



**EDMONTON
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-6079 F: 780-577-3537
sdab@edmonton.ca
edmontonsdab.ca

Date: October 14, 2016
Project Number: 223352113-001
File Number: SDAB-D-16-213

Notice of Decision

- [1] On September 7, 2016 and September 29, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **August 16, 2016**. The appeal concerned the decision of the Development Authority, issued on August 9, 2016 to Refuse the following development:

Construct a Semi-detached House with front verandas and to demolish the existing Single Detached House.

- [2] The subject property is on Plan 2436AB Blk 9 Lot 22, located at 11921 - 78 Street NW, within the RA7 Low Rise Apartment Zone. The Medium Scale Residential Infill Overlay and the Coliseum Station Area Redevelopment Plan apply to the subject property.

September 7, 2016 Hearing

Motion by the Subdivision and Development Appeal Board:

“That the hearing for SDAB-D-16-213 be tabled to September 28 or 29, 2016, at the non-appearance of the Appellant.”

September 29, 2016 Hearing

Motion by the Subdivision and Development Appeal Board:

“That SDAB-D-16-213 is raised from the table.”

- [3] The following documents were received and form part of the record:
- A Development Permit Application, including the plans and elevation drawings;
 - The Refused Development Permit;
 - The Development Officer’s written submission and technical review;
 - An e-mail between the Development Officer and the Applicant;
 - An on-line response from the Applicant; and
 - A letter of opposition from an adjacent property abutting the subject site.

- [4] The following exhibits were presented during the hearing and forms part of the record:
- Exhibit A – Elevation drawings and floor plans submitted by the Appellant;
 - Exhibit B – A photograph submitted by the Appellant; and
 - Exhibit C – A letter from the same property owners who were originally opposed to the development. They are not opposed, as long as certain landscaping conditions are met.

Preliminary Matters

- [5] 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.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The Board determined the appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

Summary of Hearing

The Presiding Officer indicated that multiple sets of different plans were submitted. The Presiding Officer stated that the Appellants must confirm which plans they were proposing to develop.

- i) *Position of the Appellant, Mr. F. Escobar (E & F Construction) and Mr. M. Zulfiqerali (property owner)*
- [8] They indicated that the first plans that were submitted included 2 Basement Suites. He had revised the Basement plans to comply with the *Edmonton Zoning Bylaw*.
- [9] They referenced a new Front elevation drawing (Exhibit A) with changes to the door design and window placement. They confirmed that they wanted the Board to consider this new design. They confirmed this front elevation drawing was not the same as the front elevation drawing that the Development Officer reviewed and stamped.
- [10] It is their intention to beautify the neighbourhood and the city with their proposed design and to provide a comfortable accommodation for tenants.
- [11] They referenced a photograph of a different property (Exhibit B) to illustrate an existing development north of the subject site located at 11931 and 11933 – 78 Street NW. The indicated that they were proposing to build a similar Semi-detached House.

- [12] With respect to questions from the Board, the Appellants provided the following:
- a) They reiterated that the new front elevation drawing has changed compared to the front elevation drawing that was reviewed and stamped by the Development Officer.
 - b) They stated that the existing development shown in (Exhibit B) was approved and have the same Lot dimensions and variances as their proposed development. They wish to be able to build a similar development with the same variances.
 - c) They are willing to reduce or change any dimensions or design that the Board conditions.

The Presiding Officer clarified that the Board is not in the position to redesign plans. He confirmed that the Board is hearing an appeal dealing with the plans that were reviewed and stamped by the Development Officer.

- d) The Appellants indicated that they are willing to provide Privacy Screening between both Amenity Areas of the 2 Dwelling Units.
- e) They agreed that the space between the proposed parking area and the foundation of the proposed Principal Building is 4-metres, and agreed that the rear window cantilever projects into the Amenity Area.

