

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 28, 2016**

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

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

I	9:00 A.M.	SDAB-D-16-109	Construct an addition to a Single Detached House (irregular shape, 9.75m x 2.45m, attached storage space next to an existing rear attached Garage), existing without permits 6904 - 149 Avenue NW Project No.: 171292408-003
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TO BE RAISED

II	10:30 A.M.	SDAB-D-16-094	Operate a Major Home Based Business (Auction to Auction - SAIHAJ ENTERPRISES LTD - Expiry Mar 1, 2021) 210 - 75 Street SW Project No.: 176696883-001
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TO BE RAISED

III	1:30 P.M.	SDAB-D-16-084	Construct an addition and exterior alterations, and a rear covered deck (3.05m x 6.25m) to a Single Detached House 11117 - 127 Street NW Project No.: 180912276-001
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NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-109

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 171292408-003

ADDRESS OF APPELLANT: 6904 - 149 AVENUE NW

APPLICATION TO: Construct an addition to a Single Detached House (irregular shape, 9.75m x 2.45m, attached storage space next to an existing rear attached Garage), existing without permits

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: March 23, 2016

DATE OF APPEAL: March 30, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 6904 - 149 AVENUE NW

LEGAL DESCRIPTION: Plan 6143NY Blk 32 Lot 31

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:

Have been go through so many steps and money. Times. Hope can get this done!! and save my storage place.

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.

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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,

The Board is advised that the decision of refusal by the Development Officer is dated March 23, 2016. The Notice of Appeal was filed on March 30, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

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, Semi-detached Housing and Duplex Housing under certain conditions.

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

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single

Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 6.1(2) states:

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.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

... to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Non-conforming

Section 11.3(3) states:

3. the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in his opinion:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Section 814.3(5) states:

The minimum Rear Setback shall be 40% of Site depth. Row Housing not oriented to a public roadway is exempt from this Overlay requirement.

Section 814.3(10) states:

10. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and
 - a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;

- b. the Site Width is less than [15.5 m](#); or
- c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Section 110.4(10)(d) states:

on a Corner Site where the building faces the flanking Side Lot Line the minimum Side Setback abutting the flanking Side Lot Line shall be [4.5 m](#). If the Dwelling does not have an attached Garage also facing the flanking Side Lot Line, the minimum Side Setback may be reduced to [3.0 m](#), in order to increase the Private Outdoor Amenity Area in the interior Side Yard;

Development Officer’s Determination

The Development Officer referenced sections 11.3, 814.3(5), 814.3(10) and 110.4(10)(d) and made the following determination:

- 1. A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered. (Reference Section 11.3)

The building is non-conforming for the following reasons:

- a) The Rear Setback is 2.09m, instead of 14.64m (Reference Section 814.3(5))
- b) The House has front access (Reference Section 814.3(10))
- c) The Side Setback facing the flanking public roadway is 4.37m, instead of 4.50m (Reference Section 110.4(10)(d)) [unedited]

Side Yard Setback

Section 110.4(10)(a) states: “Side Setbacks shall total at least 20% of the Site Width, with a minimum Side Setback of [1.2 m](#) on each side.”

Development Officer’s Determination

The Development Officer referenced section 110.4(10)(a) and made the following determination:

- 2. The minimum Side Yard Setback shall be 1.2m. (Reference Section 110.4(10)(a))

Proposed: 0.06m
Deficient by: 1.14m [unedited]

Eave Encroachment

Section 44.1(b) states:

eaves or similar architectural features on Accessory buildings provided that such projections do not exceed [0.6 m](#) in the case of Setbacks or Separation Spaces of [1.2 m](#) or greater, and [0.46 m](#) for Setbacks or Separation Spaces of less than [1.2 m](#).

