

**APPENDIX A****Summary of Evidence:**

Evidence presented at the hearing and considered by the Subdivision and Development Appeal Board.

**The Development Authority:**

The Development Authority presented: the report; viewgraphs; photographs of the subject site and surrounding area; the decision rendered plans for DP2012-3655; a relaxation chart; relevant sections of the Erlton Area Redevelopment Plan (ARP), the Municipal Development Plan (MDP) and the Land Use Bylaw 1P2007; a screen shot from Posse indicating the date of the initial site visit; and previous permits for the site indicating the existing building was legally constructed. The Development Authority then submitted the following:

This item is an appeal against the Development Authority's decision to approve an application for a change of use from an existing semi-detached dwelling to a multi-residential development (four units) located at 3020 Erlton Street SW in the community of Erlton. The site is designated Multi-Residential Contextual Grade Oriented (M-CG) District and multi-residential development is a discretionary use in the district.

This application stems from the issuance of a stop work order pursuant to the Building Code, for construction of units on the site without proper approvals. Upon becoming aware of the requirements, the applicant ceased work and commenced this development application. The circumstances behind the issuance of the Stop Order and the intent of the property owner are not a material factor and did not prejudice the consideration of this application.

The subject parcel is surrounded by low density residential to the north, south and east while a cemetery is located to the west and north east of the site. There is also some existing multi-residential development to the northwest of the site, which is a five unit townhouse complex. The existing low density residential is a mix of one and two storey dwellings, consisting of old and newer infill homes. The lot is not a standard shaped lot, as a result of the road configuration. The site is flat, with lane interface at the rear of the parcel and an existing front driveway from 30 Avenue, which is a cul-de-sac.

Notice posting of the site occurred from September 26 to October 10 of 2012 and the application was circulated to the community association and

other affected parties. No objections were received from the ward Alderman. Some building code issues were identified by Building Regulations but these did not prejudice the approval. A number of concerns about the development were raised from the neighbours and community association.

Based upon the initial permit submission, the community association expressed concern regarding:

- Failure to meet various requirements of the land use bylaw;
- Parking configuration and quantity of stalls; and
- Unlawful construction activity prior to obtaining a Development Permit.

Adjacent property owners expressed similar concerns to the community association, however it should be noted that other additional comments were expressed including:

- Concern over potential rental housing reducing property values;
- Traffic generation; and
- General dislike of renters versus owners.

A concern was also raised by Enmax regarding the originally proposed parking configuration; however a letter confirming that the approved plans do not create a conflict is on file.

This application seeks to retain the existing building and change the use from an existing duplex dwelling to become a multi-residential development consisting of four units. The site has an unusual corner configuration, which is not typical of most corner lots in Calgary. The 'front yard contextual setback', which uses the two adjacent buildings (to the east) for calculation would apply not only to the portion of the building fronting to 30 Avenue, but also to the portions of the building along Erlton Street. Because the building footprint and location are not changing, the existing setbacks of 4.14 metres and 1.90 metres are deficient to the contextual requirements.

The 'rear' setback faces the lane, to the south. The existing building does not meet this requirement because of a garage, which has been in existence for some time. The east side yard does not meet the side yard setback requirements due in part to the presence of power poles for connection to the adjacent Enmax power line. A search of development permit records shows that the garage was approved in 1976.

The proposed parking configuration uses the existing driveway from 30 Avenue for stalls three and four, while stall two and the visitor stall will be

provided off of the lane. Parking stall one is proposed to be provided in the garage. The parking configuration at the lane necessitates a relaxation to the parking regulations pertaining to tandem parking, which will be discussed later.

As noted on the site plan, in order to meet the landscaping requirements for multi-residential districts, a number of new trees and plantings have been added to the property in order to improve the appearance along Erlton Street. The side area provides the amenity space for the basement units, along with plantings to soften this edge with the neighbouring property and to provide some privacy screening.

The entrances to the units are located in two separate locations: The units for 3010 are located on the east façade and are accessible from the existing driveway; the units in 3020 use a shared entry through the breezeway.

The west elevation is the perspective that would be seen from Erlton Street. Highlighted on these plans is proposed signage that is meant to address the issues related to unit visibility to the street, which I will discuss later.

The north facing elevation would typically be seen from 30 Avenue as one comes up Erlton Street. Once again, signage has been provided to help address the unit visibility to the street.