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

- [13] He clarified that even though the proposed development is within the RA7 Low Rise Apartment Zone and the Medium Scale Residential Infill Overlay, the regulations in those districts state that Semi-detached Housing shall be reviewed under the development regulations of the RF4 Semi-detached Residential Zone and the Mature Neighbourhood Overlay.
- [14] He referenced (Exhibit B) and confirmed that development was approved, but was approved under the Stacked Row House Use Class and therefore should not be used as an example.
- [15] With regard to approving a Discretionary Use, he indicated valid planning reasons would be needed to grant variances. In his opinion, it would be difficult to screen the two required Amenity Areas based on the building design. Further, if the site would be subdivided it would make it even more difficult to screen.
- [16] He reviewed the Coliseum Station Area Redevelopment Plan and he indicated that the proposed development does not meet the policies or objectives of that Plan.
- [17] In his opinion, the lack of Privacy Screening would impact the tenants.

[18] With respect to questions from the Board, he provided the following:

- a) He confirmed that the proposed development meets the Site Coverage and Setback regulations.
- b) He reiterated that the existing development in (Exhibit B) was deemed a Stacked Row House when it was approved, but he was unsure as to why. In his opinion, that development should have been classified as a Semi-detached House.
- c) He agreed that there are other similar developments in the area.
- d) He indicated that the Coliseum Station Area Redevelopment plan encourages increased Density and more people around the LRT station. In his opinion, that is why the surrounding area is RA7 Low Rise Apartment Zoning and that is why Semi-detached Housing is a Discretionary Use and not a Permitted Use.
- e) He agreed that it will take awhile to redevelop the current neighbourhood to Low Rise Apartment Housing because of the time and costs to convert existing properties to multiple lots.
- f) If the proposed development did not have any variances; he stated that he probably would have approved it.
- g) He confirmed that the proposed development fully complies with the Mature Neighbourhood Overlay regulations.
- h) He agreed that any Use in this specific neighbourhood in this RA7 Zone will not comply with the Site Area and Site Width regulations.
- i) In his opinion, the purpose of the Site Width and Site Area regulations is that it would prevent developments from acquiring several variances. He agreed that the proposed development only has 2 development variances.
- j) Further, in his opinion, the goal for this Zoning is to merge existing properties into larger Lots and create more Density with Apartment Housing and reiterated that will take some time to achieve this goal.
- k) He agreed that there is some hardship for the Appellants to comply with the Lot regulations since they cannot be changed.
- l) He agreed that the variance of the proposed cantilever projection into the required Amenity Area could be rectified.
- m) He does not agree with the Appellants' new revised plans and in his opinion the Board should only look at the plans that he reviewed.

- n) He indicated that based on his review of the plans submitted (Exhibit A), the windows have been added, removed and altered on the main and second floors; the Basement plan shows an additional laundry area, side doors and a wet bar, which show a potential to build Basement Suites. Further the elevation drawings show roofline changes, and a different orientation of the landing and doors.

iii) Rebuttal of the Appellants

- [19] They confirmed that they will not build any Basement Suite.
- [20] They reiterated that the only revised plan that they wanted the Board to consider is the front elevation drawing in (Exhibit A).

Decision

- [21] 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 **ADVISEMENT**:

In authorizing this Development, the Board is approving only the plans as previously refused by the Development Authority and is not authorizing any of the changes contained in the plans that were submitted at the hearing.

- [22] In granting the development the following variances to the *Edmonton Zoning Bylaw* are allowed:
- 1) The minimum required Site Area of 442.2 square metres as per section 150.4(2)(a) is varied to allow a deficiency of 74.51 square metres, thereby decreasing the minimum required Site Area to 367.69 square metres.
 - 2) The minimum required Site Width of 13.4 metres as per section 150.4(2)(b) is varied to allow a deficiency of 3.34 metres, thereby decreasing the minimum required Site Width to 10.06 metres.
- [23] In granting the development the following requirements to the *Edmonton Zoning Bylaw* are waived:
- 1) The Private Outdoor Amenity Area screening requirement under section 47(3).
 - 2) The Private Outdoor Amenity Area dimensions requirement under section 47(5).

