REPORT TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

DATE: July 8, 2021 ; September 16, 2021	APPEAL NO.: SDAB2021-0044 AB FILE NO.: DP2021-0070							
APPEAL BY: Murray Desrosiers and Kathleen Staniland								
FROM A DECISION OF THE DEVELOPMENT AUTHORITY where an	LAND USE DESIGNATION: R-C1							
Addition: Single Detached Dwelling (Balcony)	Discretionary							
was approved at <u>1411 22A Street NW</u>								
COMMUNITY OF: Hounsfield Heights/Briar Hill	DATE OF DECISION: May 21, 2021							
APPLICANT(S): Christine Boos	OWNER(S): Denny Kwan							

The hearing commenced on July 8, 2021 with consideration of procedural and jurisdictional issues. At the request of the appellant/applicant, the Board adjourned the hearing to September 16, 2021.

Notes:

- Notice has been given of the hearing pursuant to the Municipal Government Act and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an "affected person" will be made by the Board if required.
- This Report is provided as a courtesy only. The Board's record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature.



NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

C 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

Online Store Information	n								ISC: Unrestricted
Confirmation Number 10380235					Online Form P 2021-06-16 9:3				
Site Information									
Municipal Address of Site Under 1411 - 22A STREET NW	Appeal				elopment :021-007(nit/Subdivision	Application/Fil	e Number
Appellant Information									
Name of Appellant MURRAY DESROSIERS				Agent Na	me (if ap	plicabl	ole)		
Street Address (for notification p	urposes)								
1412 - 22A STREET NW	Donation of			D4-1	0 - 1 -			D 1:-1 41:-1 F	21
City CALGARY	Provinc ALBER			Postal T2N 2N				Residential F 403-253-649	
Business Phone #	Email A			1211 21	10			1 400-200-048) -
403-473-1675		s@shaw.ca	1						
APPEAL AGAINST	'								
Developmen	t Permit		Sul	odivisio	Appli	catio	on	Not	ice of Order
✓ Approval			A	pproval					lotice of Order
Conditions o	f Approval			Conditions	of Appro	val			
Refusal				Refusal					
In order to assist the Board in s	cheduling, p	lease answ	er the followin	g anestion	s to the b	est of	f vour ability	·:	
Estimated presentation time (mir 1.5 HOURS		euse uns		14711	using ar	n agen	nt/legal counse nknown	10	
Do you anticipate any preliminar ☐ Yes		our appeal	? (i.e. jurisdictio	n, parties s	tatus as a	affecte	ed persons, ac	ljournment, etc	.)
If yes, what are the issues?									
_ , _ , _ , ,	Do you anticipate bringing any witnesses/experts to your hearing? ✓ Yes No Unknown If yes, how many will you be bringing? 4								
This personal information is collec Government Act, Sections 678 an regarding the collection of this info	d 686. NOTE:	THIS INFO	RMATION WIL	L FORM P	ART OF A	4 FILE	E AVAILABLE	TO THE PUBL	ÌĆ. If you have any question
			FOR OFF	ICE US	E ONL	Y			
Final Date of Appeal SDAB Ap	peal Number		Fee Paid	Hearing	Date		Date Receiv	ed	
YYYY MM DD SDA	B2021-0)44 ab	Yes No	YYYY 2024	I MM	DD.	June '	16, 2021	



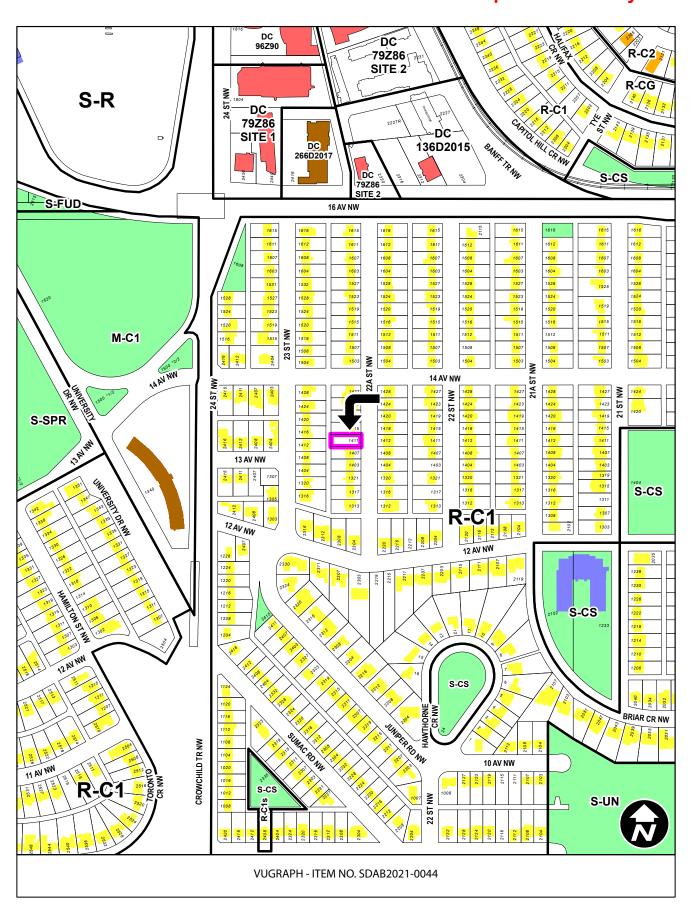
NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

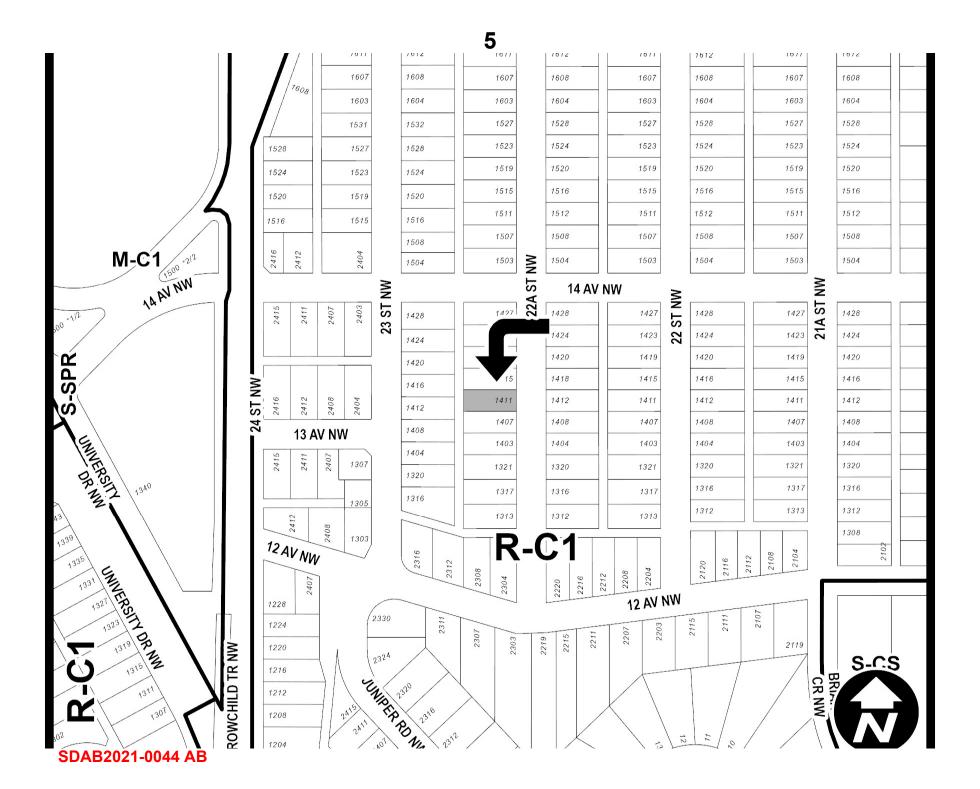
C 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

legislated fee. For filin	g instructions and fe	e payment o	ptions, see the i	reverse side of this	form.			ISC: Unrestricted
Online Store Info	ormation							
Confirmation Number 10380236		Order Nu 35222515						
Site Information								
Municipal Address of S 1411 - 22A STREET N	IW			Development I DP2021-0070		/Subdivision Applica	ation/File	Number
Appellant Inform	iation							
Name of Appellant KATHLEEN STANILA Street Address (for not				Agent Name (if app	licable	e)		
1415 - 22A ST. NW	lilication purposes;							
City	Provin	ce		Postal Code		Resi	dential Pl	hone #
CALGARY "	ALBEF			T2N 2N7		403-	616-5798	3
Business Phone #		Address en.staniland@	@gmail.com					
APPEAL AGAINST								
Devel	lopment Permit		Sub	division Applic	cation	1	Noti	ce of Order
✓ App				proval			No	otice of Order
☐ Cor	nditions of Approval		Co	onditions of Approv	/al			
 ☐ Ref	fusal		Re	efusal				
REASONS FOR APP reasons for the appeal.	EAL Sections 678 and	686 of the M	Aunicipal Govern	nment Act require th	nat the	written Notice of	Appeal m	nust contain specific
I do hereby appeal th	ne decision of the Sub	division/De	velopment Auth	nority for the follow	wing r	easons:		
This appeal is filed by	Kathleen Staniland and	d David Pava	n, 1415 22A Stre	eet NW and Arnold \	Westbe	erg and Nancy Earl	, 1407 22	A Street NW.
	ey issues for our proper sting home on the prop	ty and home,	, The developme	nt will directly and ne	egative	ely impact the use a	nd enjoy	reates substantial ment of our property. The d the size of the proposed
Other reasons as may	be provided at the hea	ıring.						
In order to assist the F		please answ						
Estimated presentatior 1.5 HOURS	i time (minutes/hours)			Will you be using an ☐ Yes ☐ No ਯ	agent/ ✓ Unk			
Do you anticipate any ∣ ☐ Yes ✓ No	preliminary issues with	your appeal	? (i.e. jurisdiction				ent, etc.)	1
If yes, what are the iss	1							
Do you anticipate bring		erts to your h	nearing?	If yes, how many v	will you	u be bringing?		
✓ Yes No Unknown 4								
This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.								
FOR OFFICE USE ONLY								
Final Date of Appeal	SDAB Appeal Number	r	Fee Paid	Hearing Date	Date Received			
YYYY MM DD	SDAB2021-00	44ab	Yes No	7777		June 16.	мм 2021	DD

4 Appeal Board Rec'd: June 30, 2021 From: Development Authority







May 21, 2021

BOOS, CHRISTINE

Dear Sir/Madam:

RE: Notification of Decision DP2021-0070

Subject: Addition: Single Detached Dwelling (Balcony)

Project: 1411 22A ST NW Balcony Project

Address: 1411 22A ST NW

This is your notification of the decision by the Development Authority to approve the above noted application on May 21, 2021.

Read all of the Permanent Conditions of approval carefully as they 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 May 21, 2023 or the development permit shall cease to be valid.

This decision will be advertised beginning May 27, 2021 at www.calgary.ca/publicnotices, which is the start of the mandatory 21-day appeal period. The appeal period will conclude at midnight June 17, 2021. Release of the permit will occur within 2-4 business days following the conclusion of the appeal period.

For this type of permit both the applicant and any other parties may appeal this decision. You may appeal any of the noted Permanent Conditions of approval within 21 days after the date on which the decision is made. An appeal along with reasons must be submitted, together with payment of a \$200.00 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.calgarysdab.ca. 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 contacted by telephone to pick up your Development Permit. Should you require clarification of the above or further information, please contact me at 403) 333-5526 or by fax at (403) 537-3024 and assist me by quoting the Development Permit number.

Sincerely,

Sharon Van De Burgt Senior Planning Technician Planning Implementation Attachment(s)



DEVELOPMENT PERMIT LAND USE BYLAW NO 1P2007

DP2021-0070

Release Date:

This permit relates to land in the City of Calgary municipally described as:

1411 22A ST NW

Community: Hounsfield Heights/Briar Hill L.U.D.:R-C1

and legally described as:

5086GM;19;5

and permits the land to be used for the following development:

Addition: Single Detached Dwelling (Balcony)

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: May 21, 2021

File Manager: Sharon Van De

Burgt

This permit will not be valid if development has not commenced by: May 21, 2023

This Development Permit was advertised on: May 27, 2021

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

WARNING

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Applicant: BOOS, CHRISTINE

Address:

City: ,

Phone: 4032370277

Complete Address and Legal Description listing for Development Permit DP2021-0070

Address Type Address Legal Description

Building 1411 22A ST NW

Parcel 1411 22A ST NW 5086GM;19;5

Printed on: Friday, May 21, 2021 10:00 AM Page 2 of 2



Conditions of Approval – Development Permit

Application Number: DP2021-0070

Application Description: Addition: Single Detached Dwelling (Balcony)

Land Use District: Residential - Contextual One Dwelling

Use Type: Discretionary
Site Address: 1411 22A ST NW

Community: HOUNSFIELD HEIGHTS/BRIAR HILL

Applicant: BOOS, CHRISTINE

Senior Planning Technician: SHARON VAN DE BURGT - 403) 333-5526 -

Sharon.vandeBurgt@calgary.ca

Permanent Conditions

The following permanent conditions shall apply:

Planning:

- The development shall be completed in its entirety, in accordance with the approved plans and conditions.
- 2. No changes to the approved plans shall take place unless authorized by the Development Authority.
- 3. A Development Completion Permit shall be issued for the <u>addition</u>; before the use is commenced or the development 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.
- 4. No exterior wall or portion thereof can be removed or structurally altered unless identified on the approved plans released with this permit. Any exterior wall removal or alterations not approved by the floor plans released with this permit requires approval by a new Development Permit application.
- 5. A new Development Permit for an infill residential development will be required if the existing dwelling is removed.

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.

Planning:

- 6. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
- 7. 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.
- 8. 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.



LAND TITLE CERTIFICATE

s

LINC SHORT LEGAL 0019 324 482 5086GM;19;5

TITLE NUMBER 081 251 635

LEGAL DESCRIPTION

PLAN 5086GM

BLOCK 19

LOT 5

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 5;1;24;20;NW

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 991 078 283

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

081 251 635 16/07/2008 TRANSFER OF LAND \$722,500 \$722,500

OWNERS

DENNY WING FAI KWAN
OF 1411 22A STREET NW

CALGARY

ALBERTA T2N 2N7

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

161 123 651 27/05/2016 MORTGAGE

MORTGAGEE - THE BANK OF NOVA SCOTIA.

700 2 ST SW, 16TH FLR, SUITE 1600

CALGARY

ALBERTA T2P2W1

ORIGINAL PRINCIPAL AMOUNT: \$1,220,000

TOTAL INSTRUMENTS: 001

(CONTINUED)

PAGE 2 # 081 251 635

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 8 DAY OF JANUARY, 2021 AT 10:54 A.M.

ORDER NUMBER: 40789115

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

January 6, 2021

The City of Calgary Development & Building Approvals PO Box 2100, Station M (#8108) Calgary, AB T2P 2M5

Subject: 1411 22A Street N.W.

Please be advised that, as owners of the above mentioned property, we authorize Rectangle Design to apply for any and all development permits for the above mentioned property.

Sincerely,

Denny Kwan & Kellie Johnson 1411 22A Street N.W. Calgary, AB. T2N 2N7

Denny Kwan (Jan 7, 2021 22:02 MST)	Jan 7, 2021
Owner Signature	Date

Letter of Authorization

Final Audit Report 2021-01-08

Created: 2021-01-06

By: Christine Boos (c@rectangle.ca)

Status: Signed

Transaction ID: CBJCHBCAABAANjchnyjEY-jEp5ibSfE-c3nqTcQ7JW9S

"Letter of Authorization" History

Document created by Christine Boos (c@rectangle.ca) 2021-01-06 - 6:00:37 PM GMT- IP address: 184.64.205.109

Document emailed to Denny Kwan (dellienye@shaw.ca) for signature 2021-01-06 - 6:01:00 PM GMT

Email viewed by Denny Kwan (dellienye@shaw.ca) 2021-01-07 - 0:46:58 AM GMT- IP address: 70.73.160.158

Document e-signed by Denny Kwan (dellienye@shaw.ca)

Signature Date: 2021-01-08 - 5:02:36 AM GMT - Time Source: server- IP address: 70.73.160.158

Agreement completed. 2021-01-08 - 5:02:36 AM GMT

Adobe Sign



1411 22A Street N.W. Front View of Subject Parcel



1407 22A Street N.W. Front View of Adjacent Parcel (South)



1403 22A Street N.W. Front View of Adjacent Parcel (South)



1415 22A Street N.W. Front View of Adjacent Parcel (North)



1419 22A Street N.W. Front View of Adjacent Parcel (North)



1411 22A Street N.W. Rear View of Subject Parcel



Site Contamination Statement

La	ligary ()	Application #		
		for	office use only	•
0:4-	Address			
	Address:			
Lega	al Description:			
Sub	e information provided in this disclosure statement will a odivision Authorities in processing planning applications vided in this statement to assist in determining the pote on caused by current or historic activities.	. The Authorities rely on	the informa	ation
mus insp Ple	are responsible for the accuracy of the information prost be answered to the best of your knowledge based up bection and review of all documents and other informaticase be aware that further site assessments may be blication.	on diligent inquiry and the on pertaining to the subj	ne thorough ject propert	յ y.
1.	Are you aware of any environmental investigations (autests, surveys or studies) for this site?	ıdits, assessments,	☐ Yes	☐ No
	If yes, please provide copy(s).			
2.	Are you aware of any environmental requirements ass previous planning applications on this site? (i.e. development permit, land use redesign or subdivis	•	☐ Yes	□ No
	If yes please provided a brief description and the asso application number(s):	ciated development		
3.	Has there been site remediation or a request for such	on the site?	☐ Yes	☐ No
	If yes, please provide a brief description:			

19

4.	Are you aware of any regulatory actions applied to this site?	s, past or current, which have been	☐ Yes	☐ No
	Examples include (but are not limited to - Environmental Protection Orders - Reclamation Orders or Certificates - Control / Stop Orders, fines, tickets - Violations of environmental statutes - Administrative penalties and warning	or prosecutions , regulations and bylaws		
	If yes, please describe and provide cop	ies of relevant documents:		
5.	Have any permits been issued or are your or approval issued by federal or province Department for activities which may important (e.g. certificates of approval, storage tank respectively).	ial authorities or the Calgary Fire pact the property?	☐ Yes	☐ No
	If yes, please describe:			
6.	Has there been contact with Alberta Endauthority regarding possible contaminate		☐ Yes	☐ No
	If yes, please provided a brief description	on:		
l, ti kno inq ava	TE: This form is to be signed by the titled owner. authorized agent, authorized and this suiry and thorough inspection and review on a subject property. It the subject property is potentially contains	othorized consultant, state that, to the be statement is accurate, complete and is b of all the documents and other information I am not aware of any other information	est of my pased on di ion reason	ligent ably
Date				
App	licant Signature	FOIP DISCLAIMER: The personal information on under the authority of The Freedom of Information (FOIP) Act, Section 33(c). It will be used to provide services and to process payments received for sai to conduct ongoing evaluations of services receive & Assessment. Please send inquiries by mail to the process of the proce	and Protection e operating pro d services. It n ed from Plannin ne FOIP Progra	of Privacy grams, account nay also be used g, Development um Administrator,
Арр	licant Name (Please Print)	Planning, Development & Assessment, PO Box 21 2M5 or contact us by phone at 311.	iou, Station IVI,	Calgary, AB 12P
Con	npany Name (Please Print)			



Public Tree Disclosure Statement

The City of Calgary Street Bylaw (20M88) and the Tree Protection Bylaw (23M2002) protect trees growing on City (public) land. An approved Tree Protection Plan is required when construction activities occur within 6m of a public tree. More information regarding protecting trees during construction and development is found here. Public trees are required to be shown on plans submitted for this application.

1.	Are there public trees on the City lands within six meters of and/or overhanging the	Yes	No
	development site?		

If you answered yes, ensure all trees identified are shown on the submitted plans.

Note: if you are not sure how to determine which trees are yours and which are public, you can:

- a. Use the <u>City's tree map</u> (may not be up to date for your property)
- b. Contact 3-1-1 to put in a "development tree inquiry" to get confirmation from an Urban Forester
- c. Send inquiries to tree.protection@calgary.ca

2.	Who will be submitting the	Tree Protection Plan for	r this development?
----	----------------------------	--------------------------	---------------------

Applicant	Owner	Builder	Other:		
If Other:	Name:			Phone:	
	Email:				

The Tree Protection Plan must be submitted directly to Urban Forestry at tree.protection@Calgary.ca following the Tree Protection Plan Guidelines.

FOIP DISCLAIMER: The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

21												
	District Title: Residential - Contextual One Dwelling (R-C1) (R-C1s) ▼											
The informa complete list o							d cannot be				Jse Bylaw 1P on of the Lan	
Date:		January 1	9 2021		l							
Date Received:		January 0	5 2021						D.P. #	2	024 00	170
F/M:	SI	haron Van	De Burgt						D.P. #	Z	021-00	<i>)/</i> U
BLC BY:		Kerim A	ktug									
Review Require PARTIAL	d:		•				For	Intorna	l Dictrib	ution O	nlv	
Markups Compl	eted Elect	ronically:					FUI	miema	וו טוצנו וג	oution O	illy	
Yes - Refer t	o Livelink		•									
Modifier(s):	F.A.R		Height		Density		ALL MODII	FIER(S) ARE	COMPULSO	ORY (Canno	t be relaxed)	
Project Descrip	otion(s):				Ad	ldition: S	ingle Deta	ched Dwel	ling (Balco	ny)		
	Floody	way/Flood	fringe/Ove	erland Fl	low		Air	port Vicin	ity Protect	ion Area (<i>A</i>	(VPA)	
		NOT APPLY			•			DOES NOT	APPLY		•	
	If ap	plicable Co	mplete Flo	ood She	et							
					Riaht-	of-Wav	Setback(S)					
Rd / St / Av				n/					Required	n/a	Provided	n/a
Rd / St / Av				n/	n/a				Required	n/a	Provided	n/a
Rd / St / Av				n/					Required	n/a	Provided	n/a
	Main F	loor Eleva	tion(S):					Ro	oof Peak El	evation(s):		
						n/a	1		-			
	LDR	: For Addit	ions or alt	teration	s to existi	ng See S	ection 358	For Dwel	lings Deem	ed Confor	ming	
						Note	es:					
Rooftop Balcony	Only											
l												

ISC: Protected

Page 3		dential – Contextual One Dwelling		D.P. #	2	021-007	70	
Della	Requirements							
Rule			Notes	Р	rovided	/Varian	ce	
Secondary Suites	If appli	cable please refer to Secondary Suites Form		See At	tached	N/A	N/I	
153.1(a)(vi) Backyard Suite	A Backyard Suite must	be located on the same parcel as a Contextual Single Detached Dwelling or a Single Detached Dwelling.		С	N/C	N/A	N/I	
295(a)(v) Secondary Suite	'	must be contained in a Contextual Semi-Detached Dwelling, tached Dwelling, Semi-Detached Dwelling or a Single Detached Dwelling.		С	N/C	N/A	N/I	
	(Front A 0.00	+ Front B 0.00) / 2 = Front Average Bu	ilding Reference Point		. ()		
		+ Rear B 0.00) / 2 = Rear Average Bui					_	
347 Contextual Single Detached Dwelling	(1)(e) Must not be	onts is greater than 2.4 metres						
	Difference betwee	С	N/C	N/A	N/I			
		A) Contextual Front Setback for 2 Conte	xtual Adjacent Buildings		•			
	(Adj. building 1	OR B) Contextual Front Setback for 1 Co	0.00)/2 = A		(0		
39 Contextual Front Setback		0						
FIGHT Setback		5 <u>U</u>						
		3						
337 Projections Into Side Setback Area	(9) Balconies	and decks must not project into any side setback area;		С	N/C	N/A	N/I	
Alt:0	(1) Unloss othograises	referenced in this Part, an open balcony must not project more					,	
	than 1.85	6.	.00	4.	15			
					22 /a	3.	37	
	(2) Unless otherwise referenced in this Part, the floor area of a recessed balcony must not exceed 10.0m²							
340 Balconies	(2.1) Unless	n/a						
	in this Part, a privacy wall located on a balcony:	otherwise referenced n this Part, a privacy wall located on a (b) must not be located between the foremost front façade of						

FILE: DP2021-0070

DATE RECEIVED: January 05 2021

Bylaw Discrepancies							
Regulation	Standard	Provided					
340 Balconies	(1) Unless otherwise referenced in this Part, an open balcony must not project more than 1.85m from the building façade to which it is attached.	Plans indicate the balcony as projecting 5.22m (+3.37m) to 6.00m (+4.15m)					
Permitted C	Contextual Use Rules						
Regulation	Standard	Provided					
	N/A						



March 04, 2021

Meyers, Erin

,

Dear Sir/Madam:

RE: Detailed Review (DR)

Development Permit Number: DP2021-0070

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at 403) 333-5526 or by email at Sharon.vandeBurgt@calgary.ca.

Sincerely,

SHARON VAN DE BURGT

Senior Planning Technician, Planning & Development

cc: KWAN, DENNY WING FAI 1411 22A ST NW CALGARY, AB T2N 2N7



Detailed Review 1 - Development Permit

Application Number: DP2021-0070

Application Description: Addition: Single Detached Dwelling (Balcony) **Land Use District:** Residential - Contextual One Dwelling

Use Type: Discretionary **Site Address:** 1411 22A ST NW

Community: HOUNSFIELD HEIGHTS/BRIAR HILL

Applicant: BOOS, CHRISTINE Date DR Sent: March 04, 2021 Response Due Date: April 03, 2021

Senior Planning Technician: SHARON VAN DE BURGT - 403) 333-5526 -

Sharon.vandeBurgt@calgary.ca

General Comments

The application is for a root top balcony ar 1411 22A ST in the northwest community of Hounsfield Heights/Briar Hill. The site is surrounded by Single Detached Dwellings in all directions.

Ward Councillor Comments:

Councillor Farrell's office reviewed DP2021-0070 and offers the following comments:

 The proposed change is a significantly sized rooftop patio. We are not necessarily opposed to this, but inadequate attention has been given to overlooking mitigation. This needs further review.

Parkdale Community Association:

Hounsfield Heights/Briar Hill CA reviewed DP2020-0070 and offers the following comments:

"The HHBH Land Use committee's interpretation of the plans - which we found less than self explanatory - is that this application is for a roof-top deck being added atop the second story flat roof of an existing three story dwelling. This deck on top of the second story creates a large deck a full story above the roof of the surrounding bungalows. This is the sort of thing that, if proposed for a new build, we would vehemently oppose as being overly intrusive for the neighbouring properties (for example: summer evening gatherings with laughing and talking being amplified because of the height) and also because of the significant negative impact on neighbouring backyard privacy. Similarly we can also not support this application as a renovation. In that the proposed rooftop balcony will enable overlook in all directions from subject dwelling, it will impose upon the privacy of at least 8 neighbouring parcels: 3 behind, 1 - if not 2 because of the height - parcels to each side and three parcels across the street. It is

also important to note that in the case of the two story homes across the street there are front facing bedrooms and while these rooms are indeed street facing there is a significant difference from a privacy perspective of looking up into them from the street vs straight in at somewhat of a downward angle as the sight lines from the proposed balcony would be.

The committee also notes that neighbours to the parcel in question have proactively reached out the the Community Association independently sharing similar concerns.

---- Relaxations -----

Unfortunately, as the City no longer provides any detailed bylaw check information for development permits, the HHBH Land Use Committee is unable to ascertain whether any relaxations are required for the proposed development. In this instance the Committee requests that *NO* relaxations be allowed."

Notice Posting Comments:

The development permit was notice posted for 7 days. Comments received were concerns regarding the following:

• 3rd floor balcony size – concerns of privacy

Comments on Relevant City Policies

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

4.5 Privacy Guideline: The privacy of the adjacent residences should be respected.

Where a development protrudes into the rear yard beyond the adjacent structures, privacy, overshadowing and access to sunlight are important design considerations. Placement of balconies should respect the privacy of adjacent residences and avoid overlooking.

Please reduce the size of the proposed roof top balcony with additional privacy screening on the north and south elevations



Bylaw Discrepancies		
Regulation	Standard	Provided
340 Balconies	(1) Unless otherwise referenced in this Part, an open balcony must not project more than 1.85m from the building façade to which it is attached.	Plans indicate the balcony as projecting 5.22m (+3.37m) to 6.00m (+4.15m) Please amend the drawings to reduce the projection of the balcony within the black lines as indicated on the image above

Prior to Decision Requirements

The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

Planning:

1. Submit a complete set of amended plans that comprehensively address the prior to decision issues of all Departments as specified below.

In order to expedite the review of the amended plans, please include the following in your submission:

a. One (1) detailed written response to the Detailed Review (DR) that provides a point by point explanation as to how each of the Prior to Decision issues were addressed and/or resolved. If Prior to Release items have been addressed in the amended plans, include a point by point explanation for these items as well.

This information must be received, in its entirety, no later than 30 days from the date this DR form was sent to the applicant and owner. If a complete submission is not received within the 30 day time frame, the development permit may be inactivated. Upon inactivation, the applicant and owner will receive written notice of the inactivation and of a further 15 day time frame within which the application may be reactivated subject to a reactivation fee. If the development permit application is not reactivated as per the written notification, it may be cancelled by Administration as per Land Use Bylaw 1P2007, Section 41.1.

Prior to Release Requirements

If this Development Permit is approved, 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:

 The Prior to Release conditions will be finalised at the time of Development Authority decision, subject to the resolution of the Prior to Decision comments in the preceding section.

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.

Permanent Conditions

If this Development Permit is approved, the following permanent conditions shall apply:

 The Permanent Conditions will be finalised at the time of Development Authority decision, subject to the resolution of the Prior to Decision issues in the preceding section.

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.

4. The Advisory Comments will be finalised at the time of decision.



ENMAX Power Corporation

141 – 50 Avenue SE Calgary, AB T2G 4S7 Tel (403) 514-3000 enmax.com

January 27, 2021

File No: DP2021-0070 Location: 1411 22A ST NW

ENMAX Power Corporation (EPC) has reviewed the above permit application dated June 19, 2020 and based on the information provided and as of the above noted date the proposed development does not conflict with ENMAX facilities in respect of the requirements set forth in 10-002 Overhead System (Table 7) and 12-002 Underground Systems of the Alberta Electrical Utility Code (AEUC) under the *Safety Codes Act* (Alberta). This non-conflict letter does not reduce or limit responsibility to comply will all laws and regulations regarding utility facilities and all requirements under the *Occupational Health & Safety Act* (Alberta) (OHS) and the applicant shall observe all such laws and regulations when commencing any work related to the permit application. If a situation arises where there is a discrepancy between ENMAX required setbacks and the AEUC or the OHS, the stricter set of requirements shall govern.

Pursuant to Section 225(1) of Part 17 of the *Occupational Health and Safety Code* (Alberta) (Code) anyone working near overhead powerlines must maintain safe limits of approach as provided for in Schedule 4, Table 1 of the Code or Table 1 in the AEUC and anyone excavating must contact Alberta One-Call prior to performance of such excavation. As a condition of this no-conflict letter, and despite any existence of a permit, the applicant must contact EPC (Powerline Inspections (403) 514-3117) prior to the commencement of any construction where any workers or equipment will be within 7.0m of existing overhead EPC facilities If EPC is contacted in accordance with the above, no construction work shall be commenced thereafter unless and until EPC determines the minimum safe limit of approach distance in relation to the overhead facilities present at the project site.

**NOTE: This letter provided by ENMAX Power Corporation is intended for information purposes only and is not in any manner intended to nor shall be construed to derogate from applicant's obligations to follow any applicable law. The provision of this no-conflict letter is not a representation that work will meet any legislative or regulatory obligations. This no-conflict letter is provided as of the date first note above – the applicant is still required to perform their own due diligence prior to any development activities and resolve any conflicts (new or existing) at the Developer's sole expense. ENMAX expressly disclaims any liability related to applicant's responsibility to comply with such laws and regulations and ENMAX's required setbacks.

If you require any additional information regarding this Development Permit, please contact the Project Administrator at EPC_Permits@enmax.com.

Sincerely,

Althor &

Ali Sharif, P.Eng, M.Eng Distribution Engineering

SDAB2021-0044 AB

From: <u>CAWard7 - Dale Calkins</u>

To: <u>DP Circ</u>

Cc: <u>van de Burgt, Sharon; "land.use@hh-bh.ca"</u>

Subject: RE: Electronic Circulation of DP2021-0070 @ 1411 22A ST NW

Date: Thursday, January 14, 2021 1:45:41 PM

Attachments:

Hello Sharon,

Councillor Farrell's office reviewed DP2021-0070 and offers the following comments:

• The proposed change is a significantly sized rooftop patio. We are not necessarily opposed to this, but inadequate attention has been given to overlooking mitigation. This needs further review.

Best regards,

Dale Calkins (he/him)

Senior Policy & Planning Advisor

Druh Farrell - Ward 7 Councillor

Office of the Councillors, PO Box 2100, Station M, Calgary, Alberta, T2P 2M5

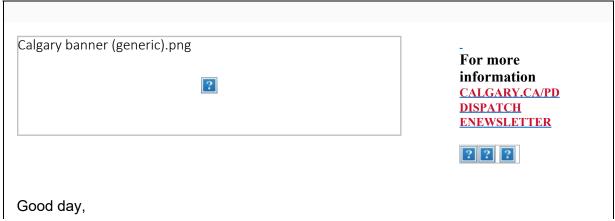
e CAWard7@Calgary.ca w www.DruhFarrell.ca



From: Halliburn, Pamela E. On Behalf Of DP Circ

Sent: Thursday, January 14, 2021 13:20 **Cc:** DP Circ; van de Burgt, Sharon

Subject: Electronic Circulation of DP2021-0070 @ 1411 22A ST NW



Please find attached the circulation package for the above noted Development Permit application.

Included are the following documents:

- 1. Circulation Package
 - Guidelines for Electronic Circulation
 - Request for Comment Sheet
 - Complete Set of Plans
- Community Association Feedback Form
 Please note, you can also <u>submit feedback online</u>.

Please respond electronically to DP.Circ@calgary.ca.

Thank you.

Pamela Halliburn

Applications Processing Representative Calgary Building Services
Development, Applications and Licensing Services
The City of Calgary | Mail code: #8201
(403) 268-5744 DP.Circ@calgary.ca
Floor 3, Municipal Building - 800 Macleod Trail S.E.
P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5



ISC: Unrestricted

From: Jeff Marsh
To: DP Circ

Cc: <u>van de Burgt, Sharon; CAWard7 - Dale Calkins</u>

Subject: [EXT] HHBH CA Comments: DP2021-0070 @ 1411 22A ST NW: Balcony Renovation

Date: Thursday, February 4, 2021 9:12:37 PM

Attachments:

mage v lipe mage v lipe mage v lipe mage v lipe

File Manager van de Burgt

Thank you for the opportunity to comment on this application. The Hounsfield Heights Briar Hill Community Association is generally supportive of redevelopment in our neighbourhood in that it represents re-investment in and revitalization of our community. On behalf of our residents, the HHBH Land Use committee provides following more specific comments on aspects of this application:

----- Overall Design -----

The HHBH Land Use committee's interpretation of the plans - which we found less than self explanatory - is that this application is for a roof-top deck being added atop the second story flat roof of an existing three story dwelling. This deck on top of the second story creates a large deck a full story above the roof of the surrounding bungalows. This is the sort of thing that, if proposed for a new build, we would vehemently oppose as being overly intrusive for the neighbouring properties (for example: summer evening gatherings with laughing and talking being amplified because of the height) and also because of the significant negative impact on neighbouring backyard privacy. Similarly we can also not support this application as a renovation. In that the proposed rooftop balcony will enable overlook in all directions from subject dwelling, it will impose upon the privacy of at least 8 neighbouring parcels: 3 behind, 1 - if not 2 because of the height - parcels to each side and three parcels across the street. It is also important to note that in the case of the two story homes across the street there are front facing bedrooms and while these rooms are indeed street facing there is a significant difference from a privacy perspective of looking up into them from the street vs straight in at somewhat of a downward angle as the sight lines from the proposed balcony would be.

The committee also notes that neighbours to the parcel in question have proactively reached out the the Community Association independently sharing similar concerns.

---- Relaxations -----

Unfortunately, as the City no longer provides any detailed bylaw check information for development permits, the HHBH Land Use Committee is unable to ascertain whether any relaxations are required for the proposed development. In this instance the Committee requests that *NO* relaxations be allowed.

Although it acknowledges that the development authority has no statutory requirement to do so, the Hounsfield Heights Briar Hill Community Association respectfully requests to be kept apprised via email to this address of changes to the status of this application and be notified of any decision made by development authority on it forthwith.

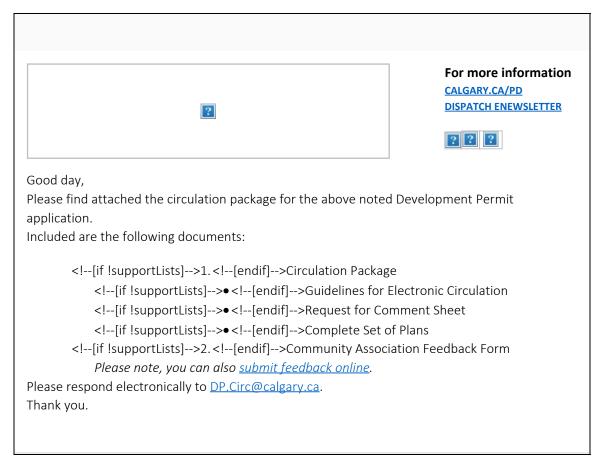
Given delivery problems with past submissions, the Community Association also requests confirmation from the file manager of receipt of this email.

\|/ Jeff Marsh \|/
Director, Land Use
Hounsfield Heights Briar Hill Community Association

land.use@hh-bh.ca

(403)606-2774

On 14-Jan-21 13:20, DP Circ wrote:



Pamela Halliburn

Applications Processing Representative

Calgary Building Services

Development, Applications and Licensing Services

The City of Calgary | Mail code: #8201

(403) 268-5744 DP.Circ@calgary.ca

Floor 3, Municipal Building - 800 Macleod Trail S.E.

P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5



ISC: Unrestricted

This communication is intended ONLY for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication, or return it to us by mail if requested by us. The City of Calgary thanks you for your attention and co-operation.

From: <u>Jeff Marsh</u>

To: <u>van de Burgt, Sharon</u>

 Cc:
 Adams-Sinclair, Danel; HHBH Land Use

 Subject:
 [EXT] All information pertaining to DP2021-0070

Date: Wednesday, May 12, 2021 3:11:15 PM

Attachments: 2021-04-16-10-35 R. Re EXT resource specific part of the EAST resource specific part of the EAST resource specific part of the EAST resource part of the EAST res

Pation msg

Hey Sharon,

As previously discussed our Community Association would like more information regarding DP2021-0070. Attached is our email correspondence which captures my previous request to be circulated on the DTR (aka Detailed Review/Detailed Technical Review/Detailed Team Review) and your confirmation that you were unwilling to provide it. As indicated during our subsequent verbal discussion over the phone, we have gone ahead and filed a FOIP Access Request. However, in that we are going to he trouble of doing so, our CA would like to also use this as a learning opportunity to better understand ALL of the data that the City of Calgary has collected and compiled with regards to this development permit.

Based on the email from Danel below, in that apparently most of the documents that we have requested are "routinely available" could you please either provide them to us directly or advise from whom (ie property research) we will be able to obtain them. We would appreciate it if you could provide this guidance on a document by document basis. As the verbiage from the FOIP request is not available below I include it here (with elaboration in parentheses):

All information and data collected and compiled for development permit application DP2021-0070 for a rooftop patio at 1411 22A St NW including but not limited to:

- the application itself (ie the actual document submitted by the applicant)
- (all documents and records pertaining to) the intial review,
- (all documents and records pertaining to) the bylaw review,
- (all documents and records pertaining to) the notice posting
- (all documents and records pertaining to) the circulation
- a (complete) list of circulation recipients.
- (all) feedback and technical input shared with the applicant,
- (the) detailed review (aka DTR, detailed team review, detailed technical review)
- all correspondence with the applicant and/or its agent, and all correspondence with the Mayor and Councillors and their offices

It is our understanding that at this stage of this development permit application process all of this documentation should exist based on the description of the Development Permit process found on the City of Calgary's website (https://www.calgary.ca/pda/pd/permits/development-permit-process.html). If any of the above documentation does not exist, we would appreciate it if you could confirm on a per item basis that it indeed does not exist. Similarly if there is additional documentation that has been collected or compiled regarding this development permit application that we have not specifically requested, we ask that you provide a description of what it exactly it is and how we can obtain it (even if it is information)

that you don't believe we will be able to obtain)

The only documentation that we do NOT require is a copy of the Development Permit Circulation package dated January 14, 2001 (Adobe PDF document 1,042,630 bytes) which was previously provided to us. My understanding is that this document is the only information which Property Research will have pertaining to this development permit but if there is additional information and documentation that they do have on file please provide a detailed description of what it is so that I am able to make a sufficiently specific request of that department.

Please respond via email as opposed to by phone so that we can keep Danel looped in on the status of this request.

Thanks, \|/ Jeff Marsh \|/ Director, Strategic Planning & Land Use HHBH Community Association (403)606-2774

----- Forwarded Message -----

Subject: RE: [EXT] FOIP Access Request: All information pertaining to DP2021-0070

Date:Wed, 12 May 2021 14:52:33 +0000

From: Adams-Sinclair, Danel Danel.Adams-Sinclair@calgary.ca
To: strategic.planning@hh-bh.ca

Good morning Jeff,

I spoke with you on the phone last Friday about your access request (file number 2021-G-0155) and wanted to send you a quick update. I was advised yesterday by Planning & Development that all of the documents you have requested, excluding correspondence, are routinely available. I was told that you should first email Sharon van de Burgt, Senior Planning Technician with Planning & Development, at Sharon.vandeBurgt@calgary.ca to discuss the development permit, and then email propertyresearch@calgary.ca to set up an appointment to view the records.

Anything that is not routinely available (i.e. email correspondence to and from Planning & Development, Ward 7 and the Mayor's Office) will still be provided to me to process and release to you through FOIP but I did want to send you the above information so that you can initiate a request for the rest of the documents at your convenience.

Please let me know if you have any questions or feel free to give me a call to discuss further. Thank you!

