

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
October 8, 2015**

**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-15-232	Construct twelve (12) Row House buildings with a total of 58 Dwellings 130 Hawks Ridge Boulevard NW Project No.: 168072825-001
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II	1:00 P.M.	SDAB-D-15-233	Convert an existing Single Detached House to a Lodging House and construct interior alterations (8 bedrooms / units - Existing Without Permits) 11512 - 82 Street NW Project No.: 169385106-004
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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-15-232

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

APPELLANT:

APPLICATION NO.: 168072825-001

APPLICATION TO: Construct twelve (12) Row House buildings with a total of 58 Dwellings

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices (See pages 8-11)

DECISION DATE: August 25, 2015

DATE OF APPEAL: September 11, 2015

NOTIFICATION PERIOD: Sep 1, 2015 through Sep 14, 2015

RESPONDENT: Norr Architects Engineers Planners

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 130 Hawks Ridge Boulevard NW

LEGAL DESCRIPTION: Plan 1221444 Blk 5 Lot 47

ZONE: RF5 Row Housing Zone

OVERLAY: N/A

STATUTORY PLAN: Big Lake Area Structure Plan
Hawks Ridge Neighbourhood Structure Plan

Grounds for Appeal

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

Reason for Appeal

1. More people will move in.
2. There will be traffic and parking issues.
3. Limited access on Hawks Ridge Boulevard.
4. Too many dwellings for this site.

[unedited]

General Matters

Appeal Information:

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

Grounds for Appeal

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,

...

(b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

The decision of the Development Authority was dated August 25, 2015. The Notice of Appeal Period started on September 1, 2015 and expired on September 14, 2015. An adjacent property owner filed the Notice of Appeal on September 11, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

The purpose of this Zone is to provide for relatively low to medium density housing, generally referred to as Row Housing.

Variance: Minimum Separation Space

The *Edmonton Zoning Bylaw* states the following:

48.1 Separation Space: General

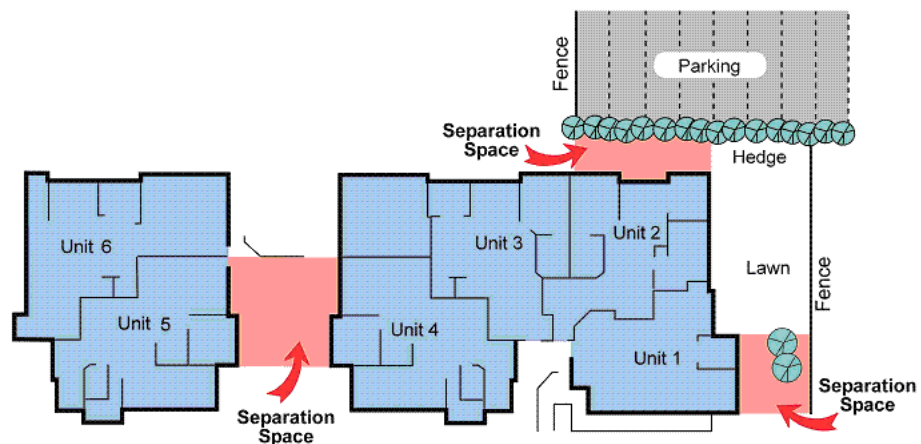
5. The minimum separating distance between two Dwellings shall be equal to the sum of the minimum Separation Spaces for the opposite windows and openings, except as provided in subsection 48.3(2) and Section 48.4(2).

48.2 Principal Living Room Window

1. In front of a Principal Living Room Window, a Separation Space, with a minimum depth of 7.5 m or half the height of any wall opposite the said Window, whichever is greater, to a maximum of 10.0 m shall be provided.

Section 6.1(87) defines Separation Space as follows:

87. **Separation Space** means open space around Dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation Space is not a Yard;



Variance Approved by Development Officer:

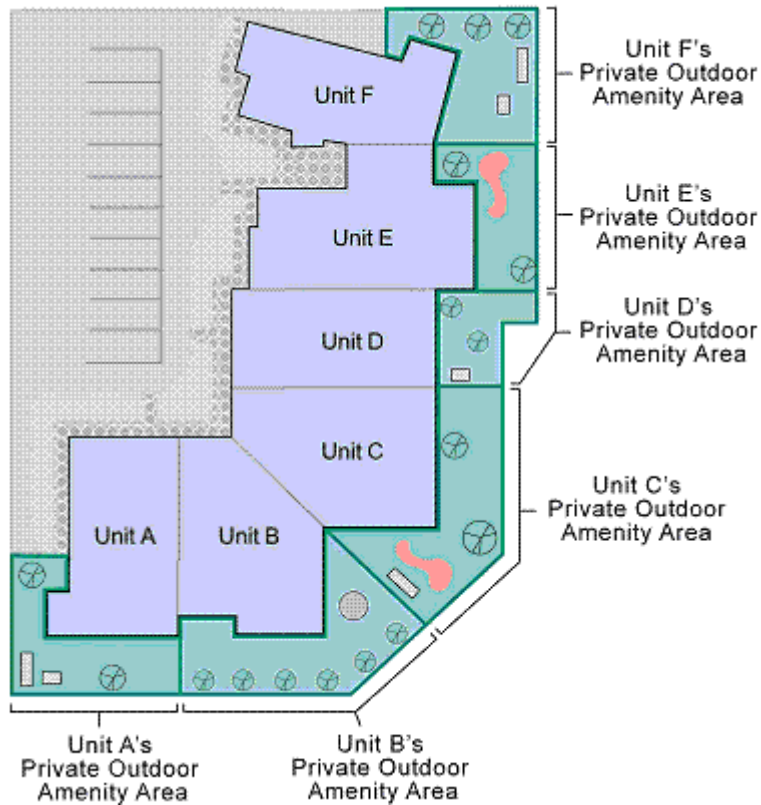
Sections 48.1(6) and 48.2(1) relaxed - the minimum required Separation Space between opposing Principal Living Room Windows in reduced from 15m to 13.8m between buildings 5 and 8, and between buildings 4 and 7. [unedited]

Variance: Private Outdoor Amenity Area

Section 47(4) states that “Private Outdoor Amenity Area may be provided above Grade, and may be located within any Yard other than a Front Yard.”

Section 6.1(78) defines Private Outdoor Amenity Area as follows:

Private Outdoor Amenity Area means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular Dwelling and which is immediately adjacent to and directly accessible from the Dwelling it is to serve;



Variance Approved by Development Officer:

Section 47(4) relaxed - the Private Outdoor Amenity Areas for buildings 1, 2 and 3 are located within the Front Yard abutting Hawks Ridge Boulevard. [unedited]

Variance: Requirement for Entrance Door/Feature

The *Edmonton Zoning Bylaw* states the following:

160.4 Development Regulations for Permitted and Discretionary Uses

- ...
- 24. Each Dwelling that has direct access to Grade shall have an entrance door or entrance feature facing a public roadway, other than a Lane. On Corner Sites, the entrance door or entrance feature may face either the Front Lot Line or the flanking Side Lot Line.

Variance Approved by Development Officer:

Section 160.4(24) relaxed - not all dwellings have an entrance door or feature facing a public roadway. NOTE: Most dwellings face the internal roadway. [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: **168072825-001**
 Application Date: FEB 12, 2015
 Printed: October 2, 2015 at 12:13 PM
 Page: 1 of 4

Major Development Permit

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.

<p>Applicant</p> <p>NORR ARCHITECTS ENGINEERS PLANNERS </p>	<p>Property Address(es) and Legal Description(s) 130 - HAWKS RIDGE BOULEVARD NW Plan 1221444 Blk 5 Lot 47</p> <hr/> <p>Specific Address(es)</p> <p>Building: 1, 130 - HAWKS RIDGE BOULEVARD NW Building: 11, 130 - HAWKS RIDGE BOULEVARD NW Building: 16, 130 - HAWKS RIDGE BOULEVARD NW Building: 22, 130 - HAWKS RIDGE BOULEVARD NW Building: 28, 130 - HAWKS RIDGE BOULEVARD NW Building: 33, 130 - HAWKS RIDGE BOULEVARD NW Building: 38, 130 - HAWKS RIDGE BOULEVARD NW Building: 41, 130 - HAWKS RIDGE BOULEVARD NW Building: 45, 130 - HAWKS RIDGE BOULEVARD NW Building: 50, 130 - HAWKS RIDGE BOULEVARD NW Building: 55, 130 - HAWKS RIDGE BOULEVARD NW Building: 6, 130 - HAWKS RIDGE BOULEVARD NW</p>
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Scope of Permit
 To construct twelve (12) Row House buildings with a total of 58 Dwellings.

