

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
November 15, 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-17-217	Leave as built an Accessory Building (front detached Garage, 6.76m x 4.35m) 10943 - 60 Avenue NW Project No.: 245989122-002
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II	10:30 A.M.	SDAB-D-17-218	Construct exterior alterations to a Single Detached House (Driveway extension, 2.30m x 8.75m) 8120 - 217 Street NW Project No.: 256668550-002
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III	1:30 P.M.	SDAB-D-17-219	Construct exterior alterations to an existing Apartment condominium unit (balcony enclosure, 4.31m x 2.05m) 1603, 11920 - 100 Avenue NW Project No.: 000854982-003
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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-17-217

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 245989122-002

APPLICATION TO: Leave as built an Accessory Building
(front detached Garage, 6.76m x 4.35m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 18, 2017

DATE OF APPEAL: October 25, 2017

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10943 - 60 Avenue NW

LEGAL DESCRIPTION: Plan 2280KS Blk 12 Lot B

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:

I have prepared a package for your information as you consider my request for an appeal to the Subdivision and Development Appeal Board for a Zoning Bylaw Regulation Variance.

It was very surprising to find that the Real Property Report prepared for the sale of my home in the Pleasantview neighborhood showed that the garage I had built was sitting 10 inches closer to the property line than was set out in 2003.

How did this happen. I had to take myself back 14 years. I first checked to see that the garage package ordered was the smallest size and confirmed it was 14 x 24 ft.

Then I recalled the day that the concrete contractor was laying the framework for the garage pad.

I was home and went out to see how things were going. It quickly became evident that the surveyor's markers were 'ground based', i.e., based on the footprint of the house and garage. In fact, the Site Plan shows only the footprint of the house and proposed garage—the overhangs were not indicated by the customary practice of dotted lines. In addition, the surveyor did not look up or take into consideration the width of the existing roof overhang and the proposed garage overhang when placing the orange positioning tags. The result was a conflict between the roof eaves of the two buildings.

To avoid this conflict, I discussed shifting the garage pad framing with the contractor, not recognizing the impact of the shift would have on the set back from the street. I am attaching a photo of the current situation of the two roof eaves which demonstrates the conflict that would have arisen between the two roof structures had the garage not been shifted.

Recent actions: I went door to door in accordance with the Mature Neighbourhood brochure instructions of those neighbors within a distance of 60 metres to explain the setback issue and what had happened to cause that. I also showed them the current photo showing the garage and house overhangs. I am attaching 31 signed letters of support for my appeal application to have the garage status as 'leave as built'.

Attachments:

1. Site Plan
2. Photo showing closeness of the two roof overhangs
3. Current photos showing house and garage, view of garage from across street,
4. 31 letters of support signed by neighbourhood home owners

<i>General Matters</i>

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

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

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the (RF1) Single Detached Residential 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(46), **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 Residential Zone** is:

to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, and Garden Suites, as well as 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.

Accessory Buildings in Residential Zones

Section 50.3(5)(a) states:

Accessory buildings and structures shall be located on an Interior Site as follows:

- a. an Accessory building or structure shall be located not less than 18.0 m from the Front Lot Line, unless it complies with the Setback requirements for a principal building.

Development Officer’s Determination

1. Garage location - the detached Garage is located less than 18.0m from the Front Lot Line (60 Avenue NW), and does not meet the minimum required Front Setback of the House. (Reference Section 50.3.5(a))

Required front setback: 8.06m (1.5m forward of average of the Abutting Lots as per Section 814.3.1)

Proposed: 2.48m

Deficiency: 5.58m


[unedited]