Danel Adams-Sinclair Analyst, Access and Privacy 403-476-4115

----Original Message-----

From: Jeff Marsh strategic.planning@hh-bh.ca

Sent: Thursday, May 6, 2021 4:14 PM

To: FOIP Disclosure Officer FOIP@calgary.ca Cc: HHBH Land Use land.use@hh-bh.ca

Subject: [EXT] FOIP Access Request: All information pertaining to DP2021-0070

Hey there,

Please find attached a FOIP access request for all information pertaining to development permit application DP2021-0070 for a rooftop patio for 1411 22A St NW on behalf of the Hounsfield Heights Briar Hill Community Association. Please let me know if any further information is needed or if there are any problems with the form as completed. Otherwise I look forward to hearing back from you as to how best to provide credit card information for payment of any fees, if required.

Thanks,
\|/ Jeff Marsh \|/
Director, Strategic Planning & Land Use
Hounsfield Heights Briar Hill Community Association
(403)606-2774

NOTICE -

This communication is intended ONLY for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication, or return it to us by mail if requested by us. The City of Calgary thanks you for your attention and co-operation.

From: <u>Matthew Taylor</u>

To: <u>van de Burgt, Sharon; DP Circ</u>

Cc: <u>Matthew Taylor</u>; <u>M T</u>

Subject: [EXT] RE: Briar Hill DP2021-0070 Patio Development

Date: Sunday, May 30, 2021 8:13:14 AM

Hi Sharon,

I was recently made aware of an approval for a patio addition to a dwelling on my street. I have lived in Briar Hill at 1404 22a St. NW for ~10 years and I am the registered owner of the property. I am concerned that the proposed additional patio on the rooftop (DP2021-0070 @ 1411 22a St. NW) would invade on privacy of neighbors but also sets a concerning precedent for future developments in the Briar Hill community. New dwellings in this area typically have sizable green space in the front and backyards along with patios. 1411 22a St is no exception. The dwelling already has a sizable ground floor patio in the backyard and an outdoor living patio on the second floor. What are the steps for appealing or amending this recent approval?

Thanks Matt

Matt Taylor, CFA



From:
To: van de Burgt, Sharon

Subject: [EXT] Proposed Rooftop Patio at 1411 22a St, NW

Date: Thursday, May 13, 2021 7:36:18 PM

File Manager van de Burgt.

Cc:

We've seen the revised patio plan, and aren't happy with it. The only change in the plan is the removal of a small 5'3" x 7'5" rectangle on the north west corner. There is no change to the southwest corner which directly affects us. But even if the southwest corner was treated equally, (the reduction would be approximately 9'5" x 3'6"), both reductions together would be very small compared to the overall size of the proposal. Since the reason the plan was returned in the first place was because it was too large, we don't think this submission addresses that. A further way to reduce the size might be to limit the patio north of the pop up to the 15'6" by24'1" astro-turf area, since the area further north seems to be mostly planters and cedar benches.

We also have questions about the pergola. When we were shown the plans for the house six or seven years ago, we were told that city by-laws restricted the size of third floor developments in the older neighborhoods, to keep them from overwhelming the one story houses around them, which is why they were restricted to a pop up. We're wondering if the pergola is considered a permanent structure since the roof and supports are permanent? Also, the pergola is not recessed from the west side, so it would tower over the houses below. A substantial recession of the west wall and pergola would help

with privacy issues and reduce the size of the plan.

Thank you for your consideration. This memo has also been sent to the BH-HH Community Association.

Best Regards,

Nancy Earle Arnold Westberg From: <u>Kathleen Staniland</u>
To: <u>van de Burgt, Sharon</u>

Cc: <u>land use</u>

 Subject:
 [EXT] DP2021 - 0070 Rooftop Patio

 Date:
 Thursday, May 6, 2021 4:44:18 PM

Attachments: <u>1cf1a62c-4945-405a-902a-e9db0514bfd1.jpg</u>

7f93a263-2dd0-4ba8-9054-7ae1209643fb.jpg f5f2cd4c-ff14-4abd-bbe2-5c91daabe7b5.jpg e02f231c-b738-406a-9fb0-31e93b90cbc9.jpg 7fb26392-4ccd-43f1-af9b-328eb3b9395f.jpg

Dear Ms. van de Burgt,

We would like to provide input to the DP for 1411 22A St. NW.

We are the next-door neighbours to the north of this property. As such, we are directly affected by the plans.

We were first shown the plans by the owners during the week of April 21, 2021. We have since expressed our feedback and concerns directly to them and are currently trying to negotiate changes.

For the record, here are our concerns:

- We did not anticipate that the intent/concept of a rooftop patio would encompass the entire west half of the roof.
- By extending the patio to the north edge of the roof, this allows sightlines directly into all of our backyard. This is uncomfortable, to say the least, and the sheer height above us feels invasive. By the nature of our sloping lots, the rooftop is effectively a fourth-story above our backyard. The mass (massing?) of the current house is already quite imposing; additional height is undesirable.
- Planters and plantings have been included in the plan to provide a setback from the north wall and privacy screening. However, these are not permanent structures and could be removed at any time by the current or future owners. (The property is currently up for sale.)
- With regard to foliage acting as a privacy screen, we and the owners have discussed how harsh the light and heat are on the west sides of our houses. In fact, I believe that is why the plans include significant sheltering on the south side of the patio. This leads me to think that the north, unprotected side would not be ideal for successful growth. Also, depending on the height of the plants, it may create more shade in our yard.
- The large size of the patio area, and the inclusion of an outdoor kitchen, would suggest it is intended for freqient entertaining in addition to private use. As such, the owners would not necessarily be in control of noise or privacy concerns. With the large size of the patio, noise and privacy are not only an issue for our backyard, but also our front yard and that of our neighbours across the street as well.

Ultimately, from our perspective, we would prefer that the patio plans be limited to the southwest corner of the roof. (Also, please keep in mind privacy issues of the neighbours to the south.) I am including photos to assist with your understanding of our point of view.

We are doing our best to discuss these concerns directly with the owners and hope that we can come to a mutually beneficial agreement. We have no desire to be antagonistic toward our neighbours – we appreciate their desire for privacy and their excitement in planning. We must, however, communicate, on-record, how these plans affect our property and living spaces.

Thank you for your time and consideration. Please feel free to contact us for more information.

Sincerely,

Kathleen Staniland and David Pavan Owners, 1415 – 22A St. NW



From: Jeff Marsh

To: ARNOLD WESTBERG; van de Burgt, Sharon

Cc: Nancy Earle

Subject: [EXT] DP2021-0070: 1411 22ASt NW: Follow up on Resident Submission

Date: Wednesday, May 5, 2021 7:52:48 PM

Arnold,

Thank you for copying the Community Association on your submission. Unfortunately I believe you had a typo in Sharon's email address so I'm cc'ing her on this response to make sure that she did indeed receive your correspondence.

Sharon,

Given that we are now seeing a considerable amount of resident interest in this application, I was hoping that you would be able to give me a quick call when you have a moment as I would like to touch base with you about it.

------ Forwarded Message ------Subject: Land Use Submission
Date: Sat, 1 May 2021 19:56:30 -0600 (MDT)
From: ARNOLD WESTBERG ≤
To: Saron.vandeBurgt@Calgary.ca
CC: land use

Arnold Westberg ≥, Nancy Earle

File Manager van de Burgt.

As residents of 1407 22A St, NW, we are on the south side of the proposed rooftop patio development at 1411 22A St, NW. Our biggest issue with this proposal is that it intrudes on the privacy of our west deck. While there is a privacy screen next to the existing building, there is only a four foot stucco wall, which runs 9'5" from the privacy screen to the west end of the roof. This would allow partiers, drinks in hand, to lean on the wall, admire the view, and also look down on our deck.

This could be resolved by making the south wall two feet higher, or continuing a 2' privacy screen on top of

the wall, or recessing the wall further from the roof edge.

We also have a concern with the west railing. On the West Exterior Elevation it shows a 4' stucco wall starting at the south end of the roof and continuing north for 6"2" when it becomes glass. The fact that it is stucco and not glass helps our privacy, but again it is too low. This portion of the railing should be treated the same as the south portion, by recessing the west railing, or raising that portion of the wall 2', or adding a 2' privacy screen.

44

Thank you for your consideration, Arnold Westberg and Nancy Earle



The City of Calgary

Planning and Development
Technical Planning and Bylaw Review

Development Authority Response to Notice of Appeal

Appeal number: SDAB2021-0044

Development Permit number: DP2021-0070

Address: 1411 22A ST NW

Description: Addition: Single Detached Dwelling (Balcony)

Land Use: Residential – Contextual One Dwelling (R-C1)

Community: Hounsfield Heights/Brier Hill

Jurisdiction Criteria:

Subject to National Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission or Minister of Environmental and Parks license, permit, approval, or other

authorization: No

DA Attendance: No

Use: Discretionary

Notice Posted: Yes, 7 days

Objections: Yes

Support: No

Bylaw relaxations:

The development, requires the following relaxations of the rules of the Land Use Bylaw:

Bylaw Discrepancies					
Regulation	Standard	Provided			
	(1) Unless otherwise referenced in this Part, an	Plans indicate the balcony as			
340 Balconies	open balcony must not project more than 1.85m	projecting 5.22m (+3.37m) to 6.00m			
	from the building façade to which it is attached.	(+4.15m)			
337		Plans indicate the balcony is 0.86			
	(9) Balconies and decks must not project into any side setback area.	metres from the north property line,			
Projections Into Side		projecting 0.34 metres into the 1.2			
		metres side setback area, a relaxation			
Setback Areas		of 0.34 metres			

Applicable ARP, ASP or Design Brief (in addition to the MDP):

- Hounsfield Heights/Briar Hill ARP (stat)
- Low Density residential Housing Guidelines for Established Communities (Infill Guidelines) (non-stat)

Additional factors, considerations and rationale for the decision:

- 1. In rendering their decision, the Development Authority applied sections 35, 36 and 37 of the Land Use Bylaw.
- 2. The application proposes to construct a balcony atop the flat roof of a (discretionary) Single Detached Dwelling.
- Applicable Bylaws and Policy:
 - a. Section 13(13) of the Land Use Bylaw defines a balcony: "means a horizontal platform that is attached to a building above the first storey floor level and is intended for us as an outdoor amenity space".
 - b. Relaxations are required as identified in the table above.
 - c. The parcel is located within the "Low Density Residential Conservation & Infill" area of the ARP.

DP2021-0070 Page 2 of 4

- d. Section 4.4 of the Infill Guidelines addresses building mass.
- e. Section 4.5.1 of the Infill Guidelines addresses Balcony's, a certain degree of overlooking is expected; however direct overlooking is to be avoided, the image on PG 37 indicates overlooking should be directed to the lane, not directly down toward neighbouring parcels.

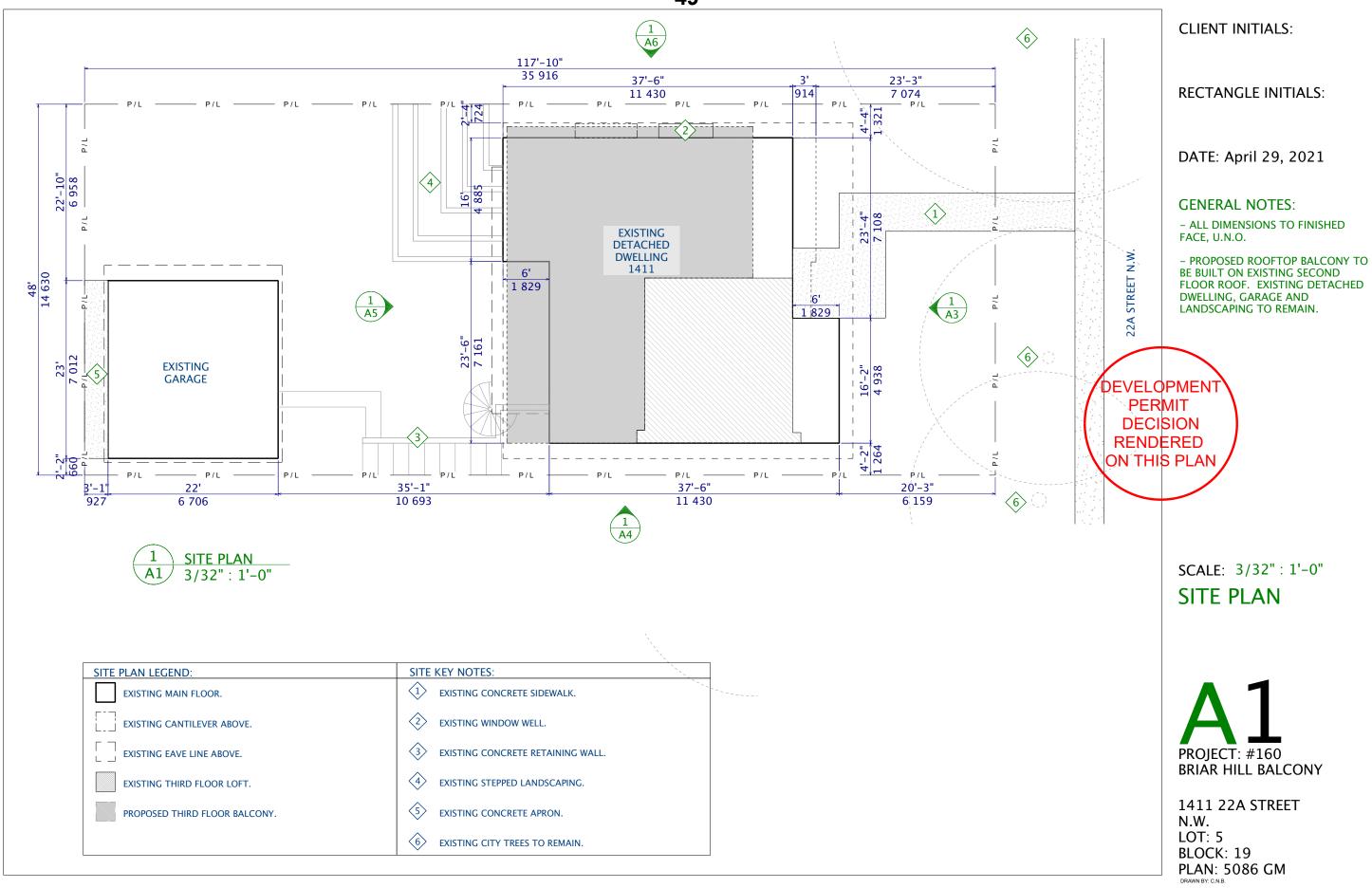
4. Context and history:

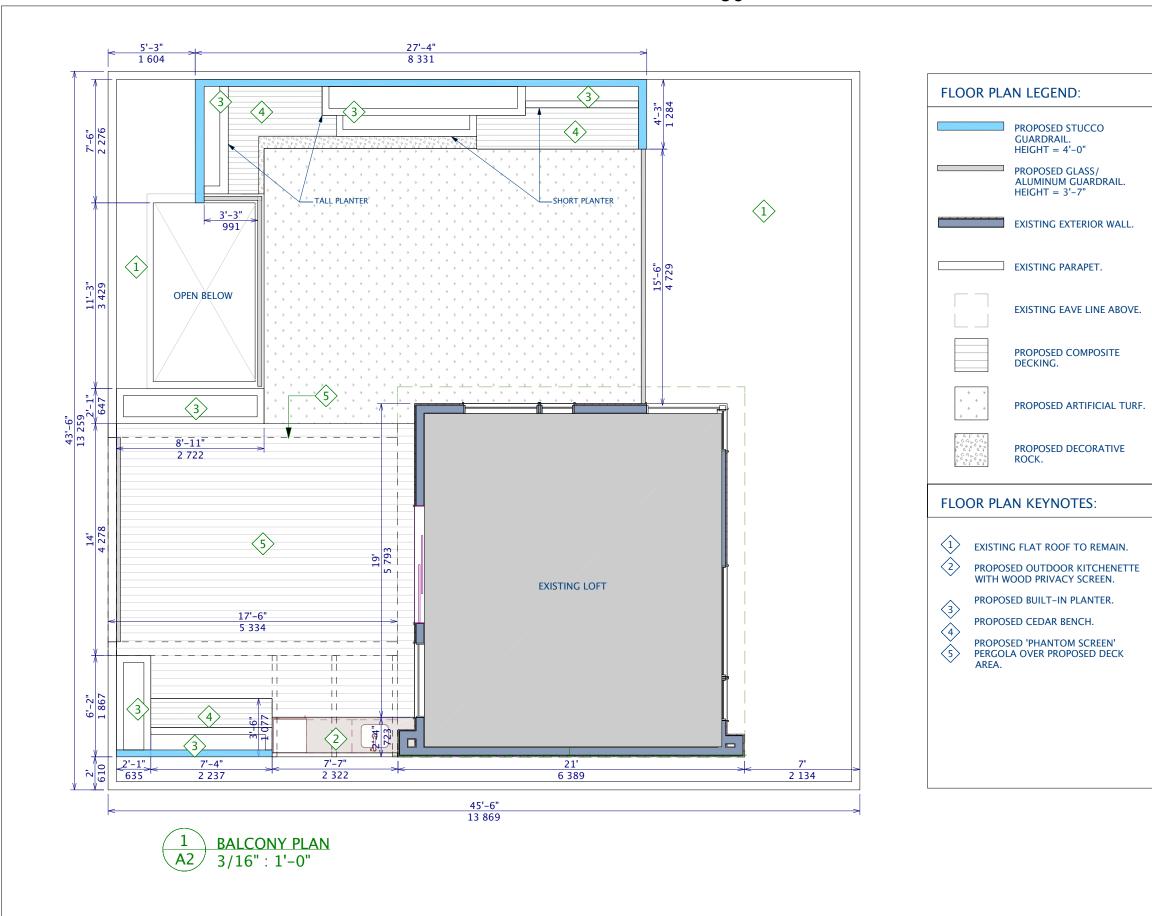
- a. The subject parcel slopes downward toward the rear lane, the slope continue across the lane with the parcels continuing to slope downward to the westerly street.
- b. There is relatively little grade change from east to west, from the street the parcel appears to be flat, with the grade change only noticeable to the public from the lane.
- c. The house itself was built under DP2012-4174 as a Single Detached Dwelling (and detached garage); the approval was based on an evaluation as a discretionary use which included notice posting, circulation, and advertising of the final decision.
- 5. The following were considerations of the Development Authority in terms of building mass:
 - a. The balcony is proposed to project from the existing third floor loft, with the use of solid guardrails, glass railing, privacy walls, and planters, forming the outermost perimeter of the balcony.
 - b. Building height is typically most noted at the eave, not the highest point of the building; this is because the pedestrian viewing the building from the street/lane will see the eve because it is closer to them prior to seeing the roof peak.
 - c. When analyzing the photographs provided by the applicant, the Development Authority observed that the eave atop the second floor is the most notable architectural feature in terms of height; the third-floor loft is behind the eave is recessed and does not form a significant mass.
 - d. The application proposes the balcony to be located behind the parapet formed by the eave.
 - e. From the street this will be formed by a glass rail which is in line with the front façade of the loft.
 - f. A stucco guard rail forms the boundary of the balcony to the north, it is anticipated the eave will still be the visual focus and form the appearance of mass.
 - g. A combination of stucco guard and privacy screens form the southern boundary of the balcony, this is to be in line with the

DP2021-0070 Page 3 of 4

- existing loft space, thus follow the established mass of the building.
- h. The rear boundary of the balcony is stepped following the façade of the second floor below; this is formed by a grass rail which is not anticipated to be the focus of mass.
- 6. The following were considerations of the Development Authority in terms of privacy:
 - a. The Land Use Bylaw restricts fence heights to 2.0 metres in rear setback areas; this reflects that there is an expectation of some privacy in rear setbacks, but complete privacy is not an expectation in urban environment.
 - b. Although complete privacy is not an expectation, direct overlooking is also not appropriate, the Infill Guidelines outline how views that are outward, into the distance, are appropriate, whereas direct overlooking to the sides are inappropriate.
 - c. Direct overlooking can be prevented by either installing physical barriers such as a privacy screens, or by designing the physical layout of the balcony to keep people away from its edges so they cannot look down directly.
 - d. The west façade overlooks the rear yard, lane, and provides views to the river valley, a glass rail is proposed as there is no direct overlooking of the neighbouring parcels, this layout is consistent with the policy.
 - e. It is noted that the glass rail on the west façade is consistent with the 2nd floor balcony below.
 - f. On the north façade, planters have been placed along the inside of the stucco, this move the user of the balcony away from the edge, thus promoting outward views, and preventing direct overlooking downward.
 - g. A combination of planters and privacy screens are located along the south façade, moving the balcony user away from the balcony edge and discouraging direct overlooking.
 - h. The front yard and street are within the public realm, where there is no expectation of privacy, the glass railing facing the street to the east is not a privacy concern.
- 7. With consideration of the policy, context and test for relaxation, it is the opinion of the Development Authority that the proposed development is appropriate, the application is approved.

DP2021-0070 Page 4 of 4





RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

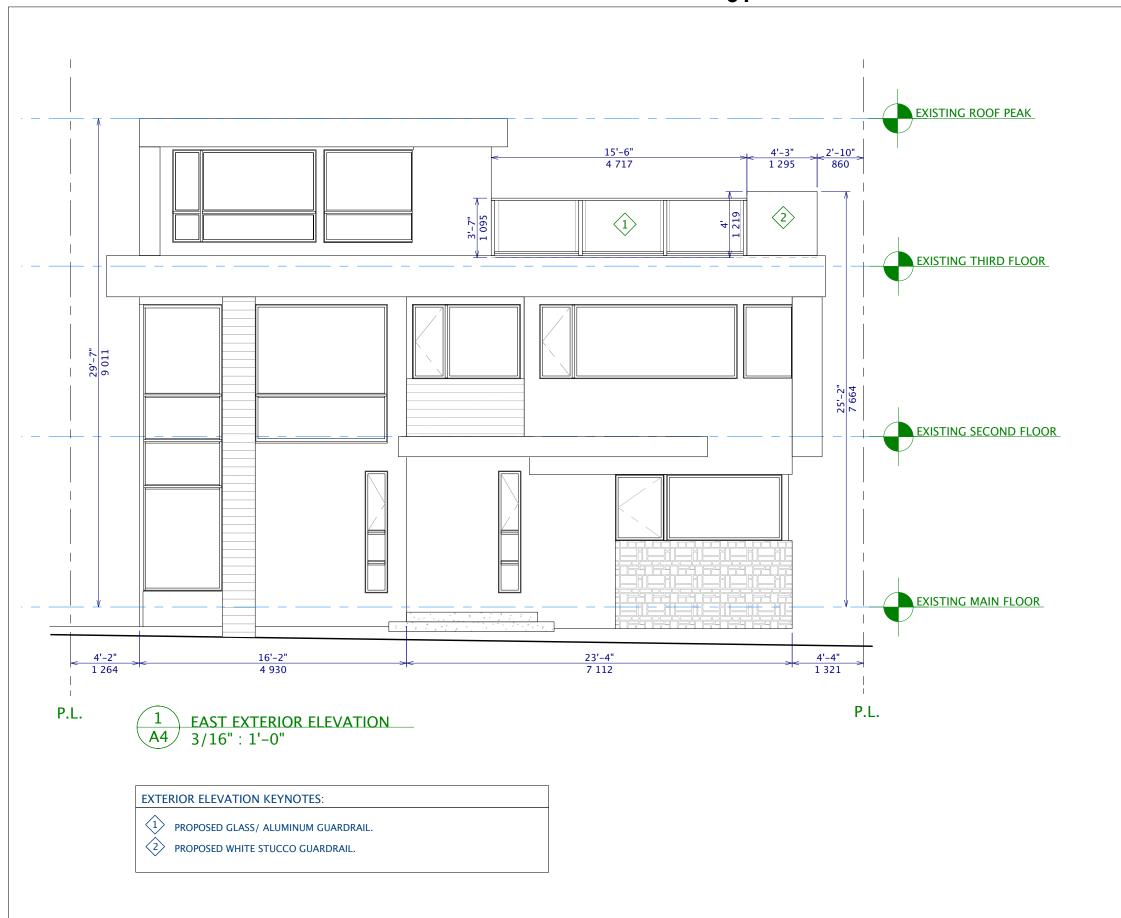
- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.

SCALE: 3/16": 1'-0"

BALCONY PLAN

PROJECT: #160 BRIAR HILL BALCONY

1411 22A STREET N.W. LOT: 5 BLOCK: 19 PLAN: 5086 GM



RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

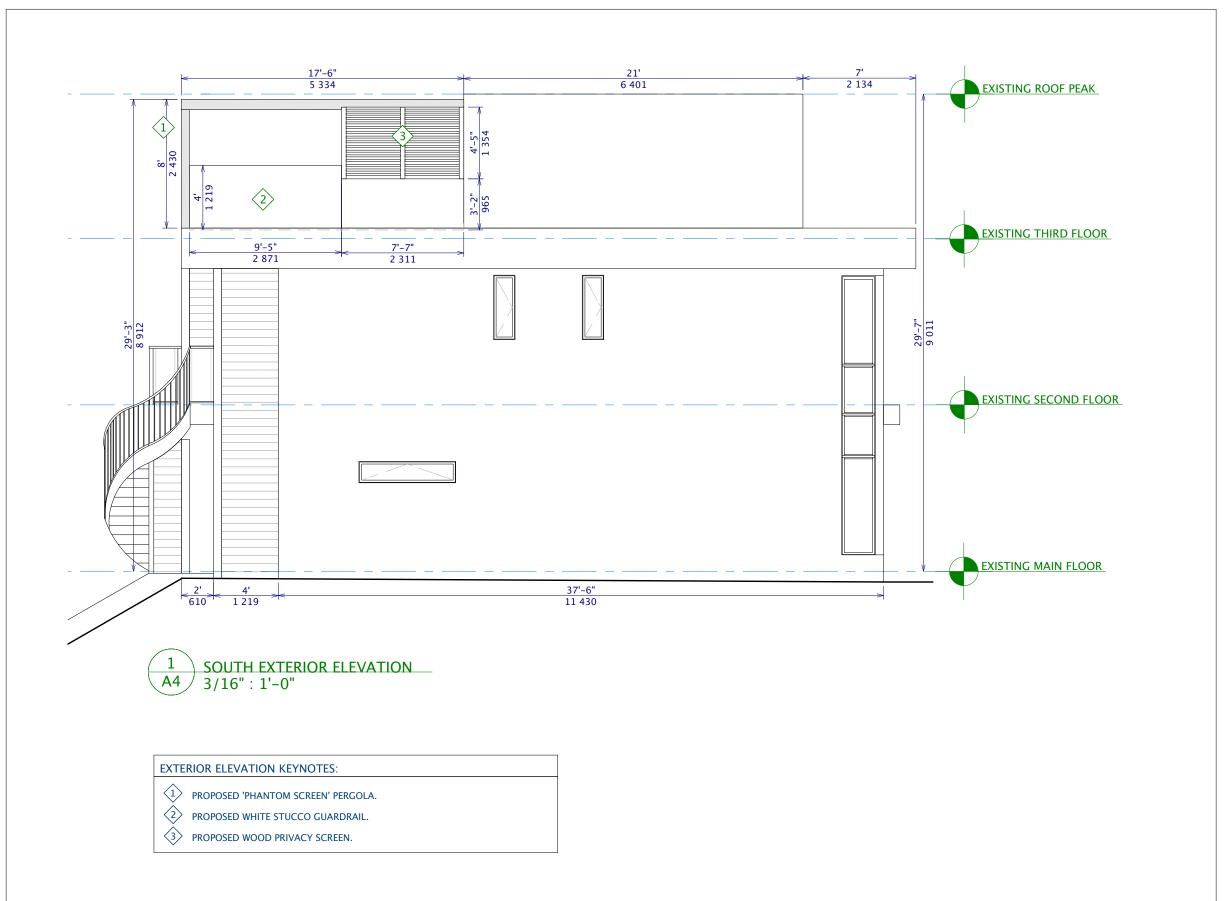
SCALE: 3/16": 1'-0"

EAST

EXTERIOR ELEVATION

PROJECT: #160 BRIAR HILL BALCONY

1411 22A STREET



RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

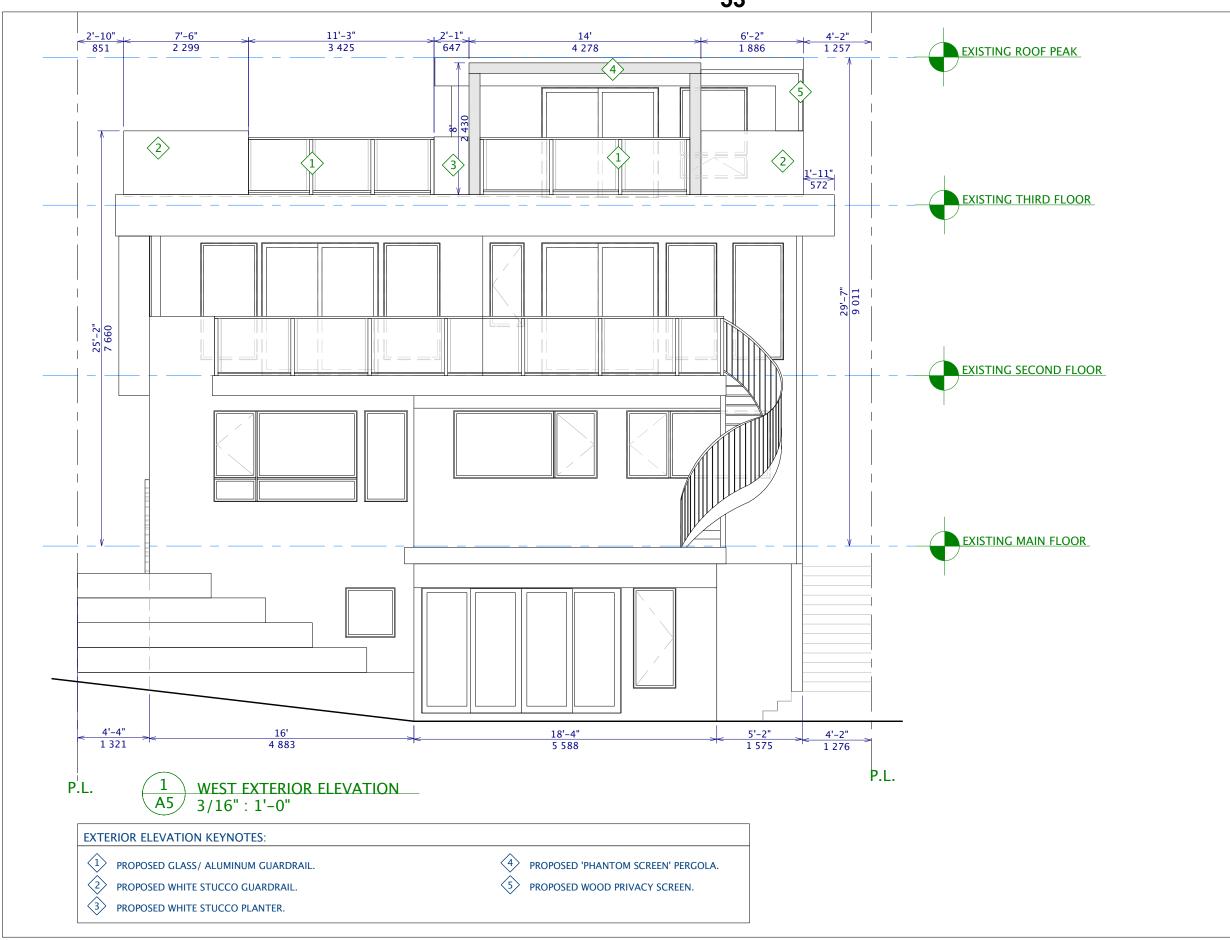
SCALE: 3/16": 1'-0"

SOUTH

EXTERIOR ELEVATION

PROJECT: #160 BRIAR HILL BALCONY

1411 22A STREET



RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

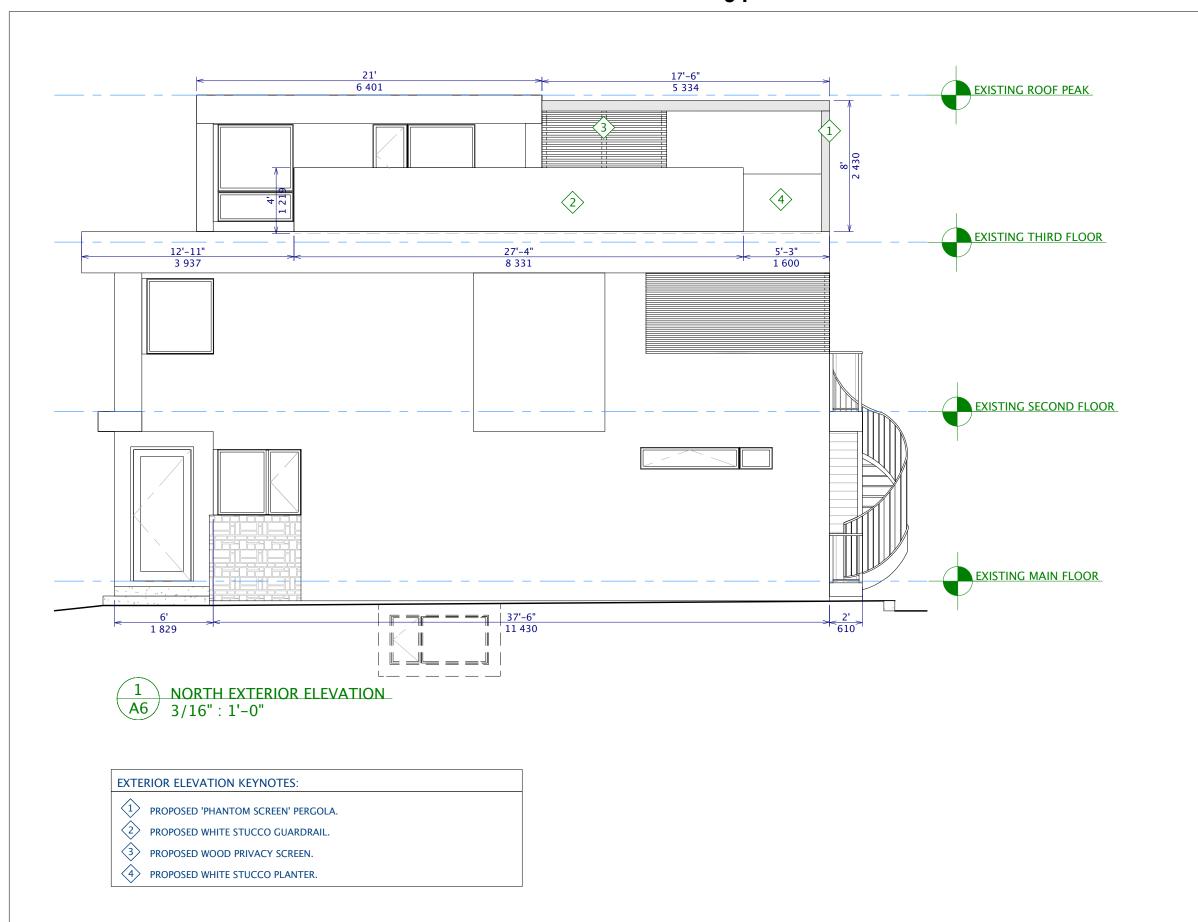
SCALE: 3/16": 1'-0"

EAST

EXTERIOR ELEVATION

PROJECT: #160 BRIAR HILL BALCONY

1411 22A STREET



RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

SCALE: 3/16": 1'-0"

NORTH

EXTERIOR ELEVATION

PROJECT: #160
BRIAR HILL BALCONY

1411 22A STREET



Appeal Board Received: September 8, 2021 Submitted by: C. McClary, Agent for Appellant Team

Carol McClary Planning Solutions Ltd.

Subdivision and Development Appeal Board 4th Floor, 1212 – 31 Avenue NE Calgary, Alberta T2P 2M5

September 8, 2021

Dear Chair and Members of the Board:

RE: SDAB2021-0044 A and B Hearing Scheduled for September 16, 2021

Development Permit: DP2021-0070.

Addition: Balcony (Single Detached Dwelling)

Address: 1411 – 22A Street NW

I, Carol McClary, planning consultant, have been requested by:

Mr. Murray Desrosier residing at 1412 – 22A Street NW;

Ms. Kathleen Staniland & Mr. David Pavan residing at 1415 – 22A Street NW; and

Mr. Arnold Westberg and Ms. Nancy Earle residing at 1407 – 22A Street NW to provide my professional planning opinion on DP2021-0070, proposed discretionary development permit described as an addition of a balcony located on the roof of an existing single detached dwelling located in the northwest inner-City community of Briar Hill.

In performing my analysis of the proposed development permit, I have reviewed the SDAB report SDAB2021-0044 and proposed plans. I have reviewed the City of Calgary's Land Use Bylaw 1P2007, the City of Calgary Municipal Development Plan, Hounsfield Heights / Briar Hill Area Redevelopment Plan and the Low Density Residential Housing Guidelines for Established Communities along with my knowledge of the interrelationship between the policy, land use bylaw, and development to prepare my evaluation.

The proposed development is considered a discretionary use in the Residential – Contextual One Dwelling (RC-1) land use district of Land Use Bylaw 1P2007. The purpose statement of the Residential – Contextual One Dwelling (RC-1) and (RC-1s) land use district states it "is intended to



accommodate existing residential development and contextually sensitive redevelopment in the form of Single Detached Dwellings in the Developed Area."

The evaluation of this project requires a detailed and sensitive approach through the application of discretion to find the best "fit" within the context of the adjacent houses, immediate block and nearby community.

A summary of my findings, analysis and professional planning opinion is below.

Project Description

The existing single detached house located at 1411 - 22A Street NW is a modern flat roof design with a full two storeys plus a smaller room located on the third storey. The parcel is steeply sloping and from front (east) to rear (west) to the lane. There is a walkout basement level as noted on the plans submitted. This house is the only three storey house on both sides of 22A Street NW.

On the main front elevation, the third-floor room is visible. There is a glass enclosed balcony located on the rear (west) elevation. Note: the existing balcony is not shown on the plans submitted showing the current development. The room is noted as a "loft" on the floor plans and it is 6.3m x 5.7m for an area of approximately 5.9 sq.m. (386 sq.ft.). Large windows are visible on the front (east), north side and rear (west) elevations of this room. The roof over the second floor is the location of the proposed development.

This house has a unique interior floor design as the bedrooms are on the main floor and the kitchen and living area are on the second floor. There is an elevator that is accessible from all the floors of the house. There is a balcony located off the second floor that extends the full width of the house on the rear (westerly) elevation. There is a spiral staircase on the southern portion of the second-floor balcony which leads to the main floor deck. The basement level is exposed on the rear elevation and there is an at-grade patio located there. The rear yard is landscaped as it follows the natural slope downward to the rear lane. There is a garage located in the rear southwest corner of the parcel with access off of the lane.

The proposal would see the development of the roof of the existing home for the purposes of creating a platform with an artificial turf and decking surface, seating benches, planters and the



addition of a pergola and an outdoor kitchen. The artificial turf area is 34.6 sq. metres (372.9 sq.ft.). The decking surface area is located under the pergola and the outdoor kitchen and has an area of 35 sq. metres (376 sq. ft). The total flat surface area for the roof-top balcony is approximately 69.6 sq. metres (749 sq. ft). Glass railings and stucco walls are proposed around the perimeter of the roof-top balcony and pergola. The glass railings are proposed at a height of 1.2 metres (4 feet) and the stucco wall planters and benches are at a height of 1.2 metres. The screen wall on the south elevation will be 2.3 metres in height. The area of the benches, planters and outdoor kitchen is approximately 12.6 sq. m.(101 sq. ft). The total area of the roof top balcony is 82.6 sq. m (890 sq. ft).

The proposed development as described by the Development Authority does not adequately capture the extent of development proposed. The term balcony is correct technically but only because there is no definition for a roof-top amenity space so throughout my report I refer to the proposed development as a roof-top balcony and pergola. The fact there are no rules for this roof-top amenity space within the RC-1 land use district indicates that such a feature was not envisioned as being part of a single detached dwelling.

Policy and Land Use Bylaw

Land Use Bylaw

Section 35 of the Land Use Bylaw 1P2007 requires that when making a decision on a discretionary development permit application, the Development Authority must take into account, among other things: any plans and policies affecting the parcel; the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood, and sound planning principles.

The subject development permit is a discretionary use and the impacts of this development must be evaluated carefully to follow the rules of the Land Use Bylaw and to ensure the development is compatible with and complimentary to the surrounding area and its "fits" within its context.

There are two noted relaxations from the Development Authority which include the depth of the balcony and the projection into the north side setback area. In my opinion, a third relaxation is requested for the height of the pergola structure which is adjacent to the rear façade of the third-floor room.



Hounsfield Heights / Briar Hill Area Redevelopment Plan

The residential policies are found in Section 2.1 and Objective 2.1.1.1. states "To ensure the continued livability of the community as an attractive neighbourhood by preserving the existing character and environmental quality while permitting compatible renovation and new infills of similar densities and form."

Low Density Residential Guidelines for Established Communities

The Low Density Residential Guidelines for Established Communities (Guidelines) provides policy direction to ensure compatibility or "fit" with the context of the immediately adjacent parcels, the block and finally to the greater community. The Guidelines provide policy to evaluate the general pattern of development that characterizes the streetscape and complementary building design. The design guidelines are divided into five main sections: site context, parcel layout and parking, building mass, privacy and landscaping.

It is the interpretation and the application of the rules that is critical, especially on a three-story house that is located between two original bungalows mid-block when the proposed development is located on the flat roof. In this particular case, the sections relating to building mass and privacy are relevant.

Analysis

The existing house was approved. The photos in Appendix – A show that the existing house is larger and taller than the houses on 22A Street NW. The issue is the roof-top balcony and the pergola structure that is proposed on the roof of a three-storey house which is approximately 8 metres above grade. This amenity space will act as a vantage point to oversee all adjacent properties to the north and south and east, across the street. The design and function of the proposed development is contrary to the direction provided in the Hounsfield / Briar Hill Area Redevelopment Plan as it is not a compatible renovation and addition in its context.

The Guidelines specifically refer to Building Mass, Building Height and Placement of Windows / Second Storey Balconies.



