



The City of Calgary

November 14, 2014

Parry Protsch
P L P DESIGN
107 Copperfield CI SE
Calgary, Alberta T2Z 4L3

Dear Sir/Madam:

RE: Notification of Decision DP2014-2800
Subject: New: Single Detached Dwelling
Project:
Address: 27 31 AV SW

This is your notification of the decision by the Development Authority to approve the above noted application on November 14, 2014.

Read all of the Permanent Conditions of approval carefully as they form part of the approval decision. The Prior to Release Requirements must be met to the satisfaction of the Development Authority before your Development Permit will be released to you. The Permanent Conditions form part of the approval decision. Advisory Comments, if applicable, are also attached and are intended to be of assistance in obtaining additional permits and supplementary information for the successful completion of your development.


Development approved by this permit must commence by November 14, 2016 or the development permit shall cease to be valid.

The decision will be advertised once in the Calgary Herald on November 20, 2014, which is the start of the mandatory 14 day appeal period.

For this type of permit both the applicant and any other parties may appeal this decision. You may choose to appeal any of the Prior to Release Requirements and the Permanent Conditions of approval within 14 days of receipt of this letter. An appeal along with reasons must be submitted, together with payment of a \$100.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Ave N.E., Calgary T2E 7S8). An appeal may also be filed online at www.calgary.ca/sdab/onlineappeal. To obtain an appeal form, for information on appeal submission options or the appeal process, please call 268-5312.

Please note that this letter is to advise you of the conditions of approval, the mandatory advertising appeal period and the timeframe in which you may appeal this decision. Once the appeal period has lapsed and no appeal has been filed you will be required to meet the Prior to Release Requirements after which you will be contacted by telephone to pick up your Development Permit. Should you require clarification of the above or further information, please contact me at (403) 268-3502 or by fax at (403) 537-3024 and assist me by quoting the Development Permit number.

Yours truly,


Brittany Roy
Senior Planning Technician
Planning Implementation
Attachment(s)

cc: Erlton Community Association
Bill Fischer
65 31 AV SW
Calgary Alberta T2S 2Y7



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PLANNING, DEVELOPMENT & ASSESSMENT

Reasons for Approval for DP2014-2800

The Reasons for Approval document is intended to provide a short summary of the development permit process; response to concerns raised by neighbours, other affected parties and the Community Association; and rationale for any relaxations of the Land Use Bylaw granted by the Development Authority. Only the approved plans and conditions of approval are the subject of an appeal.

Scope and Process

Development Scope:

The application is for a discretionary single-detached dwelling at 27 31st Avenue in the southwest community of Erlton. The site is surrounded by low density residential developments to the north, east, and west. Across the lane to the south is the St. Mary's Cemetery. Primary access for adjacent residences along 31st Avenue SW is via a rear gravel lane.

Circulation and Notice Posting:

The following referees were circulated:

1. Enmax – no objection
2. Ward Councillor – no objection
3. Erlton Community Association – provided comments

The Community Association's concerns included:

- a) The building extends well beyond the back of the neighbour's house. With the additional 3.05 metre deep deck the design allows for very little green space in the rear yard.
 - b) The rear deck is 14 feet above grade. Screening must be provided on the sides to provide privacy for the neighbours.
 - c) The second storey window on the West elevation should be translucent to prevent overlooking of the neighbour's rear yard.
 - d) The roofline of the garage is not visually appealing and it differs considerably from the rest of the alleyway. The garage also appears to be over-height.
 - e) No landscaping is shown other than to retain the tree on the front boulevard.
4. As per Land Use Bylaw requirements, the application was notice posted for a 1 week period – no comments were received; however, the comments submitted by the community association included the follow: *"An email was sent to affected neighbours to notify them of the intended development and solicit feedback. Attached to the email was the request for comments as well as a streetscape view. We also had in-person discussions with six residents on the street to obtain feedback. All supported a single family home at this location; however, did identify the concerns noted above."*



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Comments on Relevant City Planning Policies

Erlton Area Redevelopment Plan

2.1 Land Use and Development

2.1.2.1 Reaffirm the policy of conservation for south Erlton. Infill development is encouraged; this should be compatible with the scale of surrounding development and the local streetscape.

The proposed development is compatible with the scale of the existing streetscape.

