

REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

DATE: September 17, 2020	APPEAL NO.: SDAB2020-0042 FILE NO.: DP2020-1244
APPEAL BY: Sarabjit Bal	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY for a New: Secondary Suite (existing – basement of semi-detached dwelling – 2) was refused at <u>909 16 Street NE.</u>	LAND USE DESIGNATION: R-C2 Permitted with a Relaxation
COMMUNITY OF: Mayland Heights	DATE OF DECISION: July 30, 2020
APPLICANT: Sarabjit Bal	OWNER: Sarabjit Bal

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

CC 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.

ISC: Unrestricted

Online Store Information			
Confirmation Number 10352466	Order Number 32112291	Online Form Processed 8/19/2020 1:21:19 PM	
Site Information			
Municipal Address of Site Under Appeal 907/909 16 STREET NE		Development Permit/Subdivision Application/File Number DP2020-1244	
Appellant Information			
Name of Appellant SARABJIT BAL		Agent Name (if applicable)	
Street Address (for notification purposes) 150 PANAMOUNT STREET NW			
City CALGARY	Province ALBERTA	Postal Code T3K 6J8	Residential Phone # 403-966-5761
Business Phone # 403-966-5761	Email Address sarabal@shaw.ca		

APPEAL AGAINST

Development Permit	Subdivision Application	Notice of Order
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval	<input type="checkbox"/> Notice of Order
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval	
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal	

REASONS FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

<p>I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons:</p> <p>I own the above mentioned property in Mayland Heights. I want to put legal suites as City allows in other semi-detached homes. However, my permit has been refused based on the fact that it is in AVPA restricted area and also falls within nosehill landfill setback. The house is built in late 60s, and setbacks were defined in 2009, hence existing properties should be exempt. As regards to AVPA, basement suites are generally less exposed to noise compared to main unit, so AVPA restriction does not seem to be reasonable. Also AVPA restriction were developed after this community was built, so existing home should be exempted.</p>

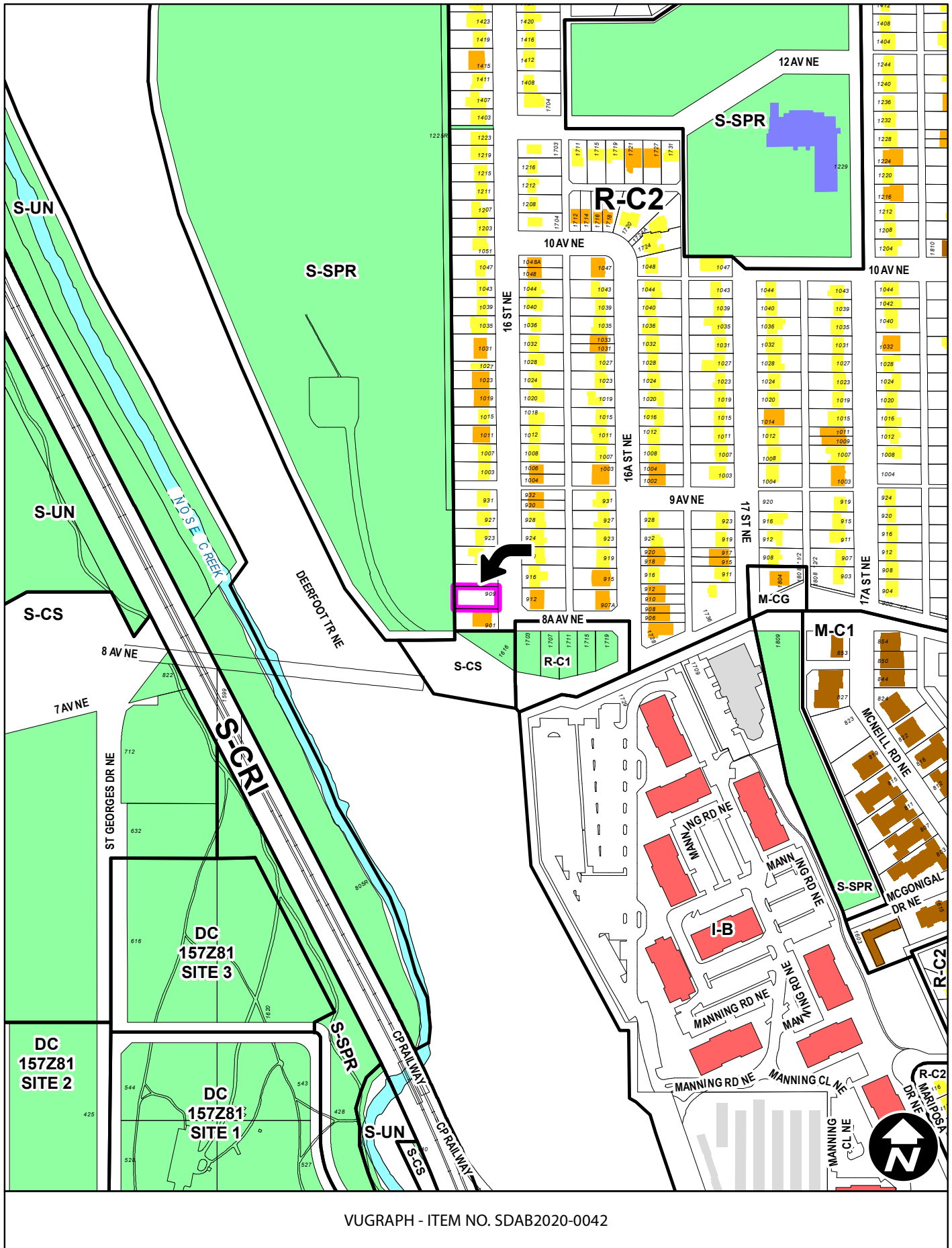
In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated presentation time (minutes/hours) 1 HOUR	Will you be using an agent/legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	
If yes, what are the issues?	
Do you anticipate bringing any witnesses/experts to your hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, how many will you be bringing?