Building Mass

The Guidelines state: "New development should respect the existing scale and massing of its immediate surroundings", section 4.4

The proposed roof-top balcony will encompass 69.6 sq. m (749 sq. ft.) which is 64% of the roof and include a pergola, outdoor kitchen, a solid screen wall, benches and planters. This amenity space located on a roof of a house is totally out of character and the impact of this roof-top balcony and amenity space will be an invasion of privacy and affect the use and enjoyment of the decks and rear yards of the two adjacent neighbours to the north and south along with all the rear yards of the houses along the block. The roof-top balcony and amenity space will allow for overlooking into all those houses across the street as the sight lines are directly into the bedrooms of those houses.

Placement of Windows and Second Storey Balconies

The Guidelines, in Section 4.5.1, also provide very specific direction on the Placement of Windows/Second Storey Balconies.

"The privacy of adjacent residences should be respected. It is important to respect the privacy of adjacent residences and their access to sunlight. The excessive loss of the neighbour's privacy can generally be avoided through sensitive design. Windows and balconies should be carefully placed and oriented to face away from neighbouring yards to help protect their privacy. Second storey balconies, at the rear of a home, if they cause over-viewing problems to neighbouring properties, should be avoided. Homes on escarpments should be sited and designed sensitively to avoid undue overlooking."

The proposed roof-top balcony, outdoor kitchen, and pergola will be used as an entertainment area. With close access to the main kitchen and living area on the second floor, the roof-top will be easily accessible. The clear railings on the roof-top balcony will have clear visibility into the rear yards of the adjacent neighbours and across the street. This area is an elevated viewing platform that will provide views on all sides.

The existing development with the large second floor balcony currently invades the privacy of the neighbours and to add this roof-top amenity area will only further make a bad situation even worse. There is no privacy for nearby residents sitting on their rear decks or landscaped rear yards.

6



Building Height

The Guidelines state, in section 4.4.1 Building Height, ..."The formula (refers to the formula to calculate building height) was designed to ensure that new dwellings have a height that is sensitive to the height of the homes on neighbouring properties. Where the established street is characterized by low profile bungalows, the height of the new infill or an addition must be particularly sensitive. ..."

In my opinion the pergola should be considered as an addition to the third storey room. The pergola is next to the roof eave of the third floor loft. The 2.4 m (8 ft) height of the pergola will easily be seen from the rear elevation and side elevations. In particular, the south elevation will be screened to hide the outdoor kitchen and part of the seating area. This adds to the mass and building height.

The proposed pergola is over-height and will add to the overall mass of the existing house. The pergola will be visible from the rear elevation and will give the house the appearance of a four-storey building from the rear. The pergola and screen wall and planters will definitely be visible from the deck of the neighbour to the south. The mass of the third storey will dominate the house to the south.

The planters and benches proposed on the north elevation and northwest corner of the roof project into the side setback area thereby, bringing the additional mass of the planters closer to the house to the north than anticipated. This portion of the roof-top development protrudes into the side setback area. It is important to maintain the minimum side setback of 1.2 metres as any projection into the setback at the roof creates a "mushroom like effect" on the north elevation. As you can see from the photos, the existing house is overpowering the house to the north with its current building height and by adding solid stucco planters and benches will only make an existing situation worse.

Land Use Bylaw Relaxations

Land Use Bylaw 1P2007 contains rules that are applicable to all development within the Low Density Residential land use districts. The subject parcel is designated Residential Contextual -1 Single Detached Dwelling district (RC-1). The purpose of this land use district is to provide for sensitively contextual redevelopment of parcels designated as such. The rules for development of single detached dwellings are generous and are best applied to parcels that are rectangular in shape and uniform in width and length, such as the subject parcel.



Exceptions to the rules must be carefully evaluated. The following is the Bylaw Chart of Relaxations as noted in the Development Authorities Report. It is my opinion the proposed pergola requires a relaxation of the building height rule of the Bylaw.

The following chart provides the rules and a rationale behind the rules.

Chart of Relaxations DP2021-0070

340 Balconies 1) Unless otherwise referenced in this Part, an open balcony must not project more than 1.85 m from the building façade to which it is attached. 1.85 metres 1
walkout basement.



Projections Into Side Setback Areas (9) Balconies and decks must not project into any side setback area.	1.2 metres Minimum depth of side setback area	Plans indicate the balcony is 0.86 metres from the north property line, projecting 0.34 metres A relaxation of 0.34 metres	The side setback maintains the separation between buildings. Only specific projections are allowed, with restricted size. A balcony is not allowed because it adds to the mass of the house, creating
			a mushroom appearance and overlooking.
399 Building Height	8.6 metres	10 metres +	Any addition must follow the rules applicable. The pergola is 2.4 m (8 ft) overheight. The champher rule prohibits development on the edge of the rear elevation on a sloping parcel.

The relaxations to the rules on balcony depth and projections into the side setback reflect the size of the proposed roof-top balcony to be an elevated platform used as an amenity space for entertaining large groups of people. The pergola adds to the mass of the third floor and the screening wall accentuates the building height.



Summary

For all of the above-noted reasons, it is my professional planning opinion based on the policies of the Hounsfield Heights / Briar Hill ARP and the Low Density Residential Housing Guidelines and sound planning principles of compatibility, minimizing redevelopment impact and creating development that compliments the neighbourhood, the proposed roof-top balcony, pergola, outdoor kitchen, railings, planters and benches at 1411 – 22A Street NW will:

- provide for unanticipated large amenity space 8 metres above grade;
- > create overlooking and loss of privacy for all the residents on the west side of 22A Street NW;
- create overlooking and viewing into the second and main floors of the houses across the street, which is an unexpected loss of privacy;
- > add to the mass of an already tall house;
- appear massive on the south elevation with the screening wall attached to the pergola;
- > allow for overlooking and loss of privacy from the benches and through the roof cut-out;
- > project into the north side setback creating a massing of the roof closer than anticipated; and
- > make an existing situation of mass, overlooking and loss of privacy much worse.

Conclusion

Having reviewed all materials and documentation associated with the development permit application and appeal, it is my professional opinion that, from a planning perspective, the proposed development is incompatible with the existing development on 22A Street NW and is inappropriate as it exacerbates a bad situation by providing more opportunity for overlooking and complete loss of privacy. Furthermore, the railings and pergola add to the mass of an already tall house.

Based on the analysis provided above, it is my professional opinion that the required Bylaw relaxations do not meet the test of section 36 of the Land Use Bylaw and of section 687(3)(d) of the Municipal Government Act. The proposed development materially interferes with and negatively affects the use and enjoyment of the neighbouring parcels of land.

On behalf of Mr. Murray Desrosier, Ms. Kathleen Staniland & Mr. David Pavan and Ms. Nancy Earle and Mr. Arnold Westberg I request the Subdivision and Development Appeal Board uphold the appeal and reject the development of the roof-top balcony, pergola, outdoor kitchen, and the associated railings, benches and planters proposed by development permit DP2021-0070 for 1411 – 22A Street NW.

Should you have any questions, I will be available at the Hearing.

Respectfully submitted,
Carol McClary (signed electronically)

Carol McClary

Carol McClary Planning Solutions Ltd.

Appendix A – Photos

Appendix A Photos



View of front of 1411-22A Street NW - subject site Partial three storey modern style house

Two bungalows on the north and south side of subject site.



View of house at 1411-22S Street NW View of upper third floor showing windows on front and north side elevations. There are windows on the rear elevation



View of rear of house at 1411 – 22A Street NW

The upper third floor is not visible, only the roof parapet.

Notice cut out in the roof over the second floor balcony

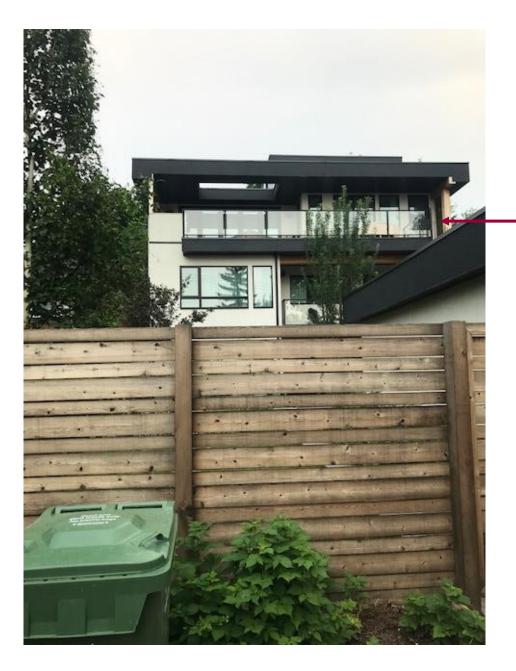
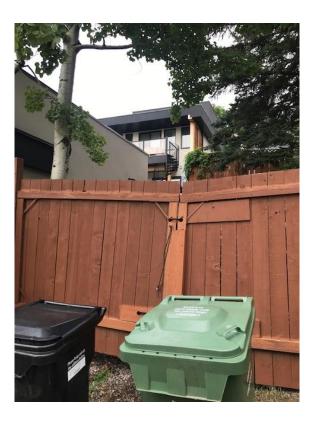
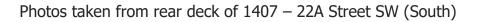


Photo taken from rear lane Second floor balcony with kitchen and main living area

Notice cut-out on the roof
Third floor room is not visible, just the roof parapet

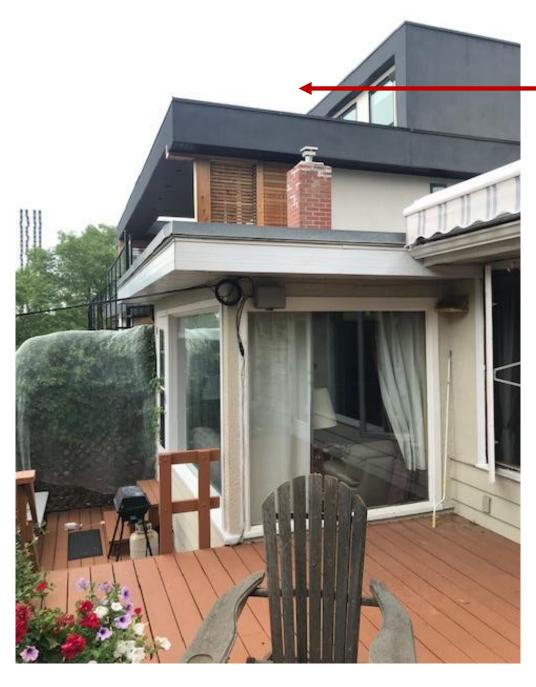


View of house from the rear land at the rear of 1407 – 22A Street NW



View of proposed pergola with outdoor kitchen and seating benches





View of existing house at 1411 – 22A Street NW Location of proposed pergola and Screen Wall and Outdoor Kitchen



View of the proposed screen wall, outdoor kitchen, planter and pergola



Photos taken from rear deck of 1415 – 22A Street SW (North) View of Proposed Pergola and roof top development



View of existing house and roof top balcony, taken from back yard of north house



View of existing overlooking condition



View of existing screen and balcony Pergola and planters and benches located at the edge of the eave





View of deck on north property showing location of planters and benches and pergola



View of house at 1411 – 22A Street NW
Taken from rear deck at 1415 – 22A Street NW (north)
Existing overlooking from screen wall and second floor balcony

Appeal Board Received: September 8, 2021 Submitted by: M. Desrosiers, Appellant

1411 – 22A Street NW; Addition: Single Detached Dwelling (Balcony) Appeal against an approval (DP 2021-0070) Appeal Number SDAB2021-0044 a & b

Submission of Appellants Murray Desrosiers, Kathleen Staniland, David Pavan, Nancy Earle and Arnold Westberg

Presentation Outline

Introductory Comments – Murray Desrosiers

Community Context – Murray Desrosiers

Applicant Property – Murray Desrosiers

Appellant Presenters

Nancy Earle and Arnold Westberg Kathleen Staniland and David Pavan Murray Desrosiers

Planning Considerations – Carol McClary of Carol McClary Planning Solutions Ltd.

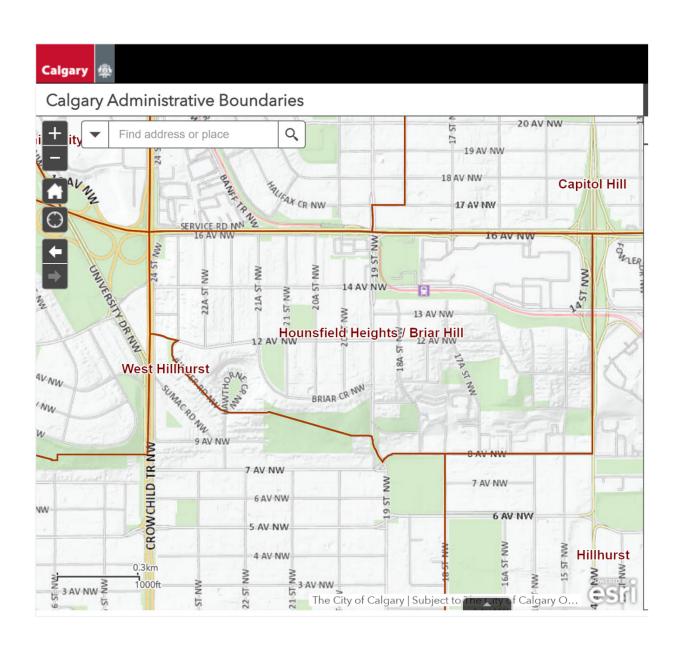
Other Presenters (in support of appeal)

Jeff Marsh – HHBH Community Association Matt Taylor (1404 – 22A Street NW) Pat Withers (1416 – 23rd Street NW) Others

Concluding Remarks – Murray Desrosiers

Questions

Hounsfield Heights – Briar Hill Community Location



Appellants' Community Engagement Efforts

Over the past month, the appellants attempted to contact the property owners in the vicinity of the applicant's property to advise them of the proposed development and canvass their opinion of it. We focussed our efforts on 22A Street NW (east and west sides between 12th and 14th Avenues) and 23rd Street NW (east side between 12th and 14th Avenues). The area of focus is shown on the map below.

Those in favour of appeal are marked in green, those who did not respond or express an opinion are marked in yellow, and those who were opposed to the appeal are marked in red. The applicant's property is the blue cross hatched rectangle.



Appellants' Community Engagement Efforts

Attached is a copy of the information sheet we provided to community residents

IMPORTANT NOTICE LARGE ROOF TOP PATIO PROPOSED FOR HOME IN BRIAR HILL

- > City planners have approved a large patio on the roof of a two storey house at 1411 22A Street NW.
- > The adjacent property owners have appealed the decision as it negatively impacts their privacy.
- We think you should be concerned about this as it will establish a dangerous precedent that may be relied upon for future developments (possibly next to your house).
- ➤ If you share our concern, you can submit a letter of support and/or attend the appeal hearing scheduled for 10:00am on Thursday, September 16, 2021. Further information is contained below.

August 1, 2021

Hello Neighbours,

In January 2021, the owners of 1411 - 22A Street NW submitted an application to City for a significant expansion of the existing roof top patio on this two-storey flat roof home that also has a partial third floor. The City granted relaxations to allow the partial third floor and the existing roof top patio as part of the development permit for the construction of the home back in 2013.

As shown on the adjacent photo, this property already has significant exterior amenity space, including: (1) a walk-out basement; (2) a main floor deck spanning about half the width of the house off of the master bedroom; (3) a second floor deck spanning the full width of the house off of the living area on the second floor; and (4) an existing roof top patio off of a partial third floor.

The existing roof top patio is approximately 124 square feet (see Figure 1 on next page). The proposed roof top patio would be approximately 830 square feet, an increase of 706 square feet or almost 600% (see Figure 2 on next page).

The adjacent property owners and the Community Association submitted comments to the City with concerns regarding the size and scope of the patio and the negative impact it would have on privacy. If constructed, the patio will have direct sightlines into the backyards of homes on either side and across the lane. In addition, the east side of the patio will overlook the street and have sightlines into the houses across the street.



Notwithstanding these concerns, the city planning department approved the application on May 21, 2021. The zoning for our community (R-C1) does not contemplate roof top patios; therefore, the planning department exercised significant discretion in approving this application.

Faced with no other alternative, the adjacent property owners appealed the decision. The appeal will be heard by the Subdivision Development and Appeal Board (SDAB) at 10:00am on Thursday, September 16, 2021.

SDAB2021-0044 AB Additional Submission

<u>Why should you get involved?</u> While a reasonably-sized roof top patio can be designed to respect the privacy of neighbours, we feel that the current proposal sets a bad precedent for future developments in our neighbourhood. A similar development could be coming to your street as many properties in our community offer city or mountain views from higher elevations.

<u>How can you get involved?</u> The more residents that express concerns about this type of development, the greater our chances of succeeding at the appeal. You can send a letter to the SDAB outlining your concerns and you can present your concerns to the SDAB at the appeal. We can provide further information on how to do this upon request. The deadline for submitting a letter or registering to present at the appeal is noon on Wednesday, September 8, 2021.

<u>Want further information?</u> The easiest way for us to share information is by email. If you would like further information, please email kathleen.staniland@gmail.com.

We recognize that we live in an urban environment and we cannot and do not expect complete privacy. The size and scope of this development, however, is a significant and unnecessary intrusion. Thank you for your consideration.

Kathleen and Dave 1415 – 22A Street NW Murray and Sheri 1412 – 22A Street NW Arnold and Nancy 1407 – 22A Street NW

Figure 1 – Existing Roof Top Patio (~124 sq. ft.)

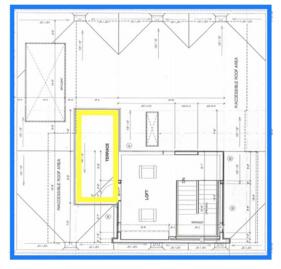
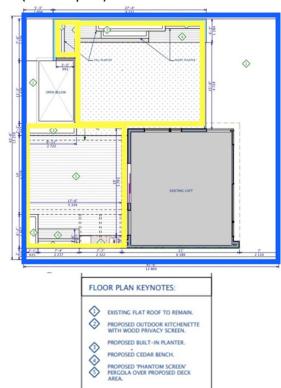


Figure 2 – Proposed Roof Top Patio (~830 sq. ft.)



Written Submission of Nancy Earle and Arnold Westberg

Presentation to the SDAB 2021-0044 a&b DP 2021-0070

Mr. Chairman and Board members:

Nancy Earle and Arnold Westberg, 1407 22a St. NW. Our home is the bungalow directly south of 1411.

1.0 INTRODUCTION

We would like to address the following concerns regarding how the roof top balcony development at 1411 will directly affect us:

- 1. Privacy
- 2. Building mass effects
- 3. Noise pollution

We would also like to address the following general concerns regarding the roof top balcony development:

- 1. Lack of transparency surrounding this development
- 2. The purpose of the roof top balcony

A general plan of the homes at 1411, 1407, and 1403 22A St. NW is provided on Attachment A.

2.0 HOW THIS DEVELOPMENT WILL DIRECTLY AFFECT US

2.1 Privacy

Attachment A is a plan view based on a screenshot from a YoutubeTM video uploaded on February 11, 2019 by Plintz Real Estate. It provides a view of the houses at address 1411, 1407, and 1403, and the proposed balcony at 1411 in relation to the existing north and west decks at 1407 and the patio space at 1403. When we bought our home (1407) in 1979 we bought it for the location, size, privacy and view (the view is best in the winter when the leaves have fallen).

Attachment B is a picture showing the sightline from the middle of our north deck looking up towards the proposed balcony. From the middle of our north deck we can see the entire western side of house 1411 (and vice versa). Notice have we already lost privacy due to the second-floor balcony when 1411 was built, but some compromise and privacy loss is inevitable when two or more stories are built next to one story homes. However, the proposed roof top balcony exacerbates our loss of privacy and the design aspects of the proposed roof top balcony, including the privacy mitigation measures proposed by Rectangle (April 28, 2021), do not adequately address our privacy concerns.

Design components of the proposed balcony provided by Rectangle (April 28, 2021), including privacy mitigation measures, have been sketched onto Attachment B for reference. Fourteen feet of the western side of the roof top balcony consists of a glass railing at the edge of the roof and not backed by planters. This provides anyone on the proposed balcony a direct, downward sightline to our north deck and property. The eight-foot high, 14' wide pergola phantom screen over the glass railing is not an adequate compromise nor a sufficient privacy mitigation measure to approve relaxation of the Land Use Bylaw regulations 337 and 340. While we may currently have a few people looking down on us from the second floor balcony, with the addition of the proposed roof top balcony we could potentially have whole crowds looking down. This is taking loss of privacy to a whole new level (pun intended)!

In our opinion, the glass railing against western edge of the roof is inconsistent with the policy outlined by the Low Density Residental Housing Guidelines for Establish Communities (Infill Guidelines). Figure 1 is a screenshot of pg 37 of the Infill Guidelines, which provides guidance on acceptable balcony configurations. Figure 1 clearly identifies acceptable vs. unacceptable sightlines from balconies; i.e.,

those that cause or avoid overviewing. To us, the glass railing along the west façade of the proposed balcony does not conform with the guidance outlined in Figure 1 and produces sightlines that "cause overviewing".

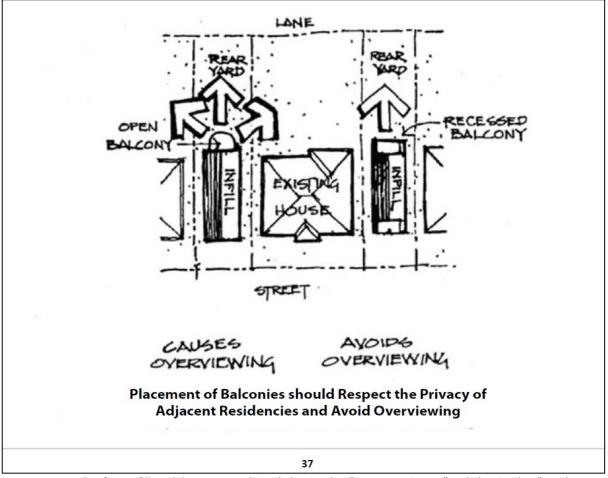


Figure 1 Screenshot from Infill Guidelines 4.5.1 outlining balconies that "cause overviewing" vs. balconies that "avoid overviewing". (City of Calgary Land Use Planning Policy, 2010) https://www.calgary.ca/pda/pd/planning-and-development-resource-library/publications.html

The Development Authority maintains that site lines along the south wall are mitigated by a 4' high stucco wall, recessed 2' from the roof's edge, and backed by 2' wide permanent planters. They argue that planters and privacy screens on the south facade move users away from the edge.

From DA response, 6.g pg 48: "A combination of planters and privacy screens are located along the south façade, moving the balcony user away from the balcony edge and discouraging direct overlooking."

We don't think these measures will prevent direct overlooking into our yard and deck nor the yard of 1403. Attachments C provides two photos of the south façade and 3rd floor pop-up from our west deck. We can clearly see the southern window of the pop-up from our west deck. People standing on the roof top balcony near the proposed planters will surely be able to see our west deck.

Attachment D is a picture taken of the existing balcony railing from 10' south of our property line on the patio of 1403. The railing for the existing balcony is recessed over 8' from the roof edge! If the stucco wall is placed 1' 11" from the roof edge as proposed, and 2ft-wide planters placed behind the wall, people

looking south will be 4ft closer to our property than the existing railing is. As a result, sightlines into 1403 would increase and so will the potential for a direct sightline to our west deck.

2.2 Building Mass Increase at 1411

The pagoda "ceiling" over the west façade and will be clearly visible from our north deck (Attachment B) and will increase the "apparent" height of the building to the top of the pop-up (an additional 8ft). This is a considerably increase in the building mass of 1411, already an imposing structure, as viewed from our property.

From our west deck (Attachment C) the loft is mostly unobtrusive since it overlooks our roof; unfortunately, part of the south window on the west side of the loft does look down on our deck. The proposed privacy screen will cover that window, but will contribute to the massing effect, as will 9'5" of continuing 4' stucco wall. The Development Authority's argument for continued massing seems to be that if you've been massed once, (the loft), it's ok to continue massing as long as it lines up with the first. In our opinion, the mass effect contributed by the privacy screen and stucco wall combine to a considerably larger mass effect than the loft alone.

2.3 Noise Pollution

While the privacy screen proposed by Rectangle (April 28, 2021) may screen the outdoor kitchen from view, it can't screen out noise. We will have the sounds of water running, dishes clinking, maybe a dishwasher, almost over our heads! Noise pollution to our property will significantly increase.

The size of this roof top balcony indicates it is meant for parties and not just family and friends; why else would they need a roof top kitchen. Even the planters and cedar benches can be seen as decor for a party space. For use, this is a considerable noise pollution concern.

3.0 GENERAL CONCERNS

3.1 Lack of Transparency

We have the following concerns regarding the lack of transparency during the development of this roof top patio:

- We weren't consulted by our neighbours about their proposal. Consequently, when the city's
 notification board said "balcony" we assumed they were putting a balcony on the second floor on the
 east or street side. When we learned that the definition of "balcony" could include one built on a roof
 top (roof top balcony), it was too late for us to file objections.
- When we contacted the community association to see the plans, they encouraged us to write to the Development Authority file manager anyway, saying the application had been returned citing size and privacy issues. Since size and privacy were our issues as well, we wrote explaining how this affected us directly. When we saw the revised plans we were baffled, because they were the same set of plans with a very minor reduction to the NW corner. We wrote again to the file manager pointing out that the size and privacy issues had not been addressed. On May 21st the application was approved. We have no idea why the application was approved without addressing the size and privacy concerns.
- When we received the Condition of Approval papers in July we saw that the Development Authority still hadn't addressed the issue of size, but they did address privacy concerns, contending that they had been mitigated by the use of built in planters and cedar benches. (pg.48).
- The first detailed review of the Development Authority returned the application citing the Infill guidelines as follows:

"The privacy of the adjacent residences should be respected. Please reduce the size of the proposed roof top balcony with additional privacy screening on the north and south elevations."

Although the applicants were required to submit a written response to the Detailed Review 1, there is no record of this, so we had no idea why the Development Authority changed their minds after their first Detailed Review (On September 3rd, 2021, an email from Maurie Loewen provided the missing response). We would like to question the DA about this after our presentation and before we take questions.

• The photographs the applicants submitted to the Development Authority were very selective, contributing to the false impression that this development was to be a street side balcony and not a roof top balcony. They submitted five photos of the east or street side view of their house and surrounding properties, and only one of the rear aspect, which is where most of the privacy issues are. Attachment E, from pg. 37 of the development authority response to Appeal Number SDAB2021-0044, is the only photo of the rear aspect the applicates submitted. It shows only their property without showing neighbouring properties. Amazingly, the DA considered this all the information they needed to establish site lines into neighboring properties; pg. 47 3e, says:

"...however direct overlooking is to be avoided," (The phot in Attachment E) "indicates overlooking should be directed to the lane, and **not directly downward toward neighboring properties."**

The Development Authority could not have determined this from Attachment E. Attachments A and B and C all show our concern for additional sightlines from the roof top balcony to our property.

3.2 Purpose of the Development

The 2019 Plintz Real Estate Youtube™ video screenshot in Attachment A indicates that two years ago the realtors were planning to use potential expansion of the roof top balcony as a selling point for the property. In 2021, when the house went on the market again, an additional selling point could very well have been an approved permit for a very large roof top balcony.

The permit goes with the building, so even if it is sold before the patio is built, the new owners will have a permit to build the roof top balcony.

4.0 Conclusions

For the reasons presented above we don't think this development is appropriate for us, our neighbours, or our community.

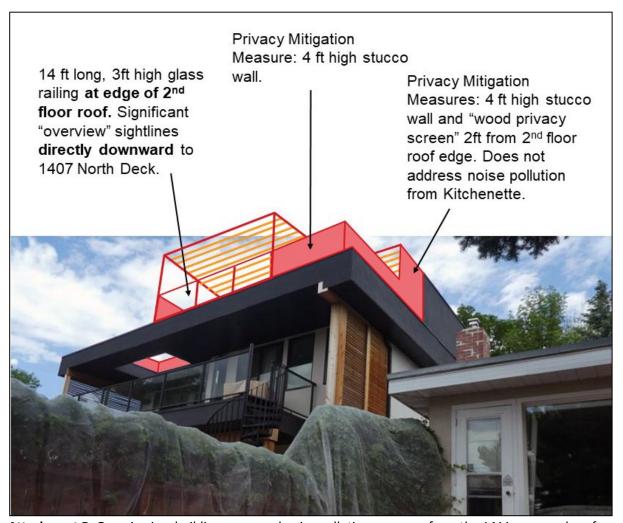
We ask that the Subdivision and Development Appeal Board members refuse the development.

Thank you,

Nancy Earle, Arnold Westberg



Attachment A: Plan View based on a Screenshot from February 11, 2019 virtual tour (youtube: https://www.youtube.com/watch?v=qEUAejo0pUM). Proposed balcony at 1411 will significantly reduce privacy to north and west decks at 1407, and potentially to the patio area of 1403. Proposed privacy mitigation measures will increase the building mass of the house at 1411, since mitigation efforts extend to the roof edge (west) and only 2ft from the roof edge and 4' 2" from the property line (south). Additionally, privacy mitigations do not address noise pollution.

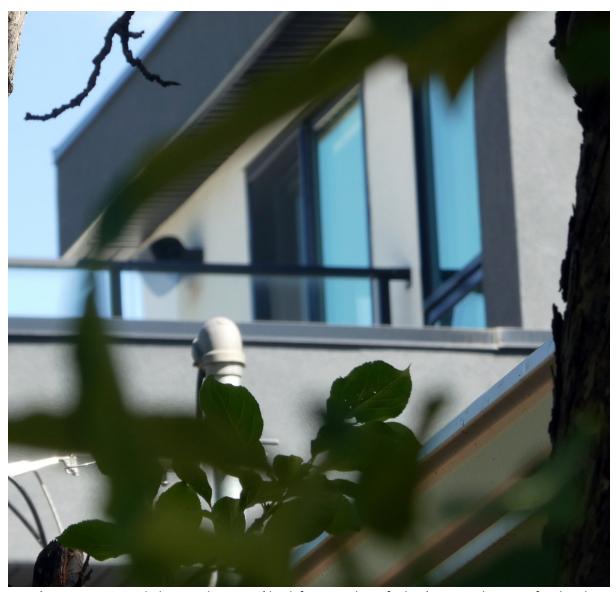


Attachment B: Overviewing, building mass, and noise pollution concerns from the 1411 proposed roof top balcony to 1407 North Deck.





Attachment C: Southern façade of proposed balcony to extend to 1' 11" from the roof edge and 4'2" from our property line. People at the sink of the kitchenette, behind the "privacy screen" will still be able to see directly to our west deck. Privacy mitigation measures will significantly increase massing effect. Privacy mitigation measures do not address noise pollution.



Attachment D: Existing balcony railing, set 8' back from south roof edge (see Attachment A for the Plan View), is already visible from patio at 1403. Converting this to a 4-ft stucco wall, advancing the wall to 1' 11" from the south roof edge, and placing planters in front of the wall will only increase this sightline, potentially to our west deck at 1407.



Attachment E: Photo submitted by the applicant to the Development Authority for the roof top balcony expansion. The Development Authority could not have properly assessed sightline concerns to neighbouring properties using this photo.

Written Submission of Kathleen Staniland and David Pavan

SDAB2021-0044 a & b

Appeal to Development Permit: DP2021-0070

Presentation by Kathleen Staniland and David Pavan, 1415 – 22A St. NW September 16, 2021

Good morning Mr. Chairman and Board Members,

Thank you for your time today to hear our appeal.

I am Kathleen Staniland and my husband David and I are the **next door neighbours** to the north of this property. Our address is: 1415 – 22A St. NW. Our home is a bungalow, one of the original houses on the block.

I will start by saying we have had, and hope to maintain, a cordial relationship with our neighbours. We appreciate their excitement in planning this project and we are not opposed the concept of a modest expansion to the balcony currently existing on the roof. We have had some discussions, but no compromise could be reached. Consequently, we needed to appeal the plans approved by DP2021-0070. We are opposed to this very large expansion of balcony located on the roof of the house located at 1411 – 22A St. NW.

We are appealing because the proposed large balcony on the roof will add to already imposing massing and will have a significant negative impact on our privacy and the enjoyment of our backyard. We are also concerned that it will be detrimental to the privacy of other neighbours.

While we certainly don't expect complete privacy, we find the massing, the overlooking and the size of this proposed balcony to be unnecessary and intrusive.

I will speak to our point of view. To that end, here are photos of our yard.

Fig. 1 – Front yard. We are the brown bungalow on the north side, 1415 – 22A St. NW



Fig. 2 - Backyard view - please note current massing, overlook, 'privacy screen', and roof cutout. (Note that the second floor is the main floor; this creates its own issues regarding overlooking and privacy.)



SDAB2021-0044 AB Additional Submission

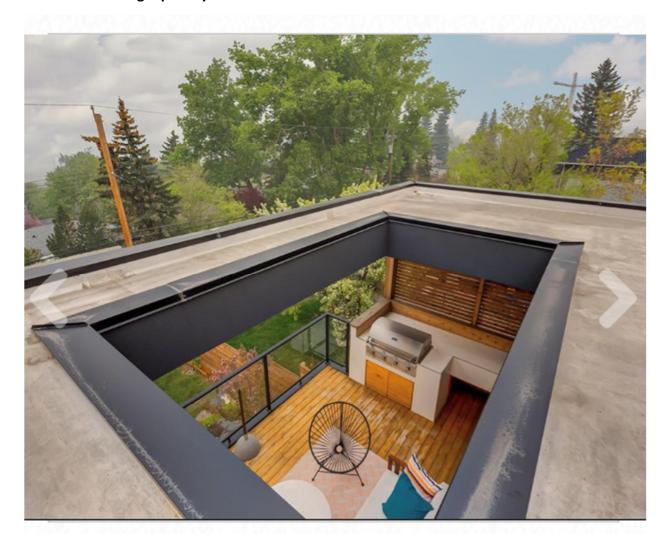
Fig. 3 – Backyard view – please note massing (currently three storeys) and roof cutout sightlines.



Fig. 4 – **Backyard view - please note 'privacy' fence.** (They obviously value their privacy - we can't see into their yard at all. They currently have sightlines into our whole yard.)



Fig. 5 View from roof of 1411 (realty photo) – please note sightlines into our yard through roof cutout and through 'privacy screen'.



Overview of plans and adjustments:

Fig. 6 - Current deck area

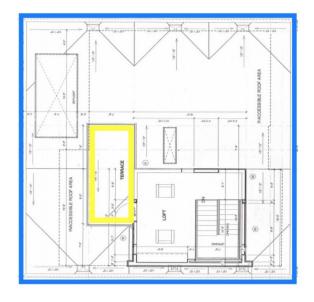
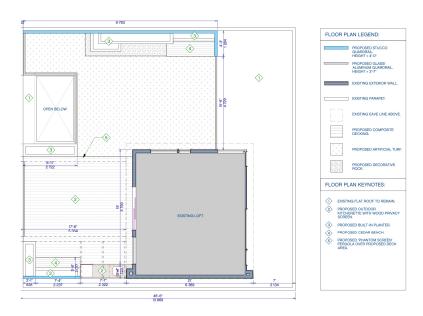
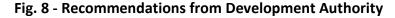


Fig. 7 - Original plans for expansion

Please note the NW corner and roof cutout - no screening; glass railing. The lack of awareness or concern regarding our privacy was disconcerting.





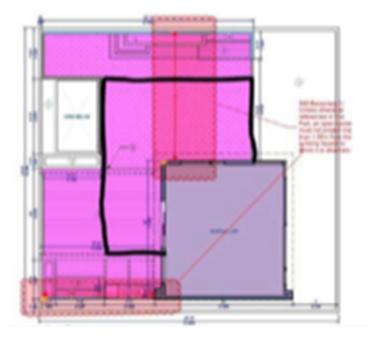
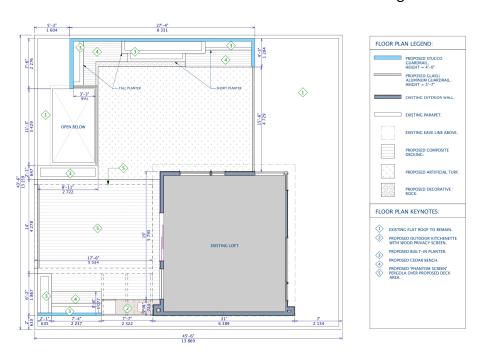


Fig. 9 - Adjustments by applicant; approved plan

Please note the adjustment is a minor decrease of less than 40 square feet (<3%) in the northwest corner. A bench has been added with no screening or setback against the side wall.



Rational for approval as noted by the Development Authority:

'The privacy concerns have been addressed through privacy screens, planters, vegetation, obscured glass and stucco walls which have been strategically placed to protect the privacy of the neighbours.'

This statement does not address our concerns of overlooking and massing. The approved plans still include an area with a bench by a four-foot wall on the north side that has no screening or setback against the wall. The north wall and west railing still contribute to significant massing.

We initiated a meeting with the applicants to discuss our concerns. They then made a minor adjustment to the original plans, but the changes were minimal. **We did not agree that these changes were adequate to address our concerns.** We attempted to speak with them again. We were left with no alternative but to appeal the decision.

Other concerns/comments:

- Size and use with kitchen, lends itself to entertaining of large numbers of people.
- Plant screening not permanent, and not effective if not maintained.
- Wind issues the large area may have many items on it; items can blow away.
- There is effectively nowhere we can go in our yard front or back, that they can't see us from their active living spaces. It's an uncomfortable feeling.

Summary:

We feel that the size and use of this large balcony is unnecessary as it duplicates private amenity spaces they already have.

We feel that the overlooking and sightlines are intrusive and negatively impact our privacy and the enjoyment of our property.

We feel the massing is already imposing, and the proposed plans would exacerbate this.

We feel that a balcony expansion could be done in a way that better respects the privacy of neighbours and the recommendations of the Development Authority.

Mr. Chairman and Board Members, we request you deny the development permit for this very large balcony located on the roof of the house at 1411 - 22A St. NW.

Written Submission of Murray Desrosiers

Sent via email (<u>info@calgarysdab.ca</u>)

September 7, 2021

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5

Re: Appeal Number SDAB2021-0044 a & b

1411 – 22A Street NW; Addition: Single Detached Dwelling (Balcony)

Appeal against an approval (DP 2021-0070)

Mr. Chairman and Panel Members:

My wife and I are the owners of the property located at 1412 – 22A Street NW. Our property is located directly across the street from the applicant property.

In January 2021, I noticed a development sign on the applicant property for an "addition – single detached dwelling (balcony)". After checking the city website, which essentially provided no additional details, I contacted our community association and was able to obtain a copy of the proposed plans.

I knew that the property had an existing roof top balcony, which was accessed from the existing third floor loft. I was surprised by the significant expansion that was proposed for the roof top balcony. This to me was totally inconsistent with the character of our community, which is zoned R-C1 and comprised of single family homes on larger lots, properties with lots of amenity space and a combination of old and new homes.

On January 24, 2021, I submitted comments about the application to the Development Authority through its website. My concerns, which are discussed in more detail below, related to privacy and compatibility with the adjacent properties and the neighbourhood.

Privacy

We purchased our property in 2008 (then an older bungalow) and redeveloped it as a new two storey home which we moved into in 2011. Our home is a traditional layout with living areas on main floor and bedrooms on second floor (see Picture 1). In designing our new home, we wanted to ensure that our two daughters had a "room with a view" so we had their bedroom windows face the street.

The applicant property is a non-traditional layout with living areas on the second floor and bedrooms on the main floor. Due to this design, the applicants have line of sight from their east facing kitchen window into my teenage daughter's west facing second floor bedroom window (see Pictures 2 and 3).

I acknowledge that we live in a city and need to be reasonable about our expectations for privacy in our homes. However, our current situation is worse than normal due to the non-traditional layout of the applicant property (with the living spaces on the second floor).

The significant expansion of roof top balcony proposed by the applicants will exacerbate the problem. The proposed balcony wraps around the third floor loft extending to the east towards the street. At approximately 890 square feet in size, the proposed balcony could accommodate a significant number of people. The glass railing on the east side of the balcony will offer a place to lean while enjoying a drink and monitoring activity on the street. It will also provide a direct line of sight into my teenage daughter's west facing second floor bedroom window.

Compatibility

The area of Briar Hill between 12th and 16th Avenues is a traditional layout with streets running north/south and avenues running east/west. Most properties are 50 feet in width. Our community is a mix of older bungalows and newer homes that have been redeveloped. In Briar Hill, I am only aware of two properties that have <u>small</u> roof top balconies – the applicant's and one other.

Our street represents probably the highest point in our community. As you move west, the land slopes significantly towards 23rd Street and our community border at Crowchild Trail. As a result, the properties on the west side of 22A Street have views to the west of the Foothills hospital and possibly the mountains.

On the west side of 22A Street between 12th and 14th Avenues (where the applicant's property is situated), there are 7 older bungalows that will be redeveloped at some point.

On the east side of 22A Street between 12th and 14th Avenues (where my property is situated), there are 4 older bungalows that will be redeveloped at some point. These properties would have views to the southeast of downtown from a roof top balcony.

If the applicant is allowed to proceed with the proposed development, it will establish a troublesome precedent for future development on the street and in the neighbourhood. It is reasonable to expect that there will be "copy-cat" developments.

Safety

One issue that I do not believe was considered by the Development Authority is safety. The proposed roof top balcony which is extended to the edges of the roof with railings/walls four feet in height creates a safety issue. A guest who has over-indulged could fall over the railing and it is long way down. The benches and planters provide an opportunity for a small child to climb and fall as well.

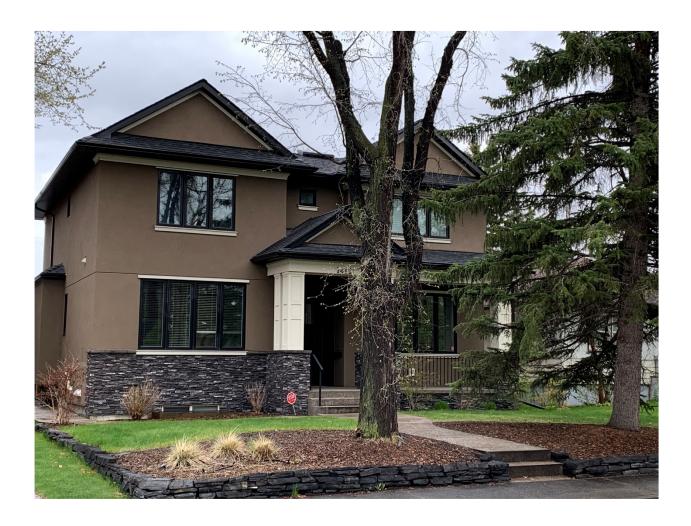
Conclusion

For the reasons cited above, I respectfully request that the Board allow the appeal.