Previous Subdivision and Development Appeal Board Decision

SDAB Number	Application	DECISION
SDAB-D-03-334	Construct an Accessory Building (detached garage)	November 14, 2003; the appeal be ALLOWED 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. 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: 245989122-002 Application Date: MAY 18, 2017 Printed: October 25, 2017 at 10:37 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) 10943 - 60 AVENUE NW Plan 2280KS Blk 12 Lot B Specific Address(es) Entryway: 10943 - 60 AVENUE NW Building: 10943 - 60 AVENUE NW		
Scope of Application To leave as built an Accessory Building (front-detached Garage, 6.76m x 4.35m).			
Permit Details <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> # of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built (Accessory Bldg.) Secondary Suite Included?: N </td> <td style="width: 50%; border: none; vertical-align: top;"> Class of Permit: Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> </tr> </table>		# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built (Accessory Bldg.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Leave as Built (Accessory Bldg.) Secondary Suite Included?: N	Class of Permit: 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. Garage location - the detached Garage is located less than 18.0m from the Front Lot Line (60 Avenue NW), and does not meet the minimum required Front Setback of the House. (Reference Section 50.3.5(a)) Required front setback: 8.06m (1.5m forward of average of the Abutting Lots as per Section 814.3.1) Proposed: 2.48m Deficiency: 5.58m NOTE: Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800. 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: Oct 18, 2017 Development Authority: ROBINSON, GEORGE Signature: _____			
THIS IS NOT A PERMIT			



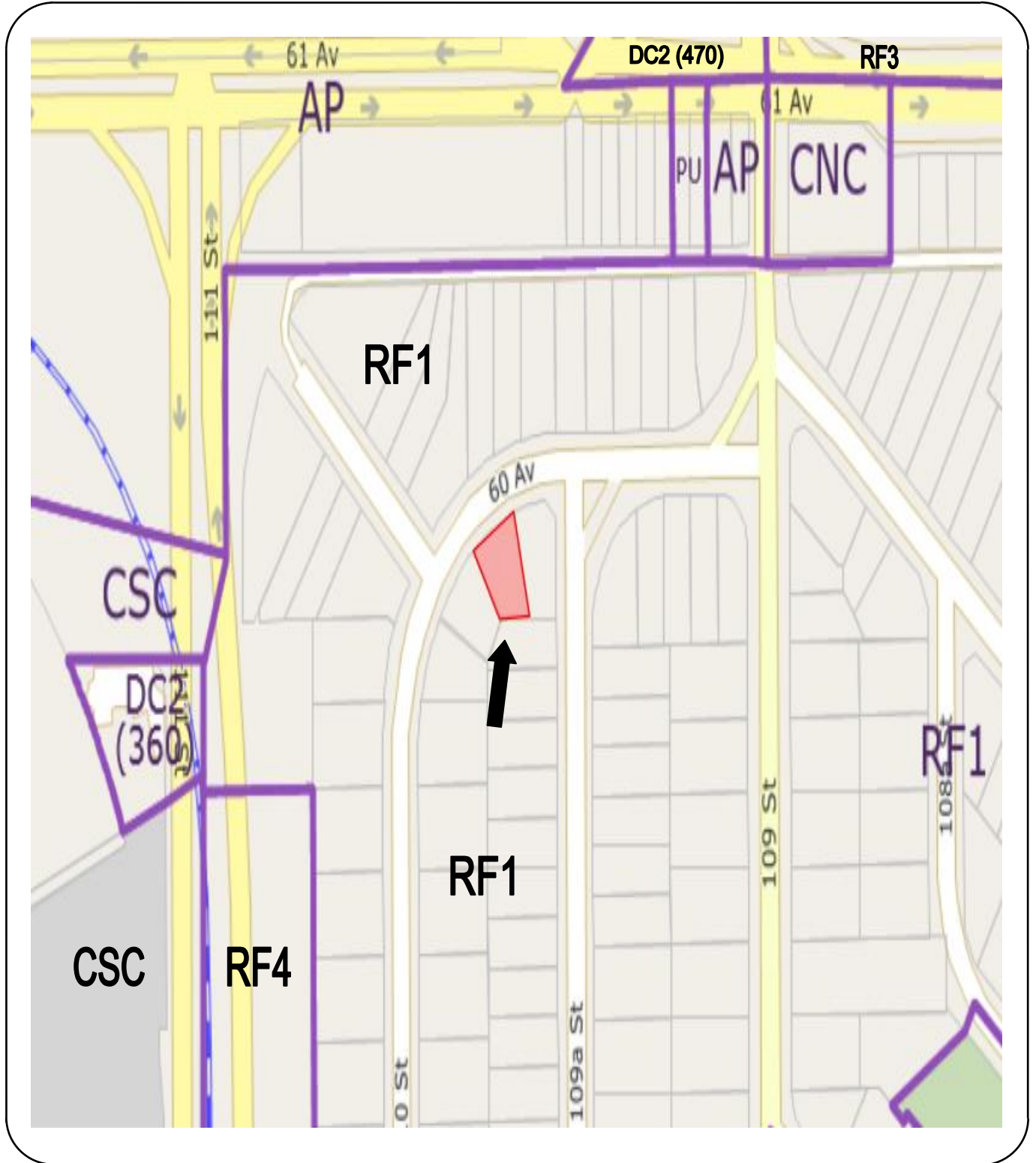
Project Number: 245989122-002
Application Date: MAY 18, 2017
Printed: October 25, 2017 at 10:37 AM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$107.00	\$107.00	04147409	May 24, 2017
Total GST Amount:	<u>\$0.00</u>			
Totals for Permit:	\$107.00	\$107.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-217