Development Officer's Determination

The Development Officer referenced section 44.1(b) and made the following determination:

3. Eaves shall not be closer than 0.60m to the Side Property Line.
(Reference Section 44.1(b))

Proposed: 0m (Encroaching)

Deficient by: 0.60m+ [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: **171292408-003**
 Application Date: JAN 25, 2016
 Printed: March 30, 2016 at 2:56 PM
 Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

<p>Applicant</p> <p>HO, TONY</p> <div style="background-color: black; width: 200px; height: 20px; margin-top: 5px;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p>6904 - 149 AVENUE NW Plan 6143NY Blk 32 Lot 31</p> <hr/> <p>Specific Address(es)</p> <p>Suite: 6904 - 149 AVENUE NW Entryway: 6904 - 149 AVENUE NW Building: 6904 - 149 AVENUE NW</p>
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Scope of Application

To construct an addition to a Single Detached House (irregular shape, 9.75m x 2.45m, attached storage space next to an existing rear attached Garage), existing without permits.

Permit Details

# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: Class B Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

1. A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered. (Reference Section 11.3)

The building is non-conforming for the following reasons:

- a) The Rear Setback is 2.09m, instead of 14.64m (Reference Section 814.3(5))
- b) The House has front access (Reference Section 814.3(10))
- c) The Side Setback facing the flanking public roadway is 4.37m, instead of 4.50m (Reference Section 110.4(10)(d))

2. The minimum Side Yard Setback shall be 1.2m. (Reference Section 110.4(10)(a))

Proposed: 0.06m
Deficient by: 1.14m
3. Eaves shall not be closer than 0.60m to the Side Property Line. (Reference Section 44.1(b))

Proposed: 0m (Encroaching)
Deficient by: 0.60m+

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

THIS IS NOT A PERMIT



Project Number: **171292408-003**
Application Date: JAN 25, 2016
Printed: March 30, 2016 at 2:56 PM
Page: 2 of 2

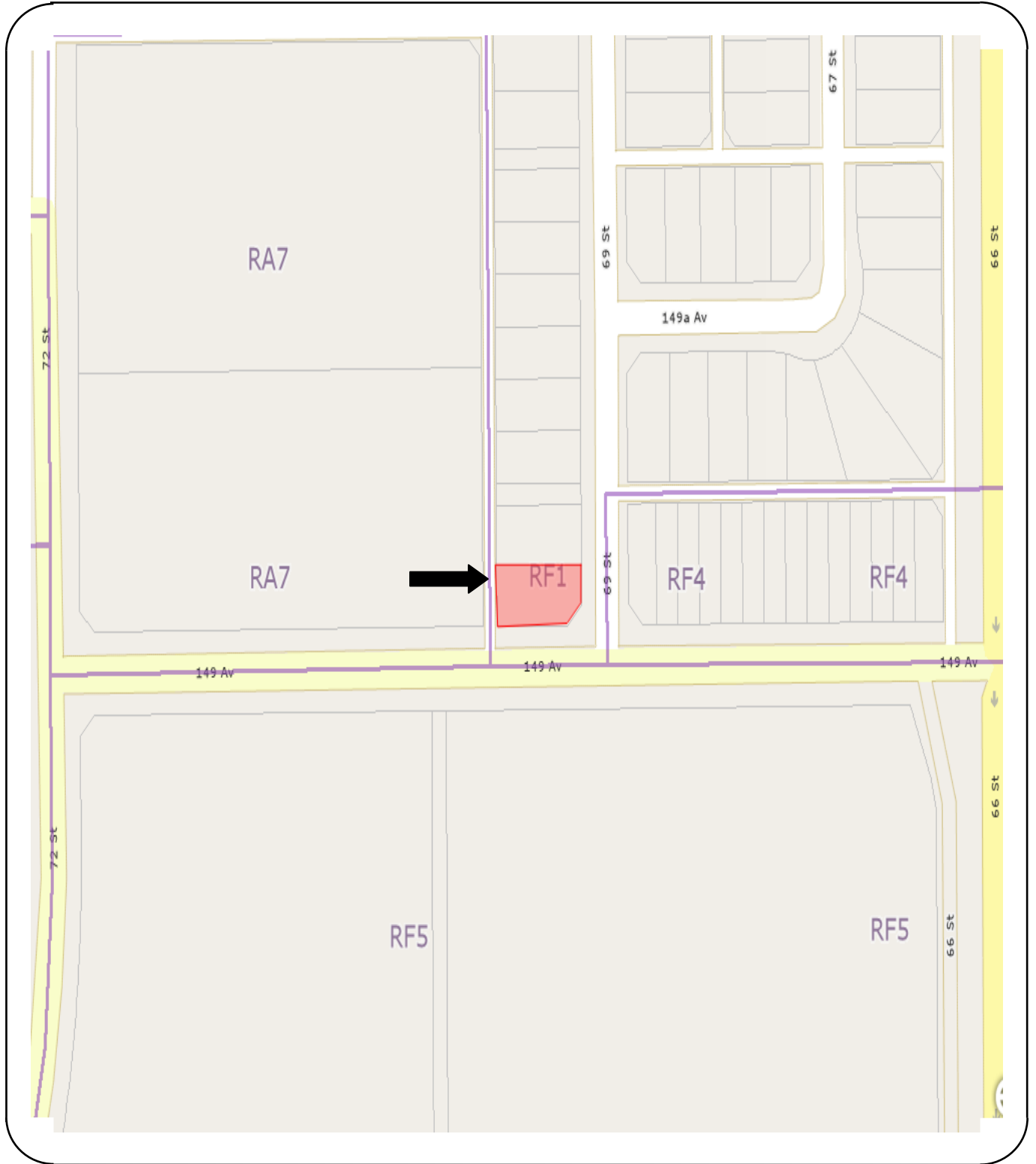
Application for Minor Development Permit

