

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
August 1, 2019**

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

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

I	9:00 A.M.	SDAB-D-19-115	Construct a Single Detached House with fireplace, uncovered deck and walkout Basement development 9809 - 92 Avenue NW Project No.: 297464379-001
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II	9:00 A.M.	SDAB-D-19-116	Construct a Single Detached House with fireplace, uncovered deck and walkout Basement development 9811 - 92 Avenue NW Project No.: 297464643-001
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III	10:30 A.M.	SDAB-D-19-117	Construct an ancillary administrative office building to an existing Senior's Apartment Housing facility 12603 / 12511 - 135 Avenue NW Project No.: 312131072-001
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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 / II: 9:00 A.M.

FILE: SDAB-D-19-115 / 116

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 297464379-001
297464643-001

APPLICATION TO: Construct a Single Detached House with
fireplace, uncovered deck and walkout
Basement development

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 24, 2019

DATE OF APPEAL: July 3, 2019
July 8, 2019

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 9809 - 92 Avenue NW
9811 - 92 Avenue NW

LEGAL DESCRIPTION: Plan 1822787 Blk 128 Lot 21B
Plan 1822787 Blk 128 Lot 21A

ZONE: (RF2) Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Strathcona Area Redevelopment Plan

Grounds for Appeal

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

Franken Homes is an Edmonton-based, family owned and operated company that has been building quality home sin the City of Edmonton since 2011. Millcreek/Strathcona is one of the many mature neighbourhoods within the city that offer Edmontonians a unique combination of nature, culture and access to important infrastructure such as trails, bike lanes and public transportation, all in proximity to both Whyte Avenue and downtown. This high quality of life for neighbourhood residents and unique homes, such as the one proposed herein continues to attract Edmontonians to this sought after neighbourhood.

Franken Homes understands and respects the need for building control and bylaws and have been working closely with the development officer to eliminate all non-essential variances. However, our clients have specifically requested a flat roof and a walk out because of the unique characteristics of the lot, elevation and scenic views. The flat roof will enable our clients to fully utilize the third storey (as opposed to a pitched roof that only offers two and a half storeys) while the walkout will enable them to easily access and store their bikes which they depend on for their primary mode of transportation.

Previous variances that have been resolved with the development officer include:

1. Maximum Site Coverage Area for house with garage is 40% of Site area or 121.5 sm.
 - The proposed is 171.96sm or 47%. Exceeded the maximum requirement.
2. With the provision of front porch, total site coverage can be increased to a maximum of 42% of the Site area.
 - The proposed is 171.96sm or 47%. Exceeded the maximum requirement.
3. The minimum side setback shall be 1.2 on each sides.
 - Proposed is 0.92 111 on right side and 0.91 m on left side. These are both deficient.
4. The minimum rear setback shall be 40% of Site Depth or 16.11 m.
 - Proposed is 4.79 111 or 11.9%. Deficient
5. Total Dormer width shall not exceed 1/3 of the building wall which it is located. Required is a maximum of 1.71 m.
 - Proposed is 3.5 m. Exceeded the maximum requirement.
6. Privacy Screening is required on left and right side of the uppermost deck.
7. Rear attached Garage is not allowed on properties in the Mature Neighbourhood Overlay.

As a builder, we believe in investing time, money and effort to ensure we deliver the best quality home that suite the unique characteristics of the specific lot and neighbourhood and we believe that the proposed project will not only provide that to our clients but will also enhance the neighbourhood, encourage more urban density (as opposed to urban sprawl) and support the important City of Edmonton infrastructure.

Variance 1: HEIGHT:
Height Allowed: 8.9m
Height Requested: 9.75m
Difference: .85m

- Depending on how height calculations are done, a slanted roof and a flat roof is the same height
- Existing precedence in the Millcreek/Strathcona area for height over 8.9m.
- We have previously built houses with the slanted roof and it makes the third storey space enclosed and reduced functionality
- The flat roof third storey is in high demand especially when clients pay in excess of 800k
- Third storeys are a functional space that have evolved to meet the demands of how people live and provides a low maintenance outdoor living space for today's busy and hard working Edmontonian families.

The precedence already exists within Millcreek/Strathcona and comparable neighbourhoods such as Belgravia area that have utilized the top floor as a functional space with flat roofs and increasing the living/entertainment and roof top space.

Variance 2: Privacy Screening:

- We understand privacy is important for neighbours and who want private backyards. The proposed project has a front balcony that is setback from the street and does not infringe on anybody's private backyard.
- Utilization of the Downtown and ravine reviews that would be reduced/hindered by privacy screening.

Variance 3: Height enclosed step (walkout):

Allowed: 1m (The height of unenclosed steps shall not exceed 1m from the finished ground level)

Proposed 2.4m

The proposed project includes a steel open riser from street level to front door. Due to the elevation of the lot, a 1m allowance would not work for such a steep access.

