

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
September 7, 2017**

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

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-17-165	Construct an Accessory Building (detached Garage 7.92m x 7.92m, 6.44m in Height) 14443 - 110 Avenue NW Project No.: 256252327-001
<hr/>			
II	10:30 A.M.	SDAB-D-17-166	Construct a Single Detached House with a front Rooftop Terrace, fireplace, Basement development (NOT to be used as an additional Dwelling), and rear uncovered deck (4.72m x 7.47m) 9729 - 96A Street NW Project No.: 253720148-001
<hr/>			
III	1:30 P.M.	SDAB-D-17-167	Construct additions to a Single Detached House (front, side, and second Storey), and exterior alterations (extended roofline over front balcony), existing without permits 12761 - 115 Street NW Project No.: 189278990-001
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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-17-165

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 256252327-001

APPLICATION TO: Construct an Accessory Building
(detached Garage 7.92m x 7.92m, 6.44m
in Height)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 9, 2017

DATE OF APPEAL: August 13, 2017

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 14443 - 110 Avenue NW

LEGAL DESCRIPTION: Plan 5887HW Blk 20 Lot 11

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:

Presently we are parking our holiday trailer in our back-yard perpendicular to the back lane. If there are any cars in the apartment parking lot, located directly behind our home, it makes it very challenging. We would like to park our holiday trailer in our back-yard parallel to the back-lane fence, as shown on the site plan attached to this permit number. The garage footprint needs to be as shown on the property site plan to do this. We approached the president of our community league and all our neighbors within 60 meters of our home with the Neighborhood Consultation for Proposed Development along with site drawings so they could see what we are proposing. They were unanimously in support of our garage project and signed the form indicating so.

We emailed all the Neighborhood Consultation for Proposed Development reports, which should be attached to our project number.

The garage package we chose has a loft space where the attic would be and would allow us to store items in the loft to enable our young grandchildren space in our basement to play. This takes us higher than a standard attic and conflicts with our neighborhood overlay. Presently there are several garages with lofts in our neighborhood. We request an approval for our garage project based on the above reasons. Thank you for your consideration. We look forward to hearing from you.

General Matters

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 18019 and passed by City Council on May 29, 2017. This Bylaw will come into effect September 1, 2017. The following provisions from the Edmonton Zoning Bylaw include the Bylaw 18019 amendments.

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Housing Zone.

Under section 6.1(2), **Accessory** means:

when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Under section 6.1(47), **Garage** means:

an Accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

Section 110.1 states that the **General Purpose** of the (RF1) **Single Detached Housing 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 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.

Height

Section 50.3(2) states “In a Residential Zone an Accessory building or structure shall not exceed 4.3 m in Height, [...]”

Under section 6.1(55), **Height** means “a vertical distance between two points.”

Development Officer’s Determination

Proposed Height: 6.44m. Exceeds by: 2.14m (Section 50.3.2)

Section 52.2(c) states:

Where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer’s Determination

The distance, from Grade to the ridgeline of the roof, is 7.46m instead of 5.8m. Exceeds by 1.66m (Section 52.2.c)

Mature Neighbourhood Overlay


Section 814.3(20) states “A principal Dwelling shall be separated from a rear detached Garage by a minimum of 3.0 m.”