Issue Date: Mar 23, 2016 Development Authority: LANGILLE, BRANDON Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$393.00	\$393.00	03025946	Jan 25, 2016
Existing Without Permit Penalty Fee	\$393.00	\$393.00	03025946	Jan 25, 2016
DP Notification Fee	\$41.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$827.00	\$786.00		
(\$41.00 outstanding)				

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-109



TO BE RAISED
ITEM II: 10:30 A.M.

FILE: SDAB-D-16-094

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 176696883-001

APPLICATION TO: Operate a Major Home Based Business
(Auction to Auction - SAIHAJ ENTERPRISES LTD - Expiry Mar 1, 2021)

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: March 1, 2016

DATE OF APPEAL: March 18, 2016

NOTIFICATION PERIOD: Mar 8, 2016 through Mar 21, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 210 - 75 STREET SW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 210 - 75 STREET SW

LEGAL DESCRIPTION: Plan 1027143 Blk 3 Lot 2

ZONE: RR-Rural Residential Zone

OVERLAY: N/A

STATUTORY PLAN: Ellerslie Area Structure Plan

Grounds for Appeal

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

1. City Drawings show sidewalks (do not exist).
2. Home Business (this is not). Owner lives at 2534 ? 33 A Avenue. This is a commercial business and residential land.

3. Major business in residential with:
 - a. There are no sidewalks on either side of road all the way to 66 St.
 - b. At 78 St. and 4 Ave. children cut through from Ellerslie Crossing and walk on the road along 4 Ave., 71 St., and 6 Ave. to Ellerslie School on 66 St. (morning and afternoon). Safety should be considered.
 - c. No street lights in any part of acreages. Pitch black at night.
 - d. 18' wide roads. O.K. for residential but not up to Government standards for business and truck routes. (no sidewalks).
 - e. No water and sewer at business site.
 - f. No washroom facilities: only at (inside) rented house to other person.
 - g. March 9, 2016. I stepped out on my deck, took a deep breath and filled my lungs with diesel exhaust because the semi was running.

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.