Thank you for considering my submission.

(signed) "Murray Desrosiers"

Picture 1: Desrosiers' Residence The windows on the second floor are bedrooms.

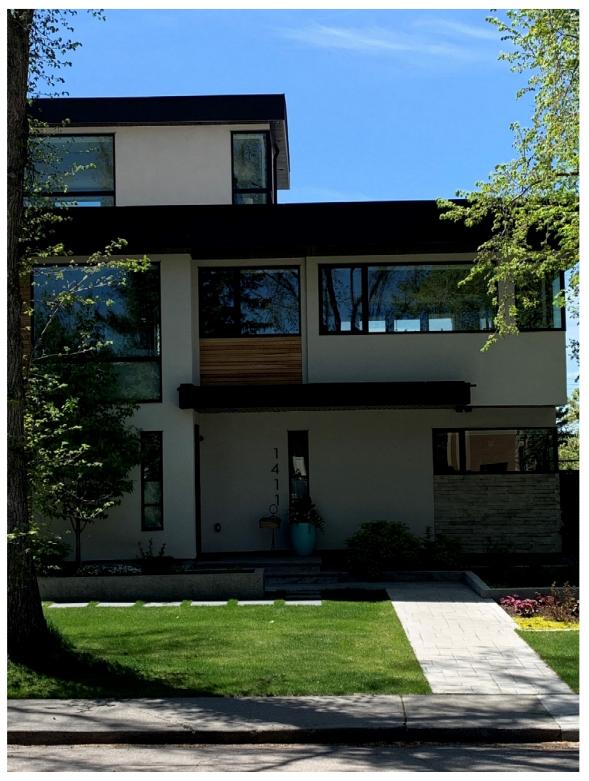


Picture 2: The Applicant Property (as viewed from street level)



Picture 3: The Applicant Property (as viewed from street level)

The kitchen is located behind the large widow on the right hand side of the second storey. The kitchen sink is situated in the center of this window.



SDAB2021-0044 AB Additional Submission

Appendix - Photos

Photos of west side of 22A St. NW (from south to north) (total of 11 photos)



SDAB2021-0044 AB Additional Submission



SDAB2021-0044 AB Additional Submission



SDAB2021-0044 AB Additional Submission

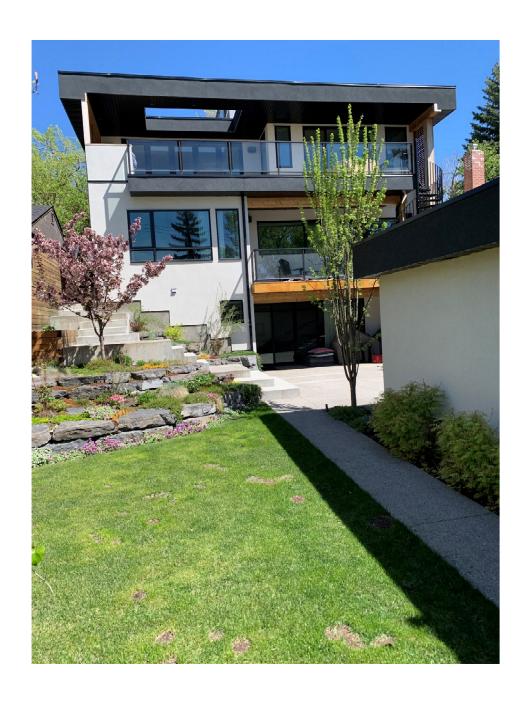






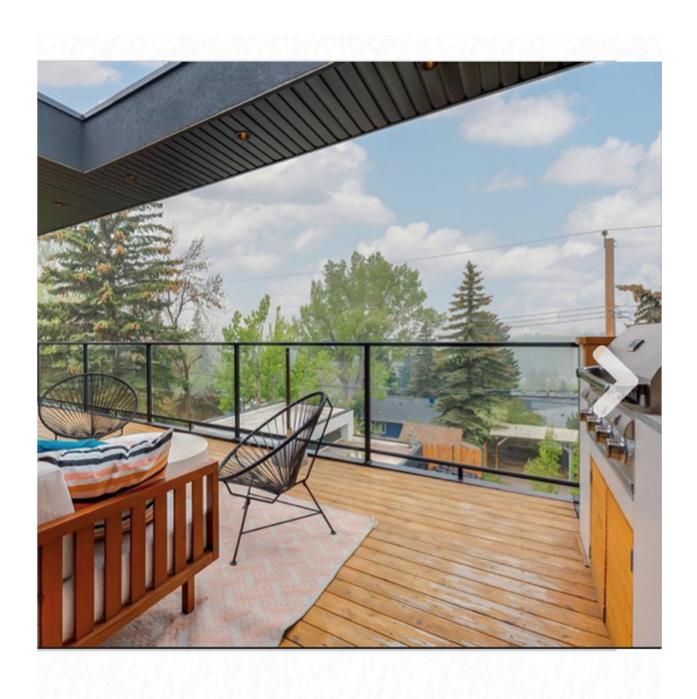
Photos of 1411 22A St. NW













Appeal Board rec'd: September 8, 2021 Submitted by: K. Staniland, co-appellant B

From: Kathleen Staniland <kathleen.staniland@gmail.com>

Sent: Wednesday, September 8, 2021 9:36 AM

To: Calgary SDAB Info

Subject: [EXT] Re: SDAB 2021-0044a&b

Follow Up Flag: Follow up Flag Status: Flagged

It is my understanding that this correspondence should be included in the appeal information.

(My apologies. I wasn't sure how to send it in something other than email form.)

Cheers,

Kathleen

Begin forwarded message:

From: Kathleen Staniland <kathleen.staniland@gmail.com>

Date: August 24, 2021 at 2:05:51 PM MDT

To: "Loewen, Maurie" < Maurie.Loewen@calgary.ca>

Subject: Re: [EXT] DP2021-0070

Hello Maurie,

Thank you again for your clear and timely response. I will put this information to the board at the hearing and we'll see how it goes.

Cheers,

Kathleen

On Aug 24, 2021, at 1:13 PM, Loewen, Maurie <Maurie.Loewen@calgary.ca> wrote:

Hi Kathleen,

You've explained this very well laid out; I'm sure the Board would appreciate receiving this type of well-articulated evidence. At this point the Decision is made and the Development Authority is left in the role of providing evidence and Explaining the decision. I've read over this, and compared it to the Appeal Response that I provided to the Board (published at www.calgarysdab.ca). The Appeal Response is summary document that explains the rational and facts as the Development Authorities perceived them. I don't think there is anything more to add to that Appeal Response. I think at this point it's a matter of you laying out your position for the Board so that they can consider your perspective. You can provide any evidence that you feel will bolster your case, such as photographs, drawings or illustrations.

Kind Regards,

Maurie Loewen

Senior Planning Technician
Technical Planning | Community Planning
Planning & Development

T. 403.333.5348 | E. maurie.loewen@calgary.ca

<image001.png>

Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: Kathleen Staniland <kathleen.staniland@gmail.com>

Sent: Tuesday, August 3, 2021 10:41 AM

To: Loewen, Maurie < Maurie.Loewen@calgary.ca>

Subject: RE: [EXT] DP2021-0070

Hello Maurie,

Thank you again for your time on the phone the other day. I appreciated your patience with my questions.

I feel compelled to clarify several items. If they seem relevant, please pass them along.

If, in their verbal rationale, the applicants suggested that they reduced the size of the patio after discussions with the neighbours, this is technically true. However, **we did not agree** that these changes addressed our concerns, and we met with them to discuss this further. In addition, they had no contact with the neighbours to the south.

In particular, the altered plans still include a **bench along the north wall** with no set-back or screening, **allowing a side overlook** into our backyard. This may not be obvious in the plans. (We had requested that they move the north wall back about four feet. It was interesting to see later that this was also the recommendation in the Detailed Review.)

Finally, the **privacy 'screening'** as proposed on the south side **is inadequate** and enhances their privacy more than the neighbours'. A similar wood-slat screen currently exists on the north side of their second-floor (main) balcony and allows an overlook into our yard. It also allows a view into our yard through the roof cut-out. Slanted (louvered?) slats that allow light from above but prevent looking down would be more effective.

Again, Maurie, thank your for your time and consideration.

Cheers,

Kathleen

From: Kathleen Staniland

Sent: Wednesday, July 28, 2021 6:53 AM

To: Loewen, Maurie

Cc: Murray Desrosiers; Nancy Earle; Arnold Westberg; van de Burgt, Sharon

Subject: Re: [EXT] DP2021-0070

Hi Maurie,

Thank you for the quick and detailed response.

I will call you on Thursday to follow up.

Cheers,

Kathleen

On Jul 27, 2021, at 1:49 PM, Loewen, Maurie Maurie.Loewen@calgary.ca wrote:

Hello Kathleen,

Thank you for your question. I apologize in advance for my lengthy answer.

Before getting into the details of our question we must first briefly outline our role in the appeal process going forward. This development is now under the jurisdiction of the Subdivision and Development Appeal Board. The Development Authority (planning department) participates in the appeal process with the purpose of explaining the decision; meaning, how the evidence was interpreted, context analyzed and policy considered. We are certainly available to explain evidence in the report, but at this point it's not appropriate for us to debate the merits of the development. We respect that this is now an appeal before the Subdivision and Development Appeal Board and want the parties to save their submissions for the Board.

Understanding the above, I hope this answers your question:

The Development Authority is responsible for providing the file materials to the Board regarding the decision made. The Board Report you've been reviewing contains the evidence the board received from the Development Authority and the other parties (such as yourself). To ensure consistency, we have business practice about what to include for the Board, such as application materials and include materials received through the review. We do not include "transitory" correspondence,

meaning emails that say "please see the attachment". The attachment itself is certainly included, such as the letter in the report form Enmax.

The applicant provided a verbal rational over the phone in place of a written one and therefore we have not written response to include in this file. The applicant also provided a copy of a PowerPoint which was provided to the Community Association previously, this was not included in the Board Report (it included plans but no written explanation). The "Decision Rendered" plans on pages 49-54 of the Board Report represent the applicants final design proposal which was approved. The transitory email to which the plans were attached is not in the report (for reasons outlined above).

The Development Authority's written response to the appeal in in the report on pages 45-48. This is a summary of the factors that lead to the Development Authority's final decision. At this point our submissions to the Board are complete as we have provided all the information typical to an appeal. Having said all that; if you feel something crucial is missing we could certainly have a discussion regarding its inclusion. It is within our discretion to provide information to the Board which is outside of our business practice in situations where we feel it adds clarity. We won't be attending this hearing.

I will be out of the office for the first three weeks in August; however I'm available this week to discuss further if you'd like, my phone number is below.

Kind Regards,

Maurie Loewen

Senior Planning Technician
Technical Planning | Community Planning
Planning & Development

T. 403.333.5348 | E. <u>maurie.loewen@calgary.ca</u> <image001.png>

Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: Kathleen Staniland < kathleen.staniland@gmail.com >

Sent: Monday, July 26, 2021 5:13 PM

To: Loewen, Maurie < Maurie < Maurie.Loewen@calgary.ca
Cc: Murray Desrosiers < mdesros@shaw.ca; Nancy Earle < westearl@shaw.ca; Arnold Westberg < awestbrg@shaw.ca

Subject: [EXT] DP2021-0070

Hello Maurie,

I was given your contact info by Sharon van de Burgh.

I am one of the parties appealing this DP. (I have cc'd the other appellants.)
I have a question:
Did the applicants respond to the Detailed Review?
In the 'Report to the SDAB' info package, on page 27 the Detailed Review makes suggestions to reduce the size of the patio, along with an outline of a more appropriate border. I see there is a requirement for the applicants to submit a written response to address these issues, but I don't see their response in this package.
Could you please supply us with this information?
Cheers,
Kathleen

Appeal board rec'd: August 26, 2021 Submitted by: M. Desrosiers, co-appellant

From: Murray Desrosiers <mdesros@shaw.ca>
Sent: Thursday, August 26, 2021 2:11 PM

To: Calgary SDAB Info

Cc: 'Carol McClary'; 'Kathleen'; 'Arnold Nancy'

Subject: [EXT] Appeal Number SDAB2021-0044 a & b

I am one of the co-appellants in this appeal. The other appellants are Kathleen Staniland, David Pavin, Arnold Westberg and Nancy Earl. We wish to advise that we have retained Carol McClary from Carol McClary Planning Solutions Ltd to speak at the appeal in addition to myself, Kathleen/David and Arnold/Nancy.

Please email if you require anything further.

Thanks,

Murray Desrosiers 403.473.1675 mdesros@shaw.ca

Appeal Board rec'd: August 26, 2021 Submitted by: N. Earle & A. Westberg, co-appellants

From: Arnold Nancy <westearl@shaw.ca>
Sent: Thursday, August 26, 2021 4:17 PM

To: Calgary SDAB Info

Cc: Murray Desrosiers; 'Kathleen'; 'Carol McClary'; Calgary SDAB Info

Subject: RE: [EXT] Appeal Number SDAB2021-0044 a & b

We authorize Ms.Mclary to represent us in this appeal.

Nancy Earle, Arnold Westberg ----- Original Message -----

From: Calgary SDAB Info <Info@calgarysdab.ca>

To: Murray Desrosiers <mdesros@shaw.ca>, 'Kathleen' <kathleen.staniland@gmail.com>, 'Arnold Nancy'

<westearl@shaw.ca>

Cc: 'Carol McClary' <carolmcclaryconsulting@gmail.com>, Calgary SDAB Info <Info@calgarysdab.ca>

Sent: Thu, 26 Aug 2021 15:40:29 -0600 (MDT)

Subject: RE: [EXT] Appeal Number SDAB2021-0044 a & b

Thank you for letting us know. We have made note of you providing your authorization for Ms. McClary to represent you in this appeal. As we have not received authorization for you to represent the co-appellants on SDAB2021-0044b, we ask they each provide authorization to our office for Ms. McClary to represent them. A reply to this email thread will suffice.

Thank you,

SDAB Admin

City Appeal Boards, Appeals and Tribunals City Clerk's Office | The City of Calgary | Mail Code #8110 PO Box 2100, Station M | Calgary, AB T2P 2M5 General Phone Line: 403.268.5312 |

 $calgarys dab. ca< https://urldefense.proofpoint.com/v2/url?u=https-3A_eur03.safelinks.protection.outlook.com_-3Furl-3Dcalgarysdab.ca-26data-3D02-257C01-257C-257C1075f0ea21854e0947d808d5f96669f4-$

257C84df9e7fe9f640afb435aaaaaaaaaaa-257C1-257C0-257C636689141088684385-26sdata-

3DIAmmFw9Vhlc4OVFoeYeRWci8oZa4ly1ll17vLyuuWJs-253D-26reserved-

 $3D0\&d=DwMFAg\&c=jdm1Hby_BzoqwoYzPsUCHSCnNps9LuidNkyKDuvdq3M\&r=11XCyvxM07HELzSlulvl71ykR9LhncQr0mjYD74a5AM\&m=lrt02DHSJ0yBpzweoUiTDBw08oOP2LNZzsQXh57J_y0\&s=_b5j_QMiaTGXVPDkjlaytk2pghrakwvjlwxpxeA0dAo&e=>$

From: Murray Desrosiers <mdesros@shaw.ca> Sent: Thursday, August 26, 2021 2:11 PM To: Calgary SDAB Info <Info@calgarysdab.ca>

Cc: 'Carol McClary' <carolmcclaryconsulting@gmail.com>; 'Kathleen' <kathleen.staniland@gmail.com>; 'Arnold Nancy'

<westearl@shaw.ca>

Subject: [EXT] Appeal Number SDAB2021-0044 a & b

I am one of the co-appellants in this appeal. The other appellants are Kathleen Staniland, David Pavin, Arnold Westberg and Nancy Earl. We wish to advise that we have retained Carol McClary from Carol McClary Planning Solutions Ltd to speak at the appeal in addition to myself, Kathleen/David and Arnold/Nancy.

Please email if you require anything further.

Thanks,

Murray Desrosiers 403.473.1675 mdesros@shaw.ca<mailto:mdesros@shaw.ca>

Appeal Board rec'd: August 27, 2021 Submitted by: K. Staniland & D. Pavan, co-appellants

From: Kathleen Staniland <kathleen.staniland@gmail.com>

Sent: Friday, August 27, 2021 7:18 AM

To: Calgary SDAB Info

Cc: Murray Desrosiers; Arnold Nancy; Carol McClary **Subject:** Re: [EXT] Appeal Number SDAB2021-0044 a & b

We authorize Carol McClary to represent us in this appeal.

Kathleen Staniland and David Pavan

On Aug 26, 2021, at 3:40 PM, Calgary SDAB Info <Info@calgarysdab.ca> wrote:

Thank you for letting us know. We have made note of you providing your authorization for Ms. McClary to represent you in this appeal. As we have not received authorization for you to represent the coappellants on SDAB2021-0044b, we ask they each provide authorization to our office for Ms. McClary to represent them. A reply to this email thread will suffice.

Thank you,

SDAB Admin

City Appeal Boards, Appeals and Tribunals
City Clerk's Office | The City of Calgary | Mail Code #8110
PO Box 2100, Station M | Calgary, AB T2P 2M5
General Phone Line: 403.268.5312 | calgarysdab.ca

From: Murray Desrosiers <mdesros@shaw.ca>
Sent: Thursday, August 26, 2021 2:11 PM
To: Calgary SDAB Info <Info@calgarysdab.ca>

Cc: 'Carol McClary' <carolmcclaryconsulting@gmail.com>; 'Kathleen' <kathleen.staniland@gmail.com>;

'Arnold Nancy' <westearl@shaw.ca>

Subject: [EXT] Appeal Number SDAB2021-0044 a & b

I am one of the co-appellants in this appeal. The other appellants are Kathleen Staniland, David Pavin, Arnold Westberg and Nancy Earl. We wish to advise that we have retained Carol McClary from Carol McClary Planning Solutions Ltd to speak at the appeal in addition to myself, Kathleen/David and Arnold/Nancy.

Please email if you require anything further.

Thanks,

Murray Desrosiers 403.473.1675 mdesros@shaw.ca

Appeal Board Received: September 3, 2021 Submitted by: Development Authority

From: Loewen, Maurie

Sent: September 3, 2021 5:28 PM

To:Calgary SDAB InfoSubject:SDAB2021-0044

Attachments: SDAB2021-0044 DP2021-0070 Additional Submission FINAL.pdf

Follow Up Flag: Follow up Flag Status: Completed

Hello;

The Development Authority has received an inquiry from the public regarding communications which are missing from the Development Authority's original submission for SDAB2021-0044. Upon researching the inquiry it was learned that communications from neighbours and the applicant were misfiled; therefore, were not included in the original submission. Personal information has been redacted from these communications and they are attached to this email.

The Development Authority has received a number of inquires over the past weeks regarding SDAB2021-0044. Jurisdiction is with the Board and respondents have been referred to www.calgarysdab.ca and the Board Report. The planning process should be transparent; therefore, the Development Authority will attend scheduled hearing to introduce the attached emails and address any questions of clarification which may arise. The Development Authority has already submitted a detailed Appeal Response and does not intend to lengthen the time for which the hearing has been scheduled; therefore, a formal presentation will not be made.

The applicant and appellant have been blind copied on this communication.

Thank you,

Maurie Loewen

Senior Planning Technician
Technical Planning | Community Planning
Planning & Development

T. 403.333.5348 | E. maurie.loewen@calgary.ca



Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

Loewen, Maurie

From:

Sent: Sunday, January 24, 2021 9:42 PM

To: van de Burgt, Sharon

Subject: 1411 22A ST NW - DP2021-0070 - Comment from Development Map - Sun 1/24/2021

9:41:21 PM

Application: DP2021-0070

Submitted by: Murray Desrosiers

Contact Information

Address: 1412 - 22A Street NW

Phone:

Email:

Feedback:

I do not think they should be allowed to have a rooftop patio that covers most of their roof. The original design included a modest patio off of their third floor loft. They now want to expand this to encompass most of the roof.

Allowing this would create serious privacy issues for the immediate neighbours. I live across the street and would not want people on the rooftop patio peering across the street into the second floor of my house.

I think it is also worth noting that they already have a large patio that is accessed from the second floor of their home.

Loewen, Maurie

From: van de Burgt, Sharon

Sent: Thursday, May 20, 2021 10:01 AM

To: 'Erin Meyers'
Cc: Kellie&Denny

Subject: RE: [EXT] DP2021-0070 DR Response (project #160)

Received. Thank you so much Erin!

Sharon van de Burgt

Senior Planning Technician
Technical Planning | Community Planning
Planning & Development

T 403.333.5526 | E sharon.vandeburgt@calgary.ca

Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: Erin Meyers <erin@rectangle.ca> Sent: Thursday, May 20, 2021 9:55 AM

To: van de Burgt, Sharon < Sharon.vandeBurgt@calgary.ca>

Cc: Kellie&Denny

Subject: [EXT] DP2021-0070 DR Response (project #160)

Good Morning, Sharon.

Please find attached the written response to this DP application. As per our previous conversations, we have made an adjustment to the north-west corner of the proposed patio. If you have any questions or concerns, please do not hesitate to contact me.

The file is too large for me to send so I have attached a Google Drive link to the file. If you have any issues opening the file, please let me know.



Thanks,

Erin Meyers

403.237.0277



DP2021-0070 Detailed Review Response



#100, 1604 10 Avenue S.W. Calgary, AB T3C 0J5 403.237.0277 | www.rectangle.ca

Attn: Sharon Van de Burgt

The City of Calgary Development & Building Approvals PO box 2011, Station M (#8108) Calgary AB T2P 2M5

Re: DP2021-0070, 1411 22a Street NW

Please find below our response to the Detailed Review for DP2021-0070. Each items has been quoted and our responses are in italics.

General Comments

The application is for a root top balcony ar 1411 22A ST in the northwest community of Hounsfield Heights/Briar Hill.The site is surrounded by Single Detached Dwellings in all directions.

Ward Councillor Comments:

Councillor Farrell's office reviewed DP2021-0070 and offers the following comments:

The proposed change is a significantly sized rooftop patio. We are not necessarily opposed to
this, but inadequate attention has been given to overlooking mitigation. This needs further
review.

Parkdale Community Association:

Hounsfield Heights/Briar Hill CA reviewed DP2020-0070 and offers the following comments:

"The HHBH Land Use committee's interpretation of the plans - which we found less than self explanatory - is that this application is for a roof-top deck being added atop the second story flat roof of an existing three story dwelling. This deck on top of the second story creates a large deck a full story above the roof of the surrounding bungalows. This is the sort of thing that, if proposed for a new build, we would vehemently oppose as being overly intrusive for the neighbouring properties (for example: summer evening gatherings with laughing and talking being amplified because of the height) and also because of the significant negative impact on neighbouring backyard privacy. Similarly we can also not support this application as a renovation. In that the proposed rooftop balcony will enable overlook in all directions from subject dwelling, it will impose upon the privacy of at least 8 neighbouring parcels: 3 behind, 1 - if not 2 because of the height - parcels to each side and three parcels across the street. It is

also important to note that in the case of the two story homes across the street there are front facing bedrooms and while these rooms are indeed street facing there is a significant difference from a privacy perspective of looking up into them from the street vs straight in at somewhat of a downward angle as the sight lines from the proposed balcony would be.

The committee also notes that neighbours to the parcel in question have proactively reached out the the Community Association independently sharing similar concerns.

---- Relaxations ----

Unfortunately, as the City no longer provides any detailed bylaw check information for development permits, the HHBH Land Use Committee is unable to ascertain whether any relaxations are required for the proposed development. In this instance the Committee requests that *NO* relaxations be allowed."

Notice Posting Comments:

The development permit was notice posted for 7 days. Comments received were concerns regarding the following:

3rd floor balcony size – concerns of privacy

It is our belief that we, along with the homeowners, have careful and sensibly considered privacy and we have designed the project with as many safeguards to mitigate overlooking into adjacent parcels as possible. For instance,

- -a privacy screen has been included on the south facade above the kitchenette:
- -we have provided a 48" high stucco wall around the perimeter on both the North and South facade, as well as the NW and NE corners;
- -we have added raised planters and built-in benches to provide additional screening and push the viewpoint back from the edge of the home on both the North and South facade, as well as the NW, NE, and SW corners of the proposed balcony.

In an effort to address any questions or concerns, we organised a video conference with the CA on April 6, 2021 where we reviewed the plans in detail and provided an additional PDF to further explain the proposal and provide clarity for the design (a copy of that PDF has been attached to this document for your records). The conversation was positive and we have had comments from individuals in attendance at that meeting who are supportive of the proposal. Since that meeting, at the request of one of the individuals at the CA meeting, the homeowners have also reached out to the neighbours immediately to the North, who expressed privacy concerns regarding the NW corner of the proposal and asked

them to "pull back" the NW corner. Based on this feedback, we have since made an adjustment to the NW corner of the proposed rooftop balcony by pulling back the West side and adding a stucco wall, planter and bench such that the deck is approximately 8.5 feet from the west edge of the building and over 5 feet from the North edge. This addresses the neighbours' concerns regarding privacy since it would not be possible to see into their backyard with the revised proposed layout.

Comments on Relevant City Policies

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

4.5 Privacy Guideline: The privacy of the adjacent residences should be respected.

Where a development protrudes into the rear yard beyond the adjacent structures, privacy, overshadowing and access to sunlight are important design considerations. Placement of balconies should respect the privacy of adjacent residences and avoid overlooking.

Please reduce the size of the proposed roof top balcony with additional privacy screening on the north and south elevations



Bylaw Discrepancies			
Regulation	Standard	Provided	
340 Balconies	(1) Unless otherwise referenced in this Part, an open balcony must not	Plans indicate the balcony as projecting 5.22m (+3.37m) to 6.00m (+4.15m)	
	project more than 1.85m from the building façade to which it is attached.	Please amend the drawings to reduce the projection of the balcony within the black lines as indicated on the image above	

In response to the request to reduce the size of the proposed rooftop deck, and the issue of the bylaw variance requested, a conference call took place on April 28, 2021, between Sharon Van de Burgt, the homeowners, and I. Sharon was supportive of the proposed size of the rooftop deck given the revision proposed at the NW corner as mentioned above.

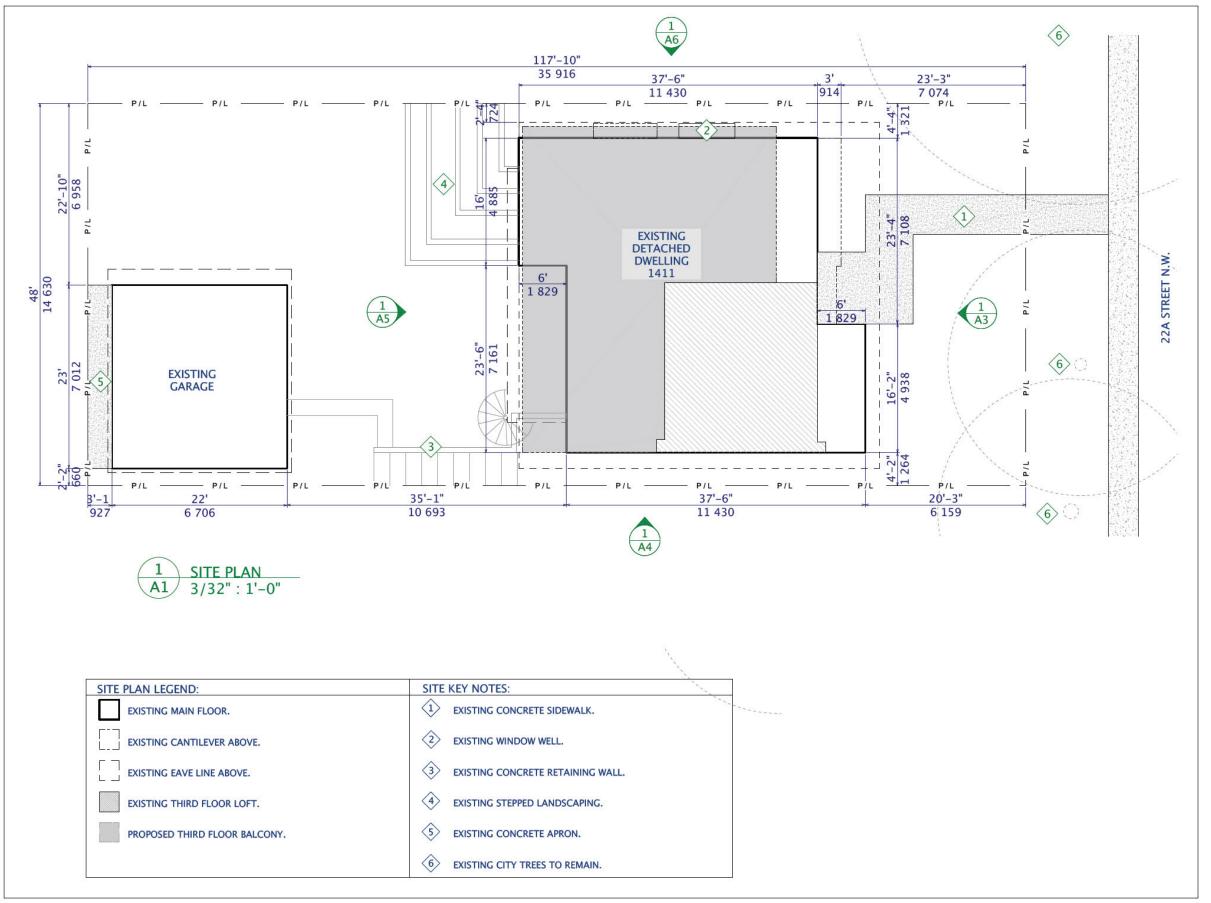


Please see the image (left) showing the revised configuration of the NW corner of the patio. The proposed balcony has been pull in and away from the West edge of the house and the railing has been replaced with a stucco wall, as well as a built-in planter and bench seating.

In conclusion, it is our belief that we have taken significant care and consideration to addressed the concerns of privacy and overlooking as the homeowners respect the neighbours' privacy and want to maintain privacy for themselves. In addition, they wan to maintain an amicable relationship with their neighbours. Please find attached a revised set of plans showing the modification to the NW corner of the proposed rooftop deck. If there are any follow up questions or concerns, please feel free to call or email.

Regards,

Erin Meyers 403.237.0277 @rectangledesign



RECTANGLE INITIALS:

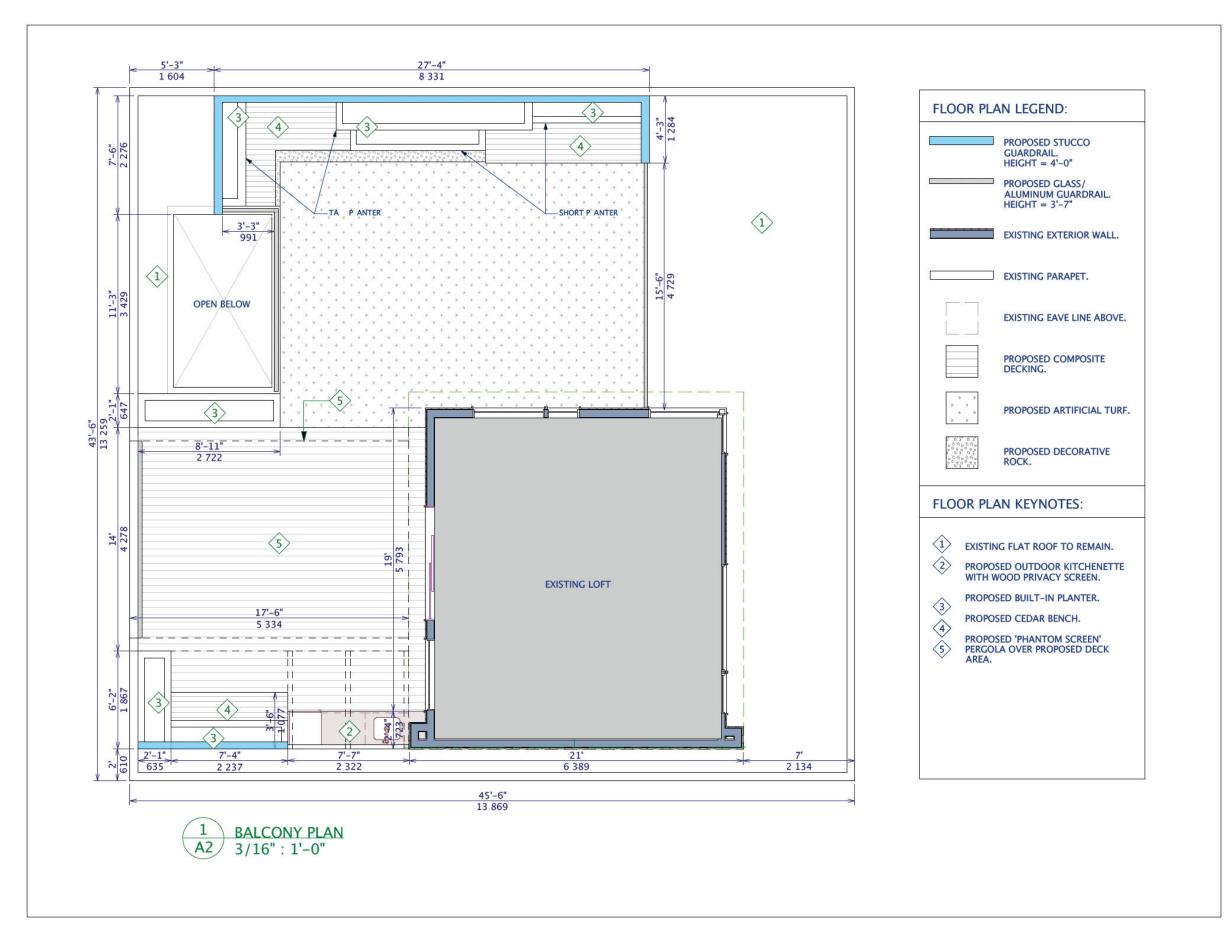
DATE: April 29, 2021

GENERAL NOTES:

- ALL DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON EXISTING SECOND FLOOR ROOF. EXISTING DETACHED DWELLING, GARAGE AND LANDSCAPING TO REMAIN.

SCALE: 3/32": 1'-0"
SITE PLAN

PROJECT: #160 BRIAR HILL BALCONY



RECTANGLE INITIALS:

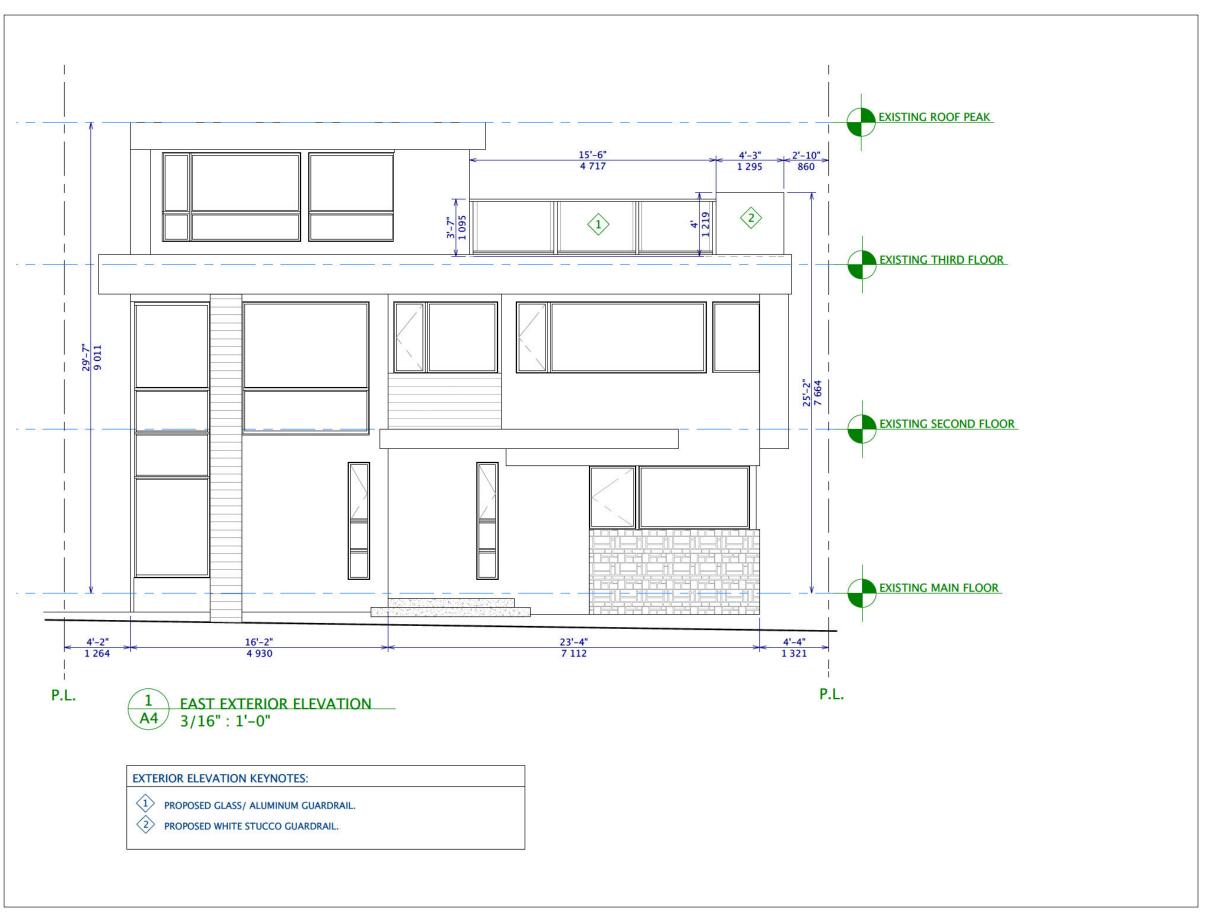
DATE: April 29, 2021

GENERAL NOTES:

- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.