Reasons for Decision

- [24] The proposed development, a Semi-detached House, is a Discretionary Use in the RA7 Low Rise Apartment Zone.
- [25] The Board considered the implications of allowing variances in the minimum required Site Area and the minimum required Site Width and notes that a similar development that was approved at 11931 and 11933 – 78 Street NW just three lots north of the proposed development.
- [26] The Board finds that the minimum required Site dimensions create a hardship for the Appellants to comply with.
- [27] While the other development referenced was approved as a Stacked Row House, the Development Officer confirmed that it was in fact identical in configuration to the proposed development as it is actually a Semi-detached House like the development proposed.
- [28] The Board notes that while the proposed development does not meet the minimum required Site Area and the minimum required Site Width, it does increase the Density on this Site consistent with the intent of the Coliseum Station Area Redevelopment Plan.
- [29] With regard to waiving the section 47 requirements for the Amenity Area dimensions, the Board notes that there is a 4-metre separation space between the proposed parking area and the foundation of the proposed development and it is diminished only by a cantilevered projection of the rear window. Further, any slight deficiency in Amenity Area is mitigated by the fact that there is a public park in the block immediately south of the subject Site.
- [30] With regard to waiving the Privacy Screening, the Board is satisfied that the Amenity Area would be a shared Yard for both residences.
- [31] With regard to the proposed development being a Discretionary Use, the Board finds that the development is reasonably compatible and characteristic of the immediate and surrounding neighbourhood and based on the verbal evidence of the Development Officer, there are other similar approved developments in the area in addition to the development three lots north
- [32] The Board notes that the neighbour who originally was in opposition has retracted their stance, as long as landscaping is provided.
- [33] The Board notes that the proposed development meets the regulations of the Mature Neighbourhood Overlay.

- [34] The Board notes that this proposed development provides housing choices which is a desired outcome of section 4.4.1 of the *Municipal Development Plan*, “The Way We Grow.” The Board, pursuant to section 687(3)(a.1) of the *Municipal Government Act* must have regard to all statutory plans. The *Municipal Development Plan* is a statutory plan.
- [35] For the above reasons, the Board finds that the proposed development will not unduly interfere with the amenities of the neighbourhood, nor materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. N. Somerville, 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 NW, 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*, RSA 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 NW, 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
TRIBUNALS**

*Subdivision &
Development
Appeal Board*

10019 - 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-6079 F: 780-577-3537
sdab@edmonton.ca
edmontonsdab.ca

Date: October 14, 2016
Project Number: 223152448-001
File Number: SDAB-D-16-240

Notice of Decision

[1] On September 29, 2016, the Subdivision and Development Appeal Board heard an appeal that was filed on **August 31, 2016**. The appeal concerned the decision of the Development Authority, issued on August 17, 2016 to refused the following development:

Construct a Semi-detached House with front attached Garages, front verandas, fireplaces and rear uncovered decks (4.27m x 2.90m) and to demolish an existing Single Detached House, and Accessory Building (rear detached Garage).

[2] The subject property is on Plan 4983KS Blk D Lot 16, located at 7923 - 128 Avenue NW, within the RF1 Single Detached Residential Zone. The Mature Neighbourhood Overlay applies to the subject property.

[3] The following documents were received and form part of the record:

- A Development Permit Application, including the plans and elevating drawings;
- The Refused Development Permit;
- The Development Officer's written submission
- E-mails between the Development Officer and the Applicant; and
- A letter from an adjacent property with concerns.

[4] The following exhibits were presented during the hearing and form part of the record:

- Exhibit A – A Community Consultation submitted by the Appellant;
- Exhibit B – Photographs of other properties submitted by the Appellant; and
- Exhibit C – An e-mail from Hagen Surveys submitted by the Appellant.

Preliminary Matters

- [5] 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.
- [6] The Presiding Officer outlined how the hearing would be conducted, including the order of appearance of parties, and no opposition was noted.
- [7] The Board determined the appeal was filed on time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26.