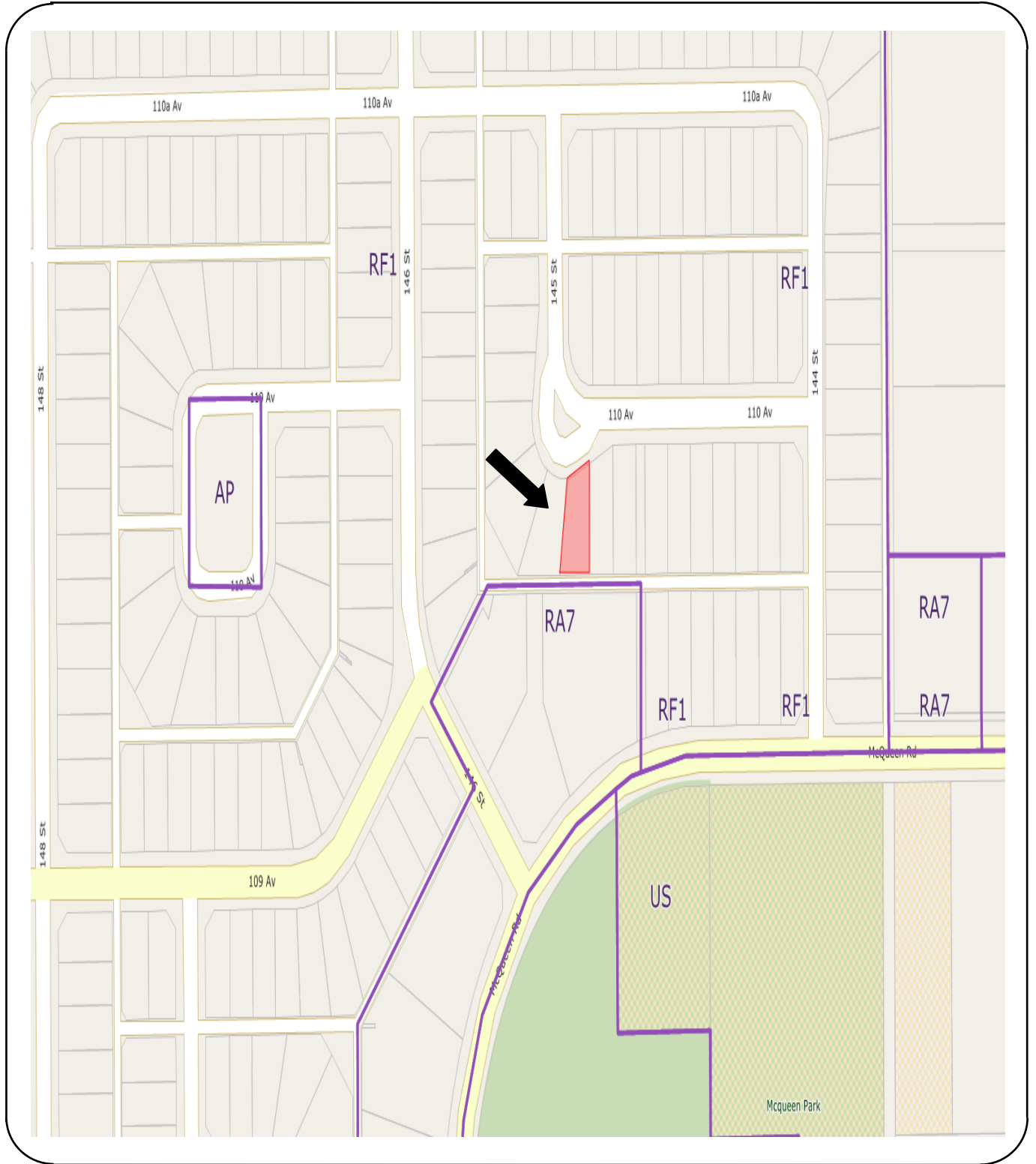
Development Officer’s Determination

A principal building shall be separated from a rear detached Garage by a minimum of 3.0 m. Proposed 1.23m. Deficient by: 1.77m (Section 814.3.22)