- Neighbours have a garage below ground, which is a similar concept, if their garage door was made out of glass.
- The incline of this lot is quite unique within the City of Edmonton and it provides such a unique opportunity to open the basement with natural light.
- Our clients specifically want a walkout basement with direct access to the bike lanes and trails.

Alignment with City of Edmonton Policy

The City of Edmonton has made a commitment to improve the lives of Edmontonians and that commitment is coming to life all over the city. The commitment to developing and rejuvenating Edmonton's city centre and mature neighbourhoods, and the implementation of supporting policies such as the Municipal Development Plan-The Way we Grow, the Transportation Master

Plan-The Way we Move; and Edmonton's People Plan-The Way we Live sets out a path for a vibrant future for the city. The vision to make Edmonton a 'city of design' and to improve livability for Edmontonians is one that the City cannot attain on its own and must rely on private businesses to help bring about this change.

Franken Homes is committed to providing innovative living solutions for families in Edmonton and at all income levels in support of the City of Edmonton's vision and policies. We pride ourselves on quality, uniqueness, attention to detail and delivering a new high standard for home own owners in the City.

Specific alignment to policy includes:

Municipal Development — The Way we Grow

Edmonton's mature neighbourhoods received 18 percent of the city's growth in housing units in 2007; despite this unit growth, the population in these mature areas has declined in population by one percent. All new population growth during this time occurred in other areas of the city, primarily in our developing communities.

The Municipal Development Plan (MDP) proposes a new direction for growth and will require incremental decisions that support our commitment to saying "yes" to the things we want and need.

3.5.1. Established Neighbourhoods: Established neighbourhoods gain a greater portion of new growth, accommodating changes and growth with certainty. Residential in fill may range from small lot single family houses to high-rise towers in selected locations.

3.5.1.1: Support redevelopment and residential infill that contribute to the livability and adaptability of established neighbourhoods.

3.5.2.1/4.2.1.1: Support neighbourhood revitalization and contributes to the livability and adaptability of mature neighbourhoods.

4.2.1.5 Established Neighbourhoods: Collaborate with Edmonton's school boards to support the City of Edmonton's long-term intensification efforts in established communities.

4.2.1.6: Optimize the use of existing infrastructure in established neighbourhoods.

Millcreek/Strathcona is designated as both a central core and established neighbourhood and approval of this proposed development would help the City of Edmonton to implement this MDP.

Liveability is one of the four key principals underpinning the development and implementation of the City of Edmonton's Strategic Plan. Similarly, improving livability is one of the six 10-year strategic goals.

Approval of the proposed development contributes directly to the following three of nine Strategic Goals from the City of Edmonton's Municipal Development Plan:

- Complete, Healthy and Liveable Communities: Communities which are designed to encourage healthy lifestyles and social interaction for people, and which provide the services necessary for livability
- Urban Design: High quality urban spaces, buildings and streets make Edmonton a great place to live and visit.
- Supporting Prosperity: Edmonton, Alberta's capital city, is home to an innovative and diverse business environment that fosters economic development and supports prosperity.

Millcreek/Strathcona is centrally located in one of Edmonton's most desirable locations with proximity to locally owned shops and restaurants of Whyte Ave and Edmonton's downtown as well as the river valley. This area brings together all of the components of complete, healthy and livable communities however the area is need of reinvestment and attraction for Edmonton's young families to settle here.

Transportation Master Plan — The Way we Move:

Integrating transit and land use provides direction for denser development around LRT stations, transit centres and transit avenues. Mature neighbourhood redevelopment contributes directly to the City of Edmonton's Transportation Master Plan by encouraging the usage of public transportation along existing transportation corridors and the integration will allow Edmonton to support sustainable transit system and concentrate Edmonton's future urban form.

A compact, transit-oriented, livable, healthy and sustainable urban form for Edmonton includes "renewal and revitalization of mature neighbourhoods".

The proposed development is along major existing transportation corridors and public transportation.

The Way We live: Edmonton's People Plan:

The Way We Live: Edmonton's People Plan acknowledges the municipal government's role in bringing people together to create a civil, socially sustainable and caring society where people have opportunities to thrive and realize their potential in a safe, attractive city.

- Objective 1.3: promote a range of housing options in close proximity to LRT stations and major transit centres.
- Objective 5.1.3: Engages Edmontonians in developing a unique and beautiful city.

- Objective 5.1.4: Promotes innovative architecture and design in all areas of the city.

The proposed development will provide a unique design and architecture while providing an alternative housing option for Edmontonians to live in one of Edmonton's core established communities.