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.

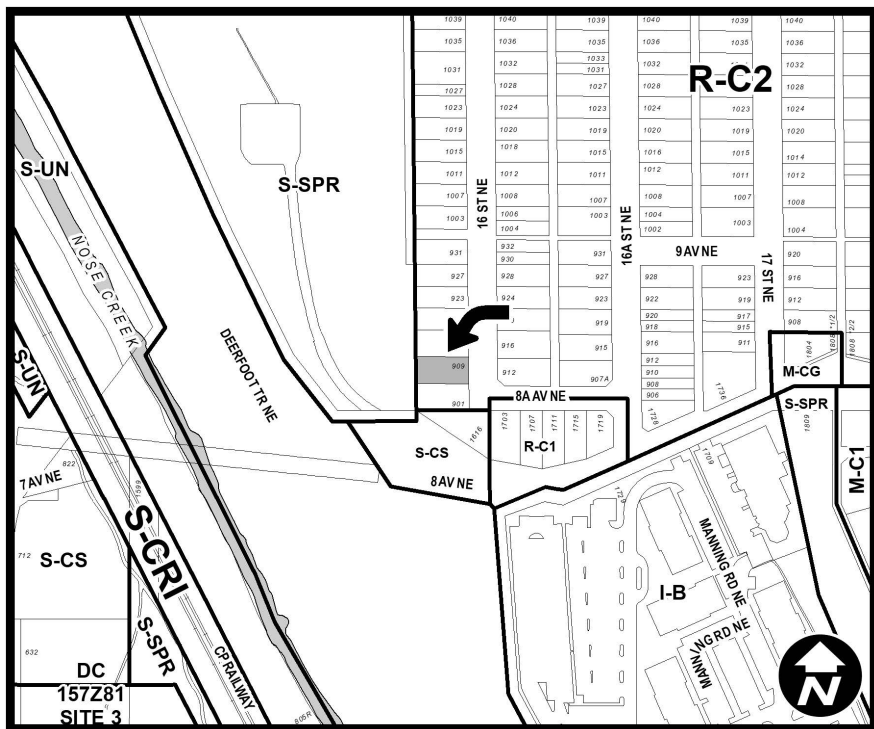
FOR OFFICE USE ONLY				
Final Date of Appeal YYYY MM DD 2020 08 20	SDAB Appeal Number SDAB2020-0042	Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD 2020 09 17	Date Received August 19, 2020

SDAB2020-0042



VUGRAPH - ITEM NO. SDAB2020-0042

SDAB2020-0042





July 30, 2020

BAL, SARABJIT
909 16 ST NE
CALGARY, AB T2E 4S7

Dear Sir/Madam:

RE: Notification of Decision: DP2020-1244

Subject: New: Secondary Suite (existing - basement of semi-detached dwelling - 2)

Address: 909 16 ST NE

This is your notification of the decision by the Development Authority to refuse the above noted application on July 30, 2020. Enclosed are the Reasons for Refusal, along with an appeal form, in the event that you choose to appeal this decision.

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) within 21 days of the decision date. An appeal may also be filed online at www.calgarysdab.ca. For information on the appeal process or appeal submission options, please call 268-5312.

Should you require clarification of the above or further information, please contact me at (403) 333-5407 or by fax at 403.537-3024 and assist me by quoting the Development Permit number.

Yours truly,

Daniel Bronson
Senior Planning Technician
Attachment(s)

ISC: PROTECTED



Reasons for Refusal for DP2020-1244

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

Proposed Use

This application seeks approval for two Secondary Suites (basement), one below each unit of a Semi-detached Dwelling, at 909 16 ST NE, in the community of Mayland Heights. The units have building addresses of 907 and 909 16 Street N.E. The parcel is designated R-C2; Residential – Contextual One / Two Dwelling District under The City of Calgary Land Use Bylaw 1P2007. Secondary Suite is listed as a permitted use in this district.

Planning Review and Analysis

During the review, the Development Authority considered the Land Use Bylaw, the Subdivision and Development Regulation (SDR), and the Calgary International Airport Vicinity Protection Area Regulation (AVPA).

Subdivision and Development Regulation (SDR)

The SDR is an enactment by the Lieutenant Governor in Council (AR43/2002). One of the purposes of the SDR is to restrict the subdivision and development of land within proximity of landfill and waste sites. Section 13(3)(b) of the regulation prohibits the approval of residential uses within 300 metres of a non-operating landfill. Secondary Suite is a residential use. The subject site is within 300 metres of the non-operating Nose Creek Landfill. Section 133(1) of the Land Use Bylaw requires the Development Authority to comply with the requirements of the SDR. The Development Authority is unable to consider relaxations of the SDR.