Summary of Hearing

The Presiding Officer stated that before dealing with the merits of the appeal, the Board would have to determine whether the procedural requirements for Community Consultation of section 814.3(24) of the Mature Neighbourhood Overlay were complied with.

The Appellant, Mr. S. Mudliar submitted “Exhibit A” to show their Community Consultation results.

The Development Officer, Ms. K. Bauer confirmed that the submitted Community Consultation documentation was completed prior to issuing her decision.

i) Position of the Appellant, Mr. S. Mudliar (Elite Design Homes)

- [8] He stated that there was no objection from any of the properties within the 60 metre notification radius.
- [9] With respect to questions from the Board, the following was provided:
- a. He stated that all of the variances of the Mature Neighbourhood Overlay were clearly presented to all of the properties and confirmed that the proposed plans were also sent out.
 - b. He indicated that he allowed the neighbours 21 days to review his documentation before submitting the results to the Development Officer.
 - c. He indicated that a site visit was conducted to every property in the notification radius. If there was no one home, he would try again and drop a package at their home.
 - d. He mailed his documentation to the property owner’s address if renters occupied a House.

ii) Position of the Development Officer, Ms. K. Bauer

[10] With respect to questions from the Board, the following was provided:

- a. With regard to whether the Community Consultation was done sufficiently, in her opinion it was. She indicated that only one property owner contacted her and had concerns.
- b. With regard to why only 8 variances out of a possible 16 variances were added to the Appellant's Community Consultation form, she confirmed that only the Mature Neighbourhood Overlay variances were part of the required Community Consultation.
- c. She could not verify whether the Appellant provided the proposed plans to the adjacent property owners in the notification radius.
- d. She indicated that she had concerns that only 1 person in the entire notification radius submitted a signature, in her opinion, the neighbourhood is a high rental area and therefore feedback can be quite low.
- e. She discussed the proposed development with a property owner immediately south of the subject site that had concerns with privacy and sunshadowing. She explained to this property owner that she was refusing the proposed development.
- f. She confirmed that she did not receive a response from a Community League but stated that typically they do not receive responses for this type of development.

iii) Position of the Appellant, Mr. S. Mudliar (Elite Design Homes)

[11] With respect to questions from the Board, the following was provided:

- a. With regard to the documentation and the overwhelming number of "not willing / no objection" responses, he indicated that there are several elderly property owners and renters in the area and many people are not comfortable signing anything.
- b. With regard to 4 properties within the 60-metre notification radius that provided no response, he indicated that they were occupied by renters and the property owner's address was mailed the same information.
- c. He indicated that he mailed his Community Consultation documentation to the Community League.

- d. With regard to possibly tabling the matter to provide specific Community Consultation for the Board, he stated that on top of doing his own Community Consultation, the City sent out their own notification and the Subdivision and Development Appeal Board office sent out their own notification. In his opinion, he has complied with section 814.3(24) of the *Edmonton Zoning Bylaw*.
- e. In his opinion, the lack of feedback from the neighbourhood is due to their own disinterest in this proposed development.

iv) *Position of the Development Officer, Ms. K. Bauer*

[12] With respect to a question from the Board, the following was provided:

- a. The Board referenced paragraph 51 of the recent Court of Appeal decision, *Thomas v. Edmonton (City)*, 2015 ABCA 30, which states:

Even though the consultation is not by the City itself but rather the applicant, the duty of fairness is still triggered. The Development Officer and, in turn, the SDAB exercise a supervisory authority to ensure that a proper community consultation has occurred: see *Rio Tinto Alcan Inc. v Carrier Sekani Tribal Council*, 2010 SCC 43 (CanLII) at paras 55-59, [2010] 2 SCR 650. Thus, a failure to comply with the community consultation requirement of the *Zoning Bylaw* goes to procedural fairness.

Ms. Bauer indicated that it was difficult to prove whether the Appellant was honest or not in his Community Consultation but she sides with the information the Appellant has provided as accurate. She agreed with the Appellant, that you cannot force people to sign a Community Consultation.