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: 256252327-001 Application Date: JUL 04, 2017 Printed: August 24, 2017 at 8:32 AM Page: 1 of 1																														
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Development and Building Permit</h3>																															
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Scope of Application To construct an Accessory Building (detached Garage 7.92m x 7.92m, 6.44m in height).																															
Permit Details																															
Building Area (sq. ft.): 650 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: Type of Accessory Building: Detached Garage (010)																														
I/We certify that the above noted details are correct. Applicant signature: _____																															
Development Application Decision Refused Reasons for Refusal 1. Height: An Accessory Building or Structure shall not exceed 4.3m. Proposed Height: 6.44m. Exceeds by: 2.14m (Section 50.3.2) 2. Height: The distance, from Grade to the ridgeline of the roof, is 7.46m instead of 5.8m. Exceeds by 1.66m (Section 52.2.c) 3. Separation space: A principal building shall be separated from a rear detached Garage by a minimum of 3.0 m. Proposed 1.23m. Deficient by: 1.77m (Section 814.3.22) 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, 2017 Development Authority: WATTS, STACY Signature: _____																															
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: left;">Receipt #</th> <th style="width: 10%; text-align: left;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Building Permit Fee</td> <td style="text-align: right;">\$105.00</td> <td style="text-align: right;">\$105.00</td> <td>04263033</td> <td>Jul 04, 2017</td> </tr> <tr> <td>Safety Codes Fee</td> <td style="text-align: right;">\$4.50</td> <td style="text-align: right;">\$4.50</td> <td>04263033</td> <td>Jul 04, 2017</td> </tr> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$113.00</td> <td style="text-align: right;">\$113.00</td> <td>04263033</td> <td>Jul 04, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right; border-top: 1px solid black;">\$222.50</td> <td style="text-align: right; border-top: 1px solid black;">\$222.50</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Building Permit Fee	\$105.00	\$105.00	04263033	Jul 04, 2017	Safety Codes Fee	\$4.50	\$4.50	04263033	Jul 04, 2017	Dev. Application Fee	\$113.00	\$113.00	04263033	Jul 04, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$222.50	\$222.50		
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THIS IS NOT A PERMIT																															



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-165



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-166

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 253720148-001

APPLICATION TO: Construct a Single Detached House with a front Rooftop Terrace, fireplace, Basement development (NOT to be used as an additional Dwelling), and rear uncovered deck (4.72m x 7.47m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 9, 2017

DATE OF APPEAL: August 10, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9729 - 96A Street NW

LEGAL DESCRIPTION: Plan 1226AQ Blk 4 Lot 9

ZONE: (RF3) Small Scale Infill Development Zone

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

STATUTORY PLAN: Cloverdale Area Redevelopment Plan

Grounds for Appeal

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

The lot is hurting me getting under height.

General Matters

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 18019 and passed by City Council on May 29, 2017. This Bylaw will come into effect September 1, 2017. The following provisions from the Edmonton Zoning Bylaw include the Bylaw 18019 amendments.

Under section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the (RF3) Small Scale Infill Development 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(94), **Rooftop Terrace** means:

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

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 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 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.

Height

Section 814.3(5) states “The maximum Height shall not exceed 8.9 m.”

Under section 6.1(55), **Height** means “a vertical distance between two points.”

Development Officer’s Determination

1. Height - The Single Detached House is 9.2m in Height instead of 8.6m (Section 814.3.13).

Community Consultation

Section 814.5(1) 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) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	Section 814.3(5) - Height

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: **253720148-001**
 Application Date: JUN 07, 2017
 Printed: August 10, 2017 at 9:00 AM
 Page: 1 of 2

Application for House Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant	Property Address(es) and Legal Description(s) 9729 - 96A STREET NW Plan 1226AQ Blk 4 Lot 9
	Location(s) of Work Suite: 9729 - 96A STREET NW Entryway: 9729 - 96A STREET NW Building: 9729 - 96A STREET NW

Scope of Application

To construct a Single Detached House with a front Rooftop Terrace, fireplace, Basement development (NOT to be used as an additional Dwelling), and rear uncovered deck (4.72m x 7.47m).

Permit Details

Affected Floor Area (sq. ft.): 2820
 Class of Permit:
 Front Yard (m): 4.49
 Rear Yard (m): 20.91
 Side Yard, left (m): 1.29
 Site Area (sq. m.): 401.68
 Site Width (m): 10.05

Building Height to Midpoint (m): 9.23
 Dwelling Type: Single Detached House
 Home Design Type:
 Secondary Suite Included?: N
 Side Yard, right (m): 1.29
 Site Depth (m): 39.94
 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