<p>Permit Details</p> <p>Class of Permit: Class B Gross Floor Area (sq.m.): 10958.21 New Sewer Service Required: Y Site Area (sq. m.): 13858.35</p>	<p>Contact Person: Lot Grading Needed?: Y NumberOfMainFloorDwellings: 58 Stat. Plan Overlay/Annex Area: (none)</p>
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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: **168072825-001**
 Application Date: FEB 12, 2015
 Printed: October 2, 2015 at 12:13 PM
 Page: 2 of 4

Major Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21(1). Reference Section 17(1).

All access locations and curb crossings shall have the approval of the City Transportation Department prior to the start of construction. Reference Section 53(1).

- 1) The proposed 10m access to Hawks Ridge Boulevard must be constructed as a commercial crossing access and located such that the proposed access lines up with the roadway (Northern Harrier Lane) to the south and located approximately 79m from the west property line of Lot 47.
- 2) There is an existing curb ramp on Hawks Ridge Boulevard situated in the location of the proposed commercial crossing access that will require relocation with construction of the access. The new curb ramp must be located such that a minimum separation of 1m is maintained between the flare of the proposed access and lines up with the curb ramp across the road.
- 3) The owner must enter into a Municipal Improvement Agreement with the City for the following improvements:
 - a) construction of a 10m commercial crossing access to Hawks Ridge Boulevard aligned with Northern Harrier Lane to the south and located approximately 79m from the west property line of Lot 47; and
 - b) reconstruction of a curb ramp on the north side of Hawks Ridge Boulevard.
 Engineering Drawings are not required for this Agreement. However, construction must meet the City of Edmonton Design and Construction Standards. The Municipal Improvement Agreement must be signed PRIOR to the release of the drawings for Building Permit review. The Agreement must be signed by the property owner and returned to Transportation Services to the attention of Loli Fernandez (780-944-7683) including an irrevocable Letter of Credit in the amount of \$19,000.00 to cover 100% of construction costs. The Agreement will be forwarded directly to the owner for his signature.
- 4) A public shared use path borders the proposed development. A sidewalk connection must be constructed to provide connectivity and increase area walkability. The proposed sidewalk connections to Hawks Ridge Boulevard are acceptable to Transportation Services. Proposed gates must swing into the site and permanent objects must NOT encroach into or over/under road right-of-way.
- 5) There is an existing fire hydrant in the vicinity of the proposed 10m access to Hawks Ridge Boulevard. The access must maintain a minimum clearance of 1.8m from the fire hydrant. Should relocation of this water infrastructure be required, it will be at the cost of the owner/applicant. The owner must contact Faraz Shaikh at 780-412-3178 of EPCOR at least 1 year in advance, to design and reschedule relocation.
- 6) Parallel parking is NOT permitted on the internal road system where the road width (carriageway) is less than 7.5m. A road width of less than 7.5m will not accommodate parking and still allow emergency vehicle access.
- 7) A minimum 12m radius (measured at the centre of the road) is required for the corners of the internal roadway to accommodate the turning requirements for emergency response vehicles.
- 8) There are existing boulevard trees adjacent to the site that must be protected during construction. Prior to construction, the owner/applicant must contact Marshall Mithrush of Community Services (780-496-4953) to arrange for hoarding and/or root cutting. All costs shall be borne by the owner/applicant.
- 9) Any sidewalk, shared use path or boulevard damage occurring as a result of construction traffic must be restored to the satisfaction of Transportation Services, as per Section 15.5(f) of the Zoning Bylaw. The sidewalks and boulevard will be inspected by Transportation Services prior to construction, and again once construction is complete. All expenses incurred for repair are to be borne by the owner.

Transportation Department Advisements:

- 1) Garbage bins must be located so that all turning maneuvers for the waste management vehicles are accommodated on site. Transportation Services will not permit the backing up of vehicles onto or off of a public roadway.
- 2) The internal roadway must be signed 'Private Road'. The sign is to be located on private property at the site entrance.
- 3) There may be utilities within road right-of-way not specified that must be considered during construction. The owner/applicant is responsible for the location of all underground and above ground utilities and maintaining required clearances as specified by the utility companies. Alberta One-Call (1-800-242-3447) and Shaw Cable (1-866-344-7429; www.digshaw.ca) should be contacted at least two weeks prior to the work beginning to have utilities located. Any costs associated with relocations and/or removals shall be at the expense of the owner/applicant.
- 4) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at:
http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx
- 5) Residential Sales Trailers require a separate development permit. Construction trailers must be located on private property or

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



Project Number: **168072825-001**
 Application Date: FEB 12, 2015
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Major Development Permit

within the boarded area.

