**Edmonton Subdivision and Development Appeal Board**

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Date: March 11, 2016
Project Number: 176844527-002
File Number: SDAB-D-16-063

# Notice of Decision

[1] On February 25, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **February 2, 2016**. The appeal concerned the decision of the Development Authority, issued on January 19, 2016, to refuse the following development:

> **construct exterior alterations to a Semi-detached House (Driveway extension, 1.83m x 5m)**

[2] The subject property is on Plan 1520589 Blk 13 Lot 4, located at 6519 - 172 Avenue NW, within the RF4 Semi-Detached Residential Zone. The McConachie Neighbourhood Structure Plan and the Pilot Sound Area Structure Plan apply to the subject property.

[3] The following documents, which were received prior to the hearing and are on file, were read into the record:

- The Appellant's appeal form;
- The refused development permit;
- The residential development and building application;
- A Canada Post confirmation of delivery;
- The Development Officer's written submissions;
- The McConachie Neighbourhood Structure Plan; and
- The Pilot Sound Area Structure Plan.

## Summary of Hearing

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

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

*i) Position of the Appellant, Mr. H. Gill*

[6] The Appellant reiterated the arguments made in the Grounds for Appeal contained in the Notice of Appeal.

[7] He stated that this type of driveway extension is typical of the neighbourhood and estimated that approximately half of the driveways on the same street have similar extensions. The only difference between this driveway and the others in the same neighbourhood is that the others are single family homes. The subject property is a duplex. He admitted to not knowing whether or not there is a difference in regulations between the two. The other duplexes in the area do not yet have their driveways poured.

[8] In response to questions with respect to whether or not there would be parking on the extension, the Appellant stated that he did not have an intended Use for the driveway in mind. He built it without considering parking.

[9] He further stated that, despite the driveway extension, he feels there is sufficient space to landscape the property.

*ii) Position of the Development Officer, Mr. J. Xie*

[10] The Development Officer stated that the lots in the neighbourhood would have all been approved with the driveways being the width of their respective garages. The Appellant's driveway was not characteristic of the neighbourhood because the other driveways did not have permitted extensions. The similar driveway extension on the lot adjacent to the subject property was also poured by the Appellant.

[11] The Development Officer acknowledged that there is no definition for "Walkway" in the *Edmonton Zoning Bylaw* and that the driveway extension in question could be used as a walkway. However, if the extension is used for parking, it will be a compliance issue.

*iii) Rebuttal of the Appellant*

[12] The Appellant did not offer any arguments in rebuttal.

**Decision**

[13] The appeal is ALLOWED and the decision of the Development Authority is revoked. The development is GRANTED as applied for to the Development Authority. In granting the development, the following variance to the *Zoning Bylaw* is allowed:

*i)* a variance of 1.14 metres to the width of the driveway is granted, the width of the existing attached Garage being 4.24 metres and 3.1 metres being the maximum width allowable as determined in Section 54.1(4).

**Reasons for Decision**

[14] The proposed development is an Accessory to a Permitted Use in the RF4 Semi-Detached Residential Zone.

[15] The Board has determined the balance of 1.14 metres to be a walkway as it provides direct and continuous access to the front entry of the Dwelling. The Development Officer presented information that the original development permit application for the driveway was for the full width of the garage.

[16] The Board notes that this is a newer area that has not been fully developed and that there was no supporting evidence provided by any party indicating what was characteristic of the neighbourhood. The Development Officer did not make a site visit to ascertain whether or not this was characteristic of the neighbourhood.

[17] The Board further notes that the 1.83-metre concrete addition that was part of this appeal is not to be used for parking purposes pursuant to Section 54.2(2)(e)(i).

[18] This decision does not preclude any further requirements within the *Edmonton Zoning Bylaw* with respect to Landscaping, Parking and other relevant regulations.

[19] There were no submissions from the public in support or in opposition to this appeal.

[20] The Board has determined that, pursuant to Section 687(3)(d)(i) of the *MGA*, the proposed development will not have a material impact on the use, enjoyment or value of the neighbouring parcels of land, nor will it unduly interfere with the amenities of the neighbourhood.

