 1.25<br>Site Depth (m): 40.09<br>Stat. Plan Overlay/Annex Area: |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
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| I/We certify that the above noted details are correct.<br><br>Applicant signature: _____   |   |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| <b>Development Application Decision</b><br>Appealed to SDAB<br><br><b>Reason for Refusal</b><br>1. Reduced Rear Setback - The distance from the house with rear attached Garage to the rear property line is 1.35m (3% of site depth) instead of 16.04m (40% of site depth). (Section 814.3.5)<br><br>2. Attached Garage - A rear attached Garage is allowed on an interior lot, instead of a corner lot (Section 814.3.18)<br><br><b>Rights of Appeal</b><br>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.  |   |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| <b>Issue Date:</b> Aug 09, 2017 <b>Development Authority:</b> VANDERHOEK, HEATHER <b>Signature:</b> _____  |   |   |   |              |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| <b>Fees</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%;">Fee Amount</th> <th style="width: 10%;">Amount Paid</th> <th style="width: 10%;">Receipt #</th> <th style="width: 10%;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Safety Codes Fee</td> <td>\$94.12</td> <td>\$94.12</td> <td>04206254</td> <td>Jun 14, 2017</td> </tr> <tr> <td>Building Permit Fee</td> <td>\$2,353.00</td> <td>\$2,353.00</td> <td>04206254</td> <td>Jun 14, 2017</td> </tr> <tr> <td>Electrical Safety Codes Fee</td> <td>\$17.18</td> <td>\$17.18</td> <td>04206254</td> <td>Jun 14, 2017</td> </tr> <tr> <td>Development Permit Inspection Fee</td> <td>\$0.00</td> <td>\$200.00</td> <td>04206254</td> <td>Jun 14, 2017</td> </tr> </tbody> </table>   |   |   | Fee Amount  | Amount Paid  | Receipt # | Date Paid | Safety Codes Fee | \$94.12 | \$94.12 | 04206254 | Jun 14, 2017 | Building Permit Fee | \$2,353.00 | \$2,353.00 | 04206254 | Jun 14, 2017 | Electrical Safety Codes Fee | \$17.18 | \$17.18 | 04206254 | Jun 14, 2017 | Development Permit Inspection Fee | \$0.00 | \$200.00 | 04206254 | Jun 14, 2017 |
|  | Fee Amount  | Amount Paid   | Receipt #   | Date Paid    |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| Safety Codes Fee   | \$94.12   | \$94.12   | 04206254  | Jun 14, 2017 |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| Building Permit Fee  | \$2,353.00  | \$2,353.00  | 04206254  | Jun 14, 2017 |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| Electrical Safety Codes Fee  | \$17.18   | \$17.18   | 04206254  | Jun 14, 2017 |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |
| Development Permit Inspection Fee  | \$0.00  | \$200.00  | 04206254  | Jun 14, 2017 |           |           |                  |         |         |          |              |                     |            |            |          |              |                             |         |         |          |              |                                   |        |          |          |              |