Further, in her opinion, there should be more clarity under section 814.3(24) to what supervisory authority is needed to ensure a proper Community Consultation has occurred.

The Presiding Officer indicated that there were no further questions and that the Board would deliberate in camera as to whether the Community Consultation of section 814.3(24) of the Mature Neighbourhood Overlay was met.

Following a recess, the hearing resumed:

Motion by the Subdivision and Development Appeal Board:

That the Appellant complied with the required Community Consultation as per section 814.3(24) of the Mature Neighbourhood Overlay.

v) *Position of Appellant*

- [13] Mr. Mudliar indicated that based on his experience and previous developments, vehicular access from the flanking Side Yard is usually allowed on Corner Lots.
- [14] He is willing to put in trees along the south Yard to provide privacy to the property to the south.
- [15] Based on discussions with his surveyor, in his opinion this proposed development is considered a bi-level and therefore the Height requirement should not be applied to this development. He clarified that he is referencing the main floor Height above Grade.
- [16] He clarified that the second floor of the proposed development sits on top of the Garage with a Height of 17 to 18 feet above Grade and a typical two-level House has a Height of approximately 20 feet.
- [17] He indicated that the subject Site is large and there was still ample Yard space available even with the Setback variances.
- [18] He referenced photographs of other properties with front attached Garages in the neighbourhood "Exhibit B". He verified some were Internal Lots, some do not have a Lane access and some have detached Garages with vehicular access from the flanking Yard.
- [19] He reiterated that he has built similar developments in the past.
- [20] With respect to questions from the Board, the following was provided:
- a. He confirmed all 4 photographs submitted were taken from 128 Avenue.
 - b. With regard to the large subject Lot and why the proposed development could not be designed without variances, he stated that the existing Houses in the neighbourhood are also very large.
 - c. With regard to the need to have an attached Garage compared to a detached Garage and a flanking vehicular access compared to a Lane, he indicated that it was a selling feature.
 - d. With regard to other similar 2-Storey Semi-detached Housing developments in the neighbourhood, he indicated there were none close by but there were others in the greater neighbourhood area.

- e. With regard to whether the proposed development is characteristic of the neighbourhood, he indicated that Duplexes and this type of development tend to be larger in size because they accommodate 2 families.
- f. He confirmed that since the decision was made by the Development Officer, he has altered the elevation drawings to add windows and the altered Site Plan to provide trees.
- g. With regard to possible privacy concerns with additional windows, he agreed it could create concerns.
- h. With regard to the Site Coverage variance, he indicated that he was planning on lowering the deck Heights and adding steps. In his opinion, this would decrease the Total Site Coverage to 40.7 percent instead of 44 percent.
- i. He indicated that 50 percent of the block face has vehicular access from the flanking roadway.
- j. He reiterated that he has built this design before.
- k. He agreed that this neighbourhood has several small bungalows.
- l. He confirmed that he will not be building any Secondary Suite with this proposed development.
- m. In his opinion, if the application process was delayed before the decision was made by the Development Officer, he could have reduced the number of variances to about 5 or 6.
- n. With regard to why there are 2 separate exterior Basement accesses, he indicated that if they were a concern he would remove them from the plans.

vi) *Position of the Development Officer*

- [21] She indicated that this type of configuration for this Use is popular and common; however it is not common to see this number and section type of variances.
- [22] With such large lot, she had very little justification to grant variances and found no hardship to comply with section 11.4(1) of the *Edmonton Zoning Bylaw*.
- [23] She referenced an aerial photograph from her written submission and clarified that the block face is never taken from across the street only the abutting side roadway. Based on the aerial photograph she determined that fewer than 50 percent of Principal Dwellings on both 80 Street and 128 Avenue have vehicular access from the flanking roadway.