The east elevation is where the entrances to 3010 units A and B are proposed. A second entry to the breezeway can also be found along this elevation.

The south elevation is typically seen from the lane. The existing garage/breezeway structure is the most prominent element.

The site is subject to the Municipal Development Plan (MDP) and policies contained within the Erlton Area Redevelopment Plan (ARP).

The Municipal Development Plan is the overarching document guiding the City's development patterns for the next 60 years. The MDP designates this site as Inner City Area and has a number of broad based policies which are applicable for this redevelopment. They include:

- A range of intensification strategies should be employed to modestly intensify the Inner City Area, from parcel-by-parcel intensification to larger more comprehensive approaches at the block level or larger.

- Section 3.5.1 – Redevelopment within predominantly multi-family areas should be compatible with the established pattern of development and will consider the following elements: (i) Appropriate transitions between adjacent areas; and (ii) a variety of multi-family housing types to meet the diverse needs of present and future populations.

The MDP speaks to the concept of using sensitive intensification to grow density in our inner city communities, a priority which Council has set in adopting the MDP. In typical situations of intensification, we would be dealing with a new building which often will attempt to maximize the building envelope. In this case, we are dealing with the re-use of an existing building which has been on the site for 30 plus years. This redevelopment is an excellent example of sensitive intensification as it uses an existing building and does not change the character of the streetscape by proposing a new building which may or may not fit in with the area. The streetscape would remain unchanged, should the approval of this development be upheld.

The Erlton community is intended to be a mixed use community in a variety of multi-residential forms. The ARP designates the type of 'multi-residential development' depending on the scale and intensity. This subject site is designated 'low density residential', which facilitates small scale multi-residential development such as townhouses.

The bulk of policy contained within the ARP refers to the Erlton Station area, adjacent to Macleod Trail and 24 Avenue. As a result, the ARP is silent on policy for this site.

<b>Bylaw Relaxations (DP2012-3655)</b>		
<b>Regulation</b>	<b>Standard</b>	<b>Provided</b>
583 Building Setbacks	(2) Where the contextual multi-residential building setback is 3.0m or greater, the min. Building setback from a property line shared with a street is the greater of: (a) the contextual multi-residential building setback less 1.5 metres..	Plans indicate the North setback to the deck is 4.14m (-0.33m) and 1.9m (-2.57m) to the deck on the west setback.  EXISTING CONDITION DUE TO BUILDING.
	(4) The min. Building setback from a property line shared with a lane is 1.2m.	Plans indicate the South setback is 0.13m (-1.07m). EXISTING CONDITION DUE TO USE OF BUILDING.
549 Projections into Setback Areas	(1) Unless otherwise references in subsections (2), (3), (4), (5), (6), and (7), a building or air conditioning units must not be located in any setback area.	Plans indicate portions of the building project into the required South Setback area. EXISTING CONDITION DUE TO BUILDING.
	(5) Eaves and window wells may project a maximum of 0.6 metres into any setback area.	Plans indicate eaves project 0.61m (-0.01m) into the setback area. EXISTING CONDITION DUE TO BUILDING.
581 At Grade Orientation of Units	(2) A unit in a Multi-Residential Development that is located on the floor closest to grade must have:  (a) an individual, separate, direct access to grade; and...	Plans indicate units A&B (3020) are accessed through a shared entrance.
	(b) an entrance that is visible from the street that the unit faces.	Plans indicate the entrances to Units A&B (3010) and Unit A (3020) are not visible from the street.
550 General Landscaped Area Rules	(8) All setback areas adjacent to a lane, except for those portions specifically required for motor vehicle access, motor vehicle parking stalls, loading stalls or garbage facilities must be a landscaped area.	Plans indicate portions of the building project into the required South setback area. EXISTING CONDITION DUE TO BUILDING.