Other considerations:

- Redevelopment of mature neighbourhoods helps to reduce the need and expenses associated with new neighbourhood development (i.e. new roads, schools, water and sewer, etc.).
- Helps to alleviate pressure on new community schools that are in many cases already at capacity, while mature neighbourhood schools are under subscribed or closing.
- Helps to alleviate urban sprawl and promotes population growth in the central areas of the city.
- Contributes to Edmonton's walkability and reduction of reliance on independent/private vehicles.
- The City of Edmonton is committed to diversity-including providing diversity of options for how and where people choose to live

<i>General Matters</i>

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

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

- (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

Hearing and Decision

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

...

- (a.1) must comply with the land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the **(RF2) Low Density Infill Zone**.

Under section 7.2(8), **Single Detached Housing** means:

development consisting of a building containing one principal Dwelling which is separate from any other principal Dwelling or building. This Use includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 115.1 states that the **General Purpose** of **(RF2) Low Density Infill Zone** is:

to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites and Garden Suites.

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.

Mature Neighbourhood Overlay - Height

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

Under section 6.1, **Height** means "a vertical distance between two points."

Development Officer's Determination

The maximum Height shall not exceed 8.9 m. (Reference Section 814.3.5)

Proposed Height: 9.75 m

Exceeds by: 0.85 m

There shall be no variance from maximum Height ((Reference Section 11.4.1.b) [unedited])

Privacy Screening

Section 814.3(8)(c) states:

Where an interior Side Setback is less than 2.0 m, 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, **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

Privacy Screening shall be incorporated to reduce direct line of sight into the windows of the Dwelling on the Abutting property (Section 814.3.8.c)

The uppermost deck is not provided with Privacy Screen. [unedited]

Projection into Setbacks

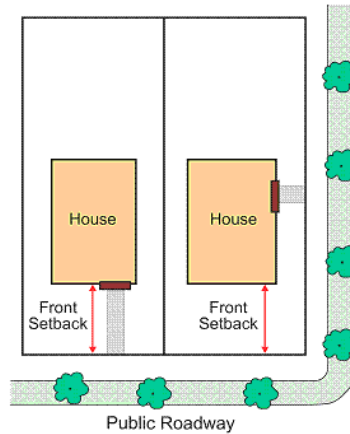
Section 44.1 states the following:

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

- a. ...
- b. Notwithstanding subsection 44.2(a), unenclosed steps, including a landing 1.5 m² or less, may project into a required Setback, provided:
 - ...
 - ii. the unenclosed steps or landing do not exceed a Height of 1.0 m above finished ground level;
 - ...
- c. ...

Under section 6.1, **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

The Height of unenclosed step that projects into the Setback (Front) shall not exceed 1 m (Section 44.1.b.ii)

Proposed: 2.4 m

Exceeds by: 1.4 m [unedited]

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, or a 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 11.3 and 11.4.


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 metres 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 metres of the Site of the proposed development and the President of each Community League	814.3(5) - Height
Tier 2
Tier 3	The municipal address and assessed owners of the land Abutting the Site of the proposed development and the President of each Community League	The assessed owners of the land Abutting the Site of the proposed development	814.3(9) – Side Setbacks and Privacy

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	Project Number: 297464379-001 Application Date: NOV 11, 2018 Printed: June 24, 2019 at 2:29 PM 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) 9809 - 92 AVENUE NW Plan 1822787 Blk 128 Lot 21B		
Scope of Application To construct a Single Detached House with fireplace, uncovered deck and walkout Basement development.			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: Class of Permit: Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Lot Grading Needed?: New Sewer Service Required: N 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 Issue Date: Jun 24, 2019 Development Authority: ANGELES, JOSELITO Reason for Refusal The maximum Height shall not exceed 8.9 m. (Reference Section 814.3.5) Proposed Height: 9.75 m Exceeds by: 0.85 m There shall be no variance from maximum Height ((Reference Section 11.4.1.b) Privacy Screening shall be incorporated to reduce direct line of sight into the windows of the Dwelling on the Abutting property (Section 814.3.8.c) The uppermost deck is not provided with Privacy Screen. The Height of unenclosed step that projects into the Setback (Front) shall not exceed 1 m (Section 44.1.b.ii) Proposed: 2.4 m Exceeds by: 1.4 m			
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.			
THIS IS NOT A PERMIT			

	Application for Minor Development Permit			Project Number: 297464379-001 Application Date: NOV 11, 2018 Printed: June 24, 2019 at 2:29 PM Page: 2 of 2
Fees				
	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$204.00	\$204.00	777388070526001	Nov 11, 2018
Dev. Application Fee	\$485.00	\$485.00	777388070526001	Nov 11, 2018
Lot Grading Fee	\$143.00	\$143.00	777388070526001	Nov 11, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	\$832.00	\$832.00		
THIS IS NOT A PERMIT				