ITEM II: 10:30 A.M.

FILE: SDAB-D-17-218

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 256668550-002

APPLICATION TO: Construct exterior alterations to a Single Detached House (Driveway extension, 2.30m x 8.75m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 4, 2017

DATE OF APPEAL: October 23, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 8120 - 217 Street NW

LEGAL DESCRIPTION: Plan 1225096 Blk 2 Lot 14

ZONE: (RSL) Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN(S): Lewis Farms Area Structure Plan
Rosenthal Neighbourhood Structure Plan

Grounds for Appeal

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

The driveway extension does not affect the safety of the neighbouring properties. The driveway extension is esthetically pleasing to the eye. The cost to remove the concrete driveway extension would be excessive. We have the support of the neighbours.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

The decision of the Development Officer is dated October 4, 2017. The Notice of Appeal was filed on October 23, 2017.

Hearing and Decision

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

...

- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Under section 115.2(5), **Single Detached Housing** is a **Permitted Use** in the (RSL) Residential Small Lot 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(30), **Driveway** means “an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area and does not include a Walkway.”

Under section 6.1(76), **Parking Area** means “an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.”

Under section 6.1(122), **Walkway** means “a path for pedestrian circulation that cannot be used for vehicular parking.”

Section 115.1 states that the **General Purpose** of the (RSL) **Residential Small Lot 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.

Off-street Parking and Loading Regulations

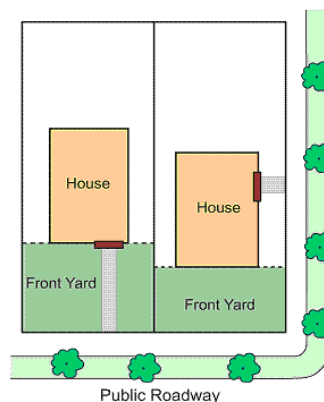
Section 54.1(4) states:

The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall:

- a. lead directly from the roadway to the Garage or Parking Area;
- b. for a Garage or Parking Area with one parking space, have a maximum width of 4.3 m, or the width of the Garage or Parking Area, whichever is the lesser;
- c. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser; and
- d. for a Site Zoned RF1 and less than 10.4 m wide, have a maximum width of 4.3 m.

Under section 6.1(45), **Front Yard** means:

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



Development Officer's Determination:

- 1. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking**

spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser. (Reference Section 54.1.4(c))


The Driveway extension is 2.30m x 8.75m which results in a total Driveway width of 8.45m. As per the regulation above, the permitted Driveway width for the subject Garage is 6.15m. This Driveway exceeds the allowable width by 2.30m.

2. The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Reference Section 54.1.4(a))

The proposed extension does not lead directly to the Garage.
[unedited]

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: 256668550-002 Application Date: AUG 16, 2017 Printed: October 24, 2017 at 12:36 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) 8120 - 217 STREET NW Plan 1225096 Blk 2 Lot 14
Scope of Application To construct exterior alterations to a Single Detached House (Driveway extension, 2.30m x 8.75m)	
Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Exterior Alterations (Res.) Secondary Suite Included?: N	Class of Permit: Lot Grading Needed?: New Sewer Service Required: N Stat. Plan Overlay/Annex Area: (none)
I/We certify that the above noted details are correct. Applicant signature: _____	
Development Application Decision Refused	
Reason for Refusal The application is refused for the following reason(s):	
1. For a Garage or Parking Area with two or more parking spaces, have a maximum width that shall be calculated as the product of 3.7 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage or Parking Area, or the width of the Garage or Parking Area, whichever is the lesser. (Reference Section 54.1.4(c))	
The Driveway extension is 2.30m x 8.75m which results in a total Driveway width of 8.45m. As per the regulation above, the permitted Driveway width for the subject Garage is 6.15m. This Driveway exceeds the allowable width by 2.30m.	
2. The Front Yard of any at Grade Dwelling in any Residential Zone, or in the case of a corner Site, either the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The Driveway shall lead directly from the roadway to the Garage or Parking Area. (Reference Section 54.1.4(a))	
The proposed extension does not lead directly to the Garage.	
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: Oct 04, 2017 Development Authority: KIM, JENNIFER Signature: _____	
THIS IS NOT A PERMIT	