Vincent Laberge, Presiding Officer
Subdivision and Development Appeal Board

**<u>Important Information for the Applicant/Appellant</u>**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

2. Obtaining a Development Permit does not relieve you from complying with:

   a) the requirements of the *Edmonton Zoning Bylaw*, insofar as those requirements have not been relaxed or varied by a decision of the Subdivision and Development Appeal Board,
   b) the requirements of the *Alberta Safety Codes Act*,
   c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
   d) the requirements of any other appropriate federal, provincial or municipal legislation,
   e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.

4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.

5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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

***Edmonton Subdivision and Development Appeal Board***

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Date: March 11, 2016
Project Number: 144630834-001
File Number: SDAB-D-16-064

**Notice of Decision**

[1] On February 25, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **January 29, 2016**. The appeal concerned the decision of the Development Authority, issued on January 19, 2016, to refuse the following development:

> **construct an addition to a Single Detached House (Breezeway: 5.18 m x 4.49 m to a detached garage), existing without permits**

[2] The subject property is on Plan 9122977 Blk 12 Lot 33, located at 732 - Johns Road NW, within the RPL Planned Lot Residential Zone. The Burnewood Neighbourhood Area structure plan applies to the subject property.

[3] The following documents, which were received prior to the hearing and are on file, were read into the record:

- The Development Appeal form with attachments;
- The refused development permit with attachments;
- A Canada Post confirmation of delivery;
- The Residential Development and Building Application; and
- The Burnewood Neighbourhood Area Structure Plan.

**Summary of Hearing**

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

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

*i) Position of the Appellant, Mr. B Ramalingam*

[6] The Appellant reiterated the arguments made in the Grounds for Appeal included in the Notice to Appeal.

[7] He stated that he needs the breezeway for health purposes. For years, he had trouble navigating the snow and ice buildup in the area between his home and his garage. On one occasion, he fell and sustained a serious injury to his spine. With the addition of the breezeway, he can now access his home safely.

[8] He further advised that he has canvassed the neighbourhood and gotten signatures of approval from some of his neighbours. He has received no objections regarding the development from any of his neighbours.

*ii) Position of the Development Officer, Mr. J. Xie*

[9] With respect to the side and rear setbacks, the Development Officer explained that, pursuant to Section 50.1(4) of the *Zoning Bylaw*, because the garage is attached to the house by the breezeway, it becomes part of the house. As a result, the setbacks are taken from the combined structure. Because the measurements are now made from the shortest distance to the combined structure, they have become 0.9 metres and 1.2 metres, deficiencies of 0.3 metres and 2.8 metres respectively.

[10] With respect to the Private Outdoor Amenity Space, he stated that the reviewed area would not meet the minimum of four metres in width and length prescribed by Section 130.4(8) at its narrowest point. Therefore, it is not in compliance with the *Zoning Bylaw*.

[11] With respect to the total Site Coverage, he explained that the proposed Total Site Coverage for the development would be 48.3%, which exceeds the maximum allowable Site Coverage prescribed by Section 130.4(3) by 1.3%.

[12] Finally, he confirmed that there is a public utility line on the lot adjacent to the subject property, which would restrict future development next door.

*iii) Rebuttal of the Appellant*

[13] The Appellant offered no arguments in rebuttal.

**Decision**

[13] The appeal is ALLOWED and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority. In granting the development, the following variances to the *Zoning Bylaw* are allowed:

*i)* The maximum Site coverage is varied from 47% to 48.3%, a variance of 1.3% (Section 130.4(3)).

*ii)* The minimum side setback is varied from 1.2 metres to 0.9 metres, a variance of 0.3 metres (Section 130.4(5)).

*iii)* The Rear Yard setback is varied 2.8 metres from the minimum of 4.0 metres to 1.2 metres (Section 130.4(6)).

*iv)* The Private Outdoor Amenity Area is varied by 2.58 metres from the minimum width and length requirement of 4.0 metres to 1.42 metres (Section 130.4(8)).

**Reasons for Decision**

[14] The proposed development is for the construction of a breezeway to be connected to a Single Detached House, which is a Permitted Use in the RPL Planned Lot Residential Zone.

[15] With respect to the variance for Site Coverage, the Board notes that, based on photographic submissions by the Development Authority, the RPL lots in this area all have condensed development in a small-lot-land-use designation.

[16] The Board determines that the impact of the 1.3% Site coverage overage is minimal, given that the breezeway is no closer to either adjacent neighbour and that it cannot be seen directly from the front street or rear lane.