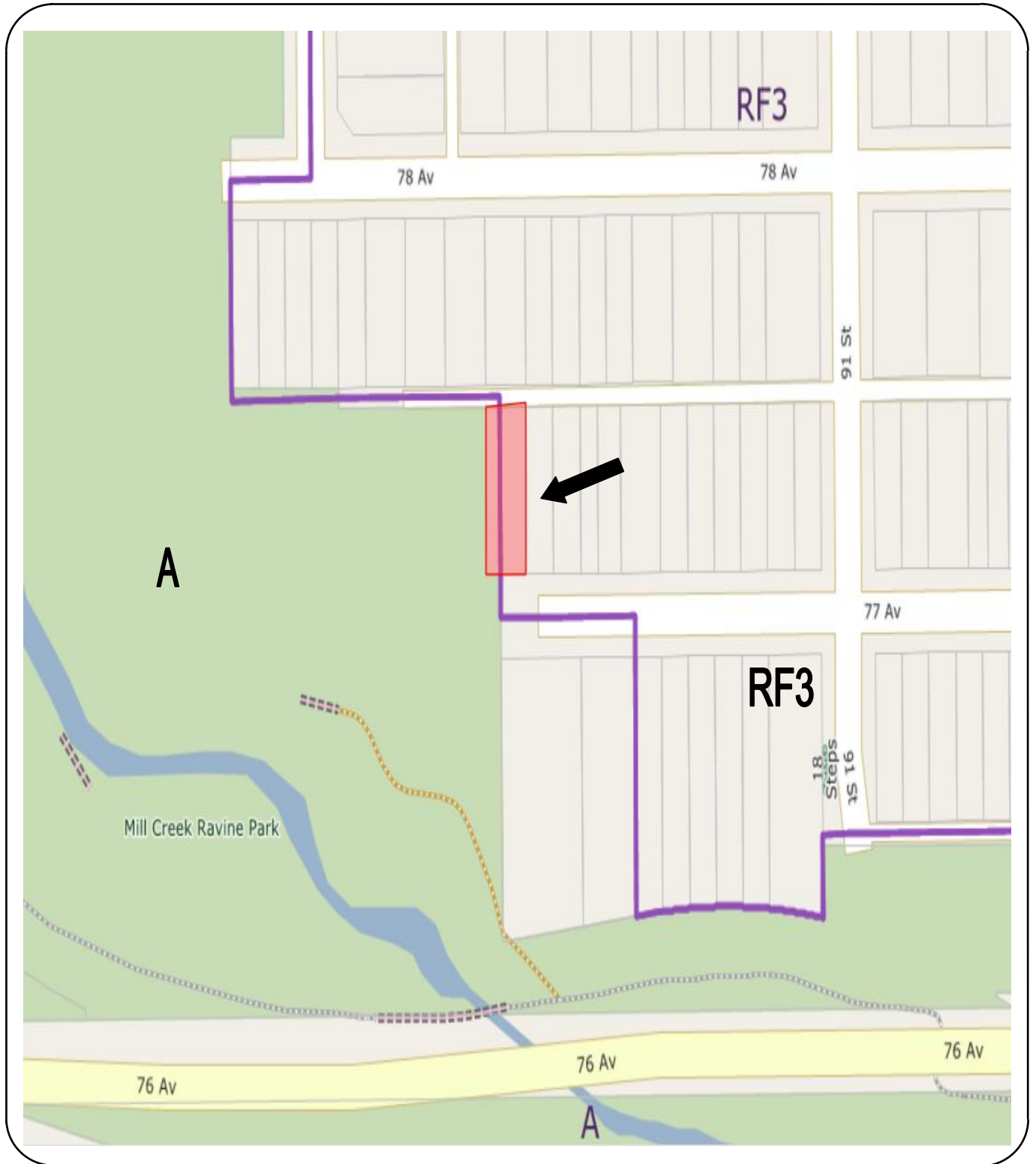
Project Number: **254327867-001**  
Application Date: JUN 14, 2017  
Printed: August 31, 2017 at 1:08 PM  
Page: 2 of 2

## House Development and Building Permit

### Fees

|                          | <b>Fee Amount</b> | <b>Amount Paid</b> | <b>Receipt #</b> | <b>Date Paid</b> |
|--------------------------|-------------------|--------------------|------------------|------------------|
| Lot Grading Fee          | \$140.00          | \$140.00           | 04206254         | Jun 14, 2017     |
| Electrical Fees (House)  | \$317.00          | \$317.00           | 04206254         | Jun 14, 2017     |
| Electrical Fee (Service) | \$79.00           | \$79.00            | 04206254         | Jun 14, 2017     |
| Water Usage Fee          | \$72.60           | \$72.60            | 04206254         | Jun 14, 2017     |
| Total GST Amount:        | <u>\$0.00</u>     |                    |                  |                  |
| Totals for Permit:       | <u>\$3,072.90</u> | <u>\$3,272.90</u>  |                  |                  |
| (overpaid by \$200.00)   |                   |                    |                  |                  |





**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-17-171