Calgary International Airport Vicinity Protection Area (AVPA)

The AVPA is an enactment by the Lieutenant Governor in Council (AR177/2009). This imposes varying degrees of land use, development and building restrictions on affected parcels of land. The Municipal Development Plan and Land Use Bylaw contain policies and rules which enforce the AVPA. Schedule 3 of the AVPA defines a Residence broadly and includes many forms of dwellings defined in the regulation such as attached suite. The proposed Secondary Suite is therefore a Residence and an Attached Suite as defined in the AVPA. The Table within Schedule 3 of the AVPA lists activities which are prohibited within specific NEF contours. The proposed Residence is within the NEF 35 contour. The Table indicates Residence is a prohibited use in the NEF 35, therefore the proposed development does not meet the rules of the AVPA. Section 54(a) of the Land Use Bylaw compels the Development Authority to adhere to the AVPA. The development Authority is unable to consider relaxations.


It should be noted that the AVPA does include some specific exemptions for Secondary Suites. Section 3(3) allows Secondary Suites within existing's Single Family Dwelling; however, this is a Semi-detached Dwelling. Schedule 3, section 2.2 also allows Secondary Suites; however, the legal description for the subject parcel is not listed.

Conclusion

Both the SDR and the AVPA prohibit the approval of additional Residences on this parcel. Therefore, the Development Authority must refuse a Secondary Suite at this location.

Decision

For the above noted reasons, this application is refused.


 Maurie Loewen, Development Authority

Jul 30, 2020

Date



Attachments for DP2020-1244

Site and Context

The parcel is shown to be 671.7 square metres in area and 18.4 metres in width. The subject site contains a Semi-Detached Dwelling. The Semi-Detached Dwelling was constructed in 1969. The site plan shows a detached garage at the rear of the property, accessed from the front via a side driveway, which can accommodate two vehicles. Additionally, a parking pad in the rear, also accessed from the front via the side driveway, accommodates two more vehicles for a total of four motor vehicle parking stalls.

Process

Notice Posting: Not required

Circulation: Crossroads Community Association, the Ward 10 Councillor, Calgary Airport Authority, NAV Canada, Transport Canada, and Waste & Recycling Services

Objections: None

Support: None

Bylaw Discrepancies

Regulation	Standard	Provided
305, 443 Parking	(c) requires a minimum of 1.0 motor vehicle parking stalls per Dwelling Unit (which includes secondary suites if applicable)	Site cannot accommodate parking stalls for the Single Detached Dwelling and Secondary Suite for #907.
295 Secondary Suite	(c) requires a minimum of 1.0 motor vehicle parking stall.	

Key Land Use Bylaw Provisions

Section 7 of the Land Use Bylaw states in part:

Referenced Legislation

7 (3) "Calgary International Airport Vicinity Protection Area Regulation" means the *Calgary International Airport Vicinity Protection Area Regulation*, A/R 318/79.

Section 7 of the Land Use Bylaw states in part:

Airport Vicinity Regulations

54 When making a decision on a **development permit** the **Development Authority** must comply with the requirements of:

- (a) The Calgary International Airport Vicinity Protection Area Regulation; and
- (b) The Calgary International Airport Zoning Regulations.



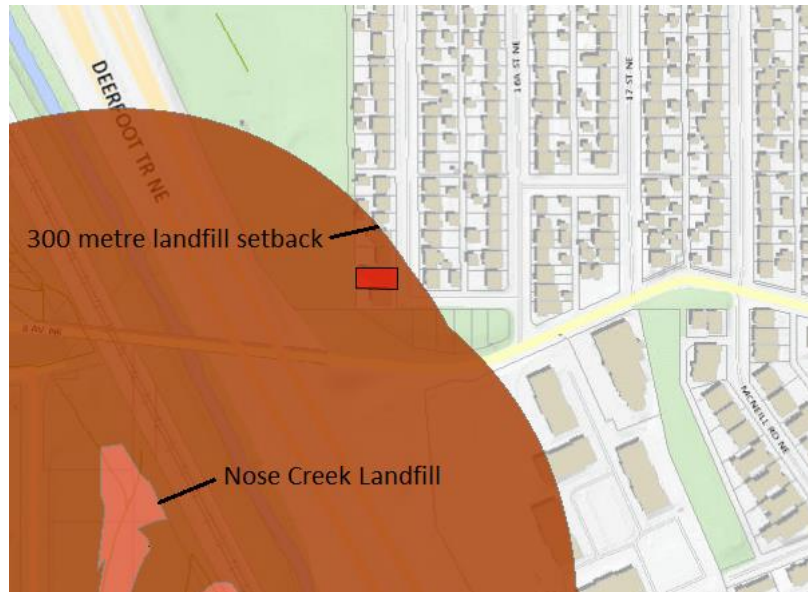
The City of Calgary
Planning and Development
Technical Planning and Bylaw Review

Subdivision and Development Regulation (SDR) (AR43/2002)

Section 13 of the SDR states in part:

13 Distance from Landfill, Waste Sites

- (3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site
- b) is within 300 metres of the disposal area of an operating or non-operating landfill.