Low Density Residential Housing Guidelines for Established Communities (Infill Guidelines):

4.3.1 Building Setback from Front Property Line (Front Setback)

Guideline: The setbacks of new development should respect the established street pattern.

The proposed front setback is consistent with the existing streetscape.

4.4 Building Mass and 4.4.1 Building Height

Guideline: New development should respect the existing scale and massing of its immediate surroundings.

The Land Use Bylaw regulates the height of low density residential development using a contextual building height formula that is based in part on the heights of neighbouring houses. Generally, the height of the main floor of a new development should be similar to the floor lines of adjacent homes, thereby respecting the established character of the street.

The height of the initial proposal exceeded the Land Use Bylaw maximum and caused a negative massing impact to the streetscape. The amended plans propose a reduced height which is more in keeping with the context of the neighbourhood. The reduced building height, in combination with the proposed larger side setback adjacent the east property line, serves to mitigate the visual impact to the streetscape. The main floor level of the new dwelling is similar to that of the existing homes, thereby respecting the established character of the street.

4.4.2 Building Depth

The depth of a new development together with the front setback forms the overall building depth on the parcel. The Land Use Bylaw establishes the maximum building depth for contextual detached dwellings. This should be considered as the maximum.

While not subject to the contextual rules relating to building depth, the new development does meet the maximum contextual depth.



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Comments on Relevant City Planning Policies (Continued)

Land Use Bylaw 1P2007

The existing land use for the site is Multi-Residential – Contextual Grade-Oriented District (M-CG). The M-CG district is intended to accommodate existing residential development and contextually sensitive redevelopment in the form of Multi-Residential Development, Single and Semi-Detached Dwellings in the Developed Area.

A bylaw check of the proposed development identified one discrepancy which is highlighted in the chart below. This discrepancy does not unduly interfere with the amenities of the neighbourhood or interfere with or affect the use, enjoyment or value of neighbouring parcels of land. The proposed development meets the intent of the land use district.

Bylaw Discrepancies

Regulation	Standard	Provided
360(2) Building Height on a Sloped Parcel	When the difference between the average building reference point at the front and rear corners of the parcel is greater than or equal to 1.0 metres, the Chamfer applies to the façade at the lower end of the parcel.	Plans indicate portions of the building within the chamfer.

Planning Review

During the review, the Development Authority considered the land use bylaw rules and the appropriateness of the proposed development in the context of the neighbourhood.

On a sloped parcel where the difference between the average grade at the front and rear property lines is greater than 1.0 metre, a chamfer is applied to the height plane. For this parcel, the chamfer is applied to the rear of the building. Limited portions of the roof and eaves project into the required height chamfer. As the area of roof projecting into the maximum height plane chamfer is minimal, the impact to the neighbouring parcels is minor in nature while the roof design adds to the articulation of the rear facade and provides visual interest to the proposed development.

While the proposed development does extend 3.0m beyond the rear facade of the adjacent dwelling to the west, it is still in keeping with the context of the street. While not subject to the contextual building depth rules as stipulated in the Land Use Bylaw, the proposed dwelling does comply with these rules, thereby meeting the intent of the Infill Guidelines.



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Planning Review (Continued)

As the natural slope of the property from the front to rear allows for a walkout basement at the rear of the building, a deck which exceeds 1.5 metres in height above grade is permissible and in keeping with the context of the area. A privacy wall is not a requirement for decks and the addition of a privacy wall would result in a larger massing impact to the adjacent property.

The second storey window on the west facade is not located beyond the rear facade of the adjacent dwelling and given its location in relation to the interior floor plan, the possibility of overlooking issues is minimal.

The garage initially proposed for this development was not compatible with the surrounding neighbourhood or the Land Use Bylaw. The garage has been removed from consideration with this application in favour of a parking pad accessed from the rear gravel lane.

While the Infill Guidelines encourage the retention of existing trees or the planting of new trees where retention is not possible, the Development Authority considers the planting of new trees to be at the discretion of the property owner. The Land Use Bylaw does not include minimum landscaping requirements for new Single and Semi-Detached Dwellings; therefore, trees and landscaping are to be provided in a manner that suits how the property owner wishes to use their yard.