[17] With respect to the side setback variance of 0.3 metres, the Board notes that the existing home and the detached garage do comply with the required setbacks but, by connecting them with the breezeway, the Appellant has made it so that the detached garage does not comply. However, the Board determines that the side setback variance of 0.3 metres creates a sufficient setback for the detached garage.

[18] With respect to the rear setback of 2.8 metres, the Board again notes that the existing home and the detached garage would comply with the setbacks required by the *Zoning Bylaw* if not for the addition of the breezeway. Similarly, the Board is of the view that the rear setback variance of 2.8 metres creates a sufficient setback for the detached garage.

[19] With respect to the private amenity variance of 2.58 metres, the Board determines that there is sufficient Private Amenity Space as indicated by the Development Authority. Although the smallest dimension of 1.42 metres does not meet the required minimum of four metres prescribed by Section 130.4(8) of the *Zoning Bylaw*, it was measured at the area's most narrow point and gets increasingly bigger in the amenity space.

[20] The Board accepts the submissions of the Appellant that the breezeway was built in 2012 for health reasons.

[21] The Board also notes that there were 14 neighbours within the notification zone who supported the breezeway. The property to the northeast, the immediately adjacent property, is a public utility lot and will have no developments built in close proximity to the subject site. The Board has determined that the breezeway will have a negligible impact on the lot to the northeast given this buffer zone.

[22] The Board notes that one of the neighbours in support was the owner of the lot immediately to the southwest. The Board received no opposition, nor did anyone appear at the hearing in opposition to the development.

[23] The Development Officer noted, as a fifth reason for refusal, that the proposed development was not compatible with the existing structures on the block face as prescribed by Section 130.4(12). In analyzing that specific regulation, the Board has determined that, since the breezeway cannot be seen by the front block face specifically referred to in the regulation, should the proposed development not be compatible, other Bylaws not within the Board's purview may be able to address any concerns in the future.

[24] Pursuant to Section 687(3)(d)(i), the Board does not believe that the proposed development will have any material effect on the use, enjoyment or value of the neighbouring parcels of land, nor will it unduly interfere with the amenities of the neighbourhood.

Vincent Laberge, Presiding Officer
Subdivision and Development Appeal Board

**Important Information for the Applicant/Appellant**

1. This is not a Building Permit. A Building Permit must be obtained separately from the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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    b) the requirements of the *Alberta Safety Codes Act*,
    c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
    d) the requirements of any other appropriate federal, provincial or municipal legislation,
    e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.

4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.

5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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

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Date: March 11, 2016
Project Number: 180559542-001
File Number: SDAB-D-16-065

# Notice of Decision

[1] On February 25, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **January 27, 2016**. The appeal concerned the decision of the Development Authority, issued on January 13, 2016, to approve the following development:

**erect an overheight fence (1.93 in Height) in the Front and Side Yards**

[2] The subject property is on Plan 7722130 Blk 53 Lot 28, located at 16508 - 113 Street NW, within the RF1 Single Detached Residential Zone.

[3] The following documents, which were received prior to the hearing and are on file, were read into the record:

- The Applicant's Development Appeal form;
- Photographs submitted by the Appellant;
- The approved Development Permit with attachments;
- The Development Officer's written submissions;
- The Respondent's written submissions with photos attached; and
- An online response in support of the development.

## Summary of Hearing

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

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

*i) Position of the Appellant, Mrs. G. Walker*

[6] The Appellant reiterated the arguments made in the Grounds for Appeal included in the Notice of Appeal.

[7] She stated the view from her side of the fence will be drastically affected if the development permit is approved. The colour of the Respondent's fence will not match the colour of her own fence, a factor that will make it visually unappealing if the Respondent is allowed to build a higher fence than the one on the Appellant's property. Although it is only a 0.08-metre difference in height, if she is able to see the Respondent's fence, she believes it will impact her enjoyment of her property.

*ii) Position of the Development Officer, Ms. K. Mark*

[8] The Development Officer appeared at the hearing to answer questions.

[9] She stated that height of the fence is measured approximately one half-metre back of the fence, as opposed to measuring from where the fence boards begin. She acknowledged that, if surface grades are different from one yard to the next, there is a chance that one fence could be higher than the other due to the measurement taking place at one half-metres distance from each respective fence.

[10] She also confirmed that the 1.93-metre height calculation was provided by the Respondent, not the Development Authority.