Landscaping shall be in accordance to the approved landscape plan, Section 55 and to the satisfaction of the Development Officer. A revised landscape plan shall be submitted in accordance with Section 55 and to the satisfaction of the Development Officer. The landscape plan shall be revised to provide a minimum of an additional 7 Trees (the overall Tree count for the Site shall be increased by a minimum of 7 Trees) within the required 7.5m west Setback for a total of a minimum of 19 Trees within this Setback. The additional Trees shall be placed between the buildings (proposed buildings 1, 4, 7, and 10) and the west property line to the satisfaction of the Development Officer.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall provide a guaranteed security to ensure that landscaping is provided and maintained for two growing seasons. The Landscape Security may be held for two full years after the landscaping has been completed. This security may take the following forms:

- a) cash to a value equal to 100% of the established landscaping costs;
- or
- b) an irrevocable letter of credit having a value equivalent to 100% of the established landscaping costs.

Any letter of credit shall allow for partial draws. If the landscaping is not completed in accordance with the approved Landscape Plan(s) within one growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two growing seasons after completion of the landscaping, the City may draw on the security for its use absolutely. Reference Section 55(6).

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Lot Grading Fee of \$3,410.00.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Sanitary Sewer Trunk Fund fee of \$59,218.00 (based on 2015 rate of \$1,021.00 / Dwelling). All assessments are based upon information currently available to the City. The SSTF charges are quoted for the calendar year in which the development permit is granted. The final applicable rate is subject to change based on the year in which the payment is collected by the City of Edmonton.

PRIOR TO THE RELEASE OF DRAWINGS FOR BUILDING PERMIT REVIEW, the applicant or property owner shall pay a Notification fee of \$100.00.

The developer shall provide a minimum of 9 visitor parking spaces readily available to an entrance of the building to be served, and clearly identified as visitor parking to the satisfaction of the Development Officer. Reference Section 54.2.1(a), Schedule 1A(1).

The proposed parallel visitor parking stalls shall have a minimum length of 7.0m. Reference Section 54.2.4.a(i).

The proposed Private Outdoor Amenity Areas shall be permanently retained as open space, unencumbered by Accessory buildings or future building additions. Reference Section 160.4.9(b).

A solid screen fence, 1.83m in height, shall be installed along the west property line where this Site abuts the Residential Small Lot (RSL) Zones. Reference Section 160.4.15(c).

The proposed outdoor communal recreation space shall be Setback a minimum of 3m from the west property line. Reference Section 160.4.14(b).

Bicycle parking shall be provided in accordance to Section 54.3 and to the satisfaction of the Development Officer.

Exterior lighting shall be developed to provide a safe lit environment in accordance with Sections 51 and 58 and to the satisfaction of the Development Officer.

The off-street parking, loading and unloading (including aisles or driveways) shall be hardsurfaced, curbed, drained and maintained in accordance to Section 54(6).

All outdoor trash collection areas shall be located and screened to the satisfaction of the Development Officer in accordance with

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



Project Number: **168072825-001**
 Application Date: FEB 12, 2015
 Printed: October 2, 2015 at 12:13 PM
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Major Development Permit

Sections 55(4) & (5).

NOTES:

- 1) Signs require separate Development Applications.
- 2) A Building Permit is Required for any construction or change in use of a building. For a building permit, and prior to the Plans Examination review, you require construction drawings and the payment of fees. Please contact the 311 Call Centre for further information.
- 3) This approval does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Variances

NOTE: A variance was granted for this Development Permit pursuant to Sections 11(3) and 11(4). Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21(1) and 17(1).

Sections 48.1(6) and 48.2(1) relaxed - the minimum required Separation Space between opposing Principal Living Room Windows in reduced from 15m to 13.8m between buildings 5 and 8, and between buildings 4 and 7.

Section 47(4) relaxed - the Private Outdoor Amenity Areas for buildings 1, 2 and 3 are located within the Front Yard abutting Hawks Ridge Boulevard.

Section 160.4(24) relaxed - not all dwellings have an entrance door or feature facing a public roadway. NOTE: Most dwellings face the internal roadway.