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority 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,

The Board is advised that the decision of approval by the Development Officer is dated March 1, 2016. The Notice of Appeal was filed on March 18, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 240.1 states that the **General Purpose** of the **RR Rural Residential Zone** is:

...to provide for Single Detached Residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services. The RR Zone is intended to regulate rural residential development within existing rural residential subdivisions that existed prior to the passage of this Bylaw, and is not intended to facilitate future rural residential development and subdivision, which is contrary to the Municipal Development Plan.

Section 7.3(7) states:

Major Home Based Business means development consisting of the use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use Class includes Bed and Breakfast Operations but does not include General Retail Sales.

Discretionary Use

Under Section 240.3(6), **Major Home Based Business** is a **Discretionary Use** in the RR Rural Residential Zone.

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: **176696883-001**
Application Date: JUL 29, 2015
Printed: March 18, 2016 at 1:56 PM
Page: 1 of 3

Home Occupation

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant KAHLON, JAGDEEP S. 	Property Address(es) and Legal Description(s) 210 - 75 STREET SW Plan 1027143 Blk 3 Lot 2 Specific Address(es) Suite: 210 - 75 STREET SW Entryway: 210 - 75 STREET SW Building: 210 - 75 STREET SW
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Scope of Permit
To operate a Major Home Based Business (Auction to Auction - SAIHAJ ENTERPRISES LTD - Expiry Mar 1, 2021)

Permit Details # of business related visits/day: 4 Administration Office Only?: Y Class of Permit: Class B Do you live at the property?: Y Outdoor storage on site?: N	# of vehicles at one time: 1 Business has Trailers or Equipment?: N Description of Business: Administration office for Auction to Auction Expiry Date: 2021-03-01 00:00:00
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I/We certify that the above noted details are correct.
Applicant signature: _____

Development Permit Decision
Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **176696883-001**
Application Date: JUL 29, 2015
Printed: March 18, 2016 at 1:56 PM
Page: 2 of 3

Home Occupation

Subject to the Following Conditions

The business owner must live at the site. The business use must be secondary to the residential use of the building and shall not change the residential character of the Dwelling or Accessory Building (Section 7.3(7)).

- 1) There shall be no exterior display or advertisement other than an identification plaque or sign a maximum of 20 cm (8") x 30.5 cm (12") in size located on the dwelling (Section 75.1).
- 2) The Major Home Based Business shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located (Section 75.3).
- 3) The number of non-resident employees or business partners working on-site shall not exceed two at any one time (Section 75.4).
- 4) The number of visits associated with the business shall not exceed the number approved with this application.
- 5) There shall be no outdoor business activities, or outdoor storage of material or equipment associated with the business (Section 75.5).
- 6) No offensive noise, odour, vibration, smoke, litter, heat or other objectionable effect shall be produced.
- 7) The business use must maintain the privacy and enjoyment of adjacent residences and the characteristic of the neighbourhood.
- 8) All parking for the Dwelling and Home Based Business must be accommodated on site unless a parking variance has been granted for this Major Home Based Business.
- 10) This Development Permit may be cancelled at any time if the Home Based Business as stated in the Permit Details changes (Section 17.2).
- 11) This approval is for a 5 year period from the date of this decision. A new Development Permit must be obtained to continue to operate the business from this location. This Development Permit expires on March 1, 2021.

Notes:

- A) An approved Development Permit means that the proposed development has been reviewed against the provisions of this bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the Edmonton Building Permit Bylaw or any caveats, covenants or easements that might be attached to the Site (Section 5.2).
- B) This Development Permit is not a Business License.
- C) Subject to the right of appeal. The permit is not valid until the required Notification Period expires (date noted below in accordance with Section 21.1 and 17.1).
- D) This Development Permit is not for an Automotive and Minor Recreation Vehicle Sales / Rentals use (Section 7.4(5)), Vehicle sales are prohibited from this location.
- E) This Development Permit is for an Administration Office only.
- F) All business related vehicles and automotive parts shall be stored at an approved storage facility. The Development Permit may be revoked if any business related vehicles and materials are stored at the residential site.
- G) The site shall not be used as a daily rendezvous for employees or business partners.
- H) The site shall not be used by employees or business partners as a parking or storage location.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **176696883-001**
Application Date: JUL 29, 2015
Printed: March 18, 2016 at 1:56 PM
Page: 3 of 3