	<h2 style="margin: 0;">Application for Minor Development Permit</h2>	Project Number: 297464643-001 Application Date: NOV 11, 2018 Printed: July 3, 2019 at 8:31 AM Page: 1 of 2		
This document is a Development Permit Decision for the development application described below.				
Applicant	Property Address(es) and Legal Description(s) 9811 - 92 AVENUE NW Plan 1822787 Blk 128 Lot 21A			
Scope of Application To construct a Single Detached House with fireplace, uncovered deck and walkout Basement development.				
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> # of Primary Dwelling Units To Construct: Class of Permit: Lot Grading Needed?: New Sewer Service Required: Y Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>			# of Dwelling Units Add/Remove: 1 # of Secondary Suite Dwelling Units To Construct: Client File Reference Number: Minor Dev. Application Fee: Single Detached House Secondary Suite Included?: N	# of Primary Dwelling Units To Construct: Class of Permit: Lot Grading Needed?: 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: _____				
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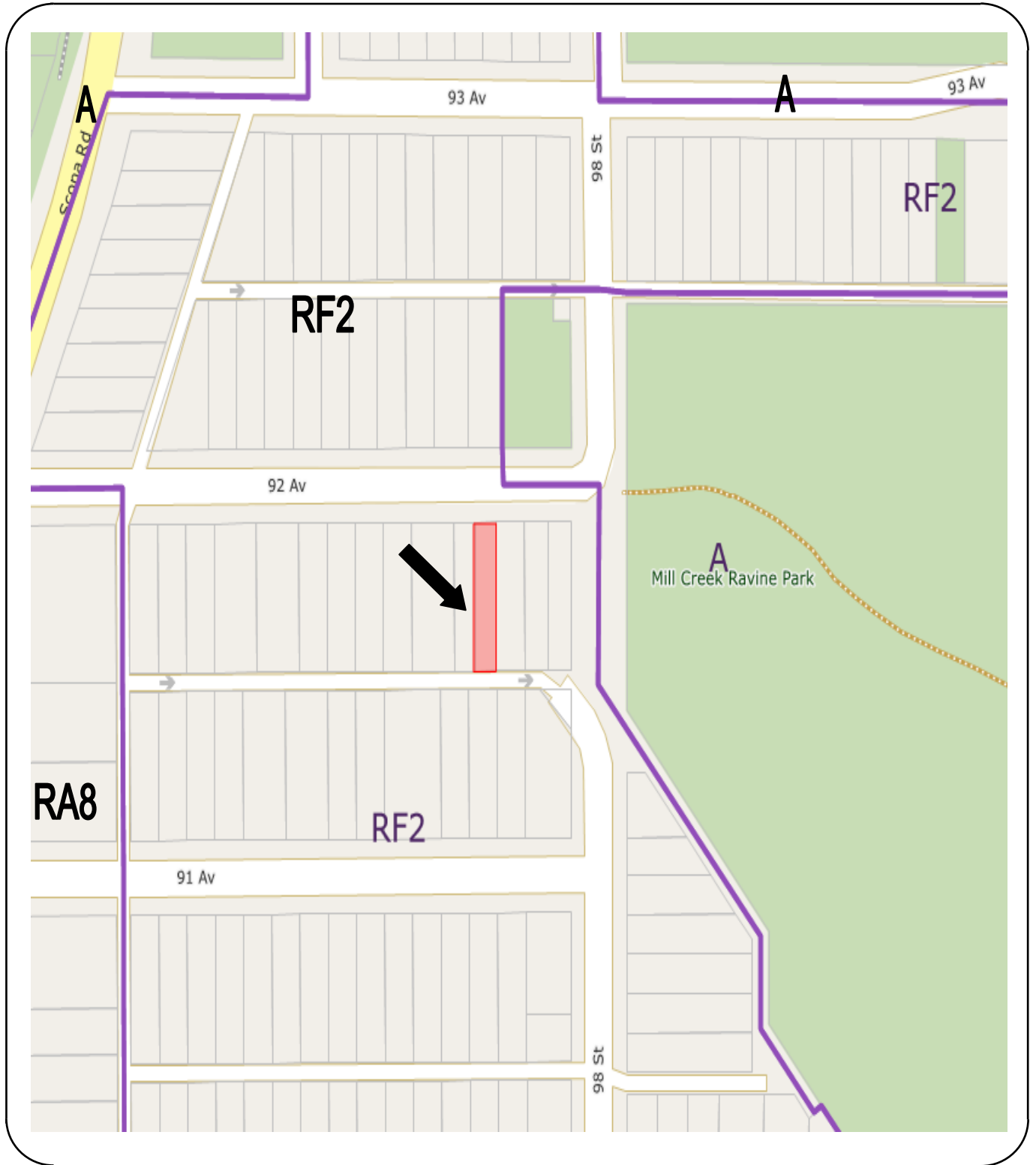
Application for Minor Development Permit