*iii) Position of the Respondent, Ms. D. Ward*

[11] The Respondent stated that the reason the additional 0.08 metres was requested was to accommodate the current grading of the property. Once completed, she expects the fence to be approximately two inches shorter than the requested 1.93 metres and only slightly higher than the 1.85-metre restriction.

*iv) Rebuttal of the Appellant*

[12] The Appellant reiterated that she does not want to see the Respondent's fence overlooking her own. She would like the fences to appear even.

**Decision**

[13] The appeal is DENIED and the decision of the Development Authority is CONFIRMED. The development is GRANTED as approved by the Development Authority. In granting the development, the following variance to the *Zoning Bylaw* is allowed:

*i)* A 0.08-metre variance in fence height from the maximum of 1.85 metres to 1.93 metres (Section 49.3).

**Reasons for Decision**

[14] The fence is an Accessory to a Permitted Use in the RF1 Single Detached Residential Zone.

[15] The Board was not provided with sufficient documentation or photographs that would show that the additional fence height of .08 metres would have an impact on the enjoyment, use or value of the Appellant's property.

[16] The Board heard that there are two fences being built against each other, that the grade calculation is done separately for each fence and that this could contribute to some difference in fence height overall.

[17] There were two affected neighbours that appeared in opposition to the appeal and in support of the application. There was one online opposition to the appeal. Other than the appellant, there were no other individuals in support of the appeal.

[18] When considering a variance, the Board has to determine the effect of the incremental difference created by the variance, 0.08 metres in this case. Pursuant to Section 687(3)(d)(i), the Board has determined that the incremental difference does not have a material effect on the use, enjoyment or value of the neighbouring parcels of land, nor does it unduly affect the amenities of the neighbourhood.

Vincent Laberge, Presiding Officer
Subdivision and Development Appeal Board

**Important Information for the Applicant/Appellant**

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   b) the requirements of the *Alberta Safety Codes Act*,
   c) the *Alberta Regulation 204/207 – Safety Codes Act – Permit Regulation*,
   d) the requirements of any other appropriate federal, provincial or municipal legislation,
   e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.

4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.

5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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Date: March 11, 2016
Project Number: 178513054-006
File Number: SDAB-D-16-066

# Notice of Decision

[1] On February 25, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **January 28, 2016**. The appeal concerned the decision of the Development Authority, issued on January 19, 2016, to refuse the following development:

**develop a Secondary Suite in the Basement of an existing Single Detached House.**

[2] The subject property is on Plan 1523411 Blk 2 Lot 33, located at 8519 - 76 Avenue NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.

[3] The following documents, which were received prior to the hearing and are on file, were read into the record:

- The refused development permit with attachments;
- The Development Officer's written submissions;
- Two online responses from the public, one in support and one in opposition; and
- A letter in opposition to the development.

## Summary of Hearing

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

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

*i) Position of the Appellant, Ms. A. White*

[6] The Appellant reiterated the arguments in the Grounds for Appeal included in the Notice of Appeal.

[7] The Appellant explained that her goal in applying for the Secondary Suite was to allow her mother to move in with her and live in a separate suite within the home.

[8] She addressed the letter in opposition to the proposed development and described it as being the result of a conflict of interests. She interviewed the writer of that letter to be the developer of the lot in question and subsequently chose someone else. The letter in opposition was likely a consequence of that choice.

[9] She further advised the Board that she had conducted a community consult resulting in an acceptance of the proposed development from the community. She also presented a letter in support of the development from the president of the Avonmore Community League.

[10] With respect to parking, she indicated that it had never been an issue, even when she had multiple people living in her home. The proposed development will not affect the population, nor would it increase the parking density of the neighbourhood.

[11] She stated that she could not imagine the proposed 26.8-metre shortage in Site size having any sort of material impact on the neighbourhood.

*ii) Position of the Development Officer, Ms. F. Hamilton*

[12] The Development Officer explained that the reason for establishing the 360 $m^2$ minimum Site Area in Section 86.1 was to ensure that there would be sufficient space on the Site for parking, Site Coverage and all other regulations to be met.

[13] She confirmed that, in this case, no other variances would be required for the Site other than a variance for the Site Area minimum. All other regulations have been met.

[14] In response to the Board's assertion that the deficiency represented slightly more than 7% of the minimum Site Area requirement, she replied that it would remain too much of a discrepancy to receive approval from the Development Authority.