Home Occupation

Rights of Appeal

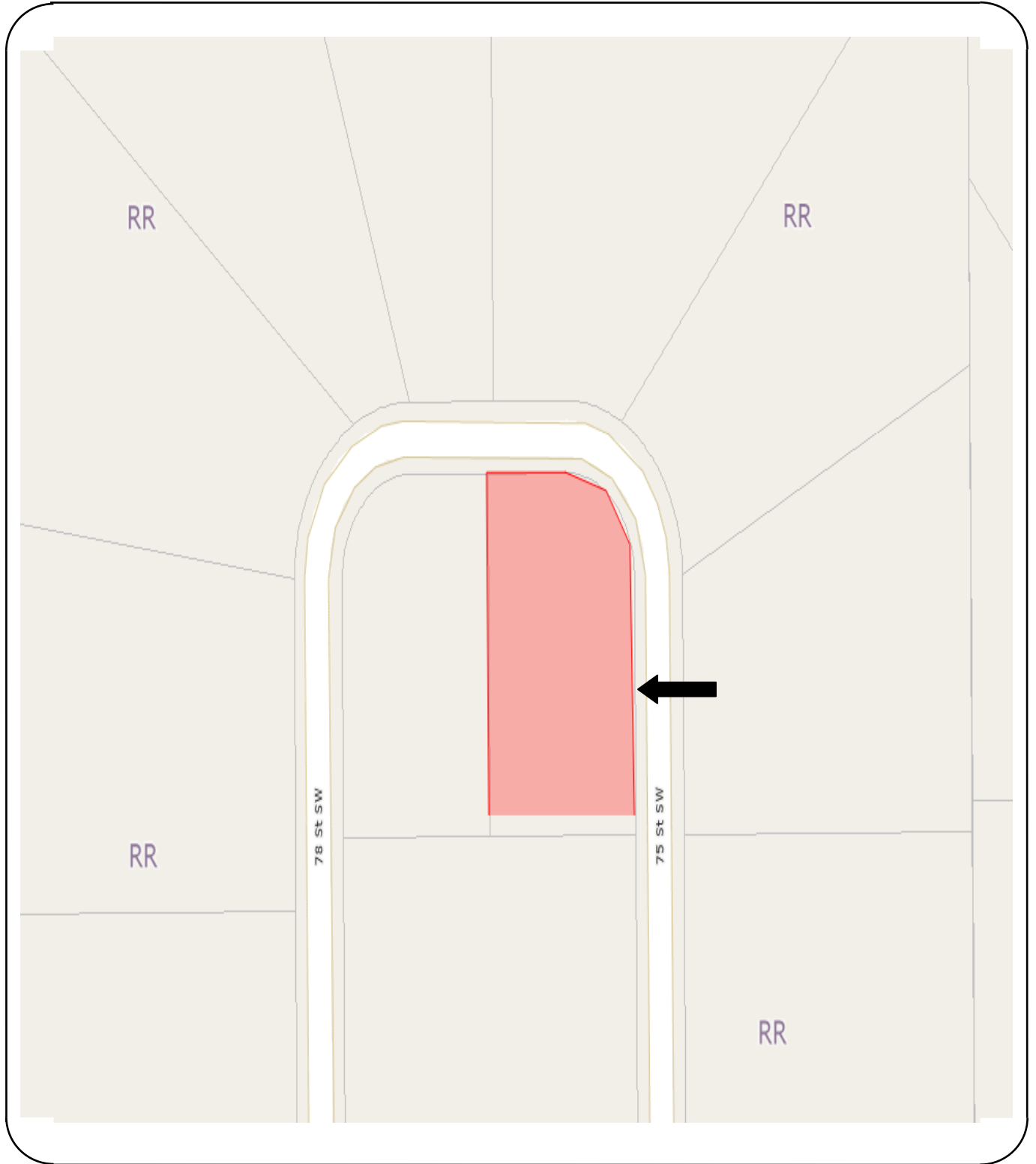
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Mar 01, 2016 **Development Authority:** BAUER, KERRY **Signature:** _____
Notice Period Begins: Mar 08, 2016 **Ends:** Mar 21, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$291.00	\$291.00	02625913	Jul 29, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$291.00	\$291.00		