The Development Authority determined that the above noted relaxation added to the appearance of the proposed house and the relaxation required is minor and in keeping with the character of the surrounding area. In addition, the proposed development respects the intent of the Infill Housing Guidelines and the community Area Redevelopment Plan.



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Conditions of Approval – Development Permit

Application Number:	DP2014-2800
Application Description:	New: Single Detached Dwelling
Land Use District:	Multi-Residential - Contextual Grade-Oriented
Use Type:	Discretionary
Site Address:	27 31 AV SW
Community:	ERLTON
Applicant:	P L P DESIGN
Senior Planning Technician:	BRITTANY ROY - (403) 268-3502 - brittany.roy@calgary.ca

Prior to Release Requirements

The following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority:

1. Indicate on the site plan a hard surfaced parking stall meeting the minimum requirements of the Land Use Bylaw, accessed from the lane.

Permanent Conditions

The following permanent conditions shall apply:

2. The development shall be completed in its entirety, in accordance with the approved plans and conditions.
3. No changes to the approved plans shall take place unless authorized by the Development Authority.
4. A Development Completion Permit shall be issued for the development **before the development is occupied**. A Development Completion Permit is independent from the requirements of Building Permit occupancy. Call Development Inspection Services at 403-268-5311 to request a site inspection for the Development Completion Permit.
5. Upon completion of the main floor, proof of the geodetic elevation of the constructed main floor must be submitted to and approved by the Development Authority prior to any further construction proceeding. Fax confirmation to 403-268-8178 to the attention of 'Bylaw Checker - Geodetics'.

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

6. **One (1) parking stall** shall be provided on a permanent basis for the residential unit(s). The on-site parking stalls shall be accessed from the lane.
7. If during construction of the development, the developer, the owner of the titled parcel, or any of their agents or contractors becomes aware of any contamination,
 - a. the person discovering such contamination shall immediately report the contamination to the appropriate regulatory agency including, but not limited to, Alberta Environment, Alberta Health Services and The City of Calgary (311).
 - b. on City of Calgary lands or utility corridors, The City of Calgary, Environmental and Safety Management division shall be immediately notified (311).
8. Tree protection information given as per the approved development permit does not constitute Tree Protection Plan approval. Tree Protection Plan approval must be obtained separately through Urban Forestry. Visit www.calgary.ca or call 311 for more information.

Advisory Comments

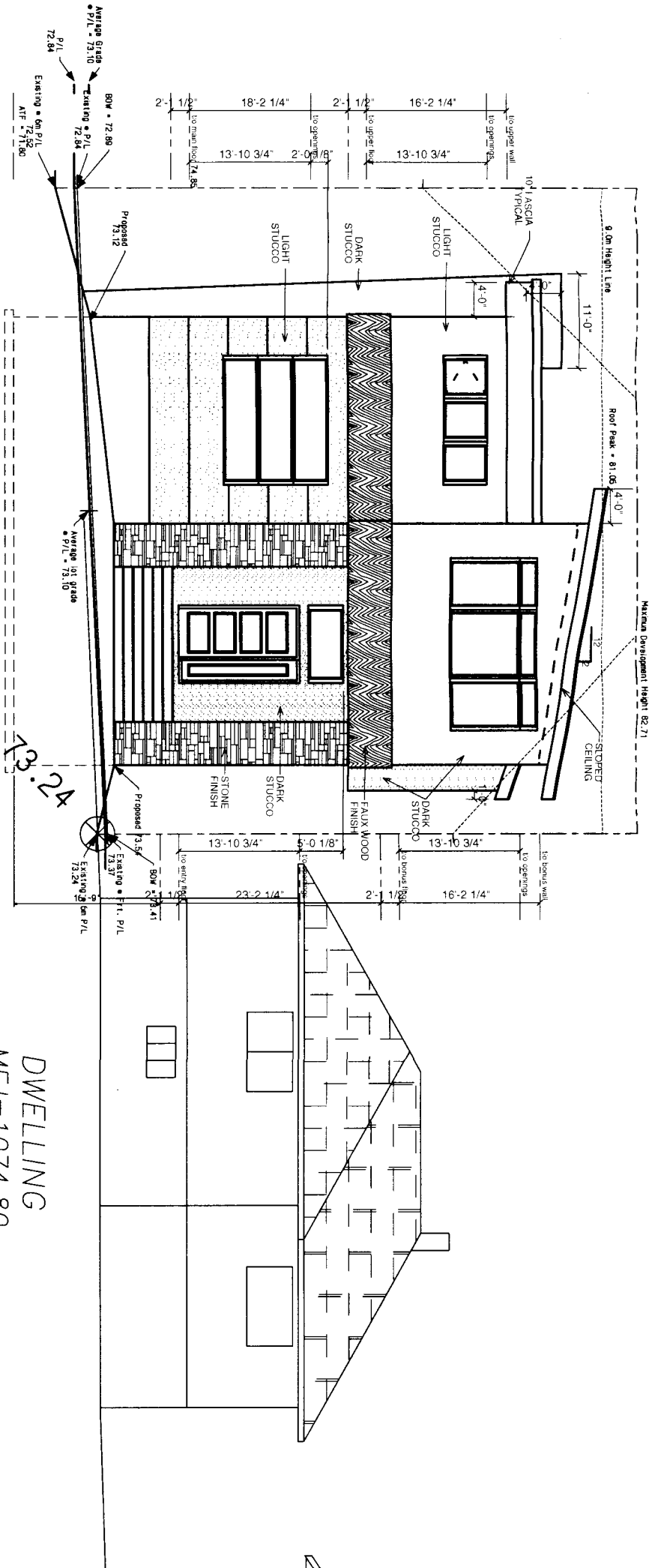
The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