Calgary International Airport Vicinity Protection Area Regulation AVPA (AR 177/2009)

Schedule 3, Section 1 of the AVPA states in part

Subdivision approval and development permits relating to land in Protection Area

- 3 (3) Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

Schedule 3, Section 1 of the AVPA states in part:

Definitions

1 In this Schedule

- (j) “residence” means a building that includes kitchen, sleeping and sanitary facilities and is used primarily as a home;

Schedule 3, Section 4 of the AVPA states in part:

Prohibited Uses

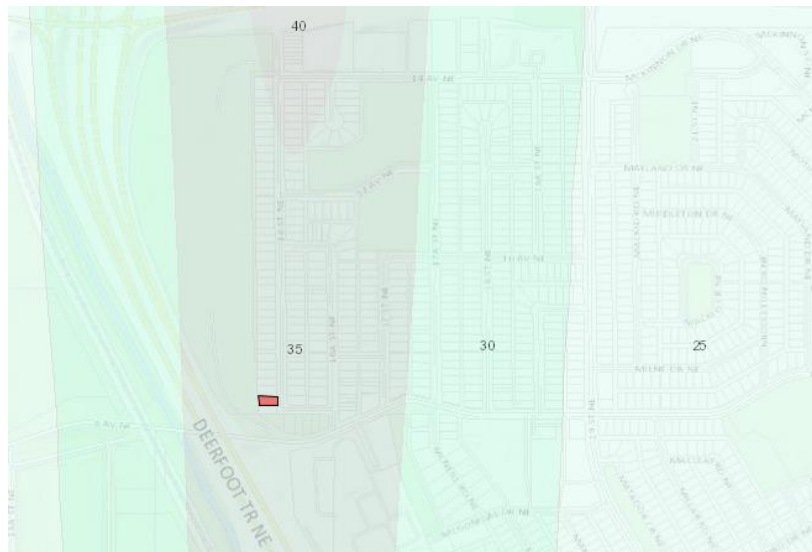
- 4 (1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4 or 5 of the table if the expression “PR” appears in that column opposite that land use.



The City of Calgary
Planning and Development
Technical Planning and Bylaw Review

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
Land Uses	NEF 40+ Area	NEF 35-40 Area	NEF 30-35 Area	NEF 25-30 Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	PR	-	-
Places of worship	PR	PR	-	-
Outdoor eating establishments	PR	-	-	-





APPLICATION FOR A DEVELOPMENT PERMIT LAND USE BYLAW NO 1P2007

244056824-001

Taken By:

Application Date: **Feb 28, 2020**

APPLICATION NO: DP2020-1244

I/We hereby make application for a Development Permit under the provisions of the Land Use Bylaw in accordance with these plans and supporting information submitted herewith and which form part of this application.

Total Fees: \$0.00**Cart #:**

Applicant: **BAL, SARABJIT**Address: **909 16 ST NE**City: **CALGARY, AB, T2E 4S7**Phone: **(403)966-5761**Parcel Address: **909 16 ST NE**Legal: **4430AC;31;9,12**Parcel
Owner:**SARABJIT BAL****909 16 ST NE****CALGARY AB CANADA T2E 4S7**

e-mail:

sarabal@shaw.caL.U.D.: **R-C2**Community: **MAYLAND HEIGHTS**Sec. Number: **24C** Ward: **10**Description: **New: Secondary Suite (existing - basement) - AVPA**Proposed Development is: **Permitted**

Gross Floor Area: 1600 feet - squared

Dwelling Units: 2

Proposed Use: **Secondary Suite**

I agree to receive correspondence via electronic message related to this application.

By signing below, I confirm that the contact information provided above is accurate and further, acknowledge the ability of the General Manager - Planning Development & Assessment to inactivate and cancel incomplete applications.

Applicant / Agent Signature: _____ Date: _____

The personal information on this form is being collected under the authority of The Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) and amendments thereto. It will be used for the permit review and inspection processes. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. 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.

Track your application on-line with **VISTA**. Go to: **www.calgary.ca/vista** and enter your JOB ACCESS CODE (JAC) **DP2020-1244-56824**
or call our Planning Support Centre at (403)268-5311.

SDAB2020-0042

Calgary



Home Improvement Service Application Form

To apply for your Home Improvement permit, complete this application form and gather your applicable requirements. You can submit your request by visiting the Planning Services Centre located on the third floor of the Municipal Building at 800 Macleod Trail SE. If you are applying online, this information will be requested through the online application and you will not need to fill out this form.

Where is the work happening?

Address: 909 16th St NE, Calgary, AB

Who is applying?

Applicant ☒ Property Owner ☐ Representing Owner

Applicant Name:

SARABJI BAL

Company Name (if applicable):

Email:

SARABAL@SHAW.CA

Phone Number (during business hours):

403-966-5761

Who is doing the work?

Builder ☒ Property Owner ☐ Licensed Contractor

Business Name (if applicable):

Property Owner Contact ☐ N/A Property Owner is applicant

Owner Email:

SARABAL@SHAW.CA

SECTION 4: What are you applying for? (Check all that apply. Click the underlined text for checklists)

Home Renovation Projects

Home renovation projects are projects you complete inside your home or that increase the area of your home.