Rights of Appeal

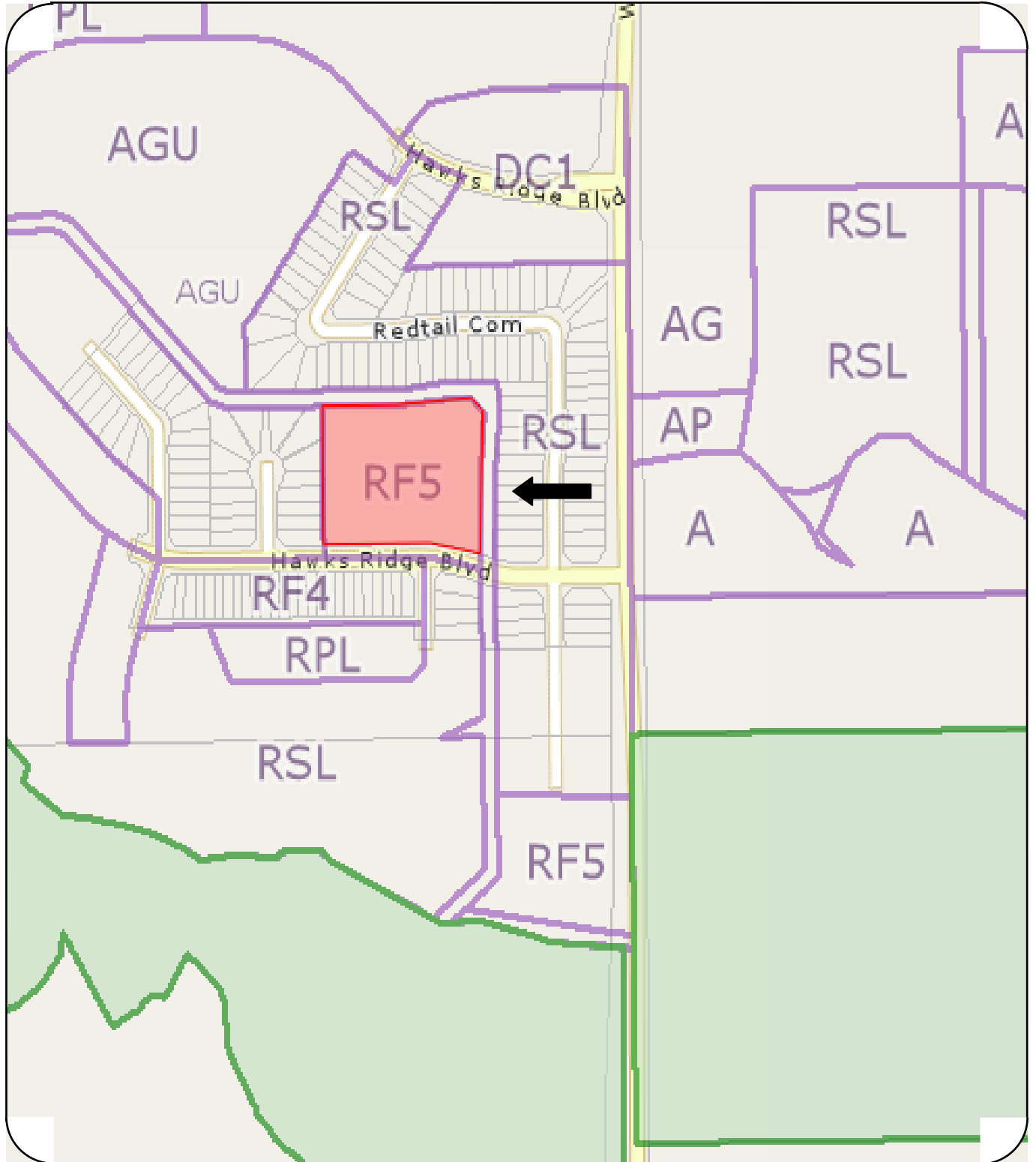
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Aug 25, 2015 **Development Authority:** BACON, KIRK **Signature:** _____
Notice Period Begins: Sep 01, 2015 **Ends:** Sep 14, 2015

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Lot Grading Fee	\$3,410.00			
Sanitary Sewer Trunk Fund 2012+	\$59,218.00			
Major Dev. Application Fee	\$770.00	\$770.00	02234657	Feb 18, 2015
Dev. Application Fee # of dwelling units	\$3,672.00	\$3,672.00	02234657	Feb 18, 2015
DP Notification Fee	\$100.00			
Total GST Amount:	\$0.00			
Totals for Permit:	\$67,170.00	\$4,442.00		
(\$62,728.00 outstanding)				

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



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-15-232



ITEM II: 1:00 P.M.