<p>556 Low Water Landscaping Option</p>	<p>For the Low Water Landscaping Option, the required 40.0% landscaped area may be reduced by 3.0% of the area of the parcel where: (d) a maximum of 30.0% of the required landscaped area is planted with sod and the remainder is covered with plantings, mulch or hard surfaces...</p>	<p>Plans indicate 96.24% (+66.24%), 242.15m<sup>2</sup> (+166.67m<sup>2</sup>) of area planted with sod. Amended plans (used to render decision) show that with changes to plantings, the total sod area would be 84.48%.</p>
<p>Parking</p>	<p>4 stalls required for tenants, plus 1 visitor parking stall.</p>	<p>Plans indicate that all required parking has been provided, however the Bylaw does not allow parking in a tandem style to meet requirements. Tandem parking has been relaxed for this site – so the total stall count has been achieved.</p>

The Land Use Bylaw was designed to deal mainly with new development, versus retention of existing buildings. As a result, a number of relaxations are required because the building does not meet existing requirements for setbacks. Since it is not realistic to move the building, these relaxations were considered appropriate

In order to address some of the difficulties meeting the rules and intention of the M-CG district, a number of solutions have been included with the proposal. The M-CG district seeks to develop a relationship of the building with the street, by ensuring both the unit entries are visible from the street and access grade. Because this proposal retains the existing building exterior layout, this is not possible to achieve. In order to offset this, signage has been required to show visitors the location of unit entries to avoid confusion. Where the units for 3020 share a common entry, the signage also reflects that both units are accessible to the visitor. This allows for the intent of the regulation to be achieved, while the actual rule is not.

The applicants have attempted to achieve the low water landscaping option, so that an irrigation system is not required. Because the parcel has a significant amount of existing sod, it is not possible to fully meet all of the requirements for low water. The applicant has met all other requirements for this option, with the exception of the amount of sod. Despite attempts to reduce the amount of area with sod (from the original application), we are left with 84.48 percent still covered with sod. Since the applicant has made efforts to meet all other requirements for this landscaping option (including planting additional trees and shrubs), the Development Authority felt that providing a relaxation for this requirement was not inappropriate.

Despite the comments from the community association in their appeal document, the applicant has provided all of the required parking stalls which the Land Use Bylaw requires. However, the Land Use Bylaw does not allow for the use of tandem parking configurations. Because providing the visitor stall was a priority for the Development Authority, the prohibition against tandem parking has been relaxed to allow this configuration.

In conclusion, after reviewing the merits of the application in context with the MDP, Erlton ARP and the Land Use Bylaw, the Development Authority is of the opinion that the proposed change of use is appropriate for this site. While the retention of the building poses certain challenges, the applicant has provided means to mitigate the issues to meet the spirit and intention of the Bylaw regulations. Parking issues have been mitigated in a manner that provides for all stalls, the site quality is improved with an increased level of landscaping and by reusing the existing building, the context of the streetscape remains unchanged.

It is for these reasons the Development Authority approved the development permit application, with the conditions attached in the Board report.

Upon questioning of the Board, the Development Authority clarified the following:

- The Development Authority does consider this as a new development. There was some discussion as to whether this application should be evaluated as an existing non-conforming building but it was decided that it would be evaluated as a new building. Logically though, it still must be taken into consideration that essentially they are reusing the existing building. The Bylaw does not consider the concept of retention and therefore the Development Authority did struggle with this.
- Mr. Melanson submitted the previous permits for this property to demonstrate that the existing building was a legally constructed building, and therefore it should not technically be considered as a non-conforming building; it is a legal development that does not comply and therefore the non-conforming sections of the current Bylaw would not apply in this case.
- Mr. Melanson also further elaborated the rationale behind why the Development Authority granted the required relaxations. As previously mentioned, in this instance they are dealing with the issue of retaining an existing building, therefore there will be no changes to footprint or the location of walls; there will be nothing added that will make the current deficiencies any worse. Based on this the Development Authority felt it would be logical to grant the required relaxations as the intent of this application is to intensify the use.
- One of the main goals when intensifying a community is that the development be sensitive to the existing context of a neighbourhood. In this case, as the developer

has decided to use the existing building, there was no attempt to intensify the building envelope. The Development Authority considered this to be a very sensitive development as the streetscape will be virtually unchanged. In their estimation, this is a total achievement of what Council wanted to see, sensitive re-development.