☒ Basement

Square
feet:

800 sq ft

☐ Addition

Square
feet:

☐ Porch

Square
feet:

Indoor Fireplace

(☐ Wood ☐ Gas ☐ Both)

of
fireplaces:

☐ Interior, Exterior or Structural Alterations

Estimated
Cost:

1500⁰⁰

Describe Scope:

SECTION 4: continued (Check all that apply. Click the underlined text for checklists)**Outdoor Projects**

Outdoor projects are projects completed outside of your home.

<input type="checkbox"/> <u>Uncovered Deck</u>	Square feet: _____	<input type="checkbox"/> <u>Balcony</u>	Square feet: _____
<input type="checkbox"/> <u>Garage, Shed, Greenhouse, Carport</u>	Square feet: _____	<input type="checkbox"/> <u>Covered Deck, Pergola</u>	Square feet: _____
<input type="checkbox"/> <u>Hot Tub, Pool</u>	Estimate Cost: _____	<input type="checkbox"/> <u>Outdoor Fireplace</u> (<input type="checkbox"/> Wood <input type="checkbox"/> Gas <input type="checkbox"/> Both)	# of fireplaces: _____
<input type="checkbox"/> <u>Retaining Wall</u>	Estimate Cost: _____	<input type="checkbox"/> <u>Driveway</u>	
<input type="checkbox"/> <u>Fence</u>		<input type="checkbox"/> <u>Solar Panel</u>	

Secondary Suite Project

Secondary suites come in two types attached (example inside or attached to a house) or detached (example above a detached garage).

<input type="checkbox"/> <u>Secondary Suite</u> (inside or attached to a house)	Estimate Cost: _____	<input type="checkbox"/> <u>Backyard Suite</u> (not attached to a house)	Estimated Cost: _____
<input checked="" type="checkbox"/> <u>Existing Secondary Suite</u> (inside or attached to a house)	Estimate Cost: <u>1500</u>	<input checked="" type="checkbox"/> <u>Option 1</u> – City inspection to occur after application and prior to approval of permits. If you choose this option, use the <u>Existing Secondary Suite</u> checklist.	
		<input type="checkbox"/> <u>Option 2</u> – City inspection will not occur prior to approval. If you choose this option, use the <u>Secondary Suite</u> checklist.	
Where is the suite entrance located on site? <input type="checkbox"/> Front <input type="checkbox"/> Side <input type="checkbox"/> Rear <input type="checkbox"/> Garage			

SECTION 6: Are you doing any Electrical and/or Plumbing work? (Check all that apply)

<input type="checkbox"/> Homeowner Electrical Permit	Describe what you are doing:
<input type="checkbox"/> Homeowner Plumbing Permit	Describe what you are doing:
Declaration:	
<input type="checkbox"/> I declare that I am the legal landowner of the property stipulated on this application, that this is my primary place of residence, and I will be performing the work.	

Applicant's Declaration:

In relation to the submission of this application, I confirm that I am

- An owner of the parcel, an authorized agent of the owner of the parcel, or other person having legal or equitable interest in the parcel, and
- If the parcel has a condominium board, I have consent from the condominium board to submit this application.

In addition, I certify that all information submitted with this application, including information shown on plans and documents, to be true and correct. Incomplete or inactive applications may be cancelled or refused at the discretion of the proper authority in accordance with their respective bylaw.

☒ I agree to receive correspondence via electronic message related to this application.

FOIP DISCLAIMER: The personal information on this form is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (Section 5) and amendments thereto. It will be used for the permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning & Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

FILE: DP 2020-1244

DATE RECEIVED: 2020-03-04

APPLICATION ADDRESS: 907 & 909 16 ST NE

Bylaw Discrepancies		
Regulation	Standard	Provided
305, 443 Parking	(c) requires a minimum of 1.0 motor vehicle parking stalls per Dwelling Unit (which includes secondary suites if applicable)	Site cannot accommodate parking stalls for the Single Detached Dwelling and Secondary Suite for #907.
295 Secondary Suite	(c) requires a minimum of 1.0 motor vehicle parking stall.	

Notes
<p>Parcel Width: 15.24 (obtained from Legal Plan) AVPA: NEF 35 Landfill Setback Warning Floodway/ Floodfringe: n/a</p> <p>NOTE: Inspector's drawing for site plan is incorrect – google earth shows that the garage on site is accessed from the south (north/south direction of travel) and therefore the drive aisle for the #909 stalls cuts right through the stalls for #907.</p>

SDAB2020-0042



Onsite Suite Review – Semi-Detached

PL 1289 (R2020-01)

Property Address 909 16 ST NE	Job Number CO2018-04332	Date 2020-03-04
Inspector's Name Navin Kooner	Phone Number 403-998-3290	Email navin.kooner@calgary.ca

General Observations

<input checked="" type="checkbox"/> Semi-detached	Land Use District: <input checked="" type="checkbox"/> R-2/R-C2 <input type="checkbox"/> R-G/R-CG <input type="checkbox"/> Other/M-_____	
Components of Main & Upper Levels <input type="checkbox"/> 1 dwelling (subdivided semi) <input checked="" type="checkbox"/> 2 dwellings (un-subdivided) Number of Suites: <u>2</u>	Main level: <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities	Upper level: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Kitchen (as defined in LUB) <input type="checkbox"/> Living Facilities <input type="checkbox"/> Sanitary Facilities
Other Comments:		