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-094



TO BE RAISED
ITEM III: 1:30 P.M.

FILE: SDAB-D-16-084

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 180912276-001

ADDRESS OF APPELLANT: 11117 - 127 Street NW

APPLICATION TO: Construct an addition and exterior alterations, and a rear covered deck (3.05m x 6.25m) to a Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 23, 2016

DATE OF APPEAL: March 4, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11117 - 127 Street NW

LEGAL DESCRIPTION: Plan 7239AH Blk 6 Lot 17

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

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

Deck should not be included in site coverage as its below 1 metre.

We are going to keep addition the same side setback as rear (east) end of the house.

Privacy lattice or similar will be installed on deck as per City requirements. [unedited]

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 Authority was dated February 23, 2016. The Notice of Appeal was filed on March 4, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states that the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is:

...to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Under Section 140.2(9), **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

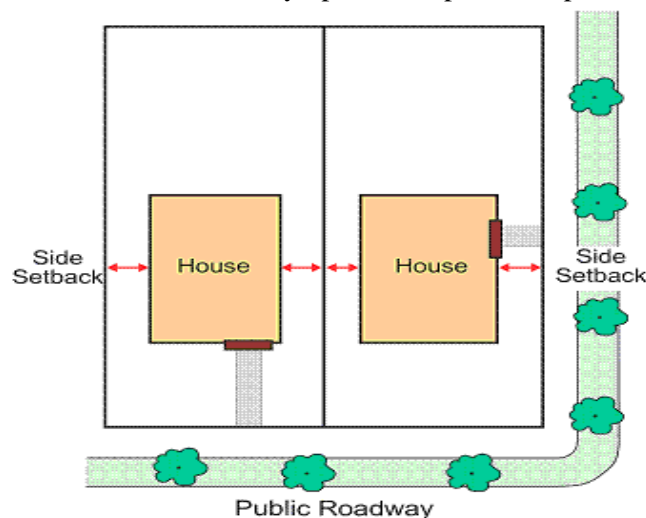
... to ensure that new low density development in Edmonton’s mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Side Setback

Section 140.4(13)(a) states that “Side Setbacks shall total at least 20% of the Site Width to a maximum total of 6.0 m, with a minimum Side Setback of 1.2 m on each side”.

Section 6.1(91) states:

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



Development Officer’s Determination

The Development Officer referenced Section 140.4(13)(a) and made the following determination:

(20% x 7.62m = 1.52m)
 Proposed: Left: 0.77m, right: 0.64m, Total= 1.41m
 Deficient: Left: 0.43m, right: 0.56m, Total = 0.11m [unedited]

Maximum Site Coverage

Section 140.4(10) states:

Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. Single Detached and Duplex Housing - Site area 300 m ² or greater	28%	12%	40%	40%

Development Officer’s Determination

The Development Officer referenced Section 140.4(10)(a) and made the following determination:

Principal Dwelling/ building: 28%
 Accessory building: 12%
 Total: 40%

Proposed:
 Site Area= 332.98 sqm
 Principal Building (including decks greater than 1 meter in height) = 99.78 sqm or 29.97%
 Over by: 1.97%
 Accessory Building: 38.86 sqm or 11.67%
 Total= 138.64 sqm or 41.6% over by 1.63% [unedited]

Privacy Screening

Section 814.3(8) states: “Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.”