1. Height - The Single Detached House is 9.2m in Height instead of 8.6m (Section 814.3.13).

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, 2017 **Development Authority:** VANDERHOEK, HEATHER **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$140.00	\$140.00	04187865	Jun 07, 2017
Safety Codes Fee	\$94.12	\$94.12	04187865	Jun 07, 2017
Development Permit Inspection Fee	\$0.00	\$200.00	04187865	Jun 07, 2017
Building Permit Fee	\$2,353.00	\$2,353.00	04187865	Jun 07, 2017
Water Usage Fee	\$72.60	\$72.60	04187865	Jun 07, 2017
Electrical Fee (Service)	\$79.00	\$79.00	04187865	Jun 07, 2017
Electrical Safety Codes Fee	\$17.18	\$17.18	04187865	Jun 07, 2017

THIS IS NOT A PERMIT



Project Number: **253720148-001**
Application Date: JUN 07, 2017
Printed: August 10, 2017 at 9:00 AM
Page: 2 of 2

Application for House Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Electrical Fees (House)	\$317.00	\$317.00	04187865	Jun 07, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$3,072.90	<u>\$3,272.90</u>		
(overpaid by \$200.00)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-166



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-167

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 189278990-001

APPLICATION TO: Construct additions to a Single Detached House (front, side, and second Storey), and exterior alterations (extended roofline over front balcony), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: August 1, 2017

DATE OF APPEAL: August 10, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12761 - 115 Street NW

LEGAL DESCRIPTION: Plan 2923R Blk B Lot 15

ZONE: (RF2) Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

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

The front and side of the home are being treated as an addition to the house rather than as a veranda/porch/patio

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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Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

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- (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.

Non-conforming use and non-conforming buildings

643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
- (b) for routine maintenance of the building, if the development authority considers it necessary, or
- (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

Development Officer's Determination

Notes

A. The building is non-conforming. Proposed additions to the building will increase the non-conforming status of the structure.

General Provisions from the *Edmonton Zoning Bylaw*:

It should be noted that the Mature Neighbourhood Overlay was amended under Bylaw 18019 and passed by City Council on May 29, 2017. This Bylaw will come into effect September 1, 2017. The following provisions from the Edmonton Zoning Bylaw include the Bylaw 18019 amendments.

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

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

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(81), **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.

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 120.1 states that the **General Purpose** of the **(RF2) Low Density Infill Zone** is "to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions."

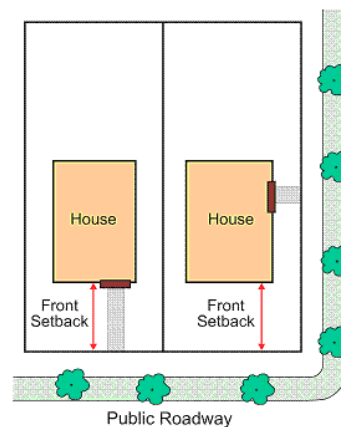
Front Setback

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, to a maximum of 20% of Site Depth. Where an Abutting Lot is vacant, the vacant Lot shall be deemed to have a Front Setback of the next Abutting Lot.

Under section 6.1(45), **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

1. Reduced Front Setback - The distance from the Single Detached House to the property line along 115 Street NW (front lot line) is 2.61m, instead of 6.52m (Section 814.3.1)

Side Setback

Section 814.3(3) states “where a Site Width is greater than 12.0 m and less than 18.3 m, the Side Setback requirements of the underlying Zone shall apply;”

Section 120.4(10)(a) states “Side Setbacks shall total at least 20% of the Site Width, with a minimum Side Setback of 1.2 m on each side.

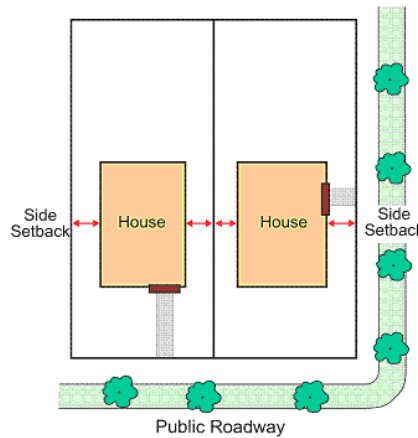
Section 814.3(8) states:

Where an interior Side Setback is less than 2.0 m,

- a. the applicant shall provide information regarding the location of side windows of the Dwellings on the Abutting properties and Amenity Areas on Abutting properties;
- b. the side windows of the proposed Dwelling shall be located to reduce overlook into Amenity Areas of the Abutting properties; and
- c. the proposed Dwelling shall incorporate design techniques, such as, but not limited to, translucent window treatment, window location, raised windows, or Privacy Screening, to reduce direct line of sight into the windows of the Dwelling on the Abutting property.