Basement (or Lower Level)

<input checked="" type="checkbox"/> Suite is self-contained	Year of Suite construction if known _____	Year of construction of Building 1969
Components of Secondary Suite	<input checked="" type="checkbox"/> Wholly contained in basement <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities <input type="checkbox"/> Furnace/Utility Room	<input checked="" type="checkbox"/> Only one suite per unit # of bedrooms? <u>2</u>
Other Comments:		

Site Observations

Parking	Inspector to draw and dimension stalls on the site plan Stall Sizes: -Minimum 2.5m x 5.9m where both sides are free of a physical barrier or property line -Minimum 2.85m x 5.9m where one side of the stall abuts a physical barrier (PL or garage wall) -Minimum 3.0m x 5.9m where both sides of the stall abuts a physical barrier (Fenced area or single car garage) <i>Please note: Total dimensions of parking stall must be wholly located within the parcel. When proposed for front driveway, ensure stall does not encroach beyond front property line. Stalls must also be labeled 'Proposed Suite Stall' or 'Existing Suite Stall'.</i>
Parcel Width	-R-2/R-C2 Minimum parcel width of 13m for semi-detached, no less than 6.0 metres per side, -N/A in all other cases
Amenity Space	Inspector to draw and dimension on site plan (example: 2m x 4m) Minimum 7.5m ² with no dimensions less than 1.5m
Other Comments:	

ISC: Unrestricted

From: Bronson, Daniel J.
Sent: Thursday, March 05, 2020 1:41 PM
To: 'sarabal@shaw.ca'
Subject: DP2020-1244 Initial Review



For more information:

CALGARY.CA/PD

[Planning Services Centre](#)

[403.268.5311](#)

[Monday – Friday](#)

[8 am – 4:15 pm](#)

Good Day,

The initial review of your Development Permit application has been completed and it has been determined to be complete. The application will now be circulated. Once the circulation is complete either a decision will be made on the application or a Detailed Review will be sent to you. Please note that the subject parcel is located both in the 35-40 NEF contour of the AVPA and within 300 metres of a non-operating City landfill and is a prohibited use in both. Approval may not be possible.



For more information about the Development Permit process please visit www.calgary.ca/dpprocess. For status updates and more information on your specific Development Permit please visit www.calgary.ca/pdmap.

Regards,

Daniel Bronson, AT.

Senior Planning Technician | Planning & Development

T. 403.333.5407 | **F.** 403.268.3024 | **E.** daniel.bronson@calgary.ca





May 21, 2020

BAL, SARABJIT
909 16 ST NE
CALGARY, AB
T2E 4S7, CANADA

Dear Sir/Madam:

RE: Detailed Review (DR)

Development Permit Number: DP2020-1244

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) 333-5407 or by email at daniel.bronson@calgary.ca.

Sincerely,

DANIEL BRONSON

Senior Planning Technician , Planning & Development

P.O. Box 2100, Postal Station M
Calgary, Alberta, Canada, T2P 2M5, (403) 268-5311

SDAB2020-0042



Detailed Review 1 – Development Permit

Application Number:	DP2020-1244
Application Description:	New: Secondary Suite (existing - basement of semi-detached dwelling - 2)
Land Use District:	Residential - Contextual One/Two Dwelling
Use Type:	Permitted
Site Address:	909 16 ST NE
Community:	MAYLAND HEIGHTS
Applicant:	BAL, SARABJIT
Date DR Sent:	May 21, 2020
Response Due Date:	June 20, 2020
Senior Planning Technician:	DANIEL BRONSON - (403) 333-5407 - daniel.bronson@calgary.ca

General Comments

The Development Authority is unable to support your application for Secondary Suites in the 35-40 NEF area of the AVPA and within the Nose Creek Landfill setback. The use is prohibited in both areas.

Please indicate whether you would like to cancel the application or have the application refused. If the application is refused, it will be possible to appeal the decision. Please let me know if you have any questions.

Comments on Relevant City Policies

Calgary International Airport Vicinity Protection Area (AVPA) Regulation

Subdivision Approval and Development Permits Relating to Land in Protection Area

3(3) Subject to section 4, no subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use, with the exception of a development permit for a secondary suite in an existing single family development.

The use is prohibited. Note that Secondary Suites in in single detached dwellings are exempted whereas Secondary Suites in semi-detached dwellings are not.