SCALE: 3/16": 1'-0"
BALCONY PLAN





RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

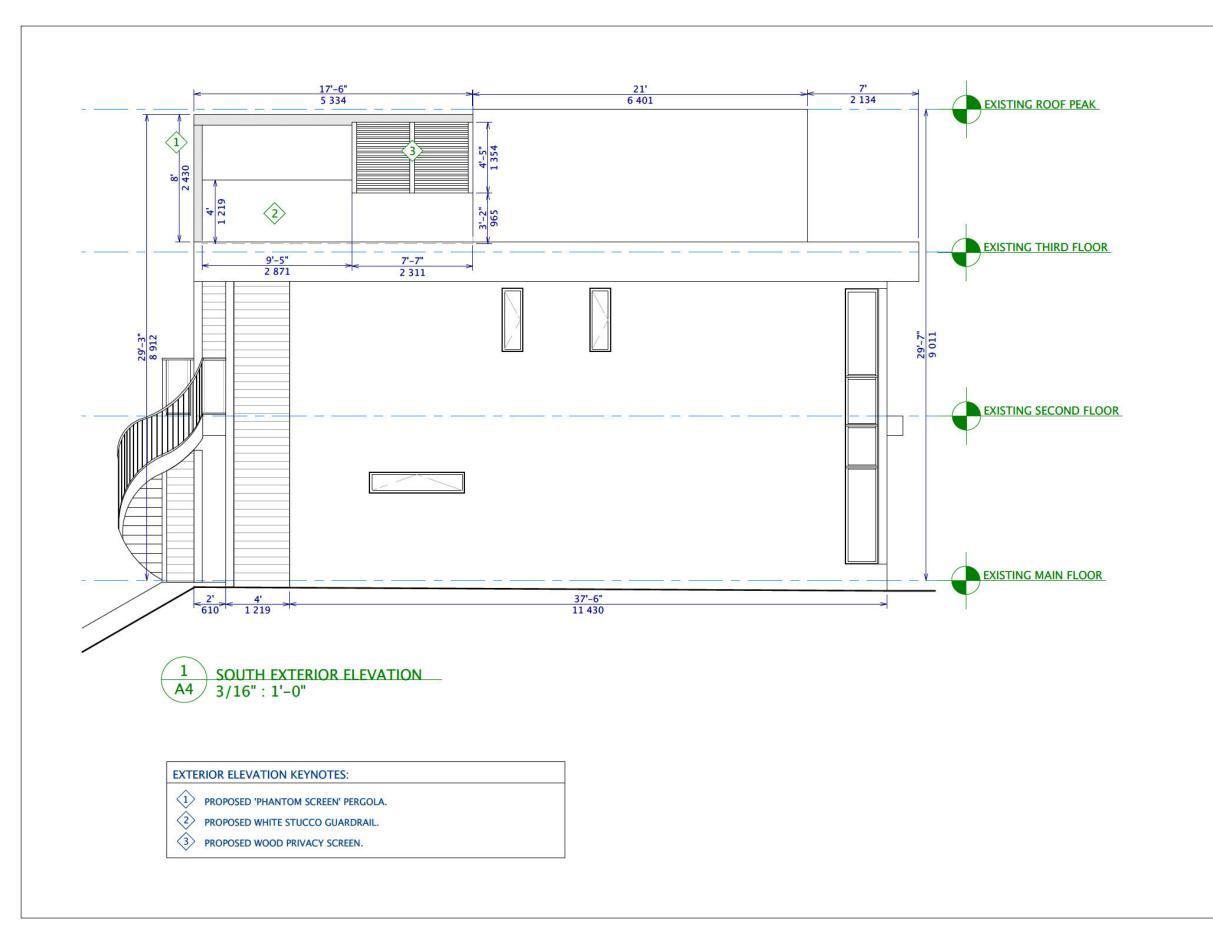
- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

SCALE: 3/16": 1'-0"

EAST

EXTERIOR ELEVATION

PROJECT: #160
BRIAR HILL BALCONY



RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

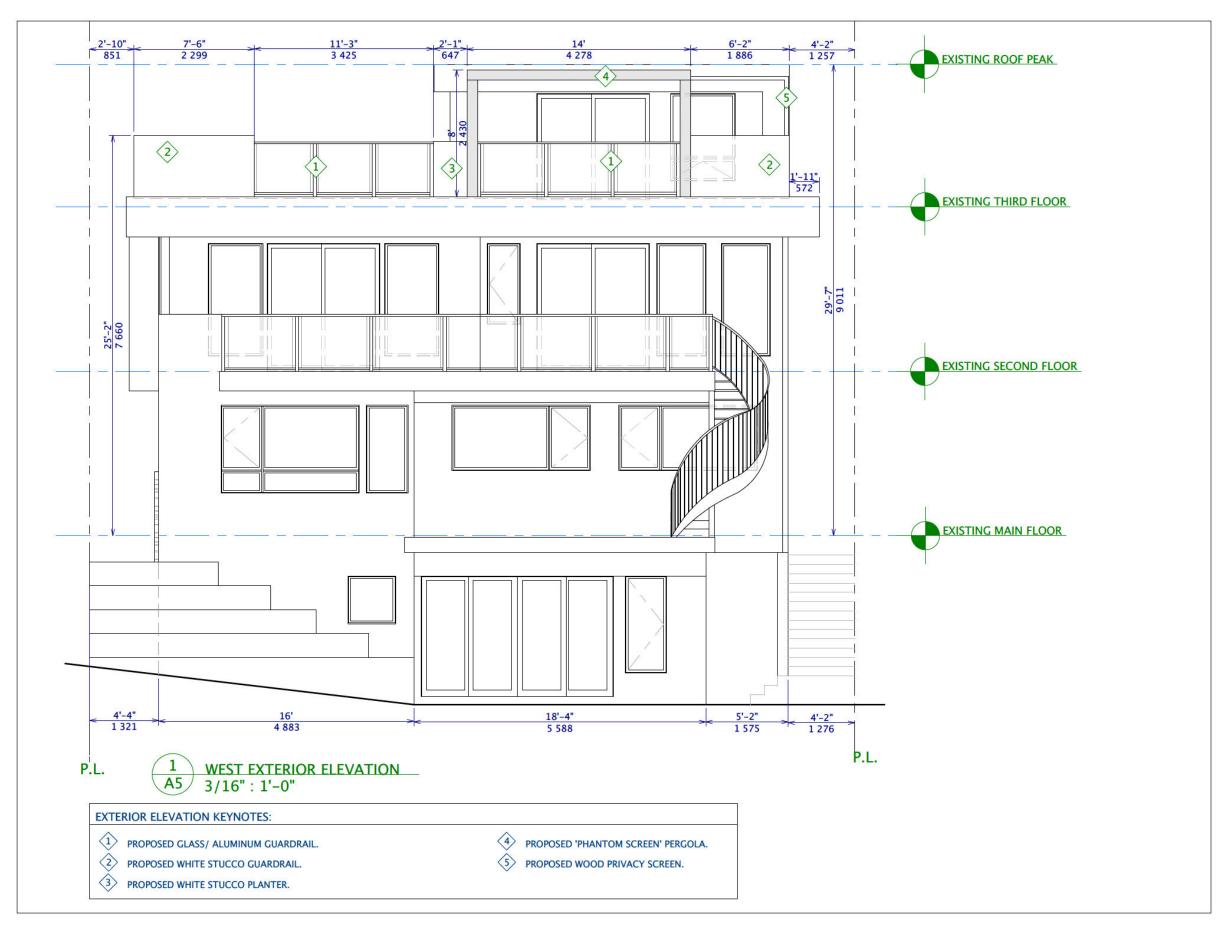
- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

SCALE: 3/16": 1'-0"

SOUTH

EXTERIOR ELEVATION

PROJECT: #160 BRIAR HILL BALCONY



RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

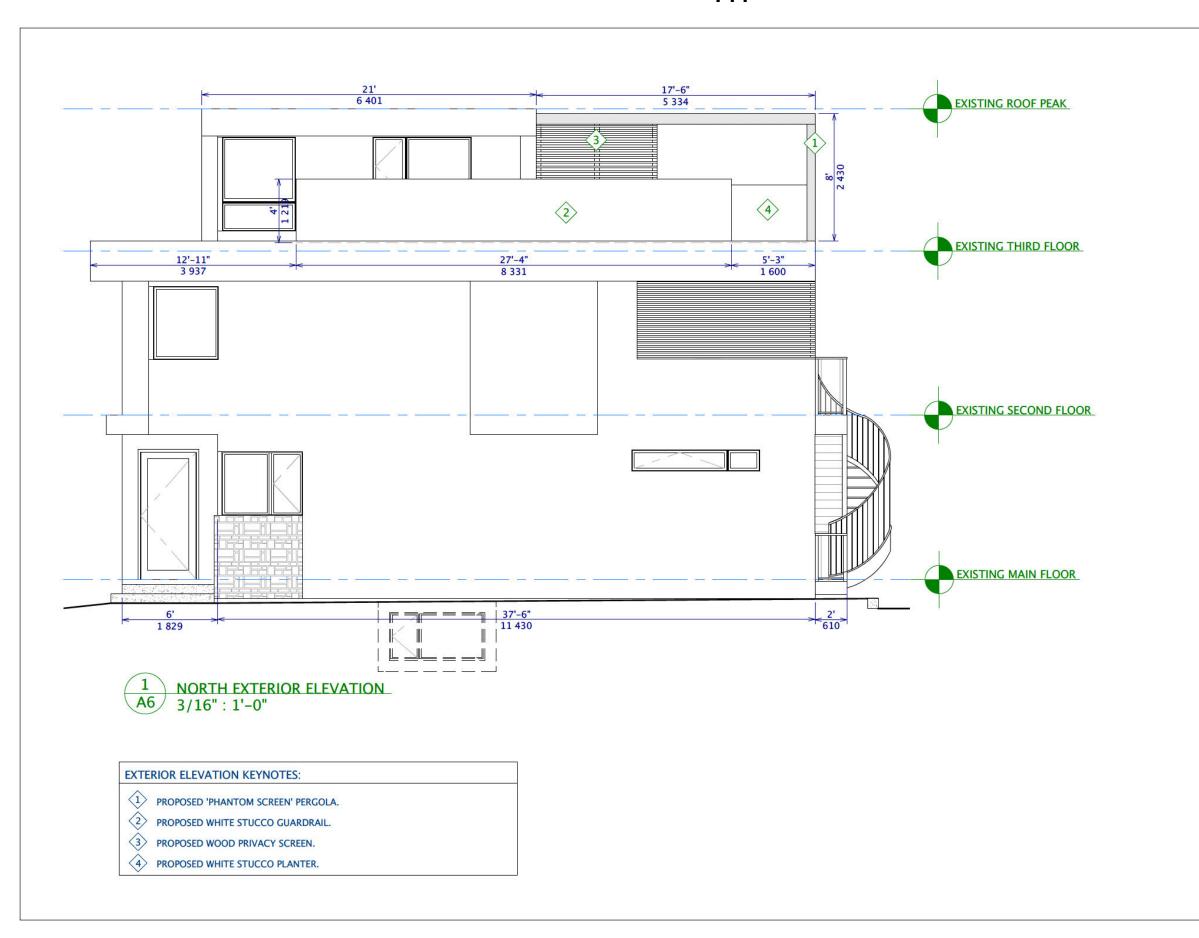
- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

SCALE: 3/16": 1'-0"

EAST

EXTERIOR ELEVATION

PROJECT: #160 BRIAR HILL BALCONY



RECTANGLE INITIALS:

DATE: April 29, 2021

GENERAL NOTES:

- DIMENSIONS TO FINISHED FACE, U.N.O.
- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.
- EXISTING EXTERIOR FINISHES ON HOUSE TO REMAIN THROUGHOUT.

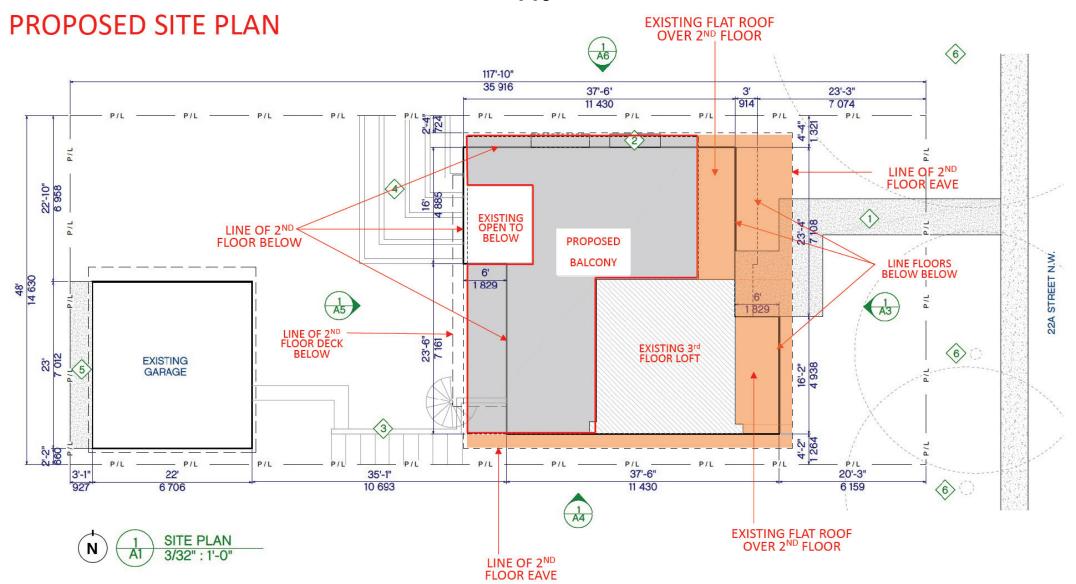
SCALE: 3/16": 1'-0"

NORTH

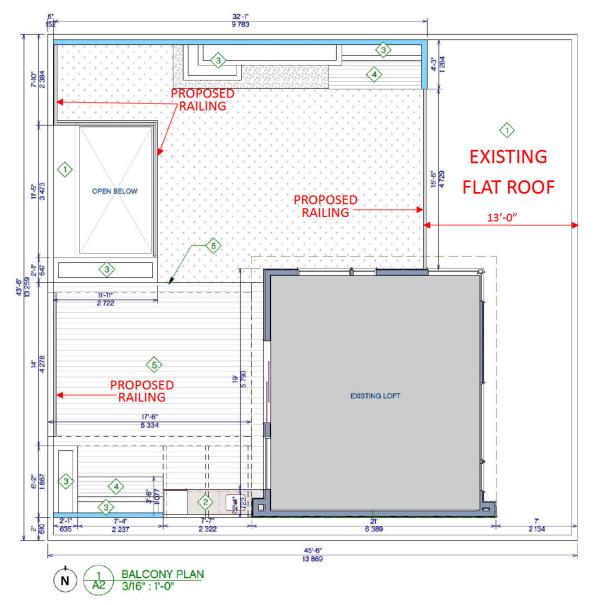
EXTERIOR ELEVATION

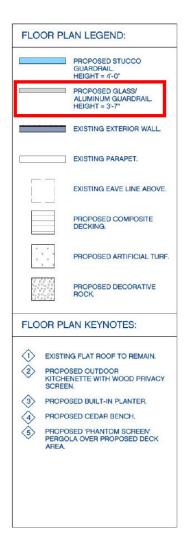
PROJECT: #160
BRIAR HILL BALCONY



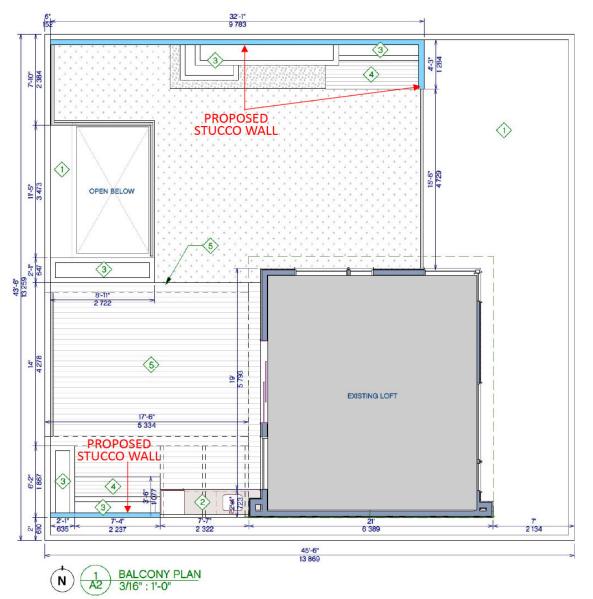


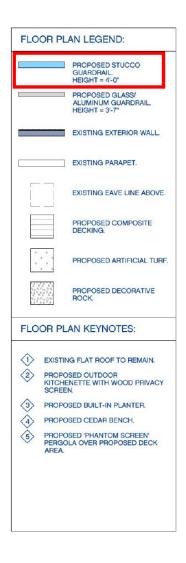




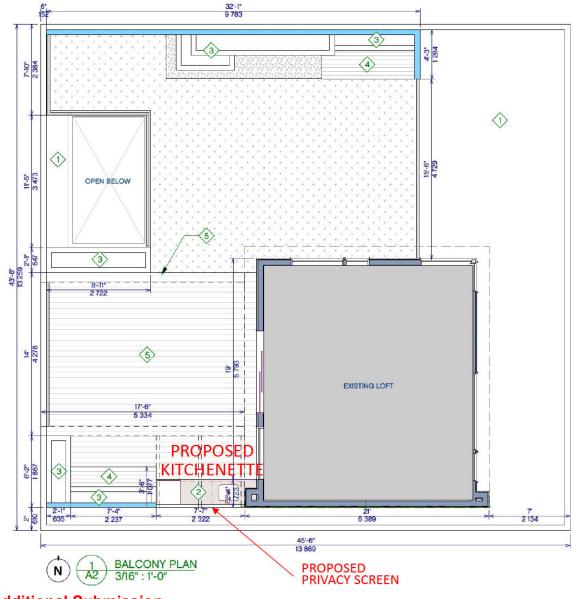


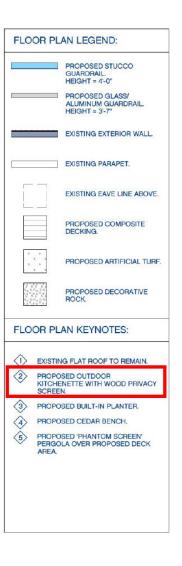




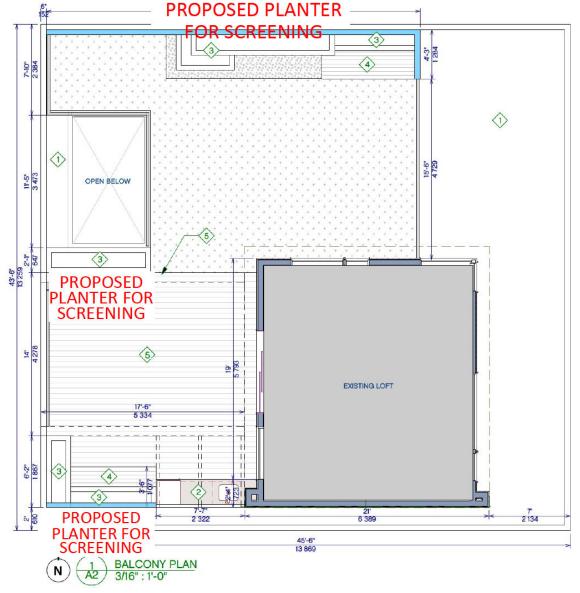


149



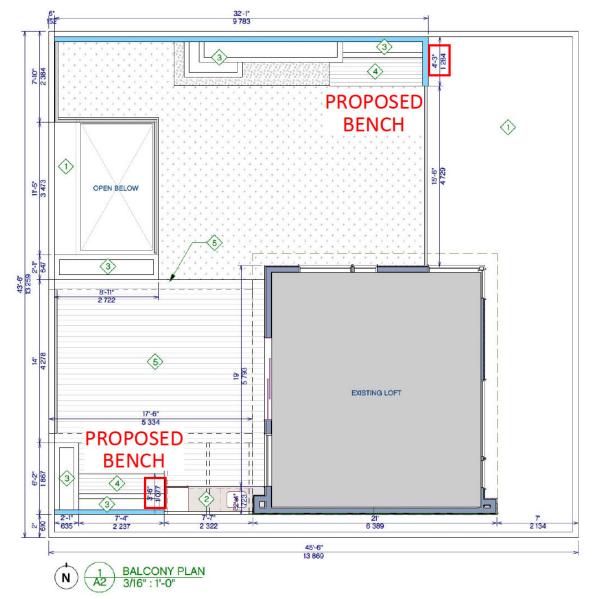


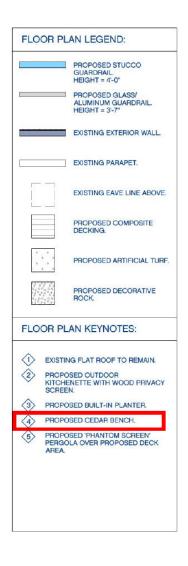
150

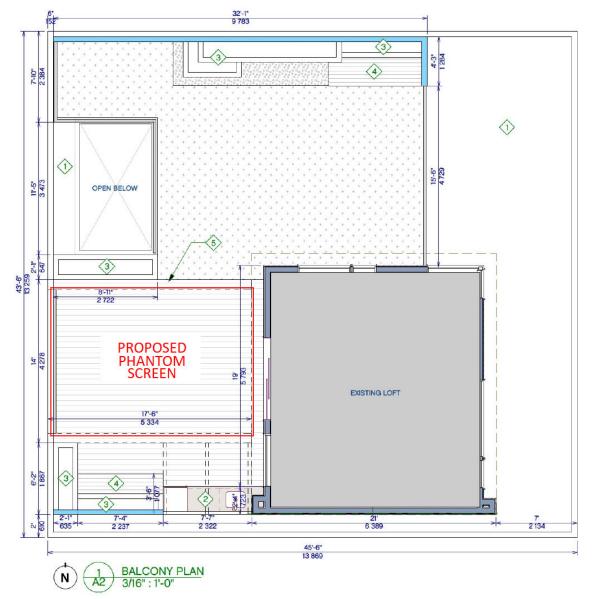


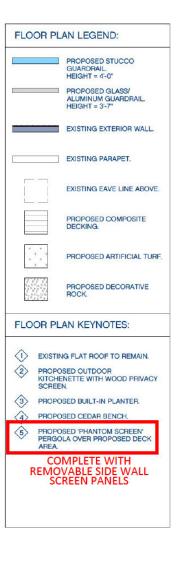


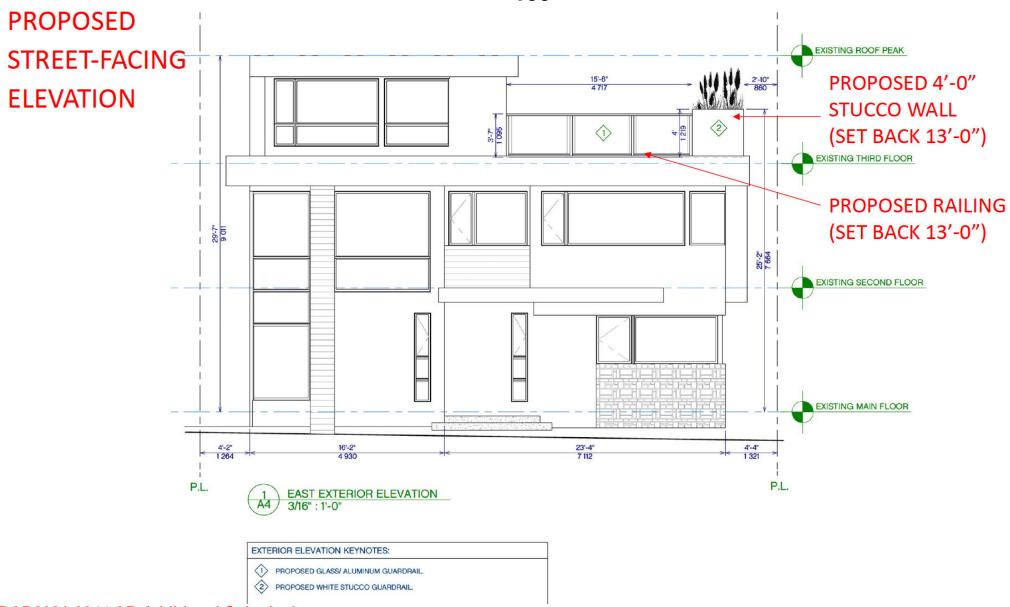


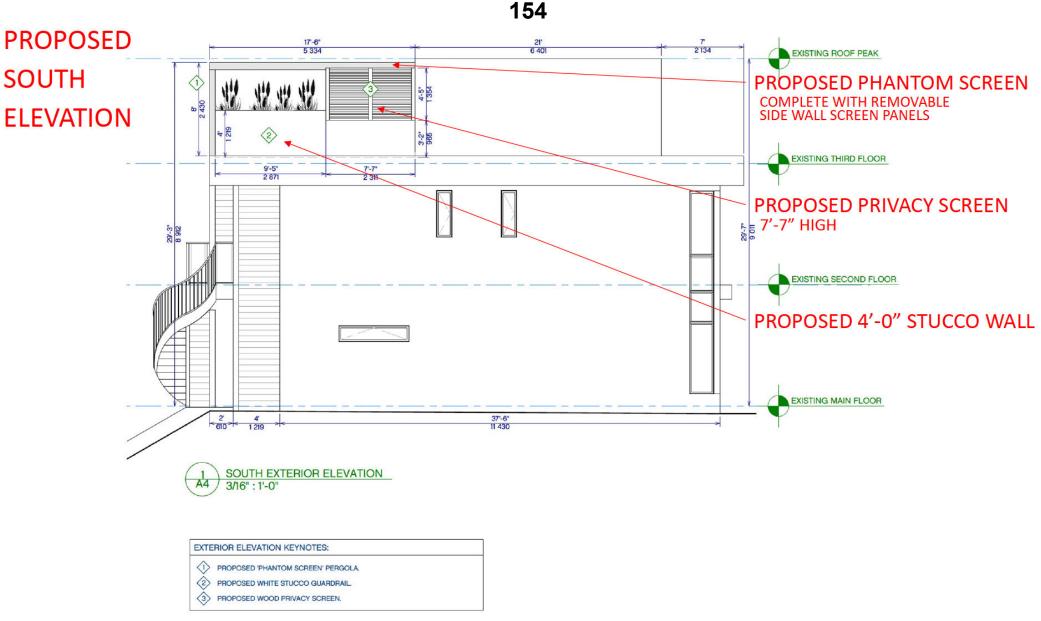




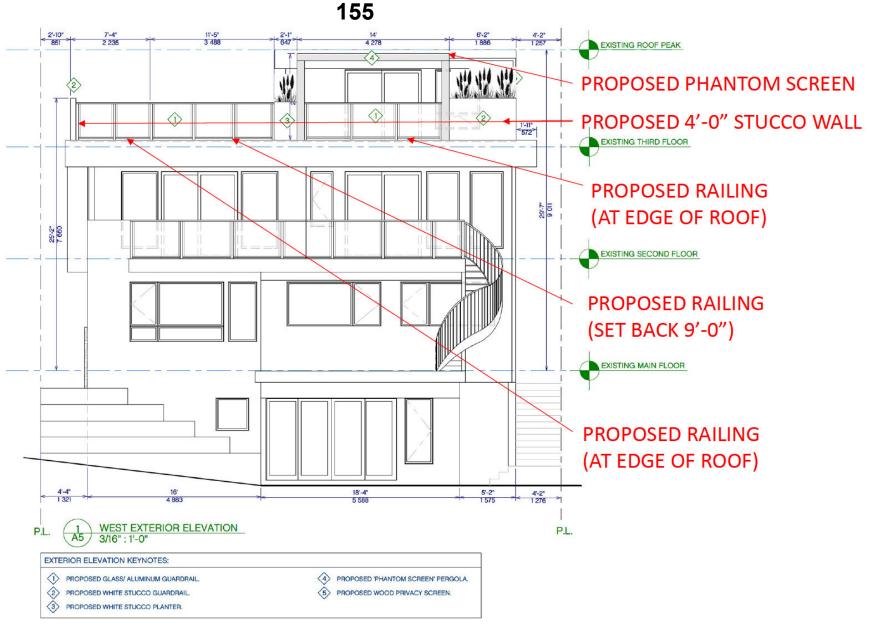


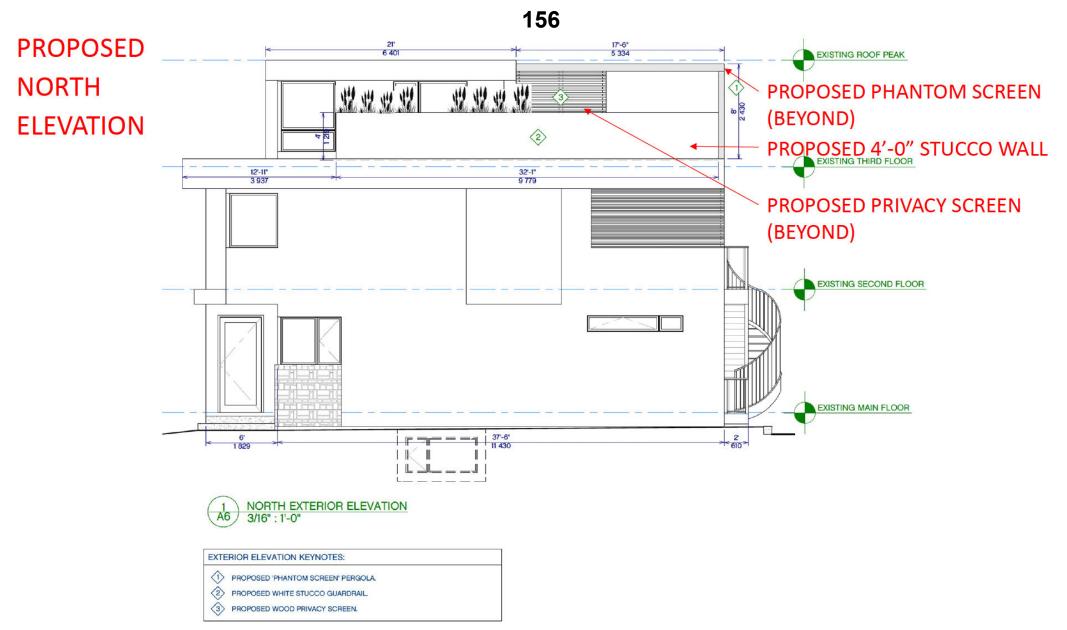




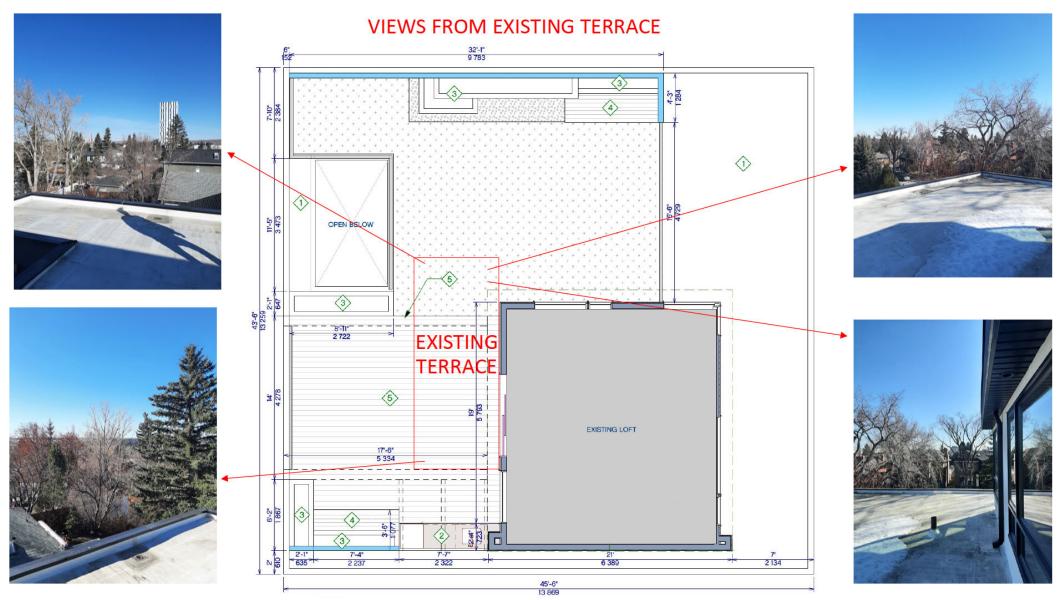


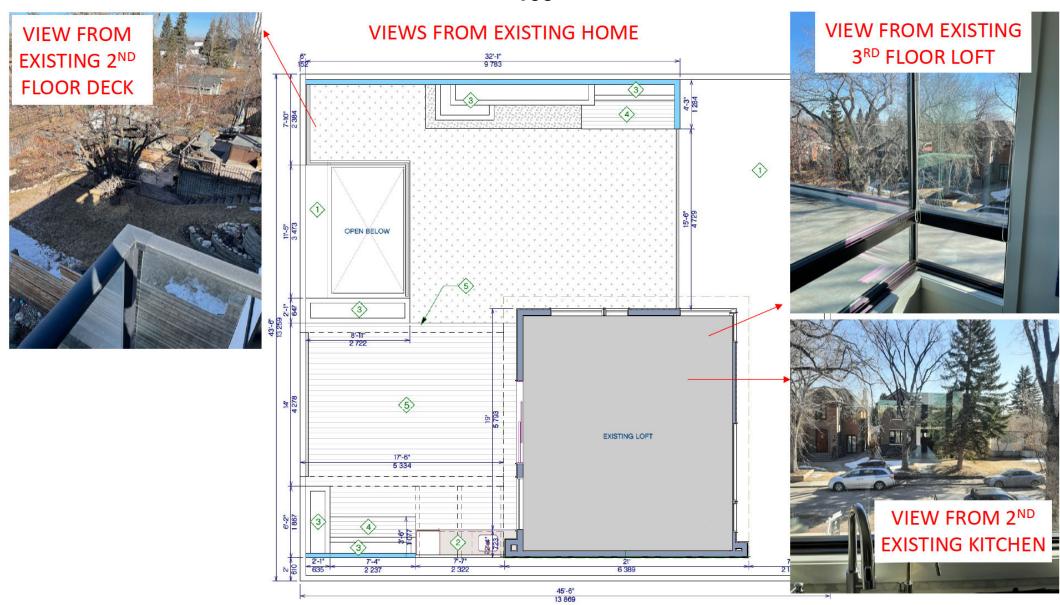
PROPOSED REAR ELEVATION



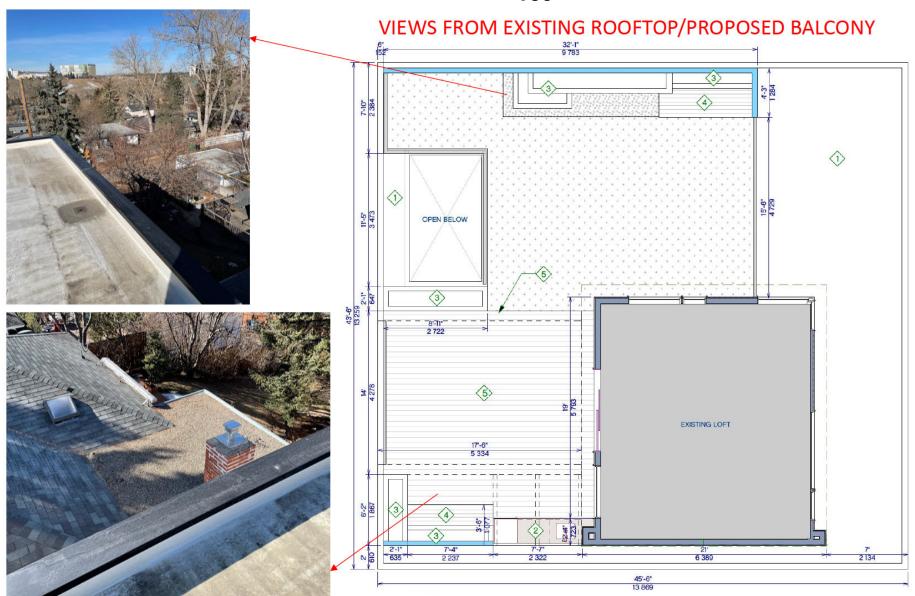


157



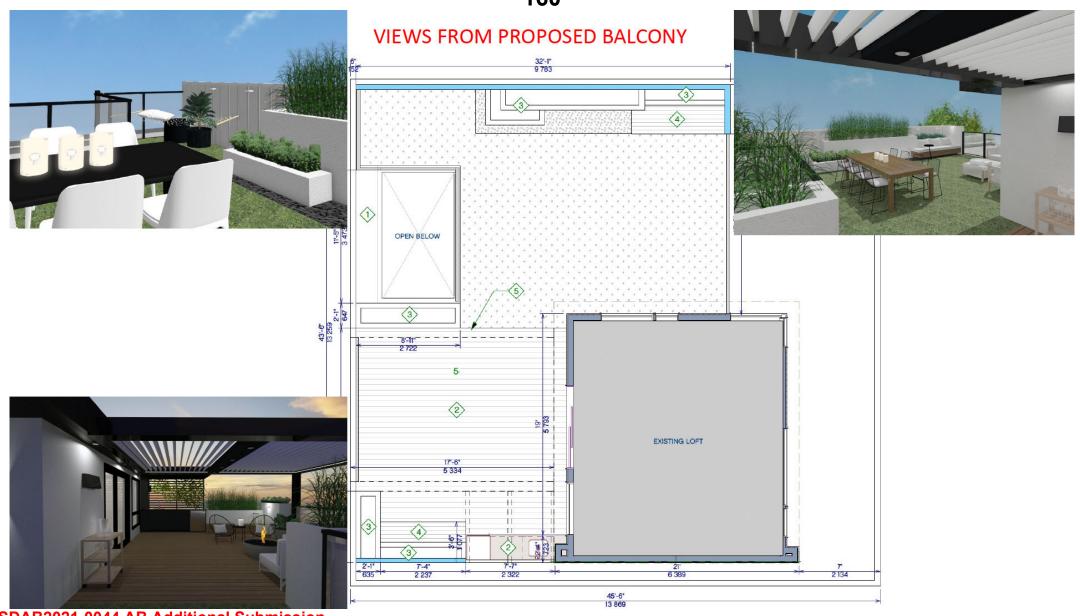


159



SDAB2021-0044 AB Additional Submission

160



SDAB2021-0044 AB Additional Submission

PROPOSED PHANTOM SCREEN >

PROPOSED PRIVACY SCREEN

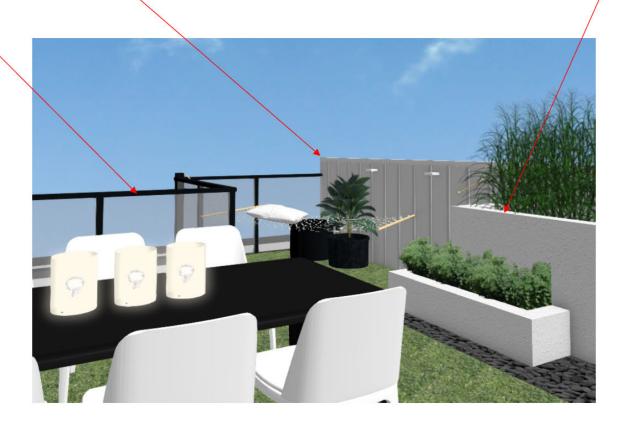
PROPOSED PLANTERS
FOR SCREENING



PROPOSED KITCHENETTE

PROPOSED 4'-0" STUCCO WALL FOR SCREENING

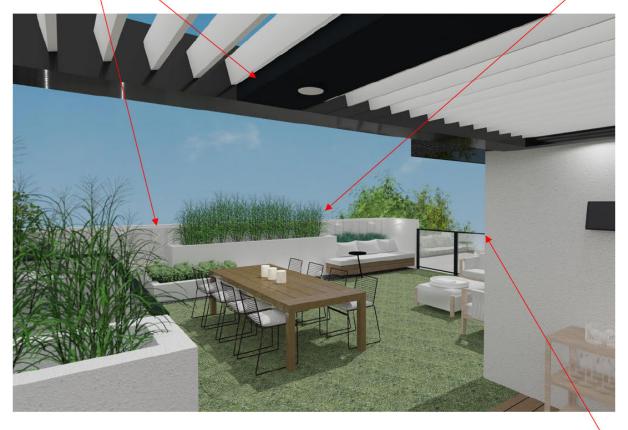
PROPOSED RAILING (SET BACK 9'-0")



PROPOSED PLANTERS FOR SCREENING

PROPOSED PHANTOM SCREEN

PROPOSED 4'-0" STUCCO WALL \



PROPOSED PLANTERS FOR SCREENING

PROPOSED RAILING (SET BACK 13'-0")

MATURE TREES AT THE FRONT OF THE HOME PROVIDE AMPLE SCREENING FROM ADJACENT HOMES













SDAB2021-0044 AB Additional Submission

There are examples of large balconies and rooftop decks in the community, we acknowledge that some may have been built before the currently bylaw regulations or that they may have been built without the proper approvals. We have made an attempt to mitigate the privacy concerns using screening, solid walls, and planting areas, however, are willing to make adjustments to our proposal and are open to your feedback and suggestions.

Thank you for your time.

166

Appeal Board rec'd: September 8, 2021 Submitted by: D. Kwan, owner

Submission by Owner, Denny Kwan

APPEAL NO.: SDAB2021-0044 AB FILE NO.: DP2021-0070

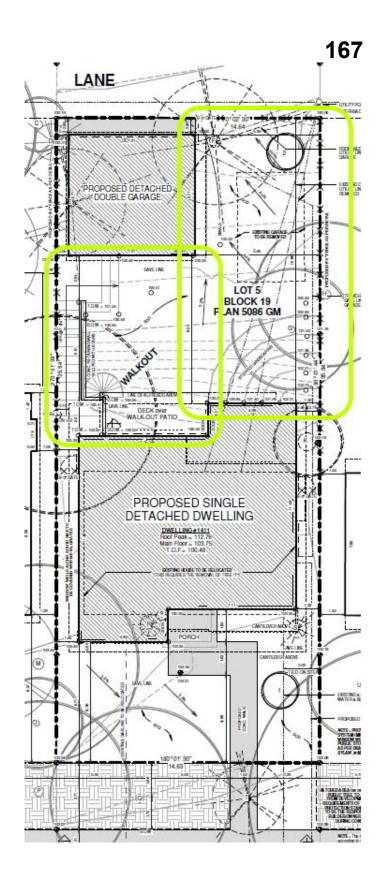
Introduction

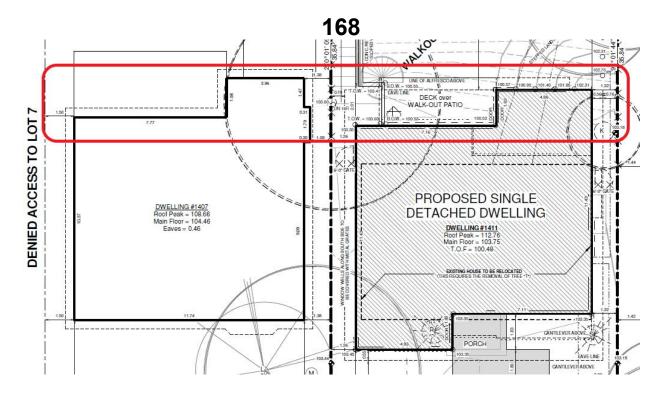
1. This appeal (the "Appeal") pertains to an approval by the Development Authority (the "Approval") of a development permit for an Addition: Single Detached Dwelling (Balcony) (DP2021-0070 (the "DP Application")) at 1411 22A Street NW (the "Subject Property"). The Subject Property has a land use designation of Residential – Contextual One Dwelling (R-C1) and is located in the Hounsfield Heights/ Briar Hill ("HHBH") community.

- 2. After due consideration of the policy, context and test for relaxation, the Development Authority determined that the proposed development is appropriate, and the DP Application was approved. The Approval included a 5.22 to 6.00 metre projection (which requires a 3.37 to 4.15 metre relaxation) and a 0.34 metre projection into the 1.2 metres side setback area (which requires a relaxation of 0.34 metres).
- 3. The appellant, Mr. Murray Desrosiers (the "1412 Appellant"), resides at 1412 22A Street NW, which is across 22A Street to the east of the Subject Property. The appellants, Ms. Kathleen Staniland and Mr. David Pavan (the "1415 Appellants"), reside at 1415 22A Street NW, which is immediately adjacent to the Subject Property to the north. The appellants, Mr. Arnold Westberg and Ms. Nancy Earl (the "1407 Appellants"), reside at 1407 22A Street NW, which is immediately adjacent to the Subject Property to the south.
- 4. My wife, Kellie Johnston, and I make these submissions in opposition to the Appeal. For the reasons outlined below, we respectively request that the Appeal be denied, and the decision of the Development Authority be upheld. Furthermore, we respectfully request that the DP Application be issued as approved by the Development Authority.

Background and History

- 5. My wife and I purchased the Subject Property in 2008 and we have lived on the property ever since (except for the period when the current house was being constructed). Prior to 2008, we lived at 1238 19 Street NW for approximately 5 years, which is six blocks away from the Subject Property in HHBH. My parents and I lived in the 19 Street house for approximately 10 years and Kellie and I purchased the house from my parents in 2004 when they retired and moved to a condo. Prior to the 19th Street house, my parents and I lived on 5th Avenue NW, close to the West Hillhurst Community Association.
- 6. From 2008 to 2012, Kellie and I volunteered on the HHBH Community Association (the "CA"), serving various roles including President, Director, and Traffic Coordinator.
- 7. Five years after we purchased and lived at the Subject Property, we designed and built the existing house under DP2012-4174 (the "2012 DP"). In designing the house, we adhered to the following concepts:
 - Minimize building footprint We purposely designed the property with a small parcel coverage to maximize outdoor spaces and minimize massing. As per the 2012 DP, the parcel coverage was 36%, which is 9% less than the maximum coverage of 45% which is generally not the case for other developments in HHBH where property owners and developers often try to maximise the house footprint based on the land-use bylaw regulations. This ensured that the amount of outdoor space was maximized (see green outline below). The footprint is only marginally larger than the bungalow that existed and our roofline does not extend past 1407 Appellants' roofline to the south (see red outline below as well as Google Earth picture).







- Many of the design features of the 2012 DP incorporated outdoor amenity spaces and included measures to protect privacy (eg, privacy walls on both north and south side on 2nd floor balcony).
- Every effort was taken to minimize mass and shadowing of the neighboring property to the north, 1415 Appellants' property. For instance, our garage was placed on the south side of our property such that it

169

does not shadow the backyard on 1415 Appellants' property. Since the neighboring property to the south, 1407 Appellants' property, is directly south, there was no shadowing concern to that property.