9. Any of the conditions of the development permit approval may be appealed. If you decide to file an appeal, it must be submitted to the Subdivision and Development Appeal Board (4th Floor, 1212 31 Avenue NE, Calgary, AB T2E 7S8) [DJ3 Building] **within 14 days of receipt of the decision letter**. An appeal along with reasons must be submitted, together with payment of a \$100.00 fee, to the Subdivision and Development Appeal Board. An appeal may also be filed online at www.calgary.ca/sdab/onlineappeal or mailed to Subdivision and Development Appeals Board (#8110), P.O. Box 2100, Station M, Calgary AB T2P 2M5. To obtain an appeal form, for information on appeal submission options or the appeal process, please visit the website or call 403-268-5312.
10. The approval of this Development Permit does not limit in any way the application of the regulations in the Alberta Building Code, nor does it constitute any permit or permission under the Alberta Building Code.
11. In addition to your Development Permit, you should be aware that Building Permit(s) are required. Once your Development Permit application has been approved, you may apply for Building Permit(s). Please contact Building Regulations at 403-268-5311 for further information.
12. For **all soil disturbing projects**, the developer, or their representative, shall designate a person to inspect all erosion and sediment control practices a minimum of every seven (7) days and during, or within 24 hours of, the onset of significant precipitation (> 12 mm of rain in 24 hours, or rain on wet or thawing soils) or snowmelt events. Note that some practices may require daily or more frequent inspection. Erosion and sediment control practices shall be adjusted to meet changing site and winter conditions.

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

13. The grades must match the grades indicated on the Development Permit approved plans. Upon a request from the Development Authority, the developer or owner of the titled parcel must confirm under seal from a Consulting Engineer or Alberta Land Surveyor, that the development was constructed in accordance with the grades submitted on the Development Permit.
14. The developer shall be responsible for the cost of public work and any damage during construction in City road right-of-ways, as required by the Manager, Urban Development. All work performed on public property shall be done in accordance with City standards.
15. As part of the Tree Protection Bylaw, a Tree Protection Plan will be required when a development, construction activity, or a disturbance occurring on the City Boulevard is within 6 metres of a boulevard tree. For more information about submitting your tree protection plan visit www.calgary.ca and search "protecting trees during construction and development;" alternatively, call 311.
16. The applicant will be required to provide compensation to the City of Calgary for any Public Trees that are removed or damaged. Individual Public Trees can have values ranging in the thousands of dollars depending on size and species. For example, a 50-cm diameter American Elm can have a value of \$8300.00. For further information on tree value and compensation please call 311 or visit www.calgary.ca/parks. Applicants that are unfamiliar with tree protection or tree appraisal are advised to consult an arborist. Arborists are found in the telephone directory under 'Tree Service'.

PLAN



Front Elevation

DWELLING
 MFJ=1074.80
 RP=1078.90
 No. 29

STREETSCAPE

Scale = 1:200