Prohibited Uses

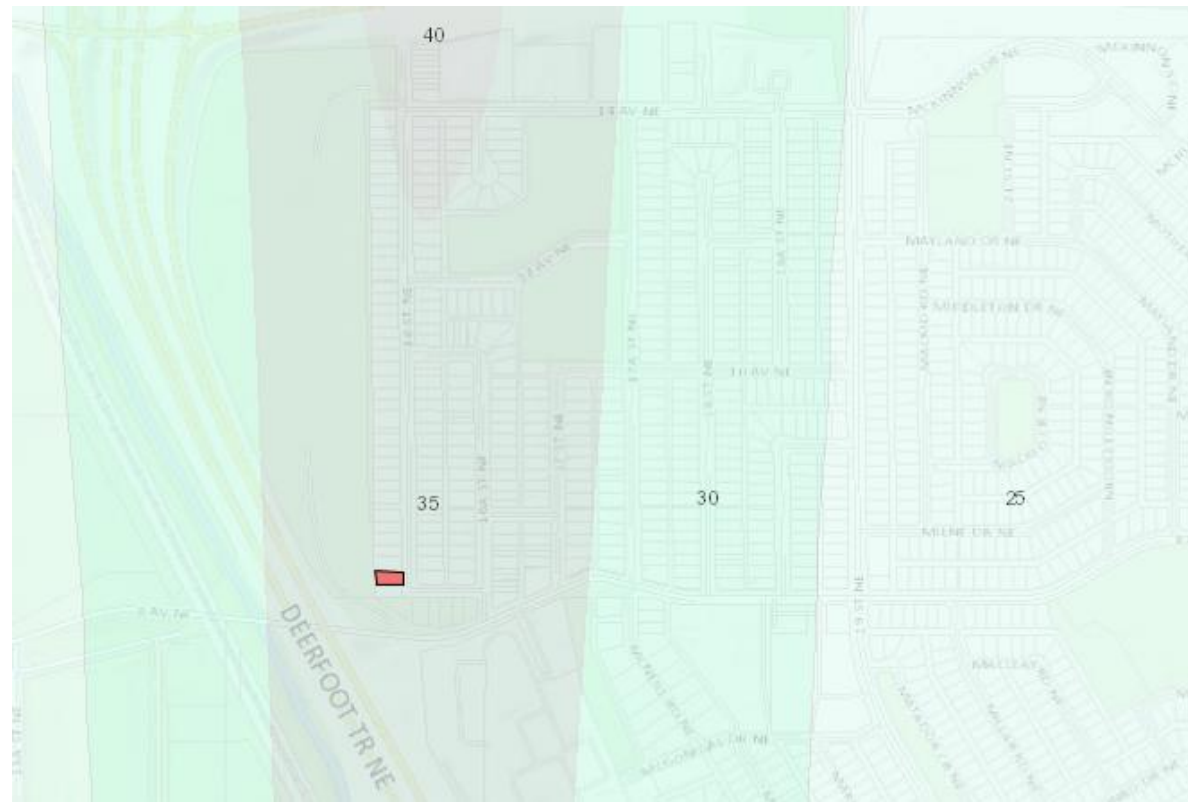
Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Page 1

4(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4, or 5 of the table if the expression "PR" appears in that column opposite that land use.

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
Land Uses	NEF 40+ Area	NEF 35-40 Area	NEF 30-35 Area	NEF 25-30 Area
Residences	PR	PR	PR	-
Schools	PR	PR	PR	-
Day cares	PR	PR	-	-
Clinics	PR	-	-	-
Medical care facilities	PR	PR	PR	-
Halls and auditoriums	PR	PR	-	-
Places of worship	PR	PR	-	-
Outdoor eating establishments	PR	-	-	-



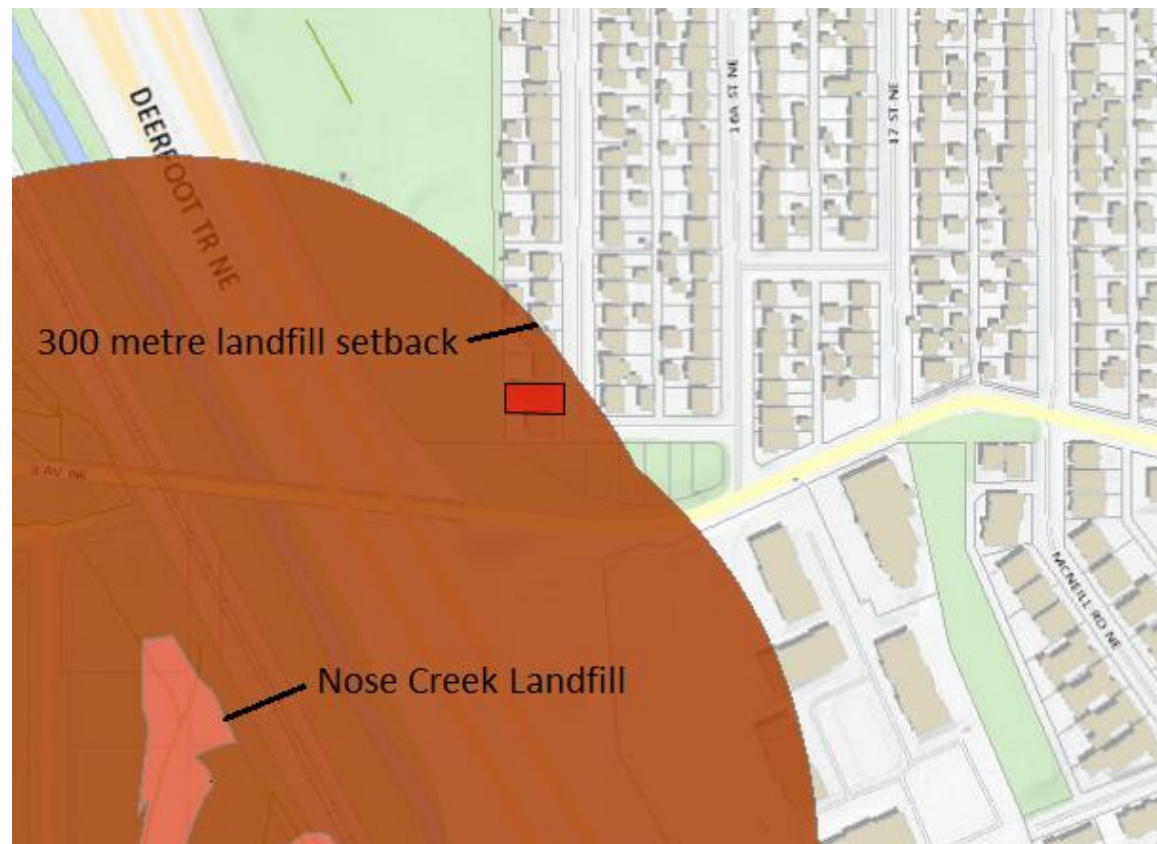
Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Subdivision and Development Regulation