Project Number: **297464643-001**
Application Date: NOV 11, 2018
Printed: July 3, 2019 at 8:31 AM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Sanitary Sewer Trunk Fund	\$1,629.00	\$1,629.00	05474601	Nov 15, 2018
Development Permit Inspection Fee	\$204.00	\$204.00	777390007576001	Nov 11, 2018
Dev. Application Fee	\$485.00	\$485.00	777390007576001	Nov 11, 2018
Lot Grading Fee	\$143.00	\$143.00	777390007576001	Nov 11, 2018
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,461.00</u>	<u>\$2,461.00</u>		

THIS IS NOT A PERMIT

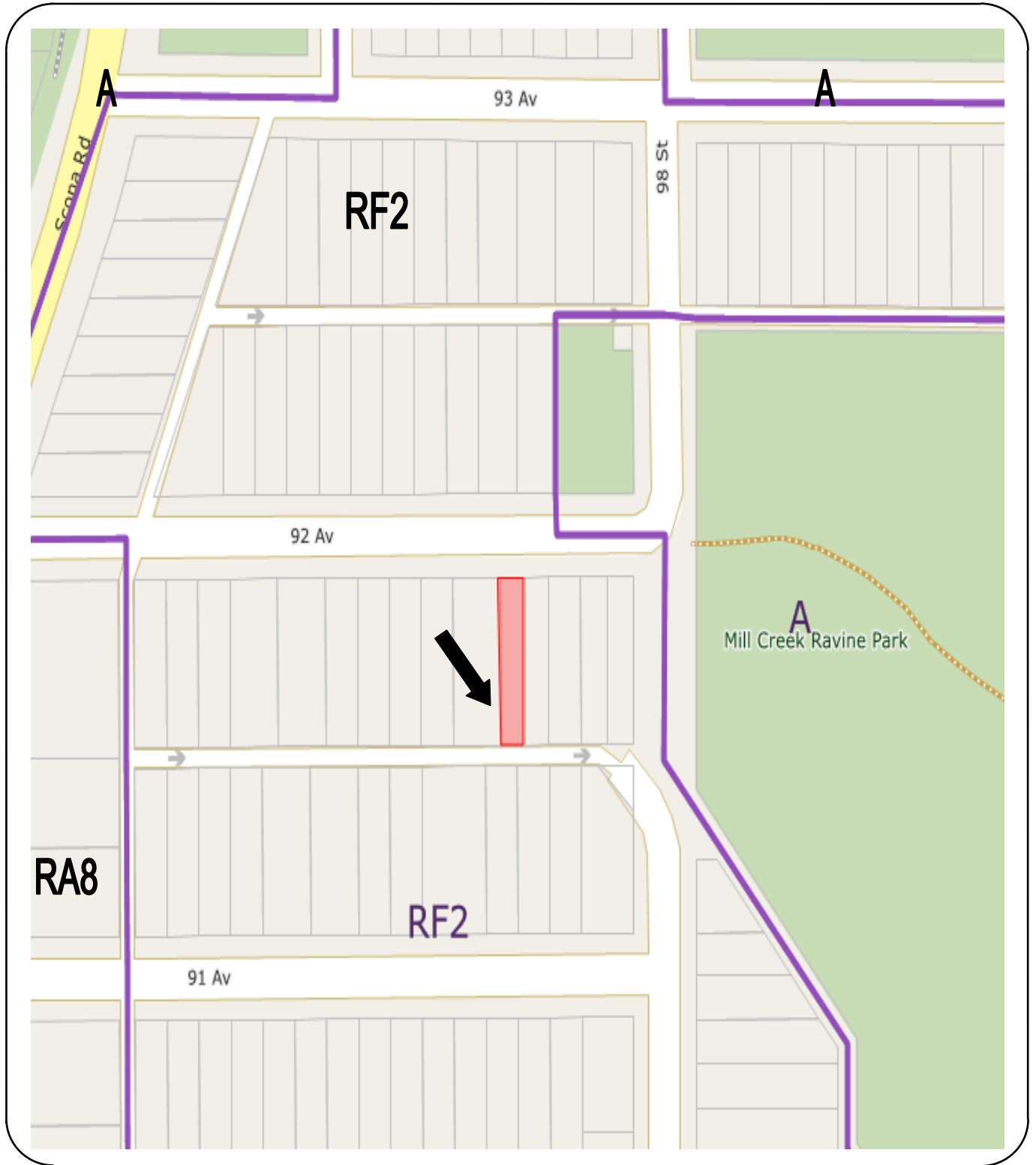


SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-115





SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-116



ITEM III: 10:30 A.M.