The DP Application and the Approval

- 8. We engaged Rectangle Design Inc. ("Rectangle") to assist in the design of the development permit in August of 2020. Our vision was to build an outdoor amenity area designed to respect our privacy as well as the privacy of neighbouring properties. In addition, we wanted to take advantage of the Subject Property's west view towards the river valley and the mountains since it slopes downwards towards the rear lane (west) and the slope continues across the lane with parcels continuing to slope downward to the next westerly street (23rd Street).
- 9. Consistent with the design of the original house and the 2012 DP, the DP Application incorporated design features to minimize massing and to protect privacy.
- 10. In September 2020, a pre-application discussion was arranged with the Development Authority to discuss the overall concept of the development and it was generally well received.
- 11. After extensive consultation and review with Rectangle, the DP Application was prepared and submitted in January 2021.
- 12. The DP Application was posted for 7 days in January as required, including a 'sandwich board' on our front lawn. During the notice period, one of the 1415 Appellants, Mr. Pavan, asked my wife about the DP Application. My wife explained the proposed development in detail and Mr. Pavan said he was supportive. She asked Mr. Pavan if he would like to look at the drawings (which are publicly available) and he said 'no'. No other party (neighbour, the CA, etc.) made any inquiry to us regarding the DP Application.
- 13. Ward 7 Councillor and Jeff Marsh, Director, Land Use Committee of the CA made written submissions to the Development Authority as outlined in its Report. The Councillor did not oppose the application but noted that it was necessary to mitigate overlooking (which has been addressed). Mr. Marsh's submission stated that the committee found the plans to be "less than self explanatory" and that the committee requests "*NO* relaxation" be allowed by the Development Authority. The 1412 Appellant, who is across the street from the Subject Property, opposed the DP Application citing privacy concerns although it is not apparent whether the 1412 Appellant was aware of the design measures taken (as described herein) to mitigate such concerns. No other party (neighbour or otherwise) made any submission to the Development Authority to our knowledge.
- 14. The Development Authority provided its Detailed Review on March 4, 2021, following which we arranged a meeting with the Development Authority to discuss the DP Application. Rectangle prepared a presentation to better explain the proposed development, which was provided to the Development Authority (a copy of which is attached as Appendix A). Furthermore, since it appeared the CA Land Use Committee did not fully understand the plan, we also arranged a meeting with the committee and provided the same presentation to the committee.
- 15. Following these meetings, we met with the 1415 Appellants to discuss the proposed development and we explained the design as well as features to protect privacy (using the presentation in Appendix A). They expressed concerns of overlooking on the northwest corner of the design and asked us specifically to pull the northwest corner back towards the east. Based on this feedback, we worked with Rectangle to revise the design by pulling the west façade back by ~5 feet, replacing the west facing glass railing with a privacy wall and planters and adding seating benches to the north and west side to prevent overlooking the privacy wall. We advised the CA Land Use Committee of this update. See Appendix B for copies of email correspondence regarding the above. See below renderings of (a) the initial design; and (b) the updated design.





- 16. We provided the update to the 1415 Appellants, but they advised that this change was no longer satisfactory to them and requested the north wall be pulled back by 4 feet. Since this request would significantly alter the design of the development and it was not clear to us the relevance of 4 feet, it was not a change we were able to make. Dialogue with the 1415 Appellants continued, which culminated in the 1415 Appellants requesting that the DP Application be withdrawn in its entirety and the development be re-designed with input from the 1415 Appellants, 1412 Appellants and one of the 1407 Appellants (only Mr. Arnold Westberg was mentioned). We respectfully declined to withdraw the DP Application. See Appendix B for copies of email correspondence regarding the above.
- 17. It is our understanding that there were members of the CA Land Use committee who were in favor of the DP Application and there were members who were not in favor. Accordingly, since there was no consensus, we understand that no further submission was made to the Development Authority by the CA Land Use Committee. One of the members who was in favor of the DP Application, Ms. Laura Hunt, provided a letter of support (see Appendix C).
- 18. The Development Authority granted the Approval on May 21, 2021, the reasons for which are outlined in its Report.
- 19. On June 17, 2021, the 1412 Appellant filed a Notice of Appeal against the Approval and outlined the following reasons:

The proposed development, the addition - balcony/roof top patio - to the existing home at 1411 - 22A Street NW, is too large and creates substantial overlooking and privacy issues for our property and home. The development will directly and negatively impact the use and enjoyment of our property. Other reasons may be provided at the hearing.

20. On June 17, 2021, the 1415 Appellant filed a Notice of Appeal against the Approval and outlined the following reasons:

The proposed development, the addition - balcony/roof top patio - to the existing home at 1411 22A Street NW, is too large and creates substantial overlooking and privacy issues for our property and home. The development will directly and negatively impact the use and enjoyment of our property. The rear balcony of the existing home on the property causes already significant privacy and overlooking issues on our rear yards and the size of the proposed rooftop patio will exacerbate these issues. Other reasons as may be provided at the hearing.

Legislation and Policies

21. Sections 35 and 36 of Land Use Bylaw 1P2007 (the "Bylaw") provides the Development Authority's power to approve a development permit for a discretionary use, even if the development does not comply with all the requirements under the Bylaw.

- 22. Section 340(1) of the Bylaw states that an open balcony must not project more than 1.85m from the building façade. The DP Application requires a 3.37 to 4.15 metre relaxation (approximately 182% to 224%) of this requirement.
- 23. Section 337(9) of the Bylaw states that a balcony must not project into any side setback area. The DP Application requires a 0.34 metre relaxation of this requirement.
- 24. Pursuant to section 387(3)(d) of the Municipal Government Act, the Subdivision and Development Appeal Board may confirm the issuance of a development permit even though it does not comply with the Bylaw if, in its opinion, (i) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and (ii) the proposed development conforms with the use prescribed for that land or building in the Bylaw.
- 25. References are made to the following policies and guidelines:
 - Municipal Development Plan Volume 1 (2020) ("MDP 2020")
 - Low Density Residential Guidelines (2010) ("Infill Guidelines")
 - Guide for Local Area Planning (2021) (the "LAP 2021")

Reasons Against the Appeal

- 26. We respectfully submit that the Development Authority took into account relevant plans and policies; the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood; the merits of the proposed development; and sound planning principles to arrive at the Approval.
- 27. Furthermore, even though the DP Application did not comply with all of the requirements of the Bylaw, we respectfully submit that the Development Authority properly exercised its discretion to approve the application since (i) the proposed development will not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and (ii) the proposed development conforms with a use prescribed by the Bylaw for the Subject Property.
- 28. The proposed rooftop amenity space is intended to create added green space (turf and planters for flowers and container gardening) which adds character and respects privacy while increasing our enjoyment of our home for many years to come. It will also add space for more efficient use of land. This is consistent with the MDP 2020 goals to create "an urban structure for the city that is livable, healthy and prosperous and will remain so for future generations" and to "conserve, protect and restore the natural environment". The proposed rooftop amenity space will create a more compact urban form that contributes to people's quality of life through using traditionally unused space for amenities and to grow plants. Plants are entirely consistent with the green neighbourhood we live in. We are surrounded by mature trees and landscaped yards ours is a community that values and takes pride in our urban gardens. The proposed rooftop amenity space will support growing garlic, carrots, peas, and strawberries along with decorative plants and flowers to create a productive and tranquil and air purifying environment, tucked away from view of our neighbours and vice versa. This will also encourage bees and birds to visit our rooftop and contribute to a healthy urban ecosystem.







- 29. Another stated objective under MDP 2020 is to create distinctive, resilient, and attractive neighbourhoods that feature architectural and natural elements that contribute to a local identity, a strong sense of place and in community pride. HHBH is an attractive community to live in for a variety of reasons, one of which is the diversity of architectural styles and landscapes. This is one of the reasons people chose to live in this community. The proposed rooftop amenity space, along with the many others in HHBH, add to the diversity and natural elements through added greenspace and contribute to the local identity of HHBH and the sense of pride people feel living in this neighbourhood. The following are examples of balconies and rooftop amenity spaces on our block (22A Street between 12th and 14th Avenue) as well as other parts of HHBH.
 - 1203 18A Street NW Rooftop deck with privacy screens on side and glass railing in front and back



• 1718 12 Ave NW – Rooftop deck overlooks front, side and no privacy screen



• 1910 10 Ave – Rooftop deck overlooks into side neighbor with no privacy screen



• 1222 21 Street NW – Rooftop deck overlooks front, rear and side



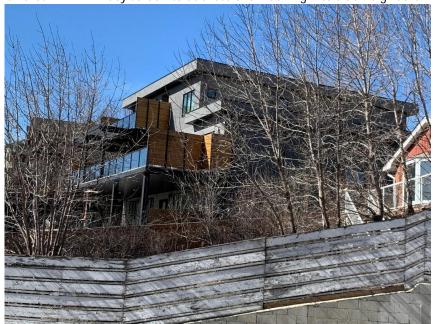
• 1407 22A Street NW (1407 Appellants' property) – Rooftop deck on garage, due to the westward slope of the west side of 22A Street, such a deck is very common (i.e., 1313, 1317, 1403 – that is 4 of the 5 houses immediately to the south of the Subject Property).







1931 Briar Cres NW – Privacy screen to address over-looking into side neighbors



• 1210 20A Street NW – Balcony with view to the front and to the side, with no privacy screen, just glass railings.



30. Change is inevitable. HHBH is a community in transition, as we have witnessed first-hand in the 16 years we have lived together in the neighbourhood. In the single block of 22A Street between 12 Ave and 14 Ave, of the 20 lots 9 new homes have been built, including our own as well as that of the 1415 Appellant. Change will happen and we want to be a positive part of that change – creating more privacy and more greenspace for our neighbourhood. As stated in the MDP 2020, "Residential communities are not static. They evolve over time as demographics shift and buildings age, offering an opportunity to review and accommodate changing community needs." Furthermore, MDP 2020 very clearly states that "respecting neighbourhood character does not mean preventing change. A neighbourhood is not static; it evolves over time as the area ages and redevelops. Some neighbourhoods experience significant changes as a result of demographic, economic conditions, changing preferences in housing and design innovations."

- 31. LAP 2021 (as well as the Development Authority) encourages new and innovative ways to create amenity space, which should be adequately sized to accommodate furniture, considers both sunlight and shade and provides weather protection. The proposed rooftop amenity space meets this criterion since there is sufficient amenity space to accommodate built-in areas for seating, a small area for furniture and a gas heat source, and planting space for vegetables and decorative plants. The space also considers sunlight and shade, both from our and our neighbour's perspective. As described in greater detail below, there will be no significant shading or reduction of sunlight on our north neighbour. The pergola provides needed shade from the intense west sun and provides all-weather protection from rain and wind with vertical screens (the Phantom Screen pergola is rated to withstand hurricane winds). This will provide weather protection and provide complete privacy for us and our neighbours when the screens are down due to sun or rain.
- 32. LAP 2021 encourages innovation and creativity, including discretion to allow relaxation of the Bylaw. When we saw the many new rooftop amenity spaces in Calgary, we were intrigued and thought it would be an excellent fit with the design of our home and allow us the ability to be outside longer through the fall and earlier in the spring. We engaged a professional design firm to help us achieve a plan that met and exceeded privacy protection principles for us and our neighbours and create an innovative space that allowed us to extend the short Calgary outdoor season and expand our green space. We believe the Approval issued by the Development Authority meets the vision of LAP 2021 for an innovative and creative Calgary. We believe that the proposed rooftop amenity space is the type of forward-thinking design that creates diverse and creative communities where Calgarians, such as ourselves, can live, work and play.
- 33. Consistent with the Infill Guidelines, the approved rooftop amenity space is contextually sensitive as it is one of many similar spaces in HHBH and surrounding neighbourhoods. See paragraph 29 above for some examples in HHBH. Similar amenity spaces are in West Hillhurst (immediately to the south of HHBH).





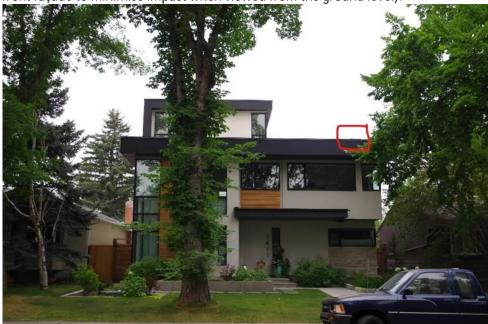
34. As per the Infill Guidelines, the approved rooftop amenity space has been designed by a professional architectural design and build firm with the highest standard of design, level of creativity, and forward-thinking planning. This is reflected in the ample green spaces, the attention to detail in creating spaces to sit, spaces to dine, spaces to plant edible and decorative plants and take advantage of otherwise unused space in a way that mirrors other progressive cities and creates maximum privacy for us and the neighbours. See renderings of the rooftop amenity in paragraph 28 above.

- 35. In order to be responsive to local context as required by the Infill Guidelines, the approved rooftop amenity space respects and enhances the existing house and is compatible with the street and community, and as such, will contribute to the quality of the neighbourhood. The rooftop amenity space was designed primarily with privacy and green space in mind, and we feel that we have succeeded in meeting both goals. As a rooftop amenity space (consistent with many others in HHBH and surrounding communities) it is part of a movement to take advantage of otherwise unused space to enrich the neighbourhood and our enjoyment of the property.
- 36. The Infill Guidelines provide that a development should respect the existing scale and massing of its immediate surroundings. For example, as mentioned above, the total footprint area of the Subject Property is less than the maximum permitted in the land-use bylaw. Additionally, as shown in paragraph 7a above, we were cognisant not to extend beyond the rearmost façade of the neighbor to the south. We went into this process with a clear intent, to ensure the privacy of our neighbours, and ourselves, would not be negatively impacted.
- 37. Furthermore, design of the approved amenity space ensures that impact of massing is minimized for instance, the privacy walls are kept at 4 feet high, and where possible, they are set back away from the existing façade of the home, with visually pleasing greenery above (instead of 6 feet high walls which 1415 Appellants clearly told us they did not want). This is illustrated with the following photos where a black matt that is 4 feet high is held up where the privacy walls would be constructed.





• View from front of Subject Property – top of the 4-foot glass railing barely visible (this is placed 13'- 0 back from the front façade to minimise impact when viewed from the ground level).



• View from front and north of Subject Property – the 4-foot privacy wall barely visible



• View from alley behind Subject Property – top of the 4-foot privacy wall barely visible (this privacy wall is placed 5'-3" back from the rear façade of the house).



• View from alley behind 1415 Appellants – minimal impact due to privacy wall, also there will be greenery on top of wall (from planters) to further reduce impact (note that impact to the 1415 Appellants should be less than shown in the photo since inside their property, the wall will be closer and the angle will cause the wall to appear even smaller).



• View from alley behind 1407 – minimal impact due to privacy wall, also there will be greenery on top of wall (from planters) to further reduce impact (note that impact to the 1407 Appellants should be less than shown in the photo since inside their property, the wall will be closer and the angle will cause the wall to appear even smaller and their roofline extends past the Subject Property's roofline)





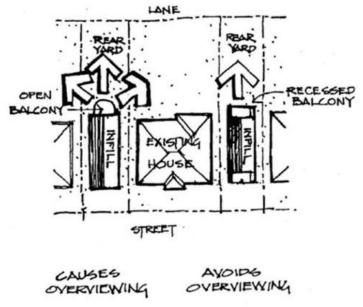
38. Each of the privacy walls is an extension of the white stucco walls of the house and they do not appear obtrusive and are softened with greenery, as can be seen with a similar amenity space in West Hillhurst (108 18 St NW).





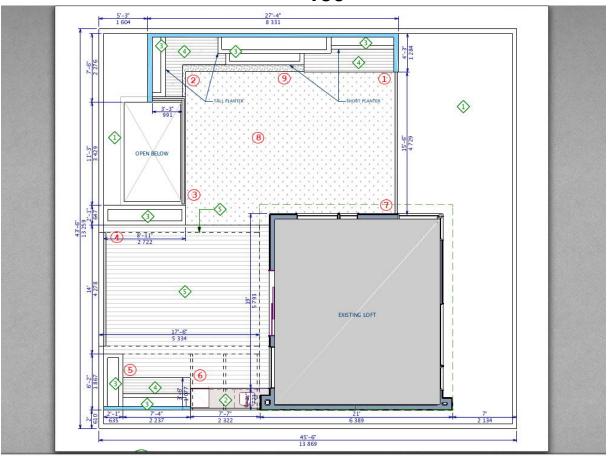
- 39. The approved rooftop amenity space includes a full height privacy screen/wall on the south side as well as a pergola. These elements provide privacy as well as protection from the weather so to extend the seasons the amenity space can be used (as discussed above). These elements are the same height as the existing house and do not introduce additional height. Also, the pergola is setback over 8 feet from the south side of the Subject Property roofline and ~19 feet from the north end and therefore they do not interfere with the massing as seen from the property of either neighbour.
- 40. Further, it is important to note that our street is currently characterized by new homes, as is HHBH generally. The street and neighbourhood are transitioning from bungalows to new, two story homes. As noted above, 9 of the 20 properties on our block are new developments, all of which are two story homes. Generally speaking, our street, and HHBH, is characterized by large, two-story homes.

41. The Infill Guidelines provide that the privacy of adjacent residences should be respected. In particular, it states that a recessed balcony or one with privacy walls on both sides are designed to avoid overviewing. As noted throughout our submissions, the approved rooftop amenity space was designed to ensure privacy and minimize overlooking.



Placement of Balconies should Respect the Privacy of Adjacent Residencies and Avoid Overviewing

42. As noted above, our house was designed from the outset with a minimal footprint and conscious and deliberate choices were made to ensure privacy. The approved amenity space continues to respect privacy consciously and deliberately, which is clearly shown in the following images. The pictures shown immediately after the floorplan outlined below correspond to the numbers in red indicating the location from which the photos were taken from the existing roof/approved deck. To illustrate the privacy provided by the privacy walls, a 4-foot black matt, described previously in paragraph 37, was held up to indicate the approximate height of the wall and the remaining wall was drawn in.



- (1) Furthest east and north corner standing looking east and north
 - East view across street no privacy concern
 - Northeast view 4-foot wall prevents overlooking, plus plants on top for greenery









- (2) Furthest west and north corner (further to discussion with the 1415 Appellants, the privacy wall was extended around the northwest corner, eliminating glass railing) standing looking north and northwest.
 - North view 4-foot wall prevents overlooking, mitigating any privacy concern
 - Northwest view 4-foot wall prevents overlooking, mitigating any privacy concern







- (3) West end of the existing rooftop standing looking northwest and west
 - Northwest view 4-foot wall prevents overlooking, mitigating any privacy concern



- (4) West end of existing rooftop standing looking northwest and southwest
 Northwest view 4-foot wall prevents overlooking, mitigating any privacy concern

 - Southwest view cannot overlook even without privacy wall



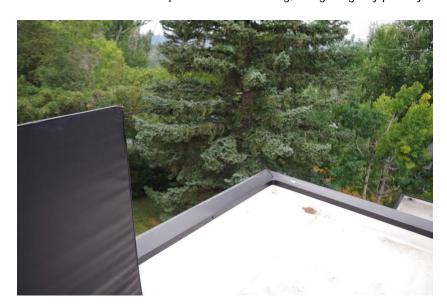




- (5) Furthest west and south corner standing looking west and southwest
 - Southwest view 4-foot wall prevents overlooking, mitigating any privacy concern



- (6) South end of the existing rooftop standing looking south and west
 Southwest view 4-foot wall prevents overlooking, mitigating any privacy concern





- (7) Furthest east and south corner standing looking east and north
 - East view across street no privacy concern
 - North view across street no privacy concern





- (8) Middle of green space (dining table) standing looking northwest, west and southwest
 - Each of northwest, west and southwest view no privacy concern (note that privacy walls have not been added which would enhance privacy)

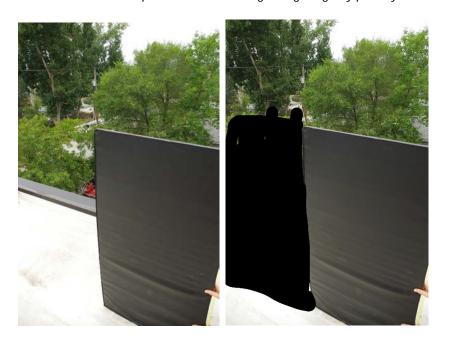








- (9) North end of existing rooftop standing looking north
 North view 4-foot wall prevents overlooking, mitigating any privacy concern



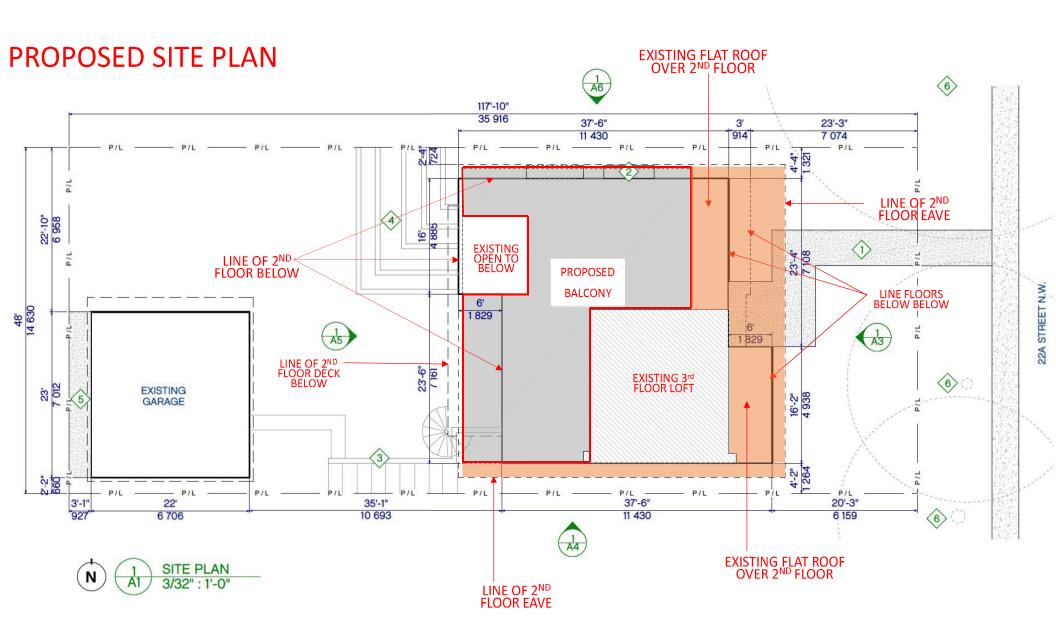
43. In addition, the pergola itself provides substantial privacy. The pergola will have shades on all three open sides which will be down in the heat of the afternoon sun and evening west sun. See below photos of a similar pergola to that which is approved to be built on our rooftop.

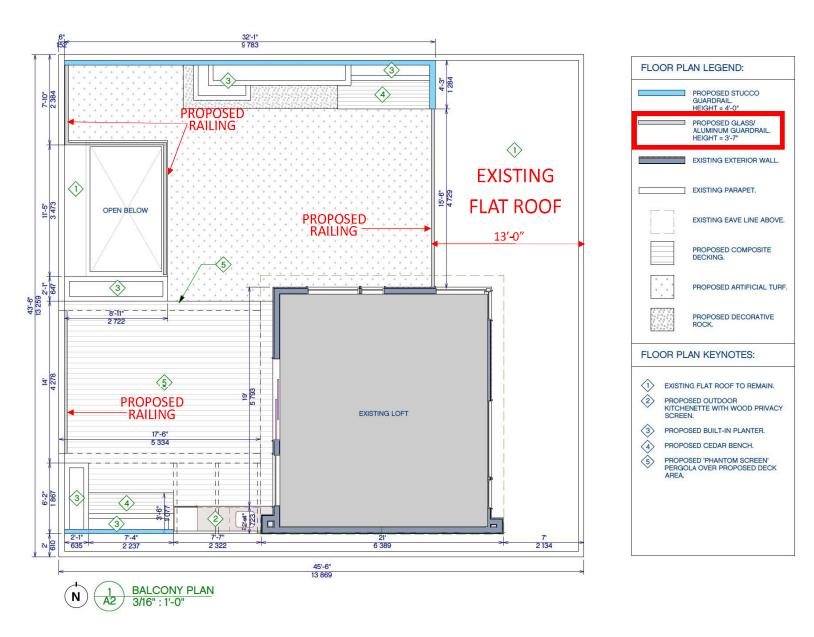


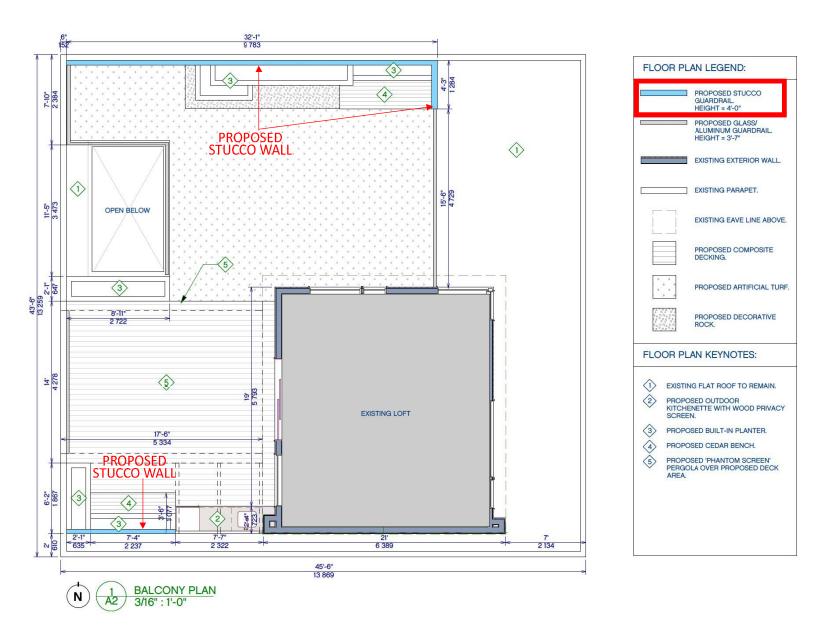
- 44. It is our submission that the approved rooftop amenity space mitigates any potential impact on privacy and, in fact, creates more privacy for us and our immediately adjacent neighbours. From a massing perspective, the amenity space was designed by a professional architectural firm to ensure that privacy and massing were handled in a way that met our and our neighbour's need for privacy and minimal disruption to the façade of our home and massing of our home, and those challenges have been met in a way that creates a win-win for both us and our neighbours.
- 45. With respect to 1407 Appellants, they are to the south of us. There is no loss of sunlight. Equally, there is minimal, if any, loss of privacy. As can be seen in the elevation drawing, the south privacy wall extends directly from the existing loft wall. Further, as noted above, our roof line does not extend past their roof, and it is not possible for us to tower over our south neighbours. In our submission, the approved amenity space will provide more privacy between our homes than currently exists.
- 46. For all the foregoing reasons, we respectively request that the Appeal be denied, and the decision of the Development Authority be upheld. Furthermore, we respectfully request that the DP Application be issued as approved by the Development Authority.