Under section 6.1(100), **Side Setback** means:

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



Development Officer’s Determination

2. Reduced Side Setback - The distance from the house to the property line shared with 12753 115 Street NW (side lot line) is 1.1m instead of 1.2m (Section 120.4(10)(a)).

Projection into Setbacks

Section 44.3 states:

The following features may project into a required Setback or Separation Space as provided for below:

- a) Platform Structures provided such projections do not exceed 2.5 m into a Front Setback.

Development Officer's Determination

3. Projection - The distance from the second story balcony to the property line along 115 Street NW (front lot line) is 2.26m, instead of 4.02m (Section 44.3(a))

Section 44.1 states:

The following features may project into a required Setback or Separation Space as provided for below:

- a) verandas, porches, eaves, shade projections, unenclosed steps, chimneys, belt courses, sills, together with any other architectural features which are of a similar character, provided such projections do not exceed 0.6 m in the case of Setbacks or Separation Spaces of 1.2 m or greater. Where unenclosed steps extend into Side Setbacks which are not used for vehicular access, such steps shall not exceed a Height of 1.0 m above Grade.

Development Officer's Determination

4. Projection - The distance from the eaves to the property line along 115 Street NW (front lot line) is 1.96m, instead of 5.92m (Section 44.1).

General Performance Standards

Section 57.2(1) states:

In all non-industrial developments, the design and use of exterior finishing materials shall be to the satisfaction of the Development Officer who shall ensure, as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or better than, the standard of surrounding development.

Development Officer's Determination

5. Exterior facade material - The front addition is constructed with an exterior finishing material that is not similar to, or better than, the standard or surrounding development (Section 57.2)

Community Consultation

Section 814.5(1) 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) states:

Tier #	Recipient Parties	Affected Parties	Regulation of this Overlay to be Varied
Tier 1	The municipal address and assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	The assessed owners of the land wholly or partially located within a distance of 60.0 m of the Site of the proposed development and the President of each Community League	Section 814.3(1) – Front Setback

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. 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: 189278990-001 Application Date: MAR 30, 2016 Printed: August 11, 2017 at 11:09 AM Page: 1 of 2
<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) 12761 - 115 STREET NW Plan 2923R Blk B Lot 15
Scope of Application To construct additions to a Single Detached House (front, side, and 2nd Storey), and exterior alterations (extended roofline over front balcony), existing without permits.	
Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
Reason for Refusal	
1. Reduced Front Setback - The distance from the Single Detached House to the property line along 115 Street NW (front lot line) is 2.61m, instead of 6.52m (Section 814.3.1)	
2. Reduced Side Setback - The distance from the house to the property line shared with 12753 115 Street NW (side lot line) is 1.1m instead of 1.2m (Section 120.4(10)(a)).	
3. Projection - The distance from the second story balcony to the property line along 115 Street NW (front lot line) is 2.26m, instead of 4.02m (Section 44.3(a))	
4. Projection - The distance from the eaves to the property line along 115 Street NW (front lot line) is 1.96m, instead of 5.92m (Section 44.1).	
5. Exterior facade material - The front addition is constructed with an exterior finishing material that is not similar to, or better than, the standard or surrounding development (Section 57.2)	
Notes	
A. The building is non-conforming. Proposed additions to the building will increase the non-conforming status of the structure.	
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.	
THIS IS NOT A PERMIT	