FILE: SDAB-D-15-233

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 169385106-004

ADDRESS OF APPELLANT: 11512 - 82 STREET NW

APPLICATION TO: convert an existing Single Detached House to a Lodging House and construct interior alterations (8 bedrooms / units - EXISTING WITHOUT PERMITS)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused (See pages 19-20)

DECISION DATE: September 2, 2015

DATE OF APPEAL: September 15, 2015

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 11512 - 82 STREET NW

LEGAL DESCRIPTION: Plan RN50 Blk 115 Lot 27

ZONE: RF3 Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Parkdale Redevelopment Plan

Grounds for Appeal

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

1. This house has always had 8 sleeping units.
2. This house was being used as a Lodging House when I purchased it one year ago.
3. Long term tenants reside in the house.
4. Provides necessary housing that is affordable for single individuals in this neighbourhood.
5. None of the tenants own their own vehicles.
6. Public transit is located at the corner.
7. Currently 6 people live in the house.

[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 September 2, 2015. The Notice of Appeal Period expired on September 16, 2015 and the Notice of Appeal was filed on September 15, 2015.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the following with respect to the **General Purpose** of the **RF3 Small Scale Infill Development Zone**:

The purpose of this Zone is to provide for relatively low to medium density housing, generally referred to as Row Housing.

Section 6.1(95) defines Sleeping Unit as follows:

- 95. **Sleeping Unit** means a Habitable Room in a building used for Congregate Living in which the room is occupied by a person under any

form of accommodation agreement providing remuneration for the room, and the room:

- a. does not include provision for cooking or food preparation except as provided for in Section 76 and 79 of this Bylaw;
- b. may or may not be equipped with sanitary facilities; and
- c. provides accommodation for a maximum of two persons.

Maximum Sleeping Units

The *Edmonton Zoning Bylaw* states the following:

140.4 Development Regulations for Permitted and Discretionary Uses

...

22. For Lodging Houses, the following regulations shall apply:

- a. no more than four Sleeping Units may be developed, whether or not in combination with a Dwelling;

Development Officer’s Determination:

- 1) For Lodging Houses no more than 4 Sleeping Units may be developed. Reference Section 140.4.22(a).
The number of Sleeping Units proposed: 8
[unedited]

Minimum Site Area

The *Edmonton Zoning Bylaw* states the following:

140.5 Development Regulations for Permitted and Discretionary Uses

...

22. For Lodging Houses, the following regulations shall apply:

- ...
- b. the minimum Site area shall be 360 m2 in all cases and the Site area shall be comprised of the aggregate of 200 m2 for each Sleeping Unit, or for each of the Dwelling and each Sleeping Unit when they are in combination; and

...

Development Officer's Determination:

2) The minimum required Site Area for the proposed Lodging House is 1600sq.m. (200sq.m. per Sleeping Unit for a total of 1600sq.m.). Reference Section 140.4.22(b).
Proposed Site Area: 367.9sq.m.
[unedited]

Development Officer's Discretion

The *Edmonton Zoning Bylaw* states the following:

140.4 Development Regulations for Permitted and Discretionary Uses

...

22. For Lodging Houses, the following regulations shall apply:

...

c. the Development Officer shall exercise discretion with respect to the number of Sleeping Units developed, having regard to the character and density of existing Residential Uses.

...

96. Fraternity and Sorority Housing, Limited Group Homes, Group Homes, and Lodging Houses Thresholds

...

4. Density

For the purposes of calculating Density for a Group Home or Lodging House each Sleeping Unit shall be considered a Dwelling when a development contains seven or more Sleeping Units.

Development Officer's Determination:

3) The Development Officer shall exercise discretion with respect to the number of Sleeping Units developed, having regard to the character and density of existing Residential Uses. Reference Section 140.4.22(c).
The Development Officer considers the proposed Lodging House to be an overdevelopment of the Site and incompatible with the surrounding development based on the following:
-- In accordance with Section 96(4), the 8 Sleeping Units are considered to be Dwellings for the purposes of calculating Density.

-- In accordance with the General Purpose of the Small Scale Infill (RF3) Zone, development is limited to buildings containing up to 4 Dwellings.

-- See Reason for Refusal #1. The RF3 Zone limits the number of Sleeping Units to 4.

[unedited]

Maximum Occupancy

The *Edmonton Zoning Bylaw* states the following:

76. Lodging Houses

In addition to the regulations in Section 96 of this Bylaw, Lodging Houses shall comply with the following regulations:

1. The maximum occupancy of a Lodging House in a Zone where Lodging Houses are a Discretionary Use shall be a maximum of 6 residents;

Development Officer's Determination:

4) The maximum occupancy of a Lodging House in a Zone where Lodging Houses are a Discretionary Use shall be a maximum of 6 residents. Reference Section 76(1).