*iii) Rebuttal of the Appellant*

[15] The Appellant explained that the reason the Site was subdivided to its current dimensions was because her home sits in a position that did not allow for the lot in question and the adjacent lot to be divided in equal portions.

**Decision**

[16] The appeal is ALLOWED, and the decision of the Development Authority is REVOKED. The development is GRANTED as applied for to the Development Authority, subject to the following CONDITIONS:

1. This Development Permit authorizes the development of a Secondary Suite in the Basement of an existing Single Detached House. The development shall be constructed in accordance with the stamped and approved drawings.

2. A Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single Dwelling.

3. Only one of a Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal Dwelling.

4. A Secondary Suite shall not be developed within the same principal Dwelling containing a Group Home or Limited Group Home, or a Major Home Based Business, unless the Secondary Suite is an integral part of a Bed and Breakfast Operation in the case of a Major Home Based Business.

5. Notwithstanding the definition of Household within this Bylaw, the number of unrelated persons occupying a Secondary Suite shall not exceed three.

6. The Secondary Suite shall not be subject to separation from the principal Dwelling through a condominium conversion or subdivision.

7. Secondary Suites shall not be included in the calculation of densities in this Bylaw.

8. Locked separation that restricts the nonconsensual movement of persons between each Dwelling unit shall be installed.

9. Every Driveway, off-street parking or loading space, and access provided shall be Hardsurfaced. The area required to be Hardsurfaced may be constructed on the basis of separated tire tracks, with natural soil, grass, or gravel between the tracks, but shall be constructed so that the tires of a parked or oncoming vehicle will normally remain upon the Hardsurface area (Reference Section 54.6(2)).

10. A minimum of (3) parking spaces at the rear of the property shall be used for the purpose of accommodating the vehicles of residents or visitors in connection with the Single Detached House and/or Secondary Suite. (Section 54.1(1)(c)).

In granting the development, the following variance to the *Zoning Bylaw* is allowed:

1. The minimum site area prescribed by Section 86.1 is varied from 360 m2 to 333.22 m2.

**Reasons for Decision**

[17] Secondary Suites are a Permitted Use in the RF1 Single Detached Residential Zone.

[18] The Board acknowledges that the subject Site was part of a subdivision process that created a lot width of 8.28 metres by 40.24 metres. The 8.28 metre dimension was created to ensure that the Dwelling existing on this Site, once subdivided, would comply with existing Zoning regulations.

[19] The Development Authority confirmed that the genesis of the 360 $m^2$ number in minimum Site Area was to ensure that all elements of the regulations within the *EZB* such as parking, setbacks, private amenity areas and site coverage were adhered to. In this instance, the only variance is to the overall Site Area.

[20] The Board, through the Appellant, received neighbourhood consultations indicating that the Appellant provided notice of the proposed development and an opportunity for these neighbours to provide their support or opposition. There were no negative comments, nor written oppositions provided through the consultation process.

[21] The Board received, through the Appellant, confirmation of support from the Avonmore Community League for the Secondary Suite development.

[22] The Board does note that one of the consultations further provided their non-support of this Secondary Suite through electronic submissions.

[23] Pursuant to Section 687(3)(d)(i), the Board's authority lies in determining whether, by granting the variance, it would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, or unduly interfere with the amenities of the neighbourhood. In considering this question, the Board dealt with the size of the variance at 26.78 metres, which represents a 7.4% variance. Because this development meets all of the Zoning rules and regulations except for overall site area, the Board could not conclude that this variance would create a material effect that would impact the use, enjoyment or value of the neighboring properties, nor could it determine that it would unduly affect the amenities of the neighbourhood.

Vincent Laberge, Presiding Officer
Subdivision and Development Appeal Board

**Important Information for the Applicant/Appellant**

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   b) the requirements of the *Alberta Safety Codes Act*,
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   d) the requirements of any other appropriate federal, provincial or municipal legislation,
   e) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

3. When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.

4. A Development Permit will expire in accordance to the provisions of Section 22 of the *Edmonton Zoning Bylaw, Bylaw 12800*, as amended.

5. This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.S.A. 2000, c. M-26. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall operate to suspend the Development Permit.

6. When a decision on a Development Permit application has been rendered by the Subdivision and Development Appeal Board, the enforcement of that decision is carried out by the Sustainable Development Department, located on the 5th Floor, 10250 – 101 Street, Edmonton.

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