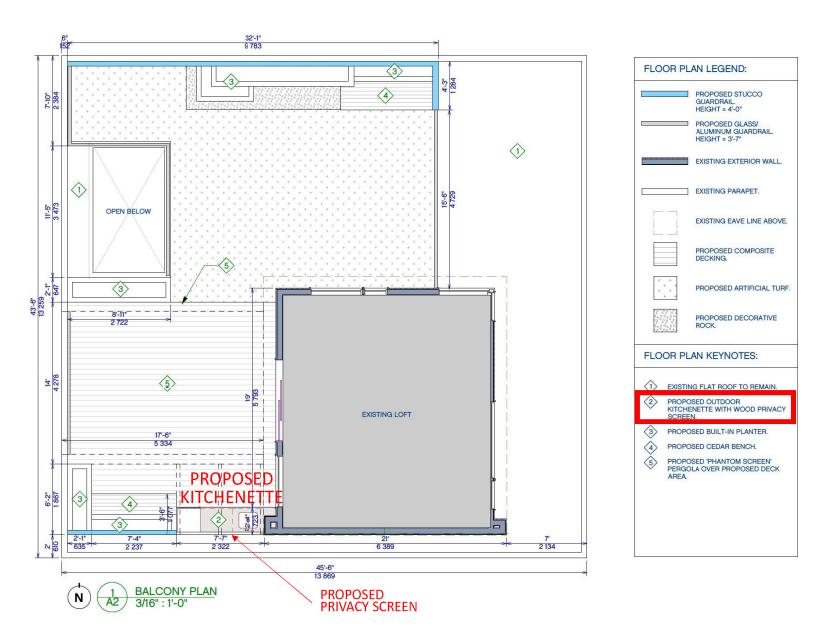


SDAB2021-0044 AB Additional Submission

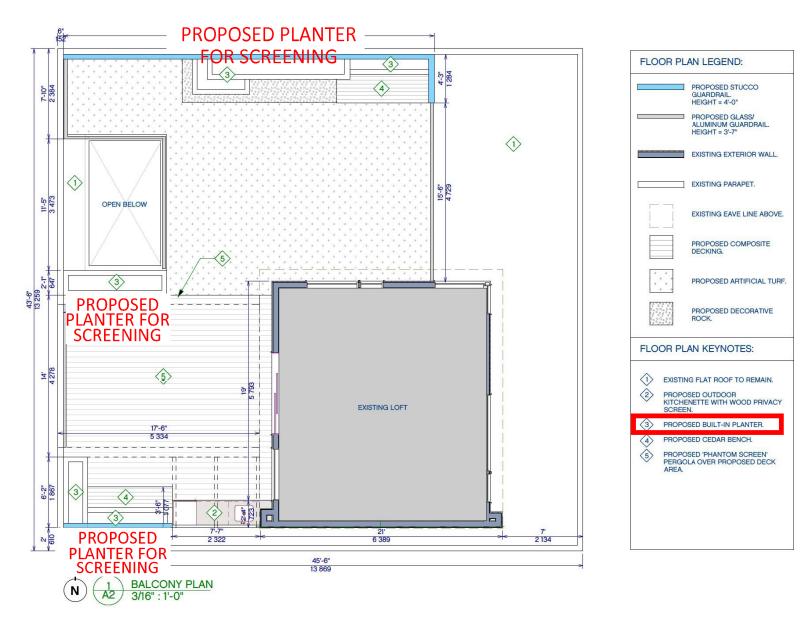


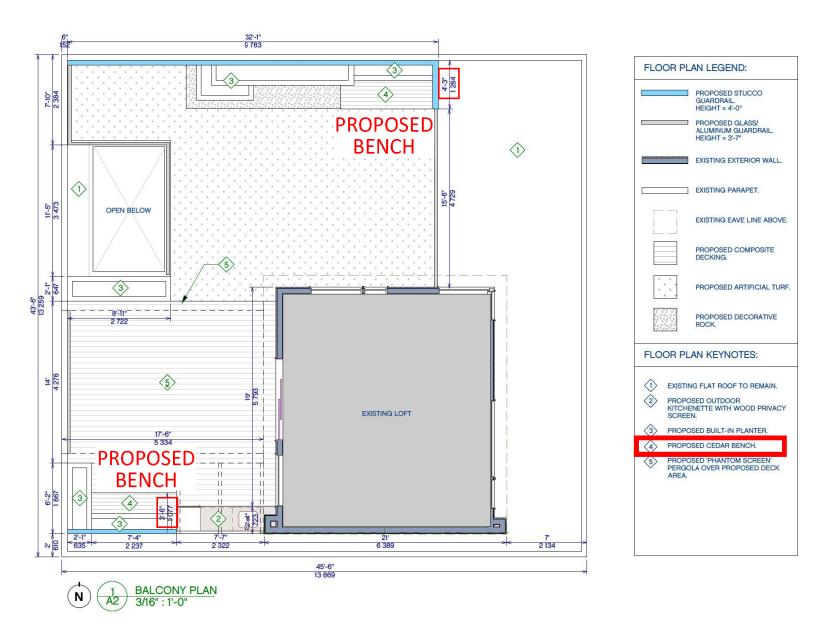




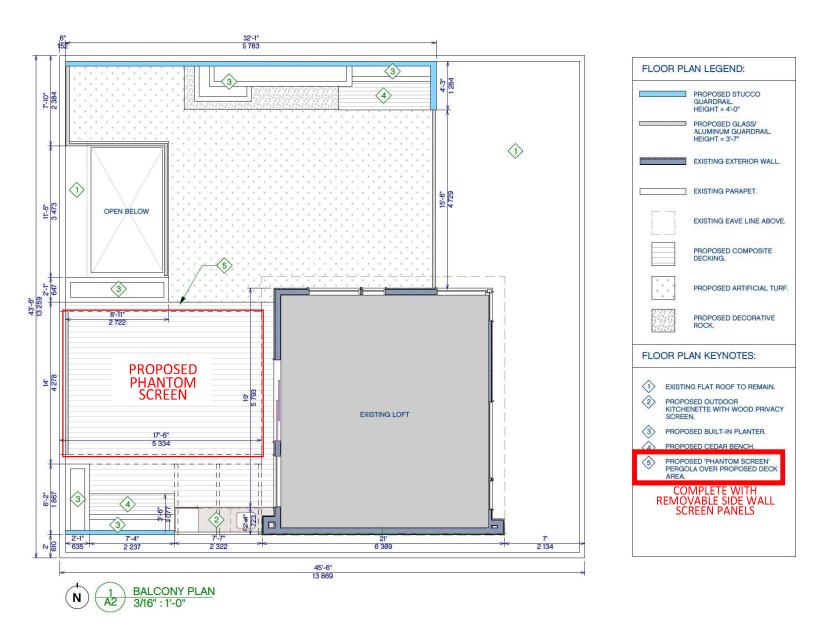


SDAB2021-0044 AB Additional Submission

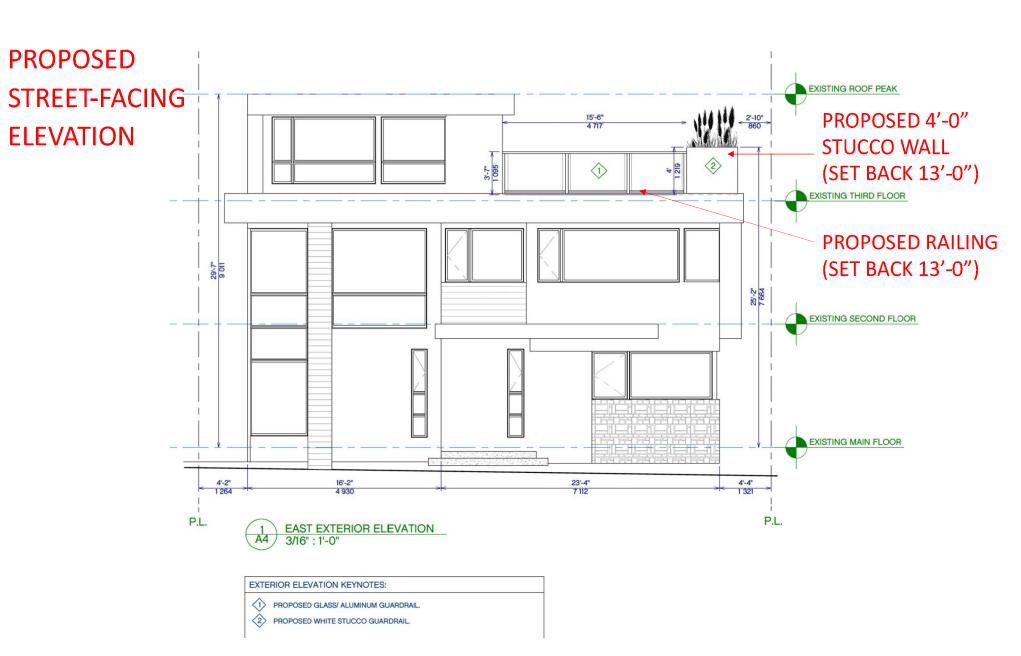


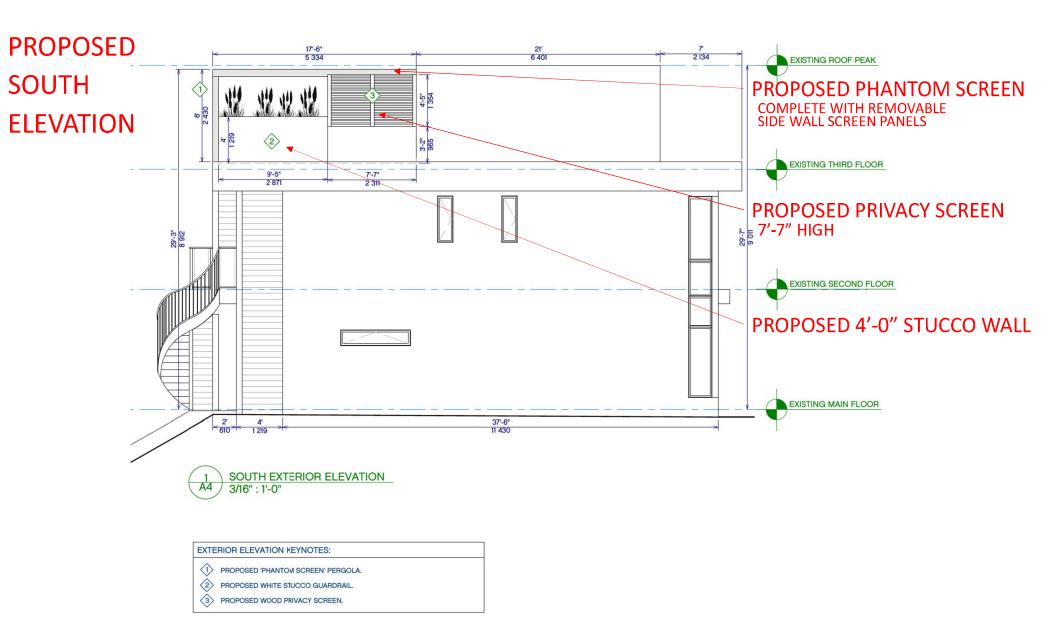


SDAB2021-0044 AB Additional Submission

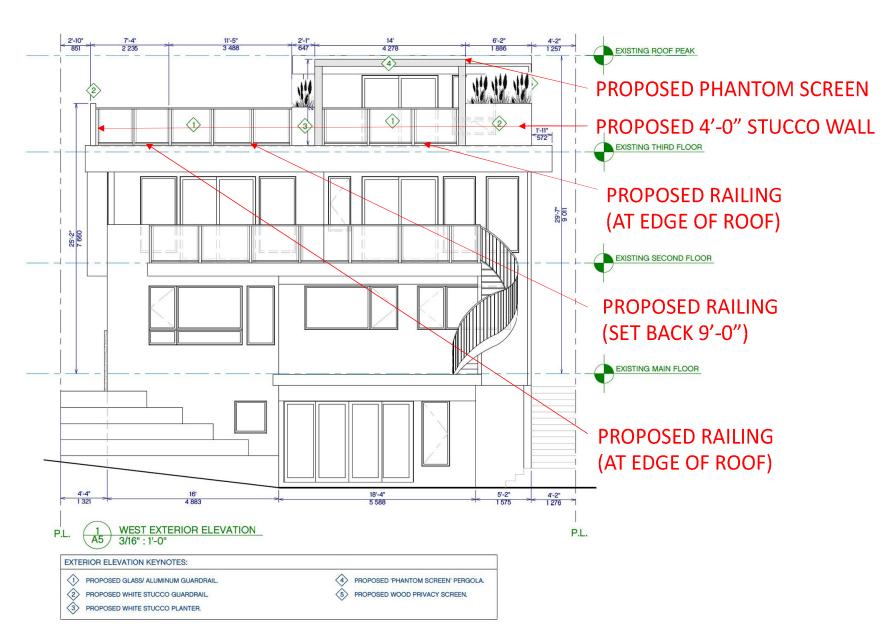


SDAB2021-0044 AB Additional Submission

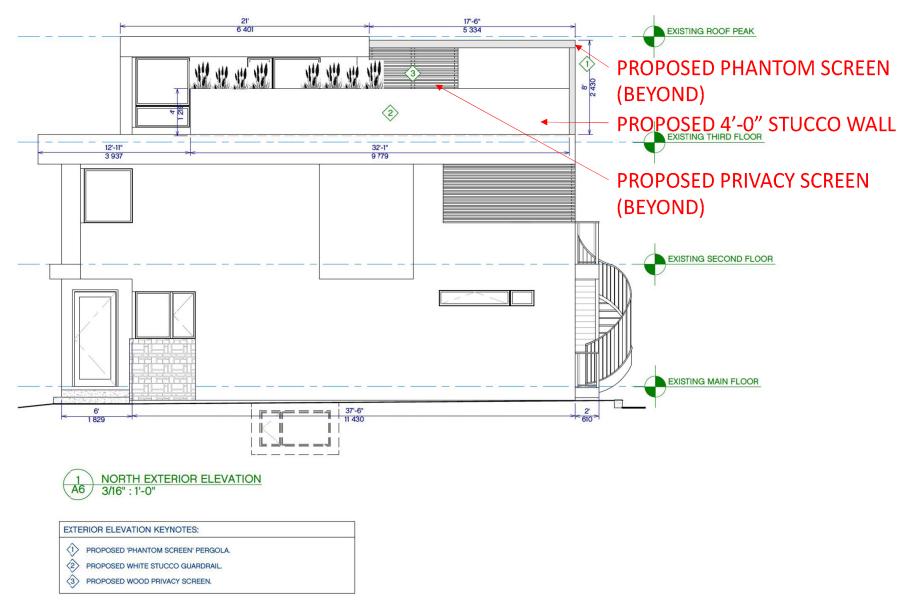


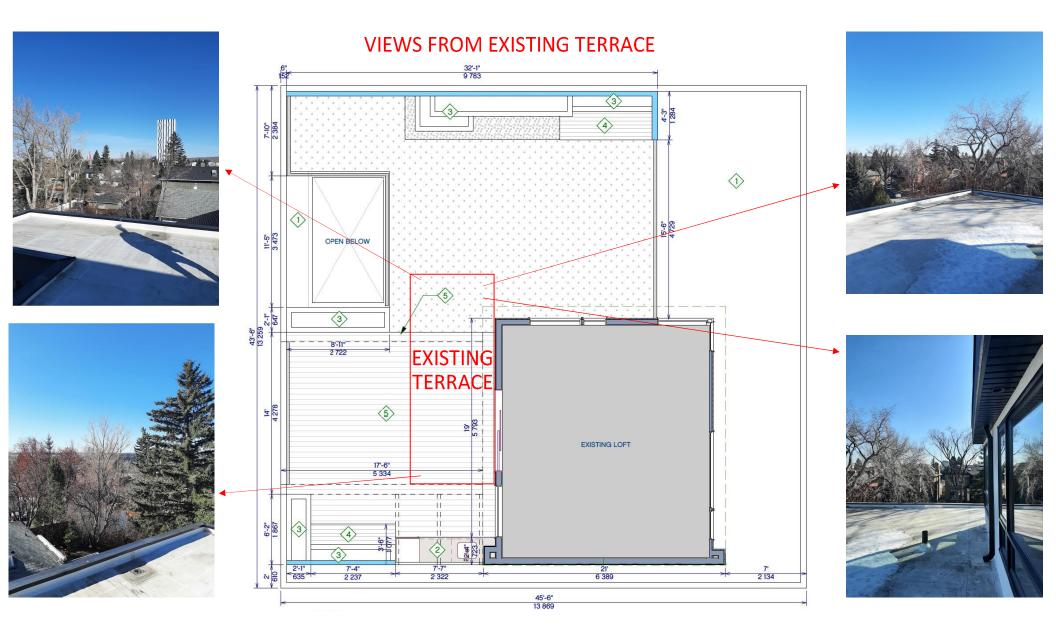


PROPOSED REAR ELEVATION

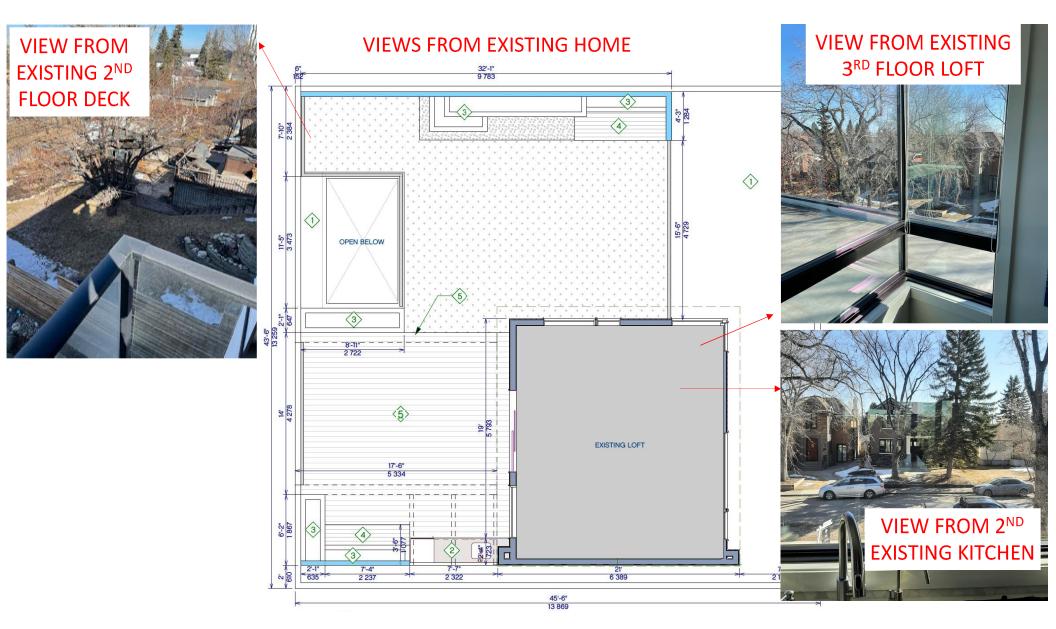


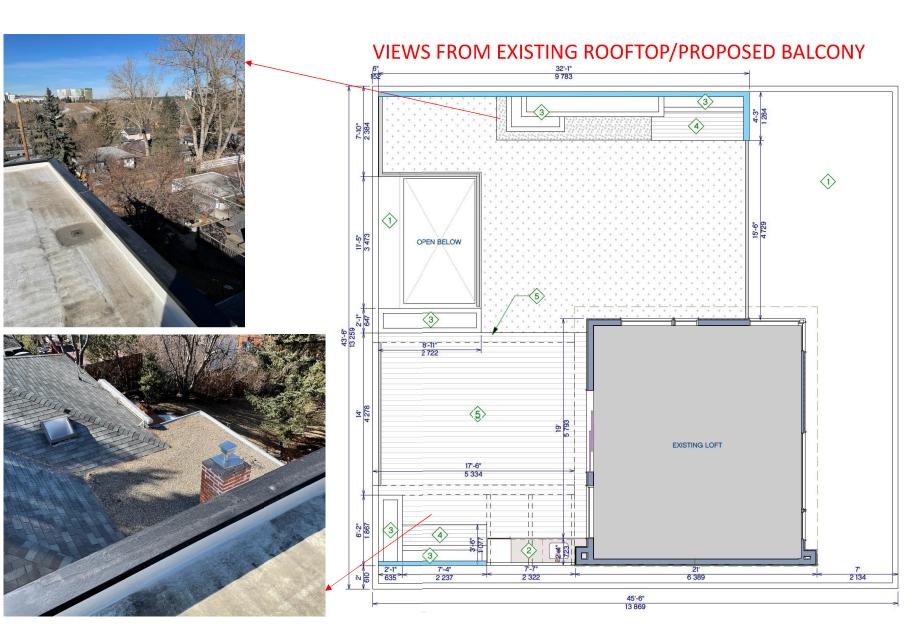
PROPOSED NORTH ELEVATION



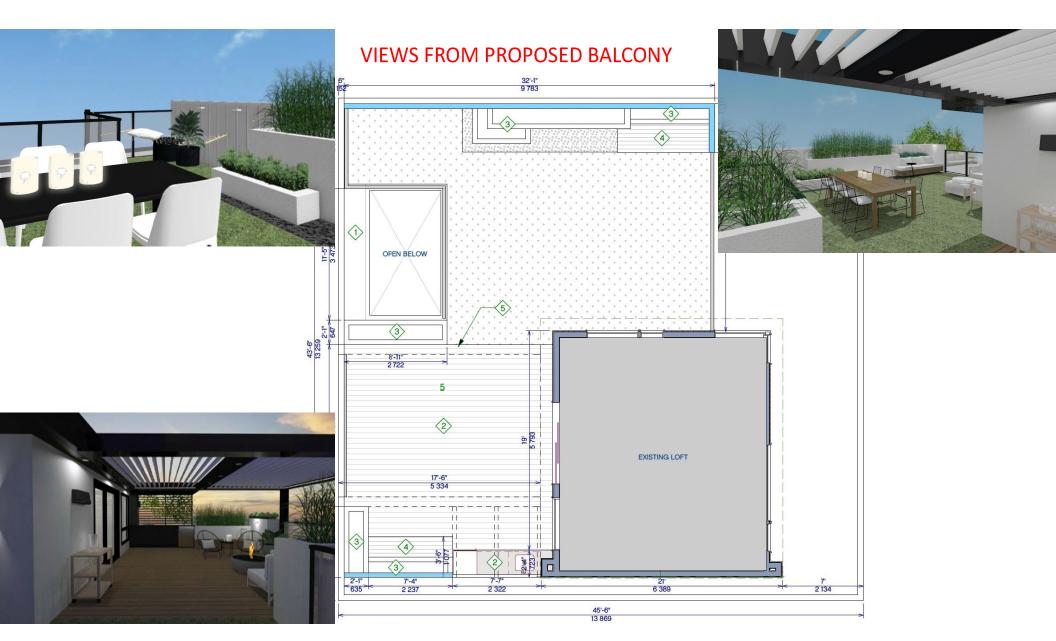


SDAB2021-0044 AB Additional Submission





SDAB2021-0044 AB Additional Submission



SDAB2021-0044 AB Additional Submission

PROPOSED PHANTOM SCREEN

PROPOSED PLANTERS FOR SCREENING

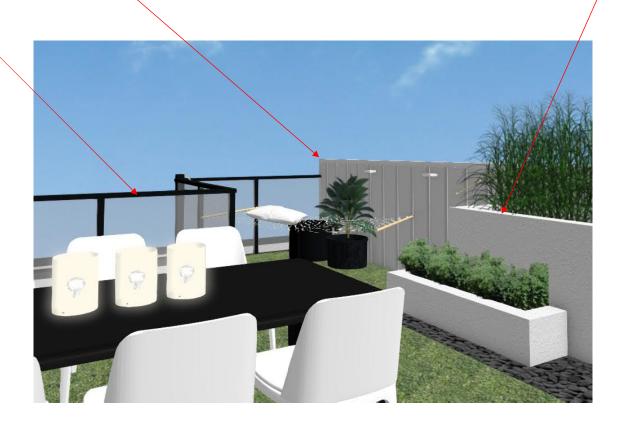
PROPOSED PRIVACY SCREEN



PROPOSED KITCHENETTE

PROPOSED 4'-0" STUCCO WALL FOR SCREENING

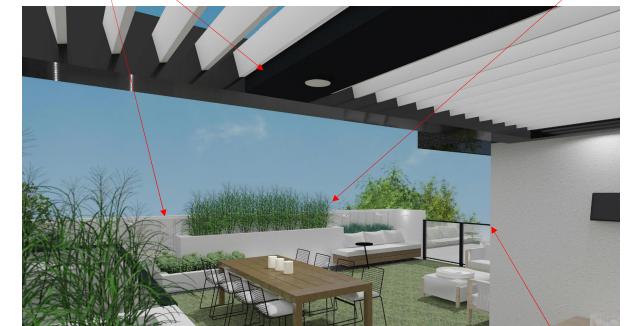
PROPOSED RAILING (SET BACK 9'-0")



PROPOSED PLANTERS FOR SCREENING

PROPOSED PHANTOM SCREEN

PROPOSED 4'-0" STUCCO WALL



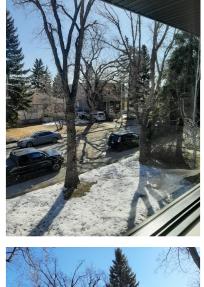
PROPOSED PLANTERS FOR SCREENING

PROPOSED RAILING (SET BACK 13'-0")

MATURE TREES AT THE FRONT OF THE HOME PROVIDE AMPLE SCREENING FROM ADJACENT HOMES













SDAB2021-0044 AB Additional Submission

There are examples of large balconies and rooftop decks in the community, we acknowledge that some may have been built before the currently bylaw regulations or that they may have been built without the proper approvals. We have made an attempt to mitigate the privacy concerns using screening, solid walls, and planting areas, however, are willing to make adjustments to our proposal and are open to your feedback and suggestions.

Thank you for your time.

Shaw Webmail dellienye@shaw.ca

Re: Rooftop Balcony

From: Kellie&Denny <dellienye@shaw.ca> Sur

Sun, May 02, 2021 06:34 PM

Subject: Re: Rooftop Balcony

1 attachment

To: dave pavan <dave.pavan@gmail.com>

Hi Kathy & Dave, please see attached as per our text message. As you can see, we have pulled back the wall and added planter and bench, so we'll be well back from the west and north corner.

Thanks.

Denny & Kellie

From: "dellienye" <dellienye@shaw.ca>
To: "dave pavan" <dave.pavan@gmail.com>
Sent: Wednesday, April 28, 2021 6:34:27 PM

Subject: Rooftop Balcony

Hi Kathy & Dave, thanks for taking the time the other day to meet about our rooftop balcony. We heard your concern about potential views from the NW corner and we will pull it back by moving the west railing of the deck back approximately 6ft. Therefore, we will be at least 6ft back from the NW corner and at least 4ft in from the north side due to the layers of planters and bench on that wall.

Can you please let us know that this addresses your requests when we spoke?

Thanks, Denny & Kellie



CLIENT INITIALS:

RECTANGLE INITIALS:

DATE: April 29, 2021

– DIMENSIONS TO FINISHED FACE, U.N.O. GENERAL NOTES:

- PROPOSED ROOFTOP BALCONY TO BE BUILT ON SLEEPERS OVER EXISTING FLAT ROOF STRUCTURE, FINISH. EXISTING DRAINAGE TO BE MAINTAINED.

SCALE: 3/16": 1'-0"

BALCONY PLAN

PROJECT: #160 BRIAR HILL BALCONY

1411 22A STREET

N.W. LOT: 5 BLOCK: 19 PLAN: 5086 GM

PROPOSED ARTIFICIAL TURF. EXISTING EAVE LINE ABOVE. PROPOSED OUTDOOR KITCHENETTE WITH WOOD PRIVACY SCREEN. EXISTING EXTERIOR WALL. EXISTING FLAT ROOF TO REMAIN. PROPOSED DECORATIVE ROCK. PROPOSED GLASS/ ALUMINUM GUARDRAIL. HEIGHT = 3'-7" PROPOSED 'PHANTOM SCREEN' PERGOLA OVER PROPOSED DECK AREA. PROPOSED COMPOSITE DECKING. PROPOSED BUILT-IN PLANTER. PROPOSED STUCCO GUARDRAIL. HEIGHT = 4'-0" EXISTING PARAPET. FLOOR PLAN KEYNOTES: PROPOSED CEDAR BENCH. FLOOR PLAN LEGEND: ⟨4⟩⟨2⟩ $\langle \overline{-} \rangle$ **∞** $\langle \gamma \rangle$

134 4'-3" 12'-6<u>1</u> SHORT PLANTER **EXISTING LOFT** $\langle \overline{4} \rangle$ 21' 6 389 45'-6" 13 869 27'-4" 8 331 £72 ...tv...Z ٤ ٤ ٤ BALCONY PLAN 3/16": 1'-0" $\langle \hat{c} \rangle$ 440 I ..9-.E $\langle 4 \rangle$ 17'-6" 5 334 3'-3" OPEN BELOW 7'-4" 2 237 8'-<u>1</u>1" 2 722 (∞) A2 5'-3" 927 Z ..9-.2 3 459 **4**7 872 4 498 T 019 13 259 #3-68 "<u>2</u>-'8 11'-3" Ιđι ٦٦

Shaw Webmail dellienye@shaw.ca

RE: Rooftop Balcony

From: Gmail <dave.pavan@gmail.com>

Mon, May 03, 2021 09:26 PM

Subject: RE: Rooftop Balcony

1 attachment

To: Kellie&Denny <dellienye@shaw.ca>

Hi Denny and Kellie,

Thanks for making the alterations.

In all honesty, however, Kathy and I still feel that the sightlines and height over our yard are significant. We would strongly prefer some setback of the north wall from the edge of the roof, preferably about four feet.

We're happy to continue the dialogue to aim for a mutual agreement.

Cheers,

Dave and Kathy

Sent from Mail for Windows 10

From: Kellie&Denny

Sent: Monday, May 3, 2021 6:35 PM

To: dave pavan

Subject: Re: Rooftop Balcony

Hi Kathy and Dave, can you please get back to us with any comments? We assume this more than addresses your concerns.

From: "dellienye" <dellienye@shaw.ca>

To: "dave pavan" <dave.pavan@gmail.com>
Sent: Sunday, May 2, 2021 6:34:48 PM

Subject: Re: Rooftop Balcony

Hi Kathy & Dave, please see attached as per our text message. As you can see, we have pulled back the wall and added planter and bench, so we'll be well back from the west and north corner.

Thanks.
Denny & Kellie

To: "dave pavan" <dave.pavan@gmail.com> **Sent:** Wednesday, April 28, 2021 6:34:27 PM

From: "dellienye" <dellienye@shaw.ca>

Subject: Rooftop Balcony

Hi Kathy & Dave, thanks for taking the time the other day to meet about our rooftop balcony. We heard your concern about potential views from the NW corner and we will pull it back by moving the west railing of the

Re: Rooftop patio

From: Kathleen Staniland <kathleen.staniland@gmail.com> Mon, Jun 14, 2021 10:18 PM

Subject: Re: Rooftop patio

To: Kellie&Denny <dellienye@shaw.ca>

Thanks again for your flexibility today. It was good that I didn't rush my visit...

I would much rather chat with you in person, but as you're not available Tuesday and I'm not available Wednesday, here are my thoughts:

I do believe that conflict can lead to opportunity, and I hope that a positive resolution to this conflict can lead to a better relationship among neighbours.

Dave and I are not averse to the idea of a modest rooftop patio that respects the privacy of all concerned. I don't see, however, that there's time to renegotiate your current plans with all affected neighbours.

As such, we request that you withdraw your application and consider a revamp of the plans to involve input from Dave and I, Murray, and Arnold. I would think that this would be a win for all: you get a lovely patio space, we maintain some privacy, and we remain comfortable with each other as neighbours.

If you have another suggestion for a positive resolution, please let us know ASAP.

We realize this is an unfortunate situation, but thanks for keeping the lines of communication open.

Kathy and Dave

On Jun 14, 2021, at 12:18 PM, Kellie&Denny <dellienye@shaw.ca> wrote:

No worries at all and completely understandable. Unfortunately Tuesday is full up - how about Wed at around noon?

Thanks.

Sent from my iPhone

On Jun 14, 2021, at 12:15 PM, Kathleen Staniland kathleen.staniland@gmail.com wrote:

Shaw Webmail dellienye@shaw.ca

DP2021-0070

From: Kellie&Denny <dellienye@shaw.ca> Mon, May 03, 2021 09:04 PM

1 attachment

Subject : DP2021-0070

To: land use <land.use@hh-bh.ca>

Hi Jeff, how are you?

By way of an update, we met with and discussed the proposed development with our neighbors to the north (Kathy & Dave). They expressed concern about privacy on the northwest corner and asked us to pull the development back. We agreed with the suggestion and we have moved the west end back by approx 6 feet see attached updated drawing. As you can see, a person standing in that NW corner will be 8.5 feet back from the west end and 5 feet back from the north. Also, there will be a 4 foot high wall, along with benches and planters. Accordingly, there will be no view into the neighboring yard whatsoever.

Thanks. Denny & Kellie



68 KB

Appendix C - Letter of

June 28, 2021 1528 23 St NW Calgary AB

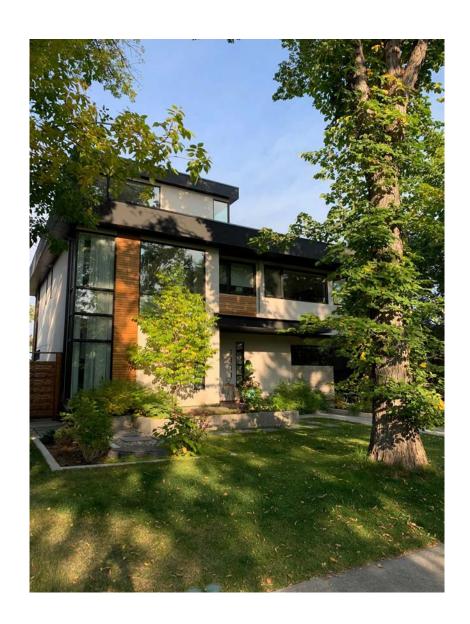
To whom it may concern;

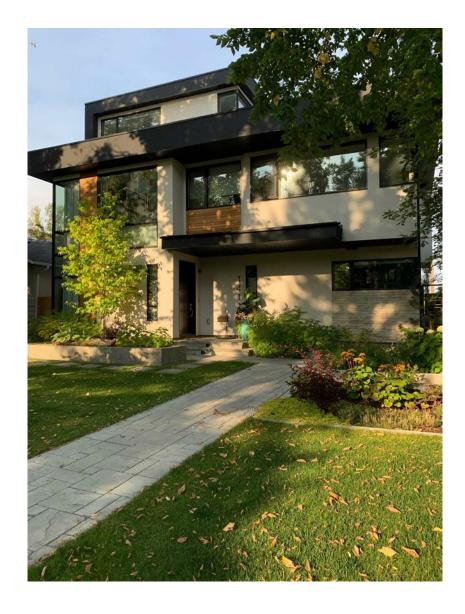
As a home owner and resident of the community of Briar Hill, I am writing to convey my support for roof-top patios in our neighbourhood. There are several such patios in our community at this time and when they are designed so that the privacy of adjacent neighbours is protected and they are in accordance with all city bylaws and restrictions, I believe that these patios are appropriate and can successfully be a part of our community's architectural character.

Yours truly,

Laura Hunt

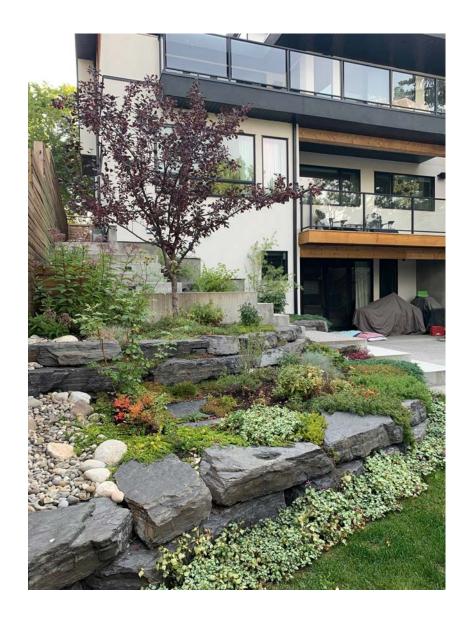




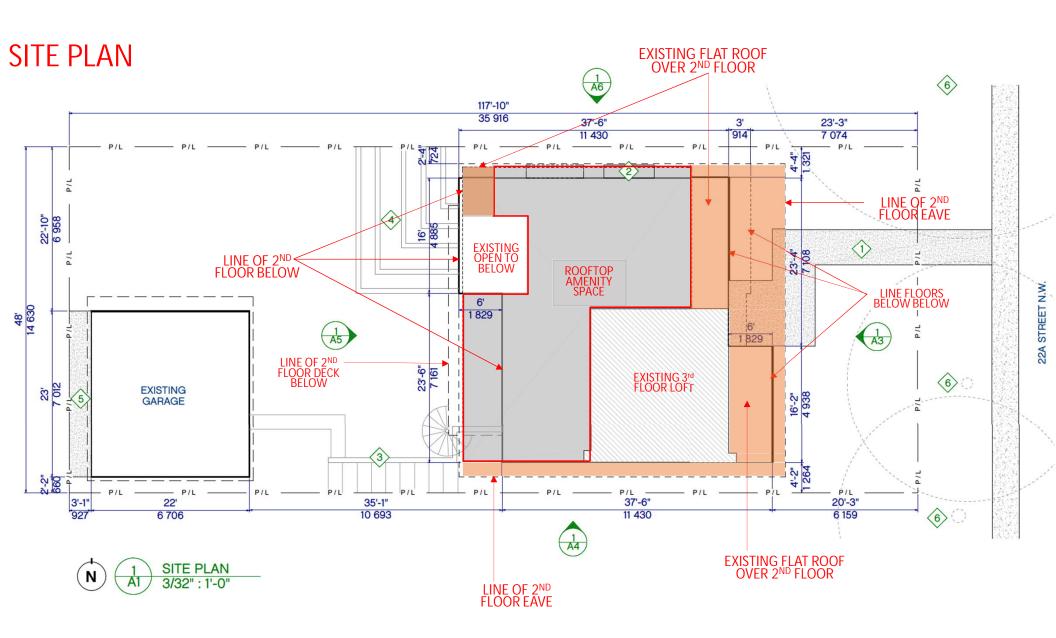


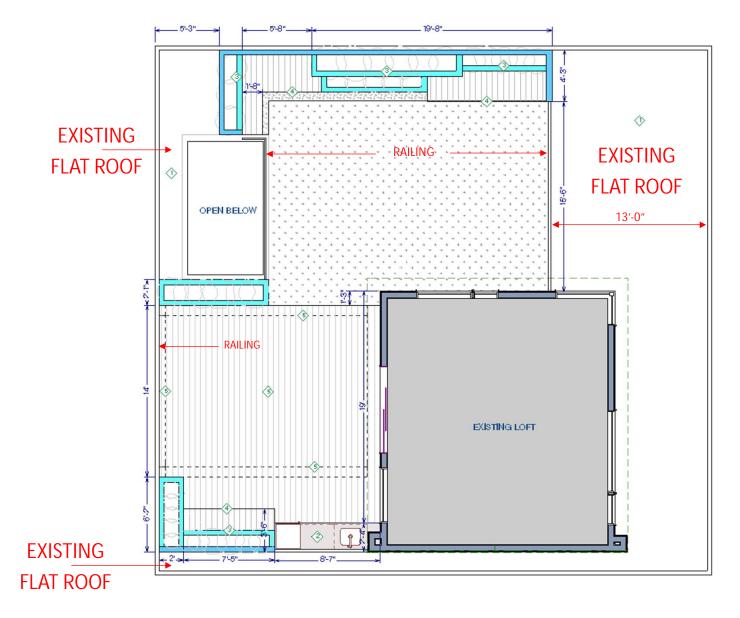
SDAB2021-0044 AB Additional Submission

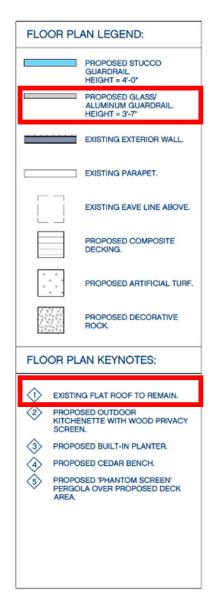


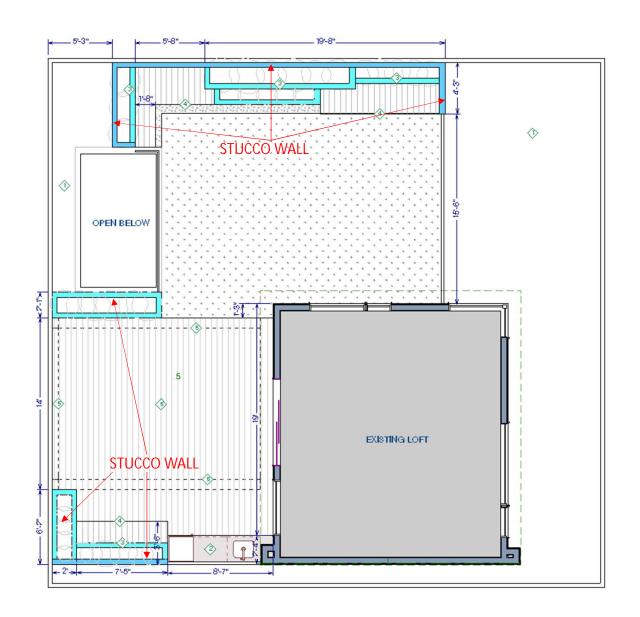


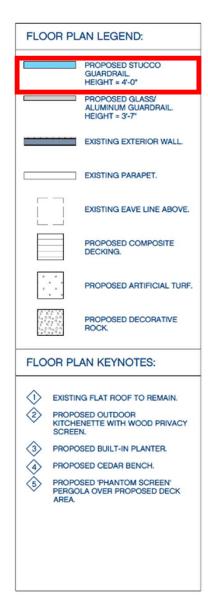
SDAB2021-0044 AB Additional Submission

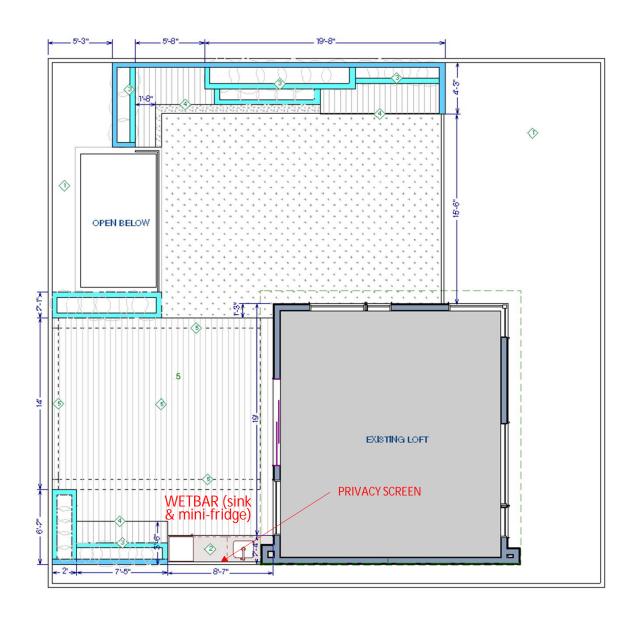


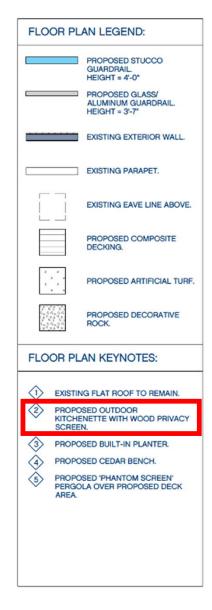


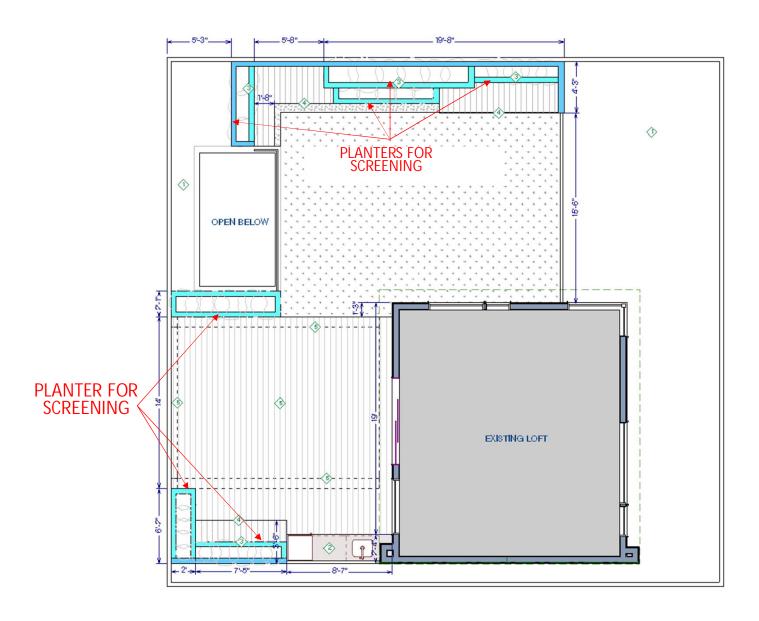


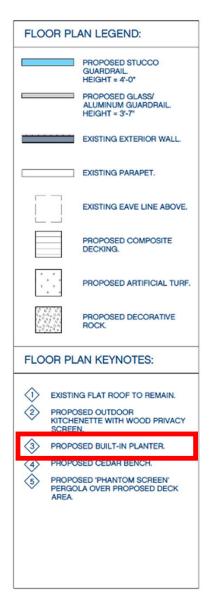


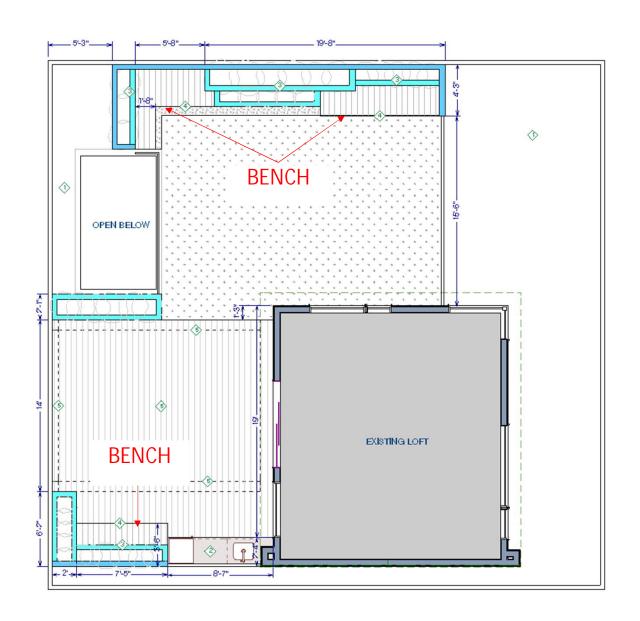


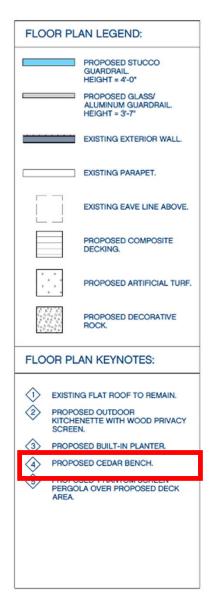


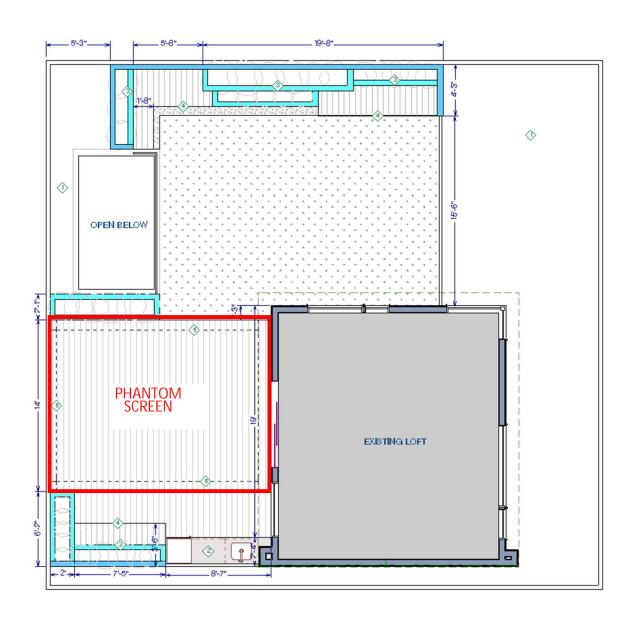


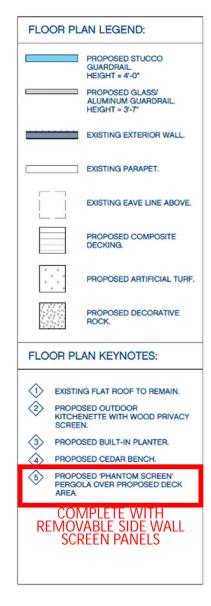


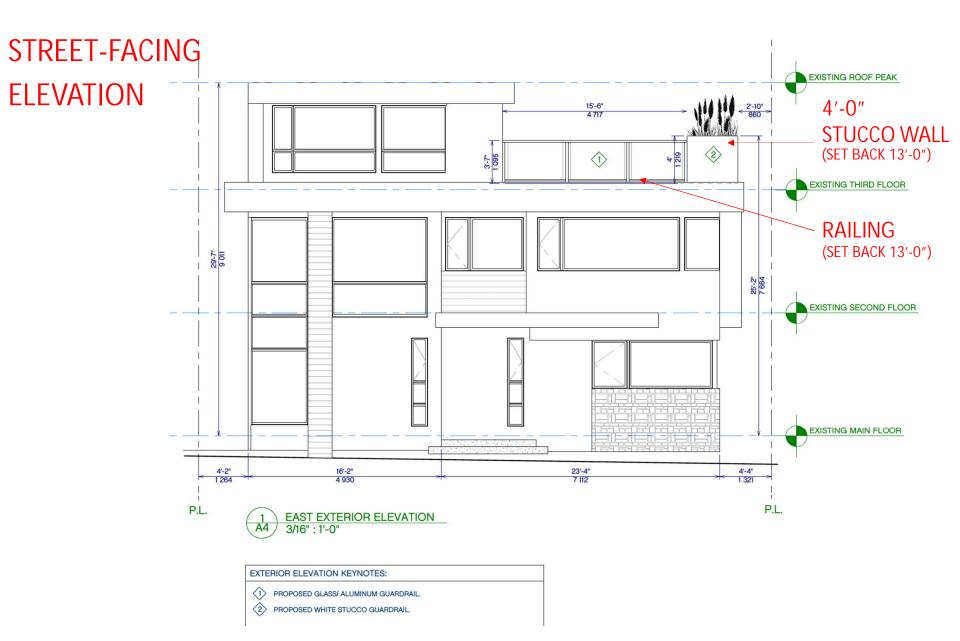


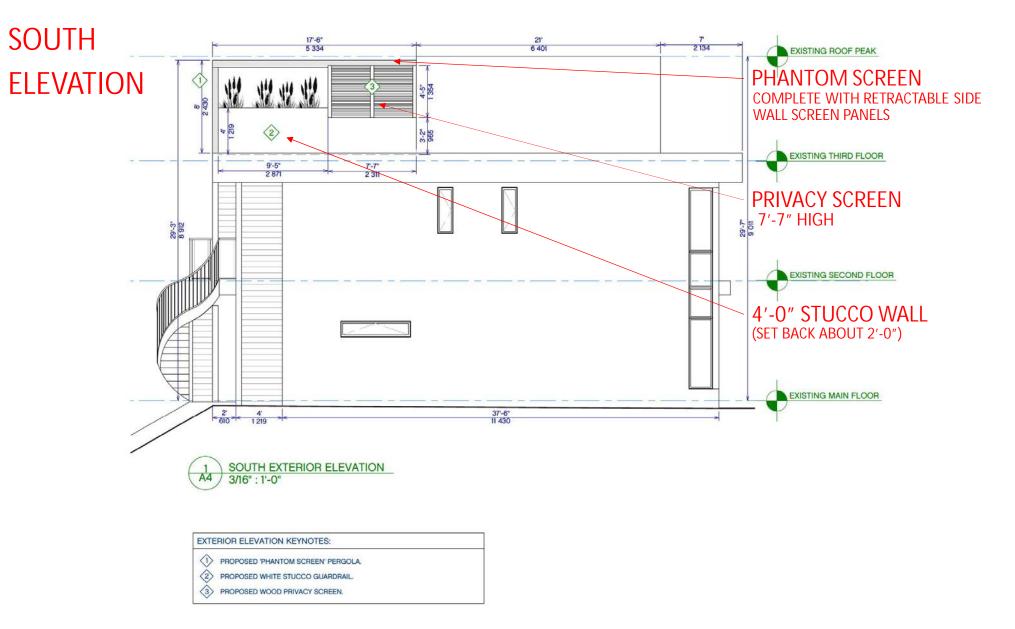




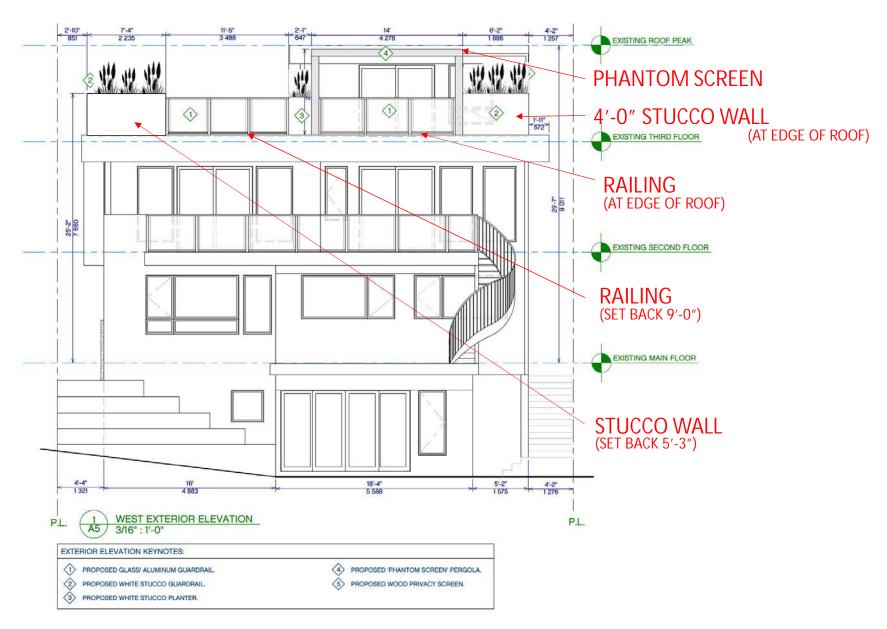


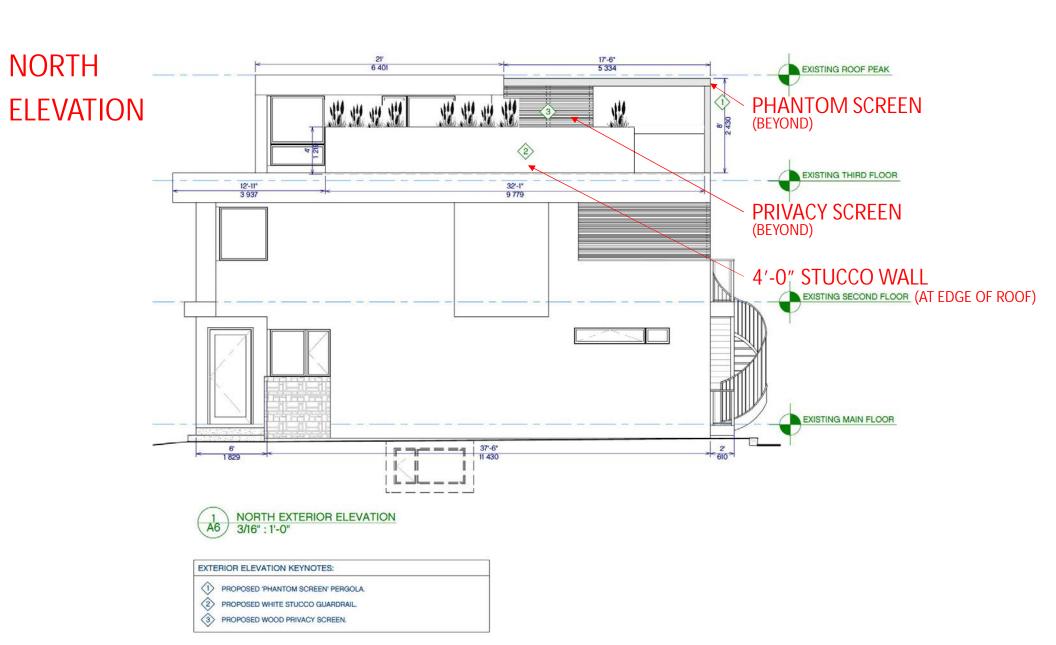


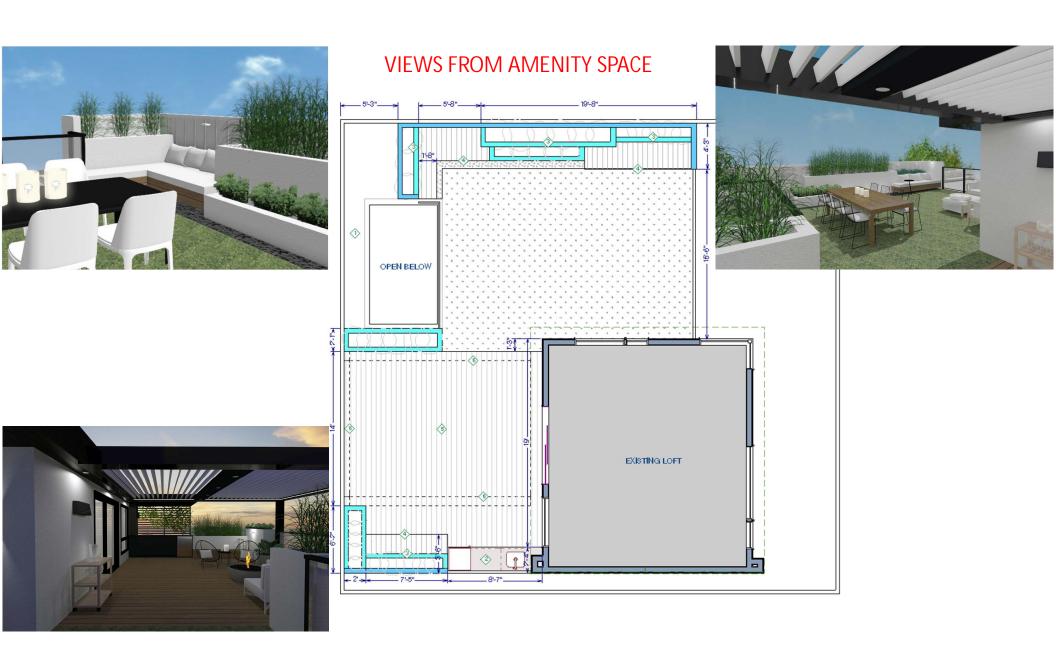




REAR ELEVATION







SDAB2021-0044 AB Additional Submission

PHANTOM SCREEN

PRIVACY SCREEN





WETBAR (SINK & MINI-FRIDGE)