Project Number: 189278990-001
Application Date: MAR 30, 2016
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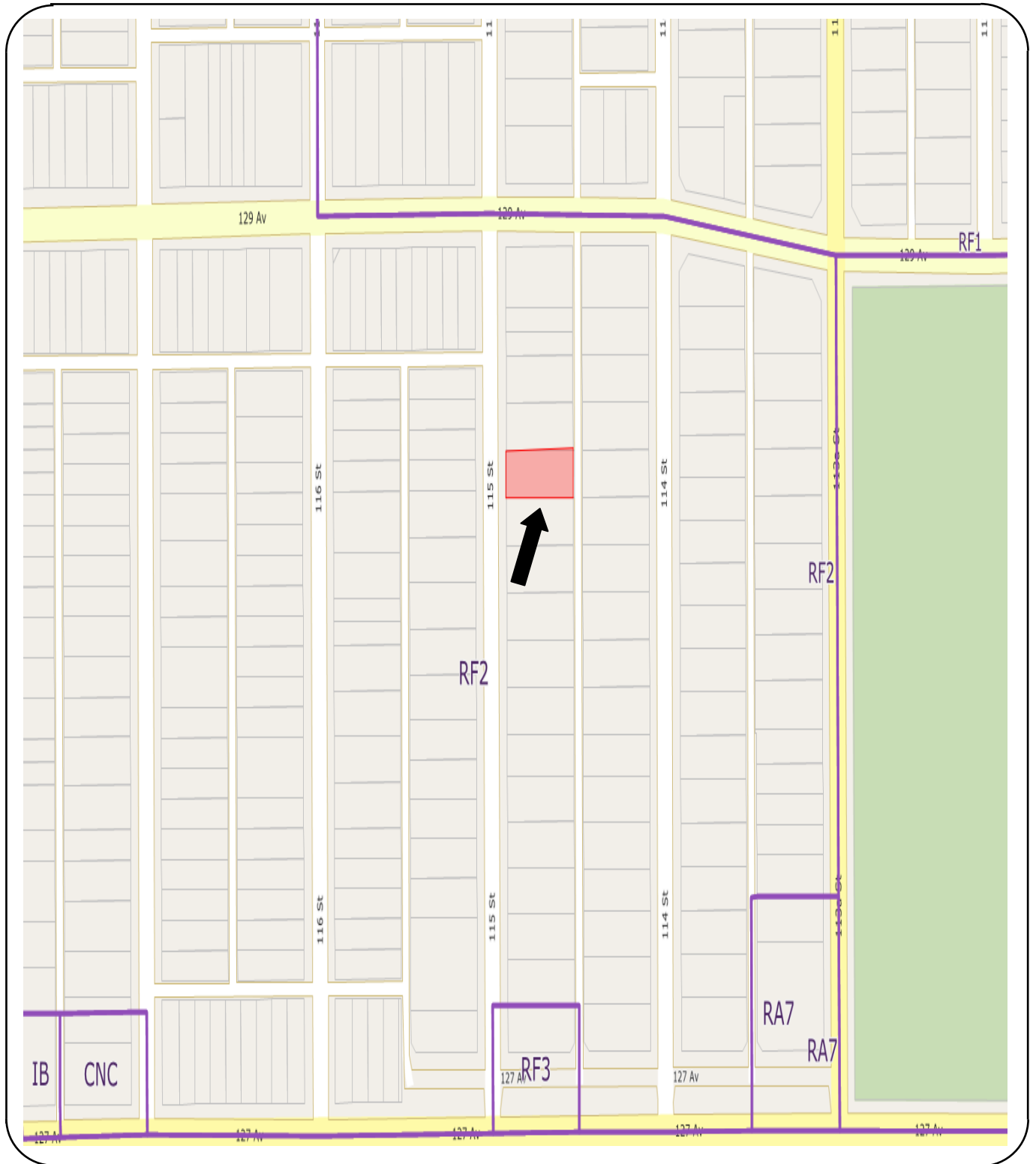
Application for Minor Development Permit

Issue Date: Aug 01, 2017 Development Authority: McARTHUR, JORDAN Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$393.00	\$393.00	03170742	Apr 01, 2016
Existing Without Permit Penalty Fee	\$393.00	\$393.00	03170742	Apr 01, 2016
DP Notification Fee	\$41.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$827.00	\$786.00		
(\$41.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-167