Proposed occupancy: 8 residents.

[unedited]

Minimum Number of Parking Spaces or Garage Spaces Required

Section 7 of Schedule 1A under Section 54.2 of the *Edmonton Zoning Bylaw* states that the minimum number of Parking Spaces or Garage Spaces required for Lodging Houses is "1 parking space per 2 Sleeping Units".

Development Officer's Determination:

5) The minimum number of required onsite vehicular parking stalls is 4. Reference Section 54.2, Schedule 1A(7).

Proposed number of onsite vehicular parking stalls: 3

NOTE: Section 54.2, Schedule 1A(7) does not allow for tandem parking and therefore the proposed tandem parking stall is not accepted by the Development Officer.

[unedited]

Development Officer Note: Loft Above the Second Floor

The Development Officer noted the following in the permit:

NOTE: A site inspection by a Development Compliance Inspector on March 17, 2015 indicated that there was also a loft floor above the second floor that contained a kitchen and an additional 2 bedrooms (Sleeping Units) with keyed locks. Also, the basement had some recent construction done for a possible additional rental room (Sleeping Unit). These additional 3 Sleeping Units would bring the total number of Sleeping Units up to 11. [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: **169385106-004**
Application Date: JUL 02, 2015
Printed: September 15, 2015 at 12:56 PM
Page: 1 of 2

Application for Major Development Permit

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

Applicant MIKITECTURE 	Property Address(es) and Legal Description(s) 11512 - 82 STREET NW Plan RN50 Blk 115 Lot 27
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Scope of Application

To convert an existing Single Detached House to a Lodging House and construct interior alterations (8 bedrooms / units - EXISTING WITHOUT PERMITS).

Permit Details

Class of Permit: Class B
Gross Floor Area (sq.m.):
New Sewer Service Required: N
Site Area (sq. m.): 367.17

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

THIS IS NOT A PERMIT



Project Number: **169385106-004**
 Application Date: JUL 02, 2015
 Printed: September 15, 2015 at 12:56 PM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

- 1) For Lodging Houses no more than 4 Sleeping Units may be developed. Reference Section 140.4.22(a).
The number of Sleeping Units proposed: 8

- 2) The minimum required Site Area for the proposed Lodging House is 1600sq.m. (200sq.m. per Sleeping Unit for a total of 1600sq.m.). Reference Section 140.4.22(b).
Proposed Site Area: 367.9sq.m.

- 3) The Development Officer shall exercise discretion with respect to the number of Sleeping Units developed, having regard to the character and density of existing Residential Uses. Reference Section 140.4.22(c).
The Development Officer considers the proposed Lodging House to be an overdevelopment of the Site and incompatible with the surrounding development based on the following:
 - In accordance with Section 96(4), the 8 Sleeping Units are considered to be Dwellings for the purposes of calculating Density.
 - In accordance with the General Purpose of the Small Scale Infill (RF3) Zone, development is limited to buildings containing up to 4 Dwellings.
 - See Reason for Refusal #1. The RF3 Zone limits the number of Sleeping Units to 4.

- 4) The maximum occupancy of a Lodging House in a Zone where Lodging Houses are a Discretionary Use shall be a maximum of 6 residents. Reference Section 76(1).
Proposed occupancy: 8 residents.

- 5) The minimum number of required onsite vehicular parking stalls is 4. Reference Section 54.2, Schedule 1A(7).
Proposed number of onsite vehicular parking stalls: 3
NOTE: Section 54.2, Schedule 1A(7) does not allow for tandem parking and therefore the proposed tandem parking stall is not accepted by the Development Officer.

NOTE: A site inspection by a Development Compliance Inspector on March 17, 2015 indicated that there was also a loft floor above the second floor that contained a kitchen and an additional 2 bedrooms (Sleeping Units) with keyed locks. Also, the basement had some recent construction done for a possible additional rental room (Sleeping Unit). These additional 3 Sleeping Units would bring the total number of Sleeping Units up to 11.