- Mr. Melanson also mentioned that over time the regulations for this area have changed but the parcel itself has not. In addition, the structure itself has not changed. What have changed are the regulations and by allowing these relaxations, the Development Authority is essentially bringing the building into compliance with the current Land Use Bylaw.
- The subject site is quite unique due to the way in which the street bends and curves and due to where the intersection of 30 Avenue occurs. Therefore, the setback has to apply to both Erlton Street and 30 Avenue as the “street” in this case applies to two different roadways.
- The Development Authority confirmed the application was circulated to the Urban Development Department who were content with the proposed waste and recycling situation. He further commented that the subject development would only require residential waste pick up as there are only four proposed units.
- Mr. Melanson stated that there have been five or six site visits over the course of this application. October 29, 2012 is the first such visit documented in The City’s computer system. The appellant has indicated that parking is an issue in this area, but based on their site visits, the Authority is of the opinion that it only a small percentage of the time that it would be an issue in this neighbourhood. To further demonstrate this, Mr. Melanson referenced photographs submitted during the hearing that were taken on February 07, 2013. These pictures clearly show there were very few cars parked on the roads.
- He reiterated that this is an application for an adaptive reuse of a building. The Bylaw looks for certain requirements as this district is intended for townhouse and grade oriented developments. That being the case there are a number of examples in this neighbourhood where the main entrances are oriented to the side and not the front of the home. The Development Authority, when evaluating an application for a discretionary use, is governed by section 35 of the Land Use Bylaw. In his estimation subsection (j) “sound planning principles”, or as he refers to it, common sense, particularly applies. From a sound planning perspective, the existing condition cannot meet the intent of the rules and therefore a logical solution was required. Based on this, it was the Development Authority’s opinion that the application meets the spirit of this rule.
- The Bylaw’s intention is to focus new development to face their entrances towards the street for the “eyes on the street” concept. As previously mentioned, the configuration of this parcel is quite unique. The front property line is setback some 10 metres from that of the adjacent property. There is still a level of activity on the subject site and the Development Authority felt the intention of this section was achieved by drawing attention to the doors even if the actual rule was not.
- The Development Authority stated that the existing deck will be enlarged slightly to meet the required amenity space rule. This will require a relaxation into the setback



area but as far as he is aware this will not exacerbate the relaxation. The applicant would be best to clarify this issue for the Board.

- Mr. Melanson confirmed that the applicant would be expected to comply with condition 7. Should the Board wish, this condition could be revised to state that residents must use these parking stalls.

### In Favour of the Appeal:

Mr. Fischer, a representative for the Erlton Community Association, the appellant, submitted: a series of pictures of the subject site and surrounding community; relevant sections of Land Use Bylaw 1P2007; the Board report; the decision rendered plans; and a letter of authorization from an affected neighbour, Beryl McNeill, as well as a letter outlining her concerns in regard to the subject development permit. Mr. Fischer then stated the following in favour of the appeal:

First, let me emphasize that our community fully supports redevelopment and change of use, however in addition to benefiting the developer, these changes must also benefit the neighbours and the community – or at least not take away an amenity they already enjoy.

Approval for this discretionary proposal relies on two significant relaxations of compulsory Land Use Bylaw sections: entrances and parking. Both relaxations will unduly interfere with the amenities of the neighbourhood and affect the use, enjoyment and value of neighbouring properties.

It's also notable that the Building Regulations Department does not support this development. Their lengthy and well-reasoned comments can be found starting on page 9 of the Board report.

To give the Board some background, this property changed ownership in early 2012. In July construction commenced to convert the original semi-detached building into a four unit dwelling – without a development or building permit. The work continued, until a building inspector issued a stop-work order.

The authors of the Land Use Bylaw, The City's legal team, and City Council, who approved the Bylaw, have relied on the ordinary meaning of words in creating the Bylaw. However, to avoid any misunderstandings, they deliberately chose to define the meaning, intent, and understanding of the following words:

### **Forms of Words**

8 In this Bylaw:

- (f) “must” is to be construed as a compulsory obligation;
- (g) “required” is to be construed as a compulsory obligation;

The Board should note that these definitions and meanings are not qualified, or diluted, or limited to only certain sections of the Land Use Bylaw.

Section 581(2)(b) mandates that each unit must have an entrance that is visible from the street that the unit faces. This rule is clear, explicit and direct. It is not qualified in any way. The rule is intended to enforce compliance with an important aspect of compatibility with existing development and streetscape – to provide a street-friendly appearance as well as ensuring respect for the privacy of neighbours.

None of the entrances meet this condition.

As show on page 116 of the report, the existing entrance to unit A, and the new illegally constructed entrance to unit B, at 3010 face the rear yard of 61 30 Avenue SW.

As shown on pages 110 and 112 of the report, the existing entrance to unit A, and the illegally constructed entrance to unit B, at 3020 are concealed in a covered breezeway between the building and an existing detached garage. They face the sidewall of the garage and are accessed via a gate in the west wall of the breezeway enclosure.