FILE: SDAB-D-19-117

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 312131072-001

APPLICATION TO: Construct an ancillary administrative office building to an existing Senior's Apartment Housing facility

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 27, 2019

DATE OF APPEAL: July 3, 2019

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12603 / 12511 - 135 Avenue NW

LEGAL DESCRIPTION: Plan 9724004 Blk 10 Lot 6, Plan 9724010 Unit 1

ZONE: DC2.897 Site Specific Development Control Provision

OVERLAY: N/A

STATUTORY PLAN: N/A

Grounds for Appeal

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

Kensington Village houses LTC, Supportive Living SL4 and SL4D, plus seniors rental apartments and seniors condos.

Over the years a number of the resident support spaces have been converted into administrative offices. The administrative offices are scattered throughout the facility, wherever it was deemed that a support space could be repurposed, thus making for a very poor collaborative work environment and very poor LEAN operation.

The individuals that don't have office space work wherever than can, in the cafeteria at a dining table or in a resident lounge or dining room at a dining table or sofa. Besides the in-ability of staff to focus and maintain

confidential records, they are working in an ergonomically incorrect office setting. The proposed office building will consolidate the administrative staff in one location, provide them with an appropriate, collaborative work environment with ergonomically correct furnishings. They will have proper heating, cooling and air exchanges. They will have correct light levels and support tools at their ready. In addition to an office environment that meets their needs they will have access to staff areas where they can take a break, meeting spaces where they can meet in confidence with their colleagues/AHS' team members/ family members/ outside agencies, etc.

Reason For Appeal (The "Refused" decision for 312131072-001 is partially re-copied below in RED)

1. Development shall be in general conformance with Appendix I. (Reference Section DC2.897.4.a)

As noted above these administrative offices are already there but they are scattered throughout the facility. With this new Design, they have just been centralized to make them more efficient. We reiterate that Kennington Village still is in general conformance with the intent of the DC2 as set out in Appendix I. (Reference Section DC2.897.4.a). We ask the SDAB to not penalize this quality institution because the attached updated Appendix 1 did not provide the flexibility to shift these administrative offices to make the better function.

2. Design techniques, inclusive of the use of sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades, shall be employed to minimize the perception of massing when viewed from the low density residential areas to the north, east and west. (Reference Section DC2.897.4.k)

- In addition to proposed development's not in general conformance with Appendix I, it also does not have sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades. We suggest this articulation is not appreciated in the existing building as it exists now. There are none of these (sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades) as required in the DC2. The new building elevation that we are proposing compliments the existing Kensington Village exterior elevations and we suggest these DC2 requirements are not in line with the "look" of the existing building. The new elevation is purposely different because the function is different. (offices verses residential)

3. Approximately 50% of required deciduous trees shall be minimum of 50 mm Caliper and approximately 50% shall be a minimum 70 mm

We will comply with the planting to ensure we meet with Section 55.55.3 of the City Bylaw.

4. Grade Yes – we confirm that was grade calculated based on the average of 4 specific points on the property

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
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- (a) in the case of an appeal made by a person referred to in section 685(1)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under section 642, [...]

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

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under DC2.897.3.a, **Apartment Housing** is a **listed Use** in the **DC2.897 Site Specific Development Control Provision**.

Under section 7.2(1), **Apartment Housing** 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, **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.”

DC2.897.1 states that the **General Purpose** of the **DC2.897 Site Specific Development Control Provision** is:

To establish a Site Specific Development Control Provision to accommodate seniors-oriented low rise apartments, with site development regulations to ensure that development will be compatible with the adjacent residential development.

DC2.897 - Appendix I

DC2.897.4.a states “Development shall be in general conformance with Appendix I.”

Development Officer’s Determination

- 1. Development shall be in general conformance with Appendix I. (Reference Section DC2.897.4.a)**
- The proposed administration building is not in general conformance with Appendix I, because it is a stand alone and additional structure that was not included in the Site Plan of Appendix I. [unedited]**

Design Techniques

DC2.897.4.k states:

Design techniques, inclusive of the use of sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades, shall be employed to minimize the perception of massing when viewed from the low density residential areas to the north, east and west, to the satisfaction of the Development Officer.

Development Officer’s Determination

**2. Design techniques, inclusive of the use of sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades, shall be employed to minimize the perception of massing when viewed from the low density residential areas to the north, east and west. (Reference Section DC2.897.4.k)
- In addition to proposed development's not in general conformance with Appendix I, it also does not have sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades. [unedited]**

General Planting Requirements

Section 55.3(c) states:

new trees and shrubs shall be provided on the following basis:

- i. ...
- ii. approximately 50% of required deciduous trees shall be minimum of 50 mm Caliper and approximately 50% shall be a minimum 70 mm Caliper;
- iii. approximately 75% of required coniferous trees shall be a minimum of 2.5 m in Height and approximately 25% shall be a minimum of 3.5 m in Height; and
- iv. ...