Rights of Appeal

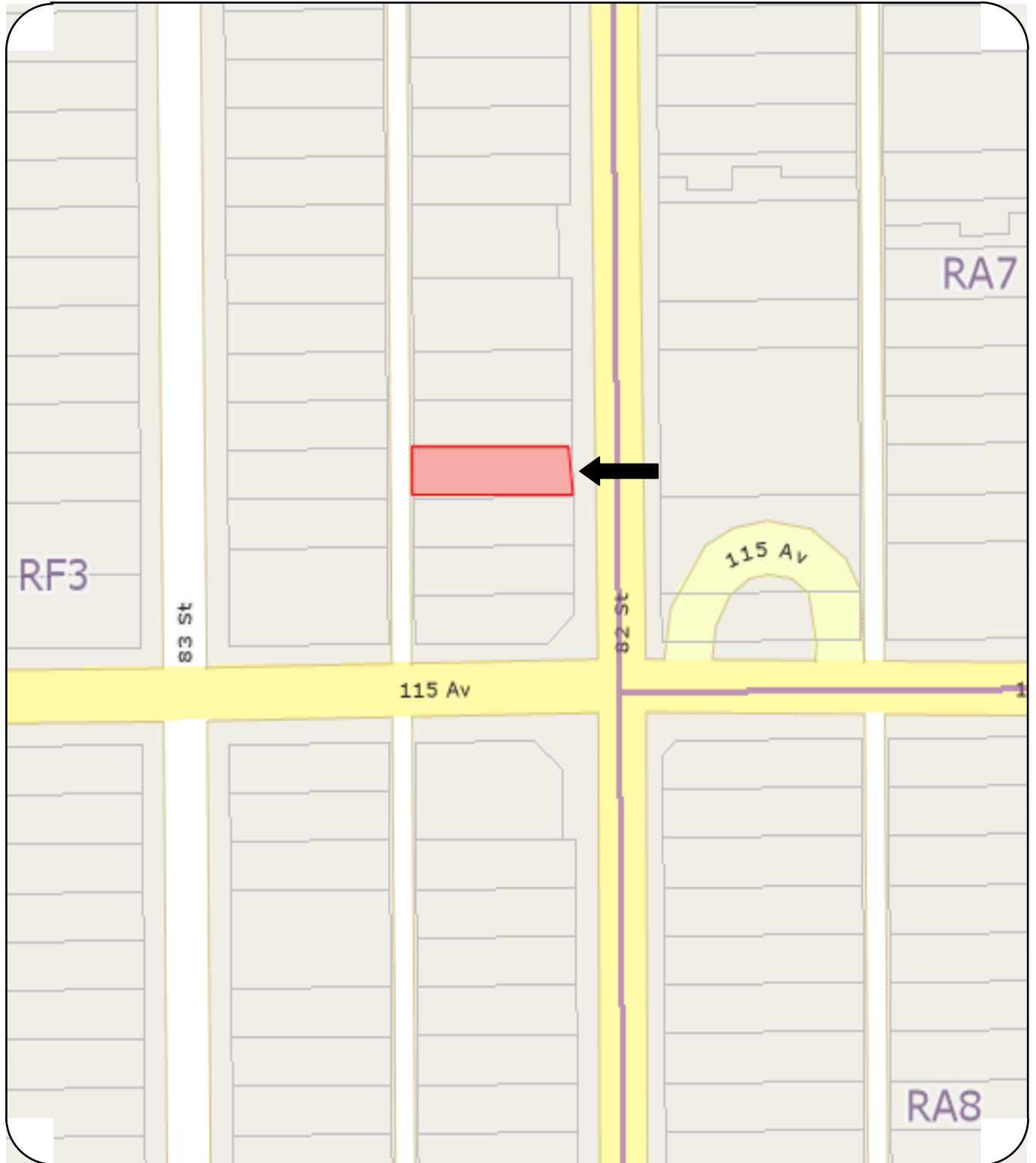
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Sep 02, 2015 **Development Authority:** BACON, KIRK **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$632.00	\$632.00	02565310	Jul 06, 2015
DP Notification Fee	\$100.00	\$100.00	02565310	Jul 06, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$732.00	\$732.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location



File: SDAB-D-15-233



BUSINESS LAID OVER

SDAB-D-15-211	An appeal by <u>Bigstone Health Commisson</u> to change the Use from Professional, Financial, and Office Support Services to General Retail Stores (main floor) and Health Services (2 nd floor), and construct additions, interior alterations, and exterior alterations <i>October 29, 2015</i>
SDAB-D-15-236 to 241	An appeal by <u>Ogilvie LLP</u> to comply with six Orders to acquire valid development permits by September 25, 2015 or cease the Use and demolish and remove all materials by September 25, 2015; and to comply with all conditions of development permit No. 149045660-001. <i>November 19, 2015</i>

APPEAL HEARINGS TO BE SCHEDULED

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