4'-0" STUCCO WALL (SET BACK 5'-3" FROM EDGE OF ROOF)

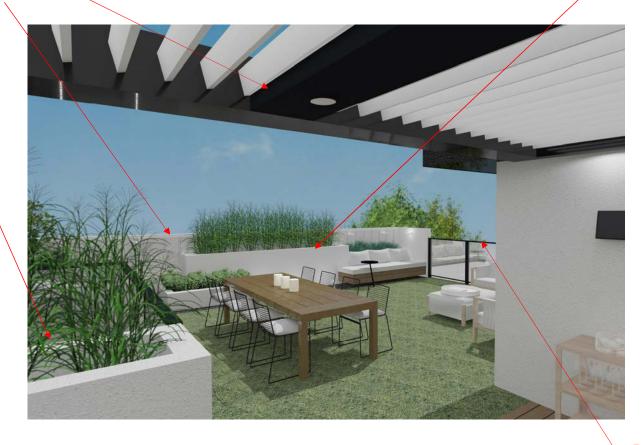
RAILING (SET BACK 9'-0" FROM EDGE OF ROOF)



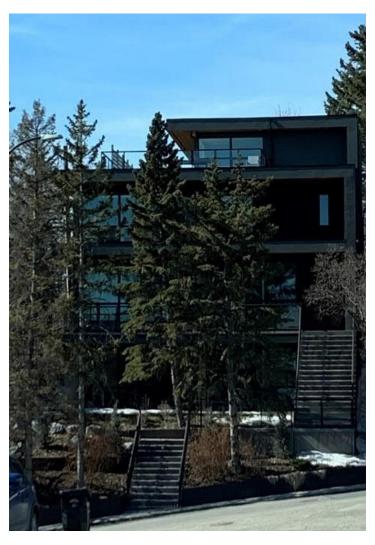
PLANTERS FOR SCREENING PHANTOM SCREEN

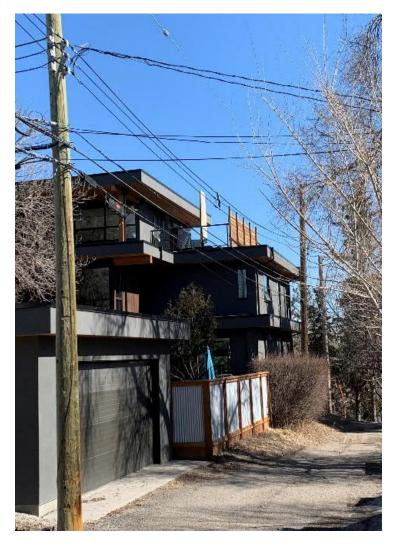
4'-0" STUCCO WALL

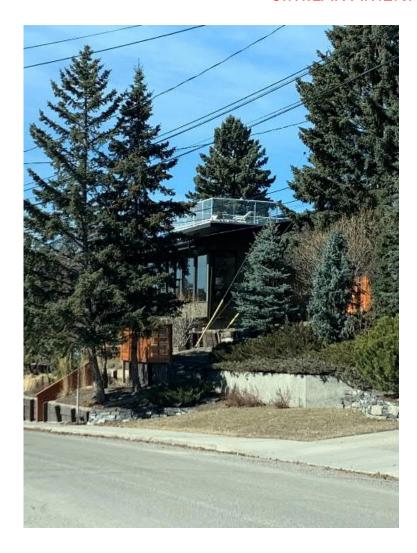




RAILING (SET BACK 13'-0" FROM EDGE OF ROOF)











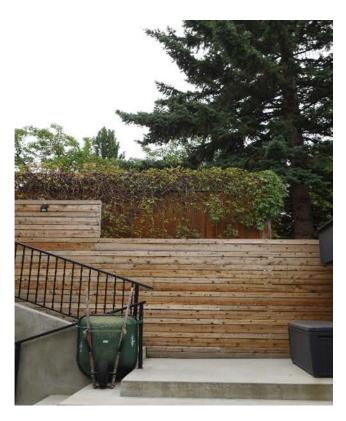


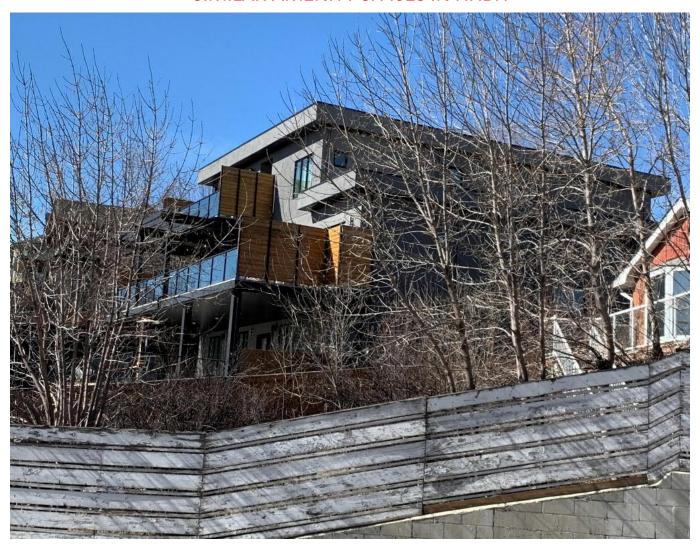


SIMILAR AMENITY SPACES IN HHBH



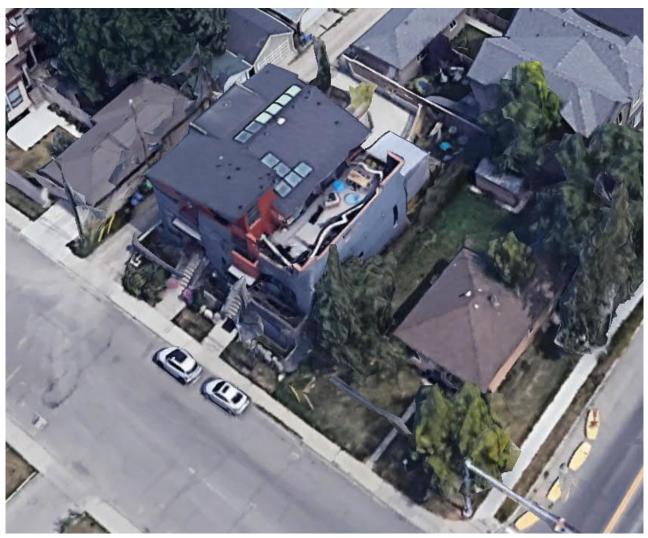








SIMILAR AMENITY SPACES IN WEST HILLHURST







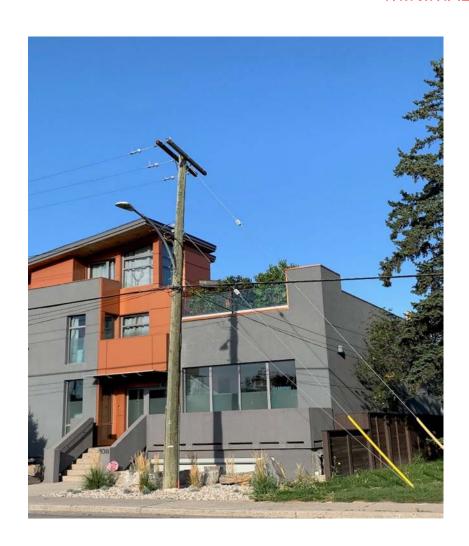


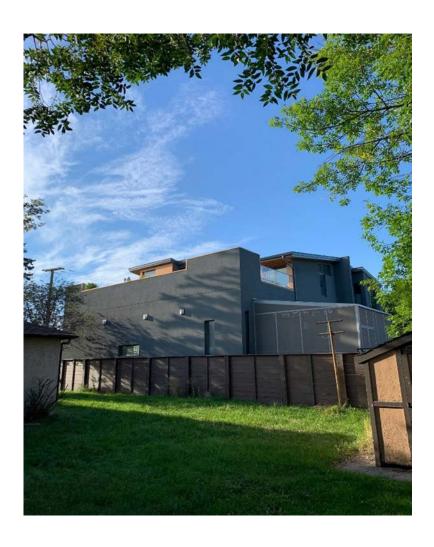






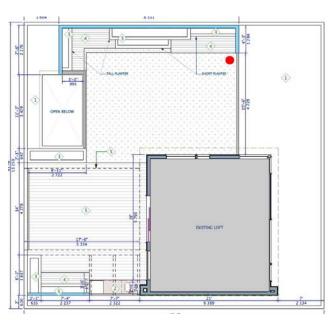


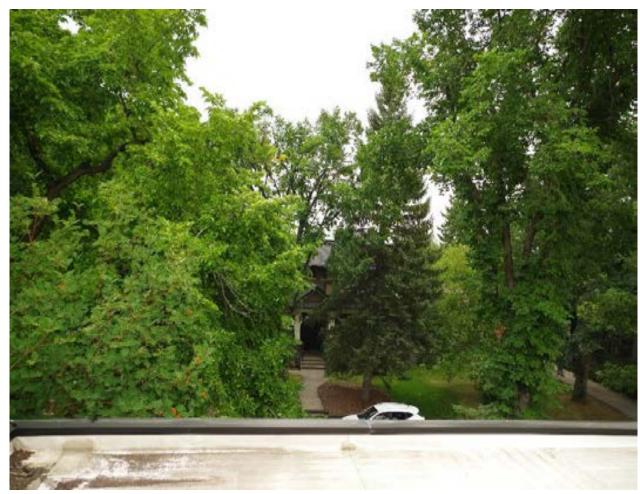


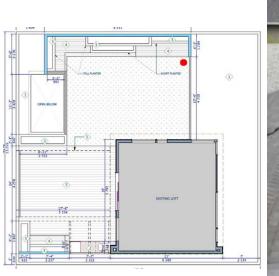


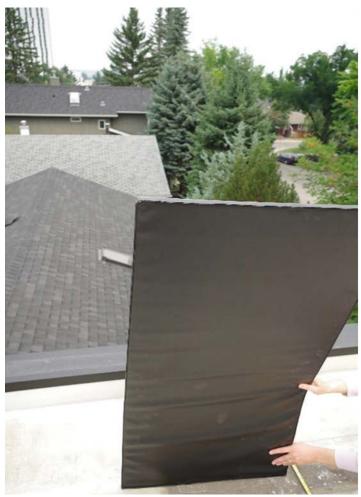
DESIGN ENSURES PRIVACY 27'-4" 8 331 5'-3" 1 604 9 1 TALL PLANTER -SHORT PLANTER $\langle 1 \rangle$ 3'-3" 991 8 1 **OPEN BELOW** 3 (3) EXISTING LOFT 17'-6" 5 334 7' 2 134 45'-6" 13 869

DESIGN ENSURES PRIVACY

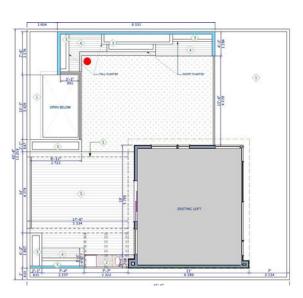


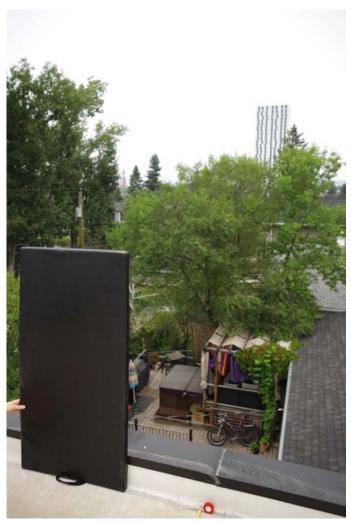


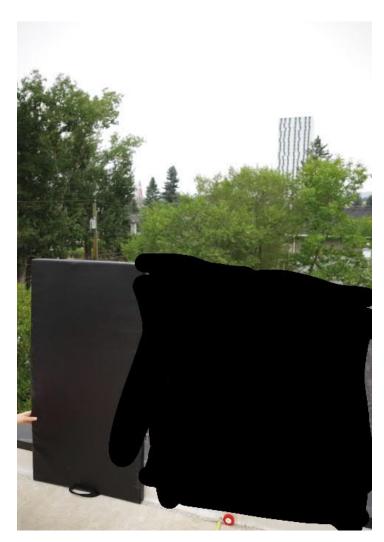


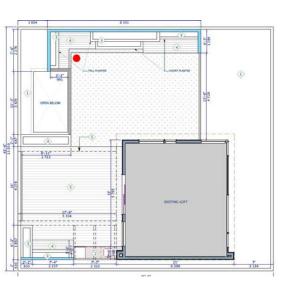






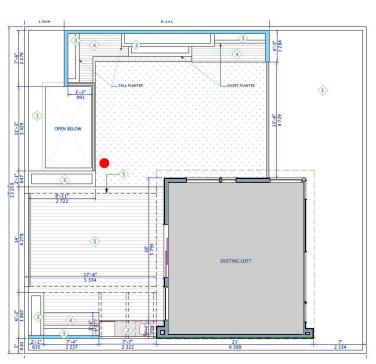




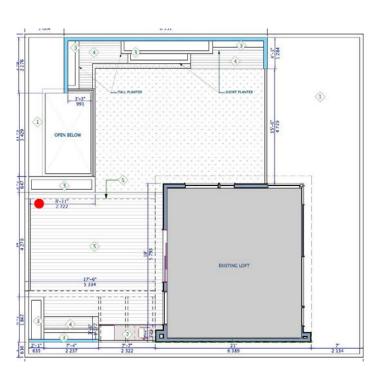




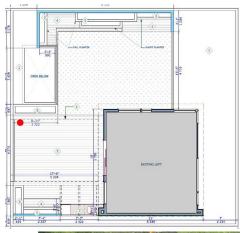
















SDAB2021-0044 AB Additional Submission



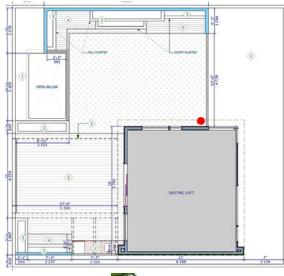


TOPIC STATE STATE





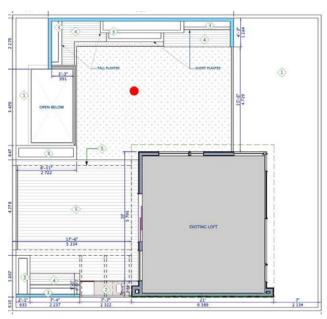
SDAB2021-0044 AB Additional Submission



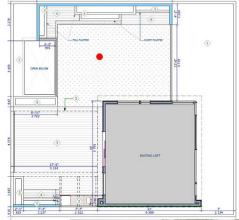




SDAB2021-0044 AB Additional Submission











SDAB2021-0044 AB Additional Submission



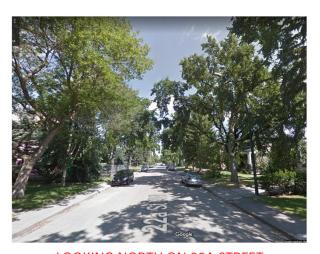




MATURE TREES AT THE FRONT OF THE HOME PROVIDE AMPLE SCREENING FROM ADJACENT HOMES



LOOKING EAST ACROSS 22A STREET FROM THE EXISTING ROOFTOP



LOOKING NORTH ON 22A STREET



LOOKING SOUTH ON 22A STREET

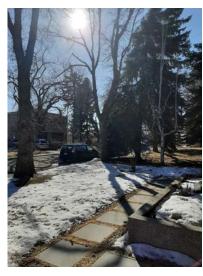


LOOKING EAST ACROSS 22A STREET FROM GROUND LEVEL

MATURE TREES AT THE FRONT OF THE HOME PROVIDE AMPLE SCREENING FROM ADJACENT HOMES



LOOKING EAST/SOUTH-EAST ACROSS 22A STREET FROM GROUND LEVEL IN FRONT OF SUBJECT PARCEL







Thank you for your time.

Appeal Board Received: July 5, 2021 Submitted by: D. Kwan, Owner

From: Kellie&Denny <dellienye@shaw.ca>
Sent: Monday, July 5, 2021 10:42 AM

To: Calgary SDAB Info

Cc: robert.homersham@homersham.com

Subject: [EXT] Re: Notice of Hearing: SDAB2021-0044 a & b (DP2021-0070, 1411 22A Street

NW)

Follow Up Flag: Follow up Flag Status: Flagged

Hello,

Please note that Robert Homersham (copies above) will appear on behalf of the property owner for the procedural/jurisdictional hearing on Thursday, July 8, 2021 regarding the above noted SDAB appeal.

Thank you very much.

Denny Kwan

From: "Calgary SDAB Info" <Info@calgarysdab.ca> **To:** "Calgary SDAB Info" <Info@calgarysdab.ca> **Sent:** Friday, June 25, 2021 1:40:57 PM

Subject: Notice of Hearing: SDAB2021-0044 a & b (DP2021-0070, 1411 22A Street NW)

Please find attached notice of hearing on behalf of the Subdivision Development Appeal Board. Please contact our administration staff at 403-268-5312 or by return email with any questions.

Thank you,

SDAB Admin

City Appeal Boards, Appeals and Tribunals
City Clerk's Office | The City of Calgary | Mail Code #8110
PO Box 2100, Station M | Calgary, AB T2P 2M5
General Phone Line: 403.268.5312 | calgarysdab.ca

NOTICE -

This communication is intended ONLY for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication, or return it to us by mail if requested by us. The City of Calgary thanks you for your attention and co-operation.

Appeal Board Received: August 28, 2021 Submitted by: P. Withers, Neighbour

August 27, 2021

Pat Withers 680872 Alberta Ltd. #544, 7620 Elbow Drive SW Calgary, AB T2V 1K2

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5 Sent via email (info@calgarysdab.ca)

Re: Appeal Number SDAB2021-0044 a & b
1411 – 22A Street NW; Addition: Single Detached Dwelling (Balcony)
Appeal against an approval (DP 2021-0070)

I am the owner of the property located at 1416 - 23 Street NW Calgary which is directly west of the above property.

I understand that the owners of 1411 - 22A Street NW submitted an application to City for a significant expansion of the existing roof top patio on this two-storey flat roof home that also has a partial third floor and that this application was approved on May 21, 2021.

I am writing this letter in support of the neighbours who have appealed this approval as I am highly opposed to this development for the reasons set forth below.

- 1. 1411 22 A St is located directly behind my property (to the east) and is already towering and directly over looking my house and yard. Adding this roof top patio would also overlook into adjacent properties (the patio will be over 20 feet above grade at the street and over 30 feet above grade at the back lane providing sightlines into several yards); It is unbelievable and appalling the City of Calgary Development department would see fit to allow an additional deck/level that would constantly intrude on the privacy of my property as well as others.
- 2. In addition, by allowing this expansion /addition to the third level to an already oversize two story house this will increase the massing of the third floor which would stand out in the community as most houses in Briar Hill are one and two story homes. Furthermore, it would set an unfavorable precedent that would allow for other homeowners to do the same thereby likely causing community dissension.

- 3. It is my understanding that as part of this deck there will be an outdoor kitchen which is indicative to high usage. I definitely do not want my neighbors using and entertaining on their 3rd level deck while I am enjoying the back yard and deck on my property. It would make me totally uncomfortable to even be in my back yard knowing that they are able to watch/see every move I make. It would be totally intrusive and a constant invasion of my privacy. This would be intolerable! I have rights to the quiet enjoyment of my home and yard!
- 4. Noise from music and activity on the patio would be a constant disruption in my life.
- 5. The zoning for our community (R-C1) does not contemplate roof top patios; Therefore, the planning department exercised significant discretion in approving this application and did not take other home owners/taxpayers positions into consideration.

I would like to participate in the appeal hearing scheduled for Thursday, September 16, 2021 at 10:00 am. Please send details regarding how to participate to: pat.680872alberta@gmail.com

Thank you for considering my submission.

680872 Alberta Ltd.

Per: Pat Withers

Appeal Board Received: August 31, 2021 Submitted by: B. Green, Neighbour

From: McLean, Lauren E.

Sent: Tuesday, August 31, 2021 11:00 AM

To: McLean, Lauren E.

Subject: FW: [EXT] Support for Appeal Number SDAB2021-0044 a & b

From: Barbara Green <2barbgreen@gmail.com>

Sent: August 30, 2021 8:20 PM

To: Calgary SDAB Info <Info@calgarysdab.ca>

Subject: [EXT] Support for Appeal Number SDAB2021-0044 a & b

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5

Re: Appeal Number SDAB2021-0044 a & b

1411 – 22A Street NW; Addition: Single Detached Dwelling (Balcony)

Appeal against an approval (DP 2021-0070)

I am Barbara Green, and along with my husband James Henderson, we are the co-owners of the property located at 1419 – 22A Street NW.

We understand that the owners of 1411 - 22A Street NW submitted an application to City for a significant expansion of the existing roof top patio on this two-storey flat roof home that also has a partial third floor and that this application was approved on May 21, 2021.

We are writing this letter in support of the neighbours, Kathleen Staniland and Dave Pavan, who have appealed this approval. I am opposed to this development for the reasons set forth below.

First, allow us to give you some context. We have owned the property next to the appellants at 1415 – 22A Street NW for more than 25 years, and have felt privileged to get to know the appellants, Kathy and Dave, as neighbours and friends. Over more than two decades of living side by side, our communication has been excellent and we have never had a dispute that couldn't be discussed and resolved in an open, friendly way among ourselves.

By contrast, Kathy and Dave's neighbours on their south side at 1411 went ahead with their application to expand their already massive home to include a third-storey rooftop patio without alerting their neighbours – it was approved before we knew anything about it. When Kathy and Dave did get to see the vantage points the new development afforded into their back yard as well as ours, they attempted to resolve the privacy issues in a friendly manner, in a backyard gettogether. Because there was little openness to making changes to address their concerns, this official appeal was necessary.

We support their appeal for the following reasons:

• **Overlook**: the patio will be over 20 feet above grade at the street and over 30 feet above grade at the back lane providing sightlines into several yards on 22A Street, including ours;

- **Massing**: the roof top patio design includes a pergola and glass railings/stucco walls which will increase the massing of the third floor, even though the typical building form in our community is one- and two-storey homes;
- **Incompatibility** with the neighbourhood: if this development is allowed, it will set a new precedent in our neighbourhood. The development being appealed provides views that would not otherwise be possible;
- Noise: sound from activity on the patio will carry, unobstructed by the usual backyard surroundings; and
- **Zoning**: for our community (R-C1) does not contemplate roof top patios; therefore, the planning department exercised significant discretion in approving this application. This variation in favour of even more development of a massive home seems inconsistent and classist when compared to the history of opposition to and denials of applications for more modest developments to allow for subdivision, rentals and mother-in-law suites in our neighbourhood.

Thank you for considering our submission.

* signed pdf file here: https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:f5f9d909-7ba3-425d-a495-bd1dec32af44#pageNum=1

Barbara Green and James Henderson of 1419 – 22A Street NW

Sent via email (info@calgarysdab.ca)

August 27, 2021

Appeal Board Received: August 27, 2021 Submitted by: J. and C. Ternes, Neighbours

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5

Re: Appeal Number SDAB2021-0044 a & b

1411 – 22A Street NW; Addition: Single Detached Dwelling (Balcony)

Appeal against an approval (DP 2021-0070)

I am the owner of the property located at 1423 – 22A ST NW, 3 homes to the north of 1411.

The owners of 1411 – 22A Street NW have their home up for sale. They also have an application to City for a huge expansion of the existing roof top patio on this two-storey flat roof home that also has a partial third floor and that this application was approved on May 21, 2021. Why would the owners have an application for construction and at same time have home for sale?

I am writing this letter in support of the neighbours who have appealed this approval. I am <u>opposed</u> to this development for the reasons set forth below:

- overlooking into adjacent properties (the patio will be over 24 feet above grade at the street
 and over 35 feet above grade at the back lane providing sightlines into several yards). You can
 see into neighbors' windows from the expanded patio. I also recommend the city take new
 elevations on this home as it appears actual elevations are higher that bylaws may allow, and
- massing (the roof top patio design includes a pergola and glass railings/stucco walls which will
 increase the area of the third floor) (the typical building form in our community is one and two
 storey homes), and
- incompatibility with the neighbourhood (if this development is allowed, others will want it too
 as it provides views that would not otherwise be possible; in our established community people
 do not sit on their roofs and entertain guests; there are 7 bungalows on the same side of the
 street that will be redeveloped at some point), and
- · noise from activity on the patio, and

The zoning for our community (R-C1) does not contemplate roof top patios; therefore, the planning department should not have approved this application. I object to roof top patios as they are not required. It appears the existing house does have 3 stories and 3 patios (main floor walkout, second floor patio, third floor patio. This should not have been approved initially.

I would like to participate in the appeal hearing scheduled for Thursday, September 16, 2021 at 10:00 am. Please send details regarding how to participate to my email ternesi@telusplanet.net.

Thank you for considering our submission and recommendation.

mound

James and Catherine Ternes

1423 - 22A ST NW

Appeal Board Received: September 6, 2021 Submitted by: T. Lui, Neighbour

Sent via email (info@calgarysdab.ca)

September 6, 2021

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5

Re: Appeal Number SDAB2021-0044 a & b
1411 – 22A Street NW; Addition: Single Detached Dwelling (Balcony)
Appeal against an approval (DP 2021-0070)

We are the owners of the property located at 1418 22A Street NW.

We understand that the owners of 1411 - 22A Street NW submitted an application to the City for a significant expansion of the existing roof top patio on this two-storey flat roof home that also has a partial third floor and that this application was approved on May 21, 2021.

We are writing this letter in support of our neighbours who have appealed this approval. We are opposed to this development for the reasons set forth below:

- Incompatibility with the neighbourhood (if this development is allowed, others will want it too as it provides views that would not otherwise be possible; there are 7 bungalows on the same side of the street that will be redeveloped at some point);
- The zoning for our community (R-C1) does not contemplate roof top patios; therefore, the planning department exercised significant discretion in approving this application;
- Noise from activity on the patio; and
- Overlooking into adjacent properties (the patio will be over 20 feet above grade at the street and over 30 feet above grade at the back lane providing sightlines into several yards)

We would like to participate in the appeal hearing scheduled for Thursday, September 16, 2021 at 10:00am. We have received the information for the video conference call details and will do our best to join for as much of the call as possible.

Thank you for considering our submission.

Thomas & Annie Lui

Appeal Board Received: September 5, 2021 Submitted by: D. Lafferty, Neighbour

September 5, 2021

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5

Re: Appeal Number SDAB2021-004 a & b

1411 - 22A Street NW; Addition: Single Detached Dwelling (Balcony)

Appeal against an approval (DP 2021-0070)

To Whom it May Concern:

We have been owners and residents of 2220 – 12 Ave. NW since June 2001 and in this neighborhood since 1987.

Owners and builders of the 2013 infill home at 1411 – 22A Street NW advertised a balcony expansion for their two-storey flat roof house. The structure includes an existing partial third floor development with west facing balconies or walk-out patios on each of three levels. The design under appeal was approved May 2021.

We **strongly object** to the approval of the design under appeal as follows:

• The approved design differs significantly and goes far beyond the advertised balcony expansion application notice. For example, approved design drawings show a largely developed roof top including proposed kitchen at the south-west roof edge.

Although we are not directly affected by this development, we are very concerned with how this development will adversely impact the neighbours on either side and behind this residence.

- The absence of setbacks from north, west and south-west roof edges shows the approval does not
 consider or apply privacy of adjacent residences guidelines described in City housing privacy policy 4.5 for
 Low Density Residential Infills. We recall this policy was applied by the City in the approval of the thirdfloor development setbacks in the original infill house approval.
- Approval of this design in the absence of continued consideration of City privacy guidelines for Low
 Density Residential Infills encourages further expansions of existing upper-level privacy intrusions, and
 significantly adversely affects our neighbourhood. For example, infill homes at 1312, 1313 and 1404 at
 the south end of 22A Street have existing ornamental or functional upper-level exterior developments
 tempered by continued application of City privacy guidelines for infills.

Thank-you for your consideration.

Gary and Devray Lafferty Devray.lafferty@gmail.com

McLean, Lauren E.

Appeal Board Received: September 6, 2021 Submitted by: D. Bhayana, Neighbour

From: DEEPAK BHAYANA <deepakbhayana@shaw.ca>

Sent: September 6, 2021 8:08 PM

To: Calgary SDAB Info
Subject: [EXT] SDAB 2021-0044

Appeal number SDAB 2021-0044 1411-22A St. NW Calgary

I am the owner at 1312-22A St NW

I understand there is an appeal process underway regarding a rooftop patio at the above mentioned address

I do not think it is appropriate to have such a large, oversized rooftop patio at this location nor in our neighborhood. The main concern is regarding privacy. I too have a 2nd story patio, which was limited in size by the SDAB when I built in 2012. Having used the patio for several years now, I concur with the concern that it does create a privacy issue for my neighbors.

Please reach out to me if any info is required

Deepak Bhayana

Appeal Board Received: September 7, 2021 Submitted by: B. Domeij, Neighbour

1508-22A Street NW Calgary, AB T2N 2N9 September 7, 2021

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5

Re: Appeal Number SDAB2021-0044 a & b
1411 – 22A Street NW; Addition: Single Detached Dwelling (Balcony)
Appeal against an approval (DP 2021-0070)

I have been a resident at 1508-22A Street NW for many years and live in close proximity to 1411-22A Street NW. I care deeply about any development on the street, in the neighbourhood and particularly any development that will have a negative impact.

The owners of 1411-22A Street NW submitted an application to the City for a significant expansion of the existing rooftop patio adjacent to a partial third floor developed on top of a two storey flat topped home. This application was approved on May 21, 2021. I am dumbfounded as to why this was approved when it is essentially the same development request with extremely minor changes that had originally been rejected by the City. With the original request the CIty made recommendations that the neighbours supported.

I am opposed to this approved development for the reasons that follow:

- massing (the rooftop patio design includes a pergola and glass railings/stucco walls which will significantly increase the massing of the third floor) (houses in our community are one and two storey homes);
- overlooks into adjacent properties (the patio will be over 20 feet above grade at the street and over 30 feet above grade at the back lane providing sightlines into several yards);
- noise from activity on the patio as the size of this rooftop patio will facilitate entertaining of guests and parties
- sets a precedent for future developments; there are several houses on the street including the one directly across from me that lend themselves to being redeveloped.
- significant latitude was used by the planning department in approving this application particularly considering this plan ignores the majority of the City's requested changes to the original plan.

I support the appeal of the adjacent neighbours who oppose this development. Please send details to brenda.domeij@qmail.com regarding how to 'attend' the appeal scheduled for 10:00am on September 16.

Your serious consideration of my concerns is most appreciated.
Yours sincerely,

Brenda Domeij

McLean, Lauren E.

Appeal Board Received: September 7, 2021 Submitted by: A. Theilgaard, Neighbour

From: Astrid M. Theilgaard <theilgaard@shaw.ca>

Sent: September 7, 2021 1:12 PM

To: Calgary SDAB Info

Subject: [EXT] Appeal Number: SDAB2021-0044 a&b

We are neighbours who will be affected by this and we support the appeal to have this permit denied. It is a gross infringement on the privacy of adjoining properties.

From the west elevation, this proposed development amounts to a 4th floor addition on an R1 home. The existing outdoor patio on the fourth floor should not have been approved in the first place and would have required a relaxation at that time, in particular for a flat roof house.

However, the existing patio on the fourth floor at least has a solid wall on the south elevation and the patio has enough setback to minimize intrusion into the neighbour's yards. Expanding this would be invasive to the privacy of all the neighbours.

We are also concerned that perhaps one day in the future this fourth floor patio will be enclosed. IF so, would a fifth floor outdoor patio then be allowed? When does this stop?

Respectfully,

Mike and Astrid Theilgaard

1316 - 23rd St. N.W.

--

https://urldefense.com/v3/__http://www.amwesterling.com___;!!JYTOG454!PQmjrPBllLIhCuP6DcfRmHvaEBpaqj8L-Aam-pKBof0HDqtoQuTobsRUhg0GkHNkQ\$

https://urldefense.com/v3/__http://www.Facebook.com/A.M.Westerling__;!!JYTOG454!PQmjrPBllLIhCuP6DcfRmHvaEBpaqj8L-Aam-pKBof0HDqtoQuTobsRUhiM5SrcaA\$

https://urldefense.com/v3/__http://www.Twitter.com/AMWesterling___;!!JYTOG454!PQmjrPBllLlhCuP6DcfRmHvaEBpaqj8L-Aam-pKBof0HDqtoQuTobsRUhivxYYLRA\$

[&]quot;From Vikings to Viscounts, Join the Adventure, Live the Romance"

Appeal Board Received: September 8, 2021 Submitted by: L. Cowan and J. Phene, Neighbours

September 1, 2021

Subdivision Development and Appeal Board P.O. Box 2100, Station M, #8110 Calgary, AB T2P 2M5

Re: Appeal Number SDAB2021-0044 a & b

1411 22A Street NW; Addition: Single Detached Dwelling (Balcony)

Appeal against an approval (DP 2021-0070)

Dear Madam or Sir:

We have been owners and residents of 1424 22A Street NW since October 1990.

Owners and builders of the 2013 infill home at 1411 22A Street NW advertised a balcony expansion for their two-storey flat roof house. The structure includes an existing partial third floor development with west facing balconies or walk-out patios on each of three levels. The design under appeal was approved May 2021.

We strongly object to the approval of the design under appeal as follows:

- The approved design differs significantly and goes far beyond the advertised balcony expansion application notice. For example, approved design drawings show a largely developed roof top including proposed kitchen at the south-west roof edge.
- The absence of setbacks from north, west and south-west roof edges shows the approval does
 not consider or apply privacy of adjacent residences guidelines described in City housing privacy
 policy 4.5 for Low Density Residential Infills. We recall this policy was applied by the City in the
 approval of the third-floor development setbacks in the original infill house approval.
- Approval of this design in the absence of continued consideration of City privacy guidelines for Low Density Residential Infills encourages further expansions of existing upper level privacy intrusions, and significantly adversely affects our neighbourhood. For example, infill homes at 1312, 1313 and 1404 at the south end of 22A Street have existing ornamental or functional upper level exterior developments tempered by continued application of City privacy guidelines for infills.

In the event the appeal hearing is rescheduled after September 23, 2021, we would like to attend. In this case, please send details regarding how to participate to lorne.cowan35@gmail.com.

Thank-you for your consideration.

Lorne Cowan and Jeanne Phene

Appeal Board rec'd: September 8, 2021 Submitted by: J. March for Community Association

From: Jeff Marsh <land.use@hh-bh.ca>

Sent: Wednesday, September 8, 2021 11:51 AM

To: Calgary SDAB Info

Subject: [EXT] Appeal Number SDAB2021-0044 a & b (1411 – 22A Street NW)

Attachments: 2021-02-04_HHBH_CA_Comments.pdf

Follow Up Flag: Follow up Flag Status: Flagged

SDAB Members,

My name is Jeff Marsh and as Director, Land Use & Strategic Planning for the Hounsfield Heights Briar Hill Community Association I'm sending this email on behalf of our Land Use Committee.

The comments which our committee submitted to City of Calgary Planning & Development regarding this development on February 4, 2021 are probably already part of this file but are attached to this message for reference. Since these were submitted, our committee has met with the applicant, the appellant of this appeal, as well as several other nearby residents and based on the significant discussion which has ensued continues to stand behind them. Specifically, our committee does NOT support the City of Calgary's approval of this development permit and believes that the approval should be overturned through this appeal process.

From a community perspective, the approval of such a large and intrusive exterior patio space sets a precedent that doesn't NOT align with the current degree of privacy and overlook our residents have come to expect and which are attributes that help define the unique character of our community for which many residents have sought it out. We recognize that in some instances it is necessary to make exceptions but have not been convinced that this is one of those. Exterior amenity space is an important attribute of any dwelling but the dwelling in question already has a greater than average amount of exterior amenity space that is similar in nature to what is proposed and the ongoing impact of the proposed additional space on neighbouring properties is significant. As such, given the negative connotations the proposal has from both a community and street perspective, we do NOT believe that the City of Calgary's should have approved the proposal in the first place and this approval should NOT be upheld upon appeal.

I would like to participate in the appeal hearing scheduled for Thursday, September 16, 2021 at 10:00 am to share the Community Association's perspective and answer any questions that you may have of our Land Use Committee. Please send details regarding how to participate to land.use@hh-bh.ca

In the meantime, please don't hesitate to get in touch if there is further information that our Community Association can provide.

\|/ Jeff Marsh \|/
Director, Strategic Planning & Land Use
HHBH Community Association
(403)606-2774

Subject: HHBH CA Comments: DP2021-0070 @ 1411 22A ST NW: Balcony Renovation

From: Jeff Marsh < land.use@hh-bh.ca>

Date: 04-Feb-21, 21:12

To: DP Circ < DP.Circ@calgary.ca>

CC: "van de Burgt, Sharon" <Sharon.vandeBurgt@calgary.ca>, Dale Calkins <caward7@calgary.ca>

File Manager van de Burgt

Thank you for the opportunity to comment on this application. The Hounsfield Heights Briar Hill Community Association is generally supportive of redevelopment in our neighbourhood in that it represents re-investment in and revitalization of our community. On behalf of our residents, the HHBH Land Use committee provides following more specific comments on aspects of this application:

---- Overall Design -----

The HHBH Land Use committee's interpretation of the plans - which we found less than self explanatory - is that this application is for a roof-top deck being added atop the second story flat roof of an existing three story dwelling. This deck on top of the second story creates a large deck a full story above the roof of the surrounding bungalows. This is the sort of thing that, if proposed for a new build, we would vehemently oppose as being overly intrusive for the neighbouring properties (for example: summer evening gatherings with laughing and talking being amplified because of the height) and also because of the significant negative impact on neighbouring backyard privacy. Similarly we can also not support this application as a renovation. In that the proposed rooftop balcony will enable overlook in all directions from subject dwelling, it will impose upon the privacy of at least 8 neighbouring parcels: 3 behind, 1 - if not 2 because of the height - parcels to each side and three parcels across the street. It is also important to note that in the case of the two story homes across the street there are front facing bedrooms and while these rooms are indeed street facing there is a significant difference from a privacy perspective of looking up into them from the street vs straight in at somewhat of a downward angle as the sight lines from the proposed balcony would be.

The committee also notes that neighbours to the parcel in question have proactively reached out the the Community Association independently sharing similar concerns.

---- Relaxations -----

Unfortunately, as the City no longer provides any detailed bylaw check information for development permits, the HHBH Land Use Committee is unable to ascertain whether any relaxations are required for the proposed development. In this instance the Committee requests that *NO* relaxations be allowed.

Although it acknowledges that the development authority has no statutory requirement to do so, the Hounsfield Heights Briar Hill Community Association respectfully requests to be kept apprised via email to this address of changes to the status of this application and be notified of any decision made by development authority on it forthwith.

Given delivery problems with past submissions, the Community Association also requests confirmation from the file manager of receipt of this email.

\|/ Jeff Marsh \|/
Director, Land Use
Hounsfield Heights Briar Hill Community Association
land.use@hh-bh.ca
(403)606-2774

On 14-Jan-21 13:20, DP Circ wrote:



For more information CALGARY.CA/PD **DISPATCH ENEWSLETTER**



Good day,

Please find attached the circulation package for the above noted Development Permit application.

Included are the following documents:

- 1. Circulation Package
 - Guidelines for Electronic Circulation
 - Request for Comment Sheet
 - Complete Set of Plans
- 2. Community Association Feedback Form Please note, you can also submit feedback online.

Please respond electronically to DP.Circ@calgary.ca.

Thank you.

Pamela Halliburn

Applications Processing Representative **Calgary Building Services** Development, Applications and Licensing Services The City of Calgary | Mail code: #8201 (403) 268-5744 <u>DP.Circ@calgary .ca</u> Floor 3, Municipal Building - 800 Macleod Trail S.E.

P.O. Box 2100, Station M, Calgary, AB Canada T2P 2M5



ISC: Unrestricted

This communication is intended ONLY for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication, or return it to us by mail if requested by us. The City of Calgary thanks you for your attention and co-operation.

You received this message because you are subscribed to the Google Groups "hh-bh-land-use" group. To unsubscribe from this group and stop receiving emails from it, send an email to hh-bh-land-