Development Officer's Determination

The Development Officer referenced section 814.3(8) and made the following determination:

Proposed: Roof top balcony with no privacy screening. Concerns that the balcony will significantly overlook onto the adjacent properties amenity spaces. [unedited]

Variance to Regulations

Section 11.3(3) states:

the Development Officer may approve, with or without conditions as a Class B Development, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in his opinion:

- a. unduly interfere with the amenities of the neighbourhood; or
- b. materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Development Officer's Determination

4.) Non-conforming building - This permit proposes a rear addition which does increase the non-conformity of the building (Section 11.3.3).

It is in the opinion of the Development Officer that the proposed development would unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties. [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: **180912276-001**
Application Date: OCT 14, 2015
Printed: February 23, 2016 at 9:06 AM
Page: 1 of 2

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant 	Property Address(es) and Legal Description(s) 11117 - 127 STREET NW Plan 7239AH Blk 6 Lot 17
	Specific Address(es) Suite: 11117 - 127 STREET NW Entryway: 11117 - 127 STREET NW Building: 11117 - 127 STREET NW

Scope of Application
To construct an addition and exterior alterations, and a rear covered deck (3.05m x 6.25m) to a Single Detached House.

Permit Details	
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: House Addition Secondary Suite Included?: N	Class of Permit: (none) 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

THIS IS NOT A PERMIT



Project Number: **180912276-001**
 Application Date: OCT 14, 2015
 Printed: February 23, 2016 at 9:06 AM
 Page: 2 of 2

Application for Minor Development Permit

Reason for Refusal

1.) Section 140.4.13: Side Setbacks shall total at least 20% of the Site Width to a maximum total of 6.0 m, with a minimum Side Setback of 1.2 m on each side.

(20% x 7.62m = 1.52m)

Proposed: Left: 0.77m, right: 0.64m, Total= 1.41m

Deficient: Left: 0.43m, right: 0.56m, Total = 0.11m

2.) Section 140.4.10.a: Maximum Site Coverage shall be as follows:

Single Detached and Duplex Housing - Site area 300 m2 or greater

Principal Dwelling/ building: 28%

Accessory building: 12%

Total: 40%

Proposed:

Site Area= 332.98 sqm

Principal Building (including decks greater than 1 meter in height) = 99.78 sqm or 29.97%

Over by: 1.97%

Accessory Building: 38.86 sqm or 11.67%

Total= 138.64 sqm or 41.6% over by 1.63%

3.) Section 814.3.8: Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.

Proposed: Roof top balcony with no privacy screening. Concerns that the balcony will significantly overlook onto the adjacent properties amenity spaces.

4.) Non-conforming building - This permit proposes a rear addition which does increase the non-conformity of the building (Section 11.3.3).

It is in the opinion of the Development Officer that the proposed development would unduly interfere with the amenities of the neighbourhood; or materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.

