

***Erlton Community Association***  
Planning and Development Committee  
65 – 31 Avenue SW, Calgary, Alberta, T2S 2Y7

To: Kate van Fraassen (403-268-5947) ( [Kate.vanFraassen@calgary.ca](mailto:Kate.vanFraassen@calgary.ca) )  
File Manager  
City of Calgary

From: Bill Fischer (403-266-2842) ( [erlton@shaw.ca](mailto:erlton@shaw.ca) )  
Chairman, Planning and Development Committee  
Erlton Community Association

Date: March 5th, 2018

DP2018-0458  
4 units @ 55 - 28th Ave SW

Yes, we commit to the Planning System core values: innovation, collaboration, transparency, accountability, trust, and responsibility, and thank you for providing us with the results of the Bylaw Check.

In response to your community context questionnaire:

1. *What are the strengths and challenges of the proposed development?*

The strength is the development of a vacant lot and an increase in density.

The challenge of the proposed development is that it is the third in a series, and now proposes a 4-unit building with excessive building depth, an accessory residential building that doesn't conform to the building envelope, and insufficient space for a visitor parking stall.

Overall, this building is too large for the site and is comprised of too many dwelling units.

Unit four shadows and overlooks the private rear yard of the east neighbour. In particular, the rear entrance to unit 4 is accessed via a landing and a patio door that is elevated well above grade. It enables anyone standing on the landing, or looking out the patio door, to peer directly into the neighbour's private rear yard. This will result in a very negative impact on the use and enjoyment of their property. Similarly, anyone standing on the rooftop terrace of unit 4, and looking east, will invade the rear yard privacy of multiple homes to the east. See plan A8 - south elevation.

The first development proposal for a 3-unit building, DP2012-2727, was extensively reviewed - especially in relation to the Erlton ARP. It was refused by the Development Authority. The summary was: *'In the opinion of the Development Authority, the subject parcel is capable of being developed for a three unit residential development that has mass, building height, **building depth** and overall form that is compatible with surrounding development and does meet the polices for South Erlton in the Erlton Area Redevelopment Plan. The proposed development is not compatible with adjacent development and the*

*neighbourhood in general and will have an adverse impact on nearby properties.'* This refusal was confirmed at appeal SDAB2013-0049.

The second development proposal, DP2014-1557, was again for a 3-unit building. This was approved, however modified at appeal SDAB2014-0160 by changing the east roof-peak of the garage to a cottage style, and relocating the garage 0.6m (2 feet) to the west. **All concerned were satisfied with the final result of this DP**, however it eventually lapsed.

In addition to the LUB Section 558 requirement for a visitor parking stall, page 12 of the Erlton ARP, at Site 1 and development guideline 2(d), specifies 0.15 visitor parking space per residential dwelling unit in multifamily development.

On-street parking is at a premium in South Erlton. There is no parking on Erlton Street abutting this development. There is resident-only parking on 28th Avenue. A hydrant fronting this parcel on 28th Avenue further restricts parking. Parking Bylaw 26M96, Section 24(1)(b), does not list the resident of a multi-residential building as being eligible for a visitor parking permit. **A visitor parking stall is thus a necessity for any multi-residential development at this specific location.**

*2. Are there changes that could be made to the proposed development to make it more compatible or beneficial to the area?*

Yes, reduce the size to three units in order to remove the offending unit 4, and provide a visitor parking stall. In essence, see the DP2014-1557 final approved plans for a more fulsome view. Other logical options are two single family homes or a semi-detached.

*3. Provide comments on:*

*a. The use:*

Our community supports the MDP objective of densification and adding more dwelling units to inner city communities, however only when they are appropriately designed to respect existing development. Unfortunately this proposed design does not respect existing development.

*b. The site design:*

A corner lot gives the ability to offer direct street access for all the units in a multi-unit development whether to one side of the lot or to wrap around the corner of the Avenue / Street. The community has long supported development of this corner lot, and at increased density, provided it respects existing development.

*c. The building design:*

Invasive and unacceptable. See 3.a above.

4. *Has the applicant discussed the development permit application with the Community Association? If yes, what information was provided?*

I met with the selling realtor and a prospective buyer of the lot on November 3rd, 2017. They had no plans, merely a concept, but stated it would be four units. They said a tri-plex, like both previous designs for this lot wasn't feasible, in their opinion, since they couldn't make money. I suggested they review the prior DP applications and appeals - available from the seller - and then discuss their plans with the surrounding neighbours, particularly the east neighbour.

No further discussion has occurred.

5. *Please provide any additional comments or concerns regarding the proposed development.*

The building projection deep into the lot results in unit 4 over-looking the east neighbour, and perhaps beyond, thus destroying their rear yard privacy. The excessive depth also shadows their rear yard from the afternoon sun. The rooftop terrace of unit 4 will invade the rear yard privacy of multiple homes to the east. The proposed design thus fails the compatibility test of Section 35(d) of the Land Use Bylaw 1P2007. This design is also not based on any sound planning principle as envisioned under section 35(j) of the Bylaw, and does not meet the test for relaxations as expressed in LUB Section 36(a), since it will materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Please provide a shadow study to enable a fact-based decision on the shadowing impact to the east neighbour. Land Use Bylaw Section 26(3) provides you with the authority to compel the production of these drawings. **Please let us know when they are available so that we may review them.**

Please do not hesitate to call or email should you have any concerns or require further information.

Finally, please provide us with a set of any final approved plans, along with a complete list of relaxations and the justification for them. We need this in order to discuss and determine their impact on the neighbouring homes and our community.

51 28 Ave. SW,  
Calgary, Alberta. T2S 2X9.

Feb. 26, 2018

RE: DP2018-0458

Bill Fischer,  
Director, Planning and Development,  
Erlton Community Association.

Dear Bill,

The following are my comments regarding this proposal:

1. The proposal contains 4-units. The previously approved proposal for this property (DP2014-1557) was for three units occupying a footprint extending to the south of my foundation about one metre, minimizing shadowing of my backyard. The current proposal (DP2018-0458) extends a significantly greater distance to the south, which shadows almost the entire backyard, limiting its use and enjoyment.
2. The proposal provides a patio door opening to an elevated access surface and stairway. This provision, in the southernmost unit, will allow for a view of my entire backyard, comprising privacy and therefore limiting use of the backyard.
3. Because there is no provision for visitor parking, visitors must park on the street. Because parking on the east side of Erlton is restricted, parking will overflow to 28 Ave., or the west side of Erlton street which will displace parking use by existing residents. Note that resident parking on 28 Ave. now fills the street almost to capacity.

Regards

Dave Turner

51 28 Ave SW