Despite not having a development or building permit, the owner could have complied with section 581(2)(b) with respect to the two new entrances for the basement units, and constructed them to face the street. He chose not to. In essence, in addition to the attempt to circumvent the permit process and create two illegal suites with the building, the developer now wishes to be exempt from this compulsory requirement governing entrances to all new development.

As shown on page 81 of the report, unit B at 3010 Erlton Street has been given a relaxation of Land Use Bylaw section 581(2)(b). Unit B at 3020 Erlton Street has been given a relaxation of section 581(2)(a) and (b), since it is not visible from the street, and also shares an entrance from the street with unit A.

The Development Authority, by relaxing these compulsory sections of the Bylaw, essentially rewards the developer's efforts to circumvent requirements. This sends an entirely wrong message, and sets a problematic precedent. Basically build what you want without a permit, and if you are caught, you get it approved anyway. This retroactive approval doesn't send a clear message that non-permitted construction will not be tolerated.

Our community and neighbours do not object to the relaxations for the original existing entrances, since they were constructed 40 years ago under a previous Bylaw. We do, however, object to the failure to construct the new entrances in compliance with this compulsory section of the Bylaw. Relaxation will serve to encourage the flagrant disregard of the Bylaws and the continued negative impact on the use, enjoyment and property values in our community.

Two weeks ago, we received another retroactive application for a change of use on a different property, DP2012-5266. Enquiries reveal that it too was constructed without a permit.

Section 558(2) speaks to motor vehicle parking stall requirements:

558(2) Where a building contains three or more units with no shared entrance facilities in a Multi-Residential Development and Multi-Residential Development – Minor, the minimum motor vehicle parking stall requirement:

[...]

(c) in Area 3 of the "Parking Areas Map", as illustrated on Map 7:

[...]

(i) for each Dwelling Unit and Live Work Unit is 1.0 stall for resident parking;

This minimum requirement ensures each unit a dedicated off-street parking stall, designed to reduce on-street parking congestion. This development fails to provide an unobstructed parking stall number 1 (unit A) at 3020 Erlton Street. As shown on page 82 of the report, the approved parking layout requires the relaxation of section 122(14). It's notable that this section also uses the compulsory must to deny tandem parking. As shown on page 106 of the report, the relaxation would allow the occupant

of stall number 2 (unit B) and any occupant of the visitor stall to park behind (in tandem) with parking stall number 1. Notice that any occupant of either parking stall number 2 or the visitor stall would block the entrance or exit of any vehicle to stall number 1. This effectively renders the resident parking for unit A useless, forcing the resident parking to spill over onto adjacent streets.

On-street parking is at a premium in this portion of our community and basically throughout Erlton. Our community's proximity to the Stampede grounds with its yearly Stampede, along with multiple entertainment, sports and trade show events throughout the year has attendees using all available free parking in Erlton.

Erlton Street is now a designated Snow Route, and parking on the east side is denied by signage due to the narrow and steep hill. The chicane at the 30 Avenue and Erlton Street intersection is also problematic from a traffic safety perspective, both northbound and southbound, and our community is in early discussion with Traffic to restrict parking in this area.

There are also multiple residential driveways and lane-way access points within a few feet of this development. Altogether, they significantly reduce on-street parking. In addition, there are nearby rental duplexes occupied by roommates, who not only park their personal vehicles on 30 Avenue, but also park their work vehicles as well.

The minimum resident parking requirement is one that promotes harmony and goodwill amongst neighbours. Relaxing this compulsory requirement will unduly interfere with the amenities of the neighbourhood and affect the use, enjoyment and value of neighbouring properties.

The Development Authority failed to support appropriate and orderly development of our community and its homes by not enforcing two significant Land Use Bylaw rules.

We ask that our appeal be upheld.

The community association representative responded to questions posed by the Board. In that regard, he clarified the following:

- The shared entrances are not visible from the street and are concealed behind another door. In his estimation the applicant could have found a way to construct these entrances in accordance with the Bylaw. If at least one of these doors was visible from the street it would provided the people with context for the building. IN

particular, in his opinion the units of 3010 Erlton Street SW could have had new complying entrances.

- The appellant confirmed that parking is at a premium in this neighbourhood. Forcing the tenant to park on the street because the tandem stall is blocked is not appropriate or practical. The pictures submitted showing the current parking situation in the neighbourhood were taken the week prior to hearing. Mr. Fischer was unsure whether this was a typical day in this neighbourhood. He also stated that not all of Erlton is permitted parking.
- In his estimation, funerals in the cemetery might occur once or twice a week.