Rights of Appeal

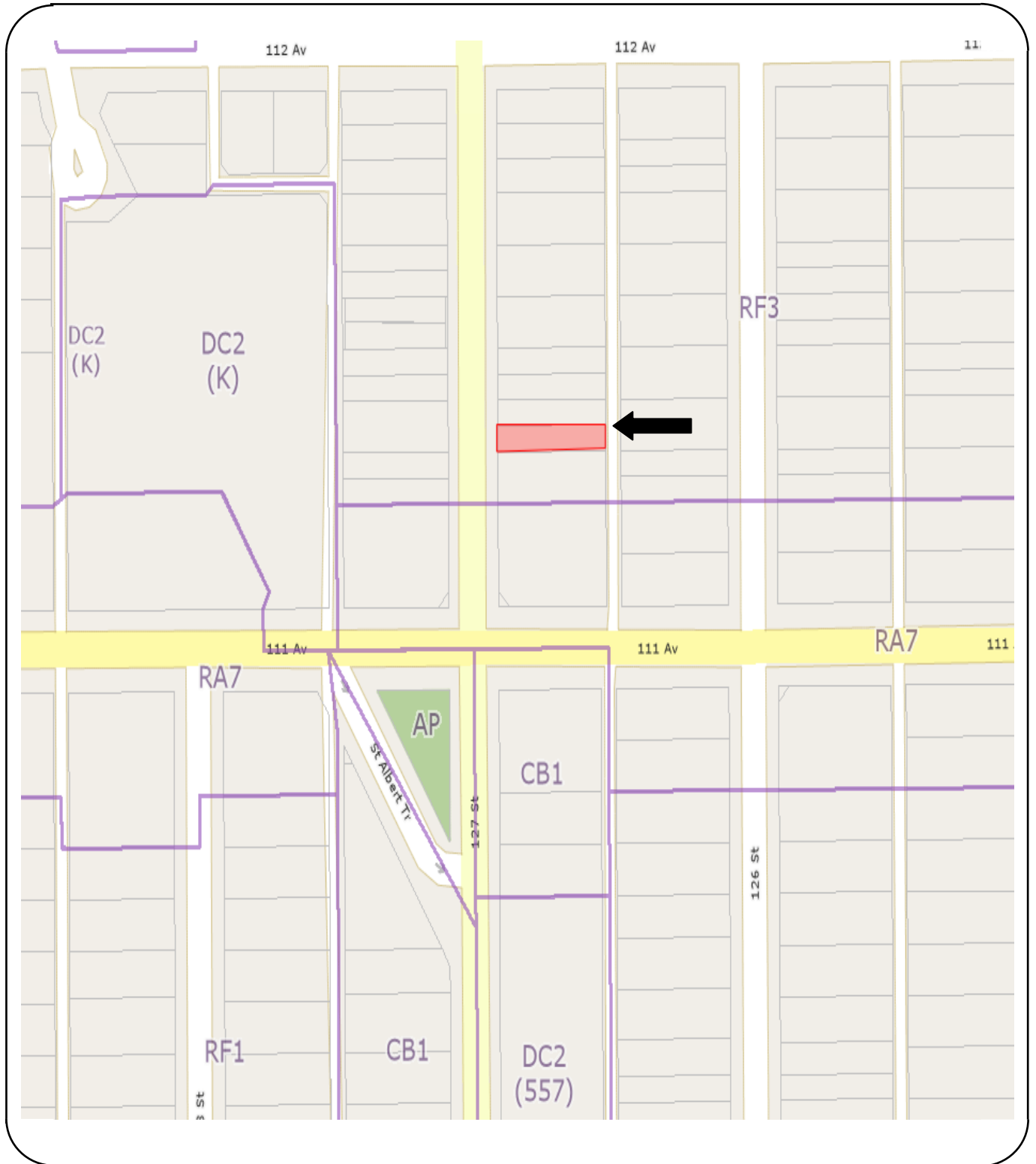
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 23, 2016 **Development Authority:** HEIMDAHL, KENDALL **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$385.00	\$385.00	02820172	Oct 14, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$385.00	\$385.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-084



BUSINESS LAID OVER

SDAB-D-16-501	An appeal by Darren Crocker to demolish an existing building <i>May 25 or 26, 2016</i>
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APPEAL HEARINGS TO BE SCHEDULED

172854843-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to comply with a Stop Order to comply with all conditions of Development Permit No. 139511609-001 before April 1, 2016 or Cease the Use (Operation of Automotive and Minor Recreation Vehicle Sales/Rentals Use and any subsequent Use) before April 1, 2016 and remove all stored material and equipment associated with the Use; including vehicles, tires, and vehicle parts before <i>May 25, 2016</i>
175846220-001	An appeal by <u>Capital Car & Truck Sales Ltd.</u> to remove all advertising signs located on the building before April 2, 2016 or submit a complete Development Permit Application which reflects the current sign(s) installed on the building before April 1, 2016 <i>May 25, 2016</i>