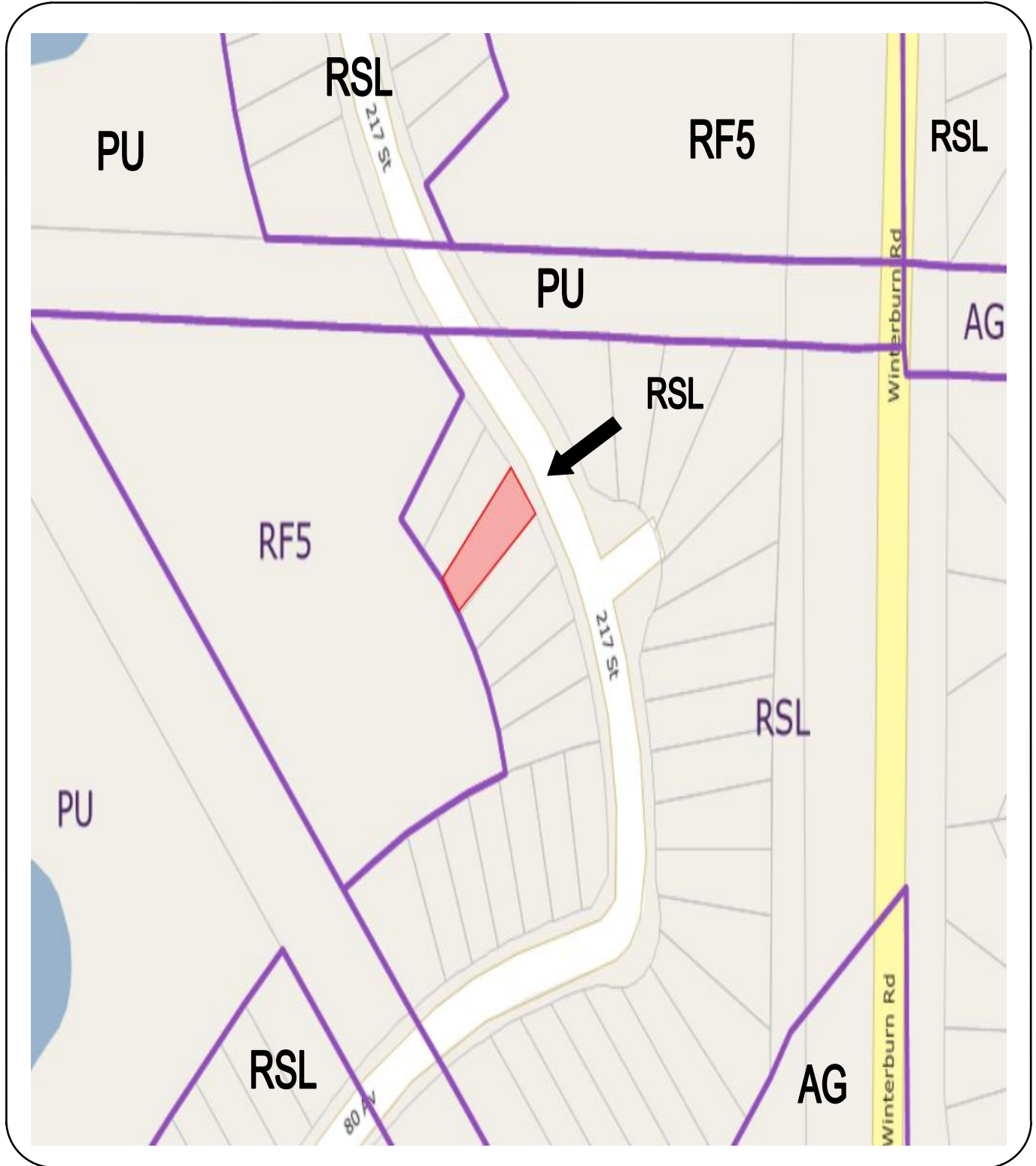
Project Number: **256668550-002**
Application Date: AUG 16, 2017
Printed: October 24, 2017 at 12:36 PM
Page: 2 of 2