Under section 6.1, **Caliper** states “the trunk diameter of a tree measured at a point 300.0 mm above the top of the root ball.”

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

Development Officer’s Determination

**3. Approximately 50% of required deciduous trees shall be minimum of 50 mm Caliper and approximately 50% shall be a minimum 70 mm Caliper and approximately 75% of required coniferous trees shall be a minimum of 2.5 m in Height and approximately 25% shall be a minimum of 3.5 m in Height. (Reference Section 55.3.c.ii & iii)
- Proposed deciduous trees are all 60 mm caliper.
- Proposed coniferous trees are all 2.5 m high. [unedited]**

<i>Grade</i>

Section 52.4 states:

The Development Officer shall determine Grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:

- a. if the applicant can show by reference to reliable topographical maps that the elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Officer may determine Grade by calculating the average of the highest and lowest elevation on the Site;
- b. the Development Officer may determine Grade by calculating the average of the elevation at the corners of the Site prior to construction as shown on the applicant's grading plan;
- c. the Development Officer may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site or separated from the Site by a Lane;
- d. for a Site where the highest geodetic elevation at a corner of the front property line is greater than the lowest geodetic elevation at a corner of the rear property line by 2.0 m or more, the Development Officer may determine Grade by calculating the average elevation of the front corners of the Lot, and along the side property lines a distance equal to the minimum front Setback in the underlying Zone from the front property line. This method is intended for small scale development with a single Principal building and is not intended to be used for Multi-unit Project Developments;
- e. for a Garden Suite, the Development Officer may determine Grade by calculating the average of the elevation of the corners at the Rear Lot Line prior to construction as shown on the applicant's Site Plan; or
- f. **the Development Officer may use his variance power to determine Grade by a method other than the ones described in subsection 52.4. If so, this shall be a Class B Discretionary Development.**

Under section 6.1, **Grade** means “a geodetic elevation from which the Height of a structure is measured, calculated in accordance with Section 52.”

Development Officer's Determination


4. Grade was calculated based on the average of 4 specific points on the property. (Reference Section 52.4.e) [unedited]

Previous Subdivision and Development Appeal Board Decision

Application Number	Description	Decision
SDAB-D-04-255	Construct an addition to an Apartment House for Seniors (Shepard's Care Foundation)	October 8, 2004; that the appeal be DENIED and the DEVELOPMENT GRANTED subject to conditions.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<h2 style="margin: 0;">Application for Major Development Permit</h2>	Project Number: 312131072-001 Application Date: APR 29, 2019 Printed: July 3, 2019 at 1:16 PM Page: 1 of 2
This document is a Development Permit Decision for the development application described below.		
Applicant	Property Address(es) and Legal Description(s) 12603 - 135 AVENUE NW Plan 9724004 Blk 10 Lot 6 12511 - 135 AVENUE NW Plan 9724010 Unit 1	
Scope of Application To construct an ancillary administrative office building to an existing Senior's Apartment Housing facility.		
Permit Details		
Class of Permit: Gross Floor Area (sq.m.): 1266 New Sewer Service Required: Site Area (sq. m.):	Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: Stat. Plan Overlay/Annex Area: (none)	
I/We certify that the above noted details are correct. Applicant signature: _____		
Development Application Decision Refused Issue Date: Jun 27, 2019 Development Authority: ANGELES, JOSELITO		
Reason for Refusal		
1. Development shall be in general conformance with Appendix I. (Reference Section DC2.897.4.a) - The proposed administration building is not in general conformance with Appendix I, because it is a stand alone and additional structure that was not included in the Site Plan of Appendix I.		
2. Design techniques, inclusive of the use of sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades, shall be employed to minimize the perception of massing when viewed from the low density residential areas to the north, east and west. (Reference Section DC2.897.4.k) - In addition to proposed development's not in general conformance with Appendix I, it also does not have sloped roofs, stepped building design and the use of variations in setbacks and articulation of building facades.		
3. Approximately 50% of required deciduous trees shall be minimum of 50 mm Caliper and approximately 50% shall be a minimum 70 mm Caliper and approximately 75% of required coniferous trees shall be a minimum of 2.5 m in Height and approximately 25% shall be a minimum of 3.5 m in Height. (Reference Section 55.3.c.ii & iii) - Proposed deciduous trees are all 60 mm caliper. - Proposed coniferous trees are all 2.5 m high.		
4. Grade was calculated based on the average of 4 specific points on the property. (Reference Section 52.4.e)		
Rights of Appeal The Applicant has the right of appeal within 21 days after the date on which the decision is made, as outlined in Section 683 through 689 of the Municipal Government Act.		
THIS IS NOT A PERMIT		