After concluding his presentation, Mr. Fischer read a letter written by an affected neighbour, Ms. Beryl McNeill. The letter is as follows:

I am a resident of a property that is near the property that is subject to this appeal (64 31 Avenue SW). I am writing to express my support of the Erlton Community's appeal of the list of relaxations that was granted to this development. It is my understanding that Bill Fischer will be speaking to this matter on behalf of the Erlton Community Association, and so I will not re-state the objections that are being raised in detail, as they will be amply outlined.

However, I would like to emphasize my concern regarding the building being done without obtaining a building permit, and then asking The City for a relaxation and The City granting it. It seems to me that it sends a message to people that if they want to get away with a relaxation of a Land Use Bylaw, they should go ahead and build what they want and then ask for The City's forgiveness which will be granted. This creates a burden for the community and it is a distressing trend.

The appellant also chose to rebut arguments raised by the applicant and the Development Authority. He raised the following:

- The Development Authority has stated that in order to meet the intent of the Bylaw they allowed another non-conforming entrance. Mr. Fischer was unable to grasp the logic behind this decision.
- The applicant submitted a petition but the Board should note that this does not state that those people who signed were supporting the parking as proposed or the addition of a non-conforming entrance. As well, the Board should take into consideration the petition submitted in favour of the appeal that can be found in the Board report.

Opposed to the Appeal:

Mr. Schryvers, who spoke on behalf of Permit Masters, submitted photographs of the subject site and surrounding area to provide the Board with some context and the neighbourhood and also submitted a petition signed by residents who were in support of the applicant. Mr. Schryvers then raised the following points in opposition of the appeal:

- Mr. Schryvers, with the use of a photograph, indicated that it would be possible to park three, and potentially four, vehicles comfortably on site.
- The Land Use Bylaw requires one parking stall per unit and a visitor stall. Mr. Schryvers used the approved plans to demonstrate the location of these required parking stalls. The parking stalls are shown on the approved plans to the minimum standard requirements, yet as shown in the photograph, it would be possible to fit more stalls even though they could not be considered legal parking stalls. Based on this, each unit would have one assigned parking stall, and a tandem visitor stall. Further, in his opinion, a situation would not arise where this visitor parking stall would not function as intended.
- The Bylaw indicates the maximum sod landscaping permitted is 30 percent of the property, or 74.99 square metres in this instance. The applicant has provided 80 square metres and although this is a relaxation, they felt it was necessary to maintain the health of the existing trees on site and in the Boulevard.
- Mr. Schryvers then referenced drawing A1.1 this drawing clearly shows that the front property line of the subject site is setback 10 metres from that of the adjacent property. The intent of the Bylaw is that all developments along a block face should align, but due to the existing site conditions the required relaxation is logical. The west property line faces a similar situation. The adjacent buildings are located very close to the sidewalk while the subject development is quite far set back from the sidewalk which curves around the property.
- Vehicle access is from the lane to a small driveway into the garage.
- There is a requirement on the plans to show the location of waste and recycling bins and as such, if they are not located in this area there would be some enforcement options.
- There will be signage above the entrances to identify the units as well as above the balconies as indicated on the approved plans. This was done so that people could clearly identify the locations of each unit as well as identify their access points.
- Mr. Schryvers also referenced the floor plans for 3010 Erlton Street SW. There is an existing tree in the location that the community association proposed could potentially be used as an alternative location for an entrance. The applicant felt that this location would not be appropriate as they would have to add an additional landing to make it function properly and this could potentially harm the health of the existing tree. Further, it would be very complicated structurally to add an entrance to another location. It is the applicant's intend to reuse the building and their current proposal was thought to be the most prudent way to address the entrances.

Mr. Schryvers, upon questioning of the Board stated that the proposed location for the waste and recycling bins received no comments from Urban Development and

therefore, since there is no notation of any concerns, the applicant assumed there were no issues.

The applicant also responded to the issue of the deck. The existing deck is a cantilever and is only 1.6 metres deep; the minimum depth is two metres and therefore this deck will be reconfigured. The wording on the plans is a bit misleading but what is intended is what is shown on the approved plans. The applicant would be willing to amend the plans to remove this wording should the Board deem it necessary.