Application for Minor Development Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$166.00	\$166.00	04375384	Aug 16, 2017
Existing Without Permit Penalty Fee	\$166.00	\$166.00	04375384	Aug 16, 2017
Total GST Amount:	\$0.00			
Totals for Permit:	\$332.00	\$332.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-218



ITEM III: 1:30 P.M.

FILE: SDAB-D-17-219

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 854982-003

APPLICATION TO: Construct exterior alterations to an existing Apartment condominium unit (balcony enclosure, 4.31m x 2.05m)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: October 25, 2017

DATE OF APPEAL: October 26, 2017

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 1603, 11920 - 100 Avenue NW

LEGAL DESCRIPTION: Plan CD1774 Unit 41

ZONE: DC1 Direct Development Control Provision (Area 7 of the Oliver Area Redevelopment Plan)

OVERLAY: N/A

STATUTORY PLAN: Oliver Area Redevelopment Plan

Grounds for Appeal

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

We wish to add a retractable glass wind wall to the balcony. Many other units in the building have done so with less attractive products for many years without permitting and we are trying to add value and class to the building. The reason it was refused was that it was considered an enclosure making the balcony an interior space but even in the ccmc documents approving these materials it is called a wind break rather than an enclosure because it does not seal. The wind and noise from other building make the balcony a less desirable space which is why the need for glass is evident.

General Matters

Appeal Information:

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

Grounds for Appeal

685(1) If a development authority

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

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

Appeals

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

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

...

Designation of direct control districts

641(4) Despite section 685, if a decision with respect to a development permit application in respect of a direct control district

...

- (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.

Section 2 of the *Edmonton Zoning Bylaw* concerning Repeal, Enactment and Transition Procedures states the following:

2.4 Subject only to the provisions in the Municipal Government Act respecting legal non-conforming Uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the Effective Date onward. In particular, no application for a Development Permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the Effective Date, even if the application was received before the Effective Date.

...

2.6 Any Direct Control Districts that were in effect immediately prior to the Effective date are hereby deemed to continue in full force and effect and are hereby incorporated into Part IV of this Bylaw.

2.7 Unless there is an explicit statement to the contrary in a Direct Control District or Provision, any reference in a Direct Control District or Direct Control Provision to a land use bylaw shall be deemed to be a reference to the land use bylaw that was in effect at the time of the creation of the Direct Control District or Provision.

At the time of the creation of the subject Direct Control Site, the *City of Edmonton Land Use Bylaw 5996* was in effect. An Alberta Court of Appeal decision in *Parkdale-Cromdale Community League Association v. Edmonton (City)*, 2007 ABCA 309 concluded that section 2.7 of the *Edmonton Zoning Bylaw* only applies if there is an express cross-reference in a Direct Control Bylaw passed before 2001 to a provision of the old *Land Use Bylaw*. In the absence of an express reference in the Direct Control Bylaw to the *Land Use Bylaw 5996*, it does not prevail over section 2.4 of the *Edmonton Zoning Bylaw*.

Hearing and Decision

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

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
- and
- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the DC1 (Area 7 of the Oliver Area Redevelopment Plan) Direct Development Control Provision (“DC1 Direct Development Control Provision”)

Under section 15.8.3(i), **Apartment Housing** is a listed Use in the DC1 Direct Development Control Provision.

Section 15.8.2 states the following with respect to the **Rationale** of the **DC1 Direct Development Control Provision**:

To provide an area for high rise residential uses with design requirements to ensure that the siting and design of buildings does not unduly interfere with adjacent properties’ views of the River Valley; and to provide opportunity for the conversion of existing low density residences to small scale, low impact commercial uses.

Section 15.8.4(a) states “The maximum Floor Area Ratio shall be 3.0”

Development Officer’s Determination

The existing building, including the proposed enclosure of balcony has a Floor Area Ratio (FAR) of 5.26. This exceeded the maximum Floor Area Ratio requirement of 3 as per Oliver ARP, Section 15.8(4)(a) of the Oliver Area Redevelopment Plan Direct Development Control Regulations for DC1(Area 7). [unedited].

General Provisions from the Edmonton Land Use Bylaw 5996

Under section 10.1(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 Class.

Under section 9.1(21), **Gross Floor Area** means:

the total floor area of the building or structure, contained within the outside surface of the exterior and basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Under section 9.1(23), **Floor Area Ratio** means:

the numerical value of the gross floor area of the building or structure located upon a lot or building site, excluding: (a) basement areas used exclusively for storage or service to the building, (b) parking areas below grade, (c) walkways required by the Development Officer, and (d) floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

General Provisions from the *Edmonton Zoning Bylaw 12800*

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

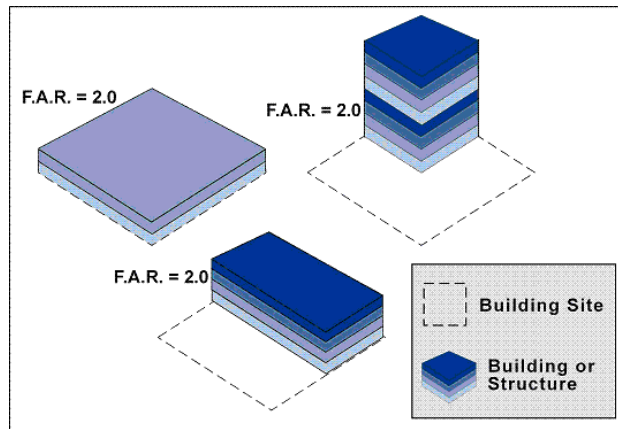
means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use.

Under section 6.1(39), **Floor Area** means:

the total Floor Area of the building or structure, contained within the outside surface of the exterior and Basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

Under section 6.1(40), **Floor Area Ratio** means:

the numerical value of the Floor Area of the building or structure relative to the Site upon which it is located, excluding: (a) Basement areas used exclusively for storage or service to the building; (b) parking areas below Grade; (c) walkways required by the Development Officer; and (d) Floor Areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the Site;




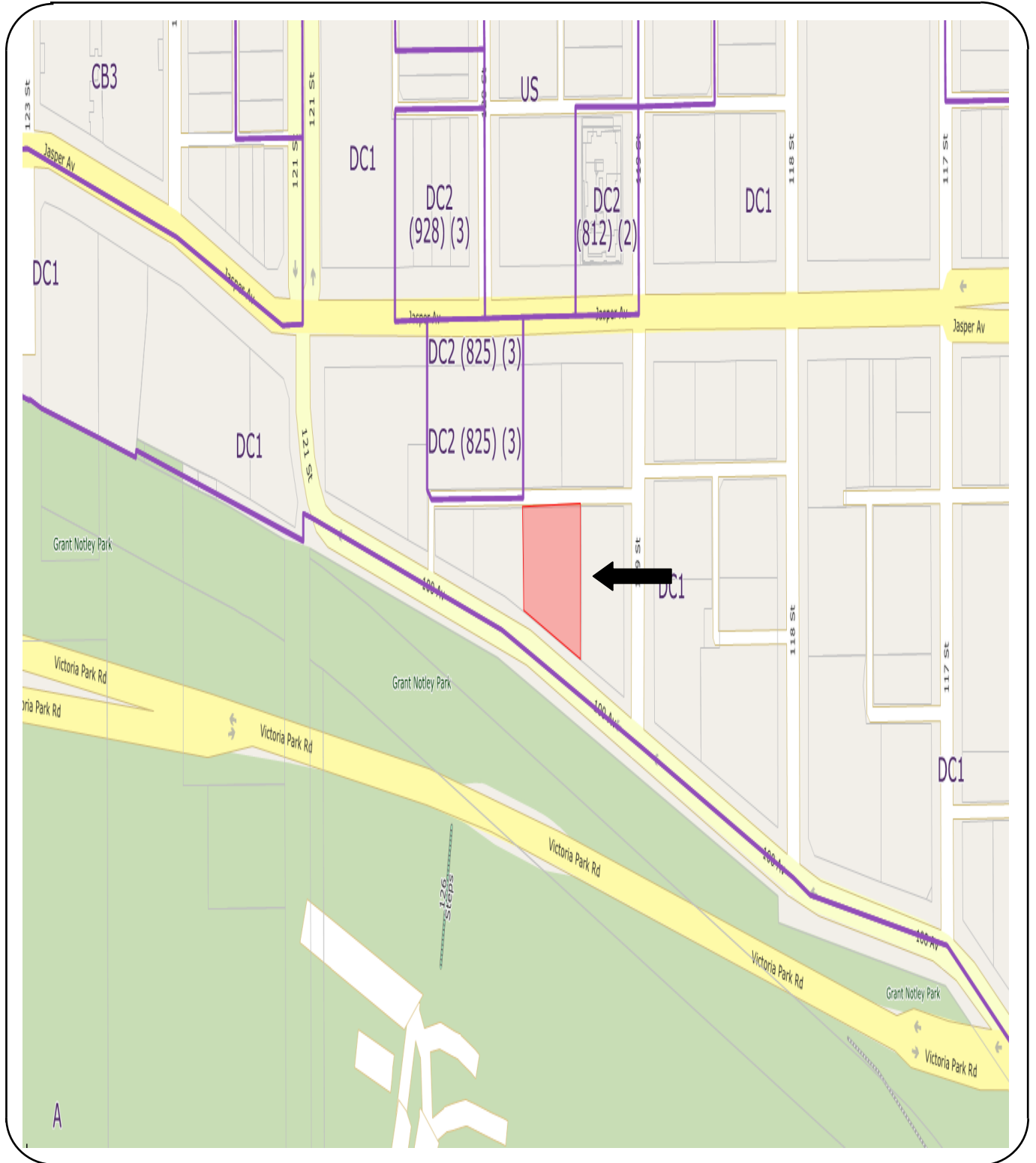
Previous Subdivision and Development Appeal Board Decision