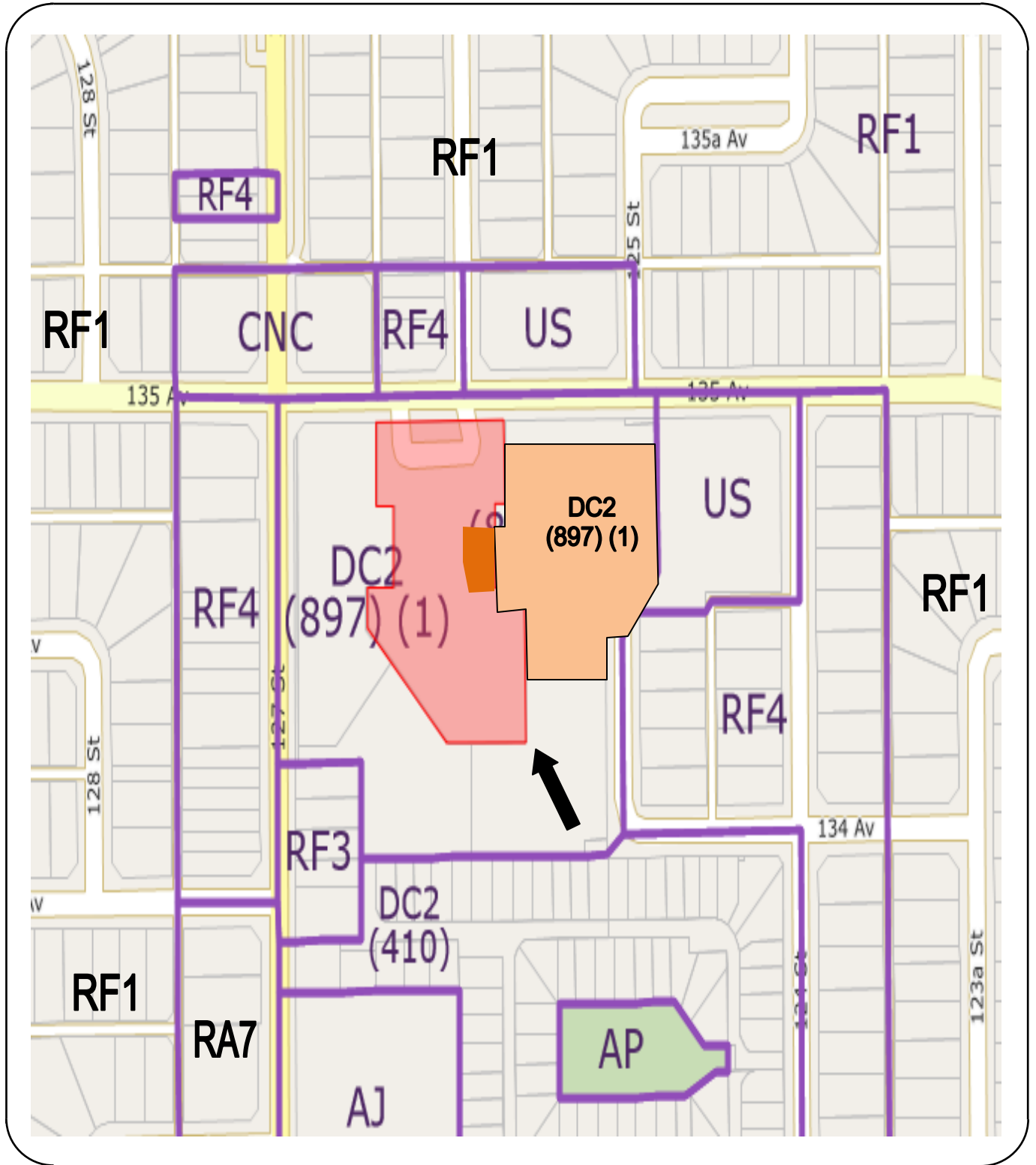
Application for Major Development Permit

Project Number: **312131072-001**
Application Date: APR 29, 2019
Printed: July 3, 2019 at 1:16 PM
Page: 2 of 2

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Development Permit Inspection Fee	\$518.00	\$518.00	05832273	May 07, 2019
Dev. Application Fee for GFA	\$784.00	\$784.00	05832273	May 07, 2019
Lot Grading Fee	\$236.00	\$236.00	05832273	May 07, 2019
Major Dev. Application Fee	\$963.00	\$963.00	05832273	May 07, 2019
Total GST Amount:	\$0.00			
Totals for Permit:	<u>\$2,501.00</u>	<u>\$2,501.00</u>		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-19-117