Part 2 Subdivision and Development Conditions

13 Distance from Landfill, Waste Sites

(3) Subject to subsection (5), a development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site...b) is within 300 metres of the disposal area of an operating or non-operating landfill.



The use is located within 300 metres of the Nose Creek Landfill and therefore cannot be supported by the Development Authority.

Bylaw Variances		
Regulation	Standard	Provided
54 Airport Vicinity Regulations	When making a decision on a development permit the Development Authority must comply with the requirements of a) the Calgary International Airport Vicinity Protection Area Regulation, and b) the Calgary International Airport Zoning Regulations	The use is prohibited by the Calgary International Airport Vicinity Protection Area (AVPA) Regulation and therefore cannot be supported by the Development Authority.

Prior to Decision Requirements

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

1. The development, as proposed, is not supported for the following reasons:
 - Prohibited use in the Calgary International Airport Vicinity Protection Area Regulation.
 - Prohibited use in the Subdivision and Development Regulation.

Please indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application. Any applicable fee refund will be determined at the time of cancellation.

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.

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.

Page 4



REQUEST FOR COMMENT ON DEVELOPMENT PERMIT APPLICATION

Date: **March 5, 2020**

To: Calgary Airport Authority
Aleksandra Pajak - GM,
Development Services
2000 Airport Rd NE
Calgary, Alberta
T2E 6W5

Return To: **Development Circulation Controller**
Planning & Development #8201
P.O. Box 2100 Station M
Calgary AB T2P 2M5
Phone: 268-5744 Fax 268-2468
Email: DP.Circ@calgary.ca

D.P. NUMBER: DP2020-1244 Land Use Bylaw 1P2007	Parcel Address: 909 16 ST NE Legal: 4430AC;31;9,12 L.U.D.: R-C2
Applicant: BAL, SARABJIT Community: MAYLAND HEIGHTS Sec. Number: 24C Ward: 10	
Description: New: Secondary Suite (existing - basement of semi-detached dwelling - 2) Proposed Development is: Permitted Proposed Use: Secondary Suite	
Gross Floor Area: 1600 feet - squared Dwelling Units: 2	
<p>Please check the corresponding box below and forward any comments to the above sender. For Community Associations, please fill in the attached Community Context Questionnaire and forward to the above sender.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input type="checkbox"/> No Comment </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Comments Attached </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> NAME Karen McGovern, Calgary Airport Authority </div> <div style="width: 35%;"> DATE Mar 12 2020 </div> </div>	

Attached are the proposed plans and application material for this Development Permit. If you have any comments, please forward them by DUE DATE Thursday March 26, 2020 **to the above sender.**

If you want to discuss this application further, please contact the File Manager:

Daniel Bronson (403) 333-5407 daniel.bronson@calgary.ca

This Development Permit Application has been circulated to the following parties:

Civil Aviation Services , Transport Canada, 1100, 9700 Jasper Ave NW
 Aleksandra Pajak - GM, Development Services, Calgary Airport Authority, 2000 Airport Rd NE
 Jason Pare, Crossroads Community Association, 1803 14 Ave NE
 Ray Jones, Ward 10 Councillor, #8001B
 Land Use, NAV CANADA, 1601 Tom Roberts Avenue
 Ben Selirio, Waste & Recycling Services
 Paul Donker, Community Planning

Please note that any written submissions made in response to this application will form part of the official record, and upon final



Onsite Suite Review – Semi-Detached

PL 1289 (R2020-01)

Property Address 909 16 ST NE	Job Number CO2018-04332	Date 2020-03-04
Inspector's Name Navin Kooner	Phone Number 403-998-3290	Email navin.kooner@calgary.ca

General Observations

<input checked="" type="checkbox"/> Semi-detached	Land Use District: <input checked="" type="checkbox"/> R-2/R-C2 <input type="checkbox"/> R-G/R-CG <input type="checkbox"/> Other/M-_____	
Components of Main & Upper Levels <input type="checkbox"/> 1 dwelling (subdivided semi) <input checked="" type="checkbox"/> 2 dwellings (un-subdivided) Number of Suites: <u>2</u>	Main level: <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities	Upper level: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Kitchen (as defined in LUB) <input type="checkbox"/> Living Facilities <input type="checkbox"/> Sanitary Facilities
Other Comments:		