SDAB Number	Application	DECISION
SDAB-D-12-132	Construct exterior alterations to an existing Apartment House building (3 main floor patio enclosures)	July 5, 2012; the appeal be DENIED and the decision of APPROVAL by the Development Authority CONFIRMED.

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: 854982-003 Application Date: JUN 22, 2017 Printed: October 27, 2017 at 9:00 AM Page: 1 of 1																				
<h2 style="margin: 0;">Application for Major Development Permit</h2>																					
This document is a Development Permit Decision for the development application described below.																					
Applicant	Property Address(es) and Legal Description(s) 1603, 11920 - 100 AVENUE NW Plan CD1774 Unit 41 Specific Address(es) Suite: 1603, 11920 - 100 AVENUE NW Entryway: 11920 - 100 AVENUE NW Building: 11920 - 100 AVENUE NW																				
Scope of Application To construct exterior alterations to an existing apartment condo unit (Balcony Enclosure, 4.31m x 2.05m).																					
Permit Details																					
Class of Permit: Gross Floor Area (sq.m.): New Sewer Service Required: N Site Area (sq. m.):	Contact Person: Lot Grading Needed?: N NumberOfMainFloorDwellings: 0 Stat. Plan Overlay/Annex Area: (none)																				
I/We certify that the above noted details are correct. Applicant signature: _____																					
Development Application Decision Refused Reason for Refusal The existing building, including the proposed enclosure of balcony has a Floor Area Ratio (FAR) of 5.26. This exceeded the maximum Floor Area Ratio requirement of 3 as per Oliver ARP, Section 15.8(4)(a) of the Oliver Area Redevelopment Plan Direct Development Control Regulations for DC1(Area 7). 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: Oct 25, 2017 Development Authority: ANGELES, JOSELITO Signature: _____																					
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right;">Fee Amount</th> <th style="text-align: right;">Amount Paid</th> <th style="text-align: right;">Receipt #</th> <th style="text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Major Dev. Application Fee</td> <td style="text-align: right;">\$354.00</td> <td style="text-align: right;">\$354.00</td> <td style="text-align: right;">04230632</td> <td style="text-align: right;">Jun 22, 2017</td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> <td style="text-align: right; border-top: 1px solid black;"></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$354.00</td> <td style="text-align: right;">\$354.00</td> <td></td> <td></td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Major Dev. Application Fee	\$354.00	\$354.00	04230632	Jun 22, 2017	Total GST Amount:	\$0.00				Totals for Permit:	\$354.00	\$354.00		
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THIS IS NOT A PERMIT																					



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-17-219