- [24] She indicated it was very difficult to justify granting a flanking access with such a long Driveway and Side Setback variance.
- [25] In her opinion, the deficient Rear Setback of 9.13 metres is too excessive.
- [26] She discussed the existing power pole in the Side Yard with EPCOR and was told it would cost approximately \$100, 000 to be removed.
- [27] She confirmed that the submitted Lot Grading Plan by the Appellant was for a different property.
- [28] With regard to the required Private Outdoor Amenity Area, she indicated that by definition there is none provided. She indicated that if an Amenity Area was proposed in the flanking Side Yard, there would be additional variances.
- [29] She indicated that there is also an interior door separating the main floor from the basement level on both units.
- [30] She indicated that lowering the decks with Basement access would be a Building Codes issue and stated that the new Basement plan, new deck and walkway are not proposed on the submitted Landscaping Plan. Further, the appropriate Landscaping was not provided.

iv) Rebuttal of the Appellant

- [31] In his opinion, the EPCOR power pole does not affect his property and indicated that the surveyor placed it in the wrong location on the Plot Plan.
- [32] He referenced an e-mail dated June 15, 2016 from Hagen Surveys “Exhibit C” that explains how he can make the proposed development more compliant with the *Edmonton Zoning Bylaw* and agrees that some of the existing issues can be addressed.

The Presiding Officer allowed the Development Officer to address the Board since new evidence was brought up.

- [33] The Development Officer agreed some current variances could be addressed but not all of them. She stated that this proposed development would be the largest building in the neighbourhood.
- [34] The Appellant stated that a 2-Storey Single Detached House would be taller than the proposed development.

Decision

[22] The appeal is **DENIED** and the decision of the Development Authority is **CONFIRMED**. The development is **REFUSED**.

Reasons for Decision

- [23] The proposed development, a Semi-detached House is a Discretionary Use in the RF1 Single Detached Residential Zone.
- [24] The Board notes that the proposed development is within the Mature Neighbourhood Overlay.
- [25] The Board accepts the Appellant's statement that he communicated with and notified the properties within the 60 metre notification radius and provided evidence of variances being sought in the Mature Neighbourhood Overlay as identified by the Development Officer.
- [26] The Board notes that the responses were submitted to the Development Officer 21 days after giving the information to all affected parties.
- [27] Although the Board notes that there was a very minimal written response with the submitted Community Consultation, the Board accepts the evidence of the Appellant and the Development Officer that based on the demographics, there might be reluctance to sign any documentation.
- [28] The Development Officer confirmed that the Community Consultation was met and the Board is satisfied that the Community Consultation properly occurred.
- [29] The Board notes that the proposed development has a Basement elevation that is in excess of the maximum allowable Height. The Board finds that this Height variance is not characteristic of the neighbourhood and will not be mitigated by lowering the entrance levels.
- [30] The Board notes that the proposed plans do not address the Private Outdoor Amenity Area requirement for each Dwelling. The Board accepts that proposing this space in the flanking Side Yard or Front Yard will create further variances and create Privacy issues because of the lower Fence Height restrictions.
- [31] The Board notes that the subject Site is a relatively large property compared to adjacent properties and finds that the large Site size makes it more difficult to rationalize the need for so many variances and particularly the excess in Site Coverage.

- [32] The Board finds that the proposed development will have an adverse impact on the property immediately to the south and create Privacy issues.
- [33] The Board notes that this over development would limit future development possibilities of the development to the south.
- [34] The Board finds that the proposed development has a size and massing that is uncharacteristic of the neighbourhood. The Board notes that the majority of Houses in the area are older bungalows and did not receive any evidence of any other 2-Storey buildings in the immediate vicinity.
- [35] The Board finds that the proposed development is incompatible with the General Purpose of the Mature Neighbourhood Overlay and the RF1 Single Detached Residential Zone.
- [36] Accordingly, the Board finds that the proposed development will unduly interfere with the amenities of the neighbourhood, and will materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Mr. N. Somerville, Presiding Officer
Subdivision and Development Appeal Board

Important Information for the Applicant/Appellant

1. 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*, RSA 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.
2. 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 NW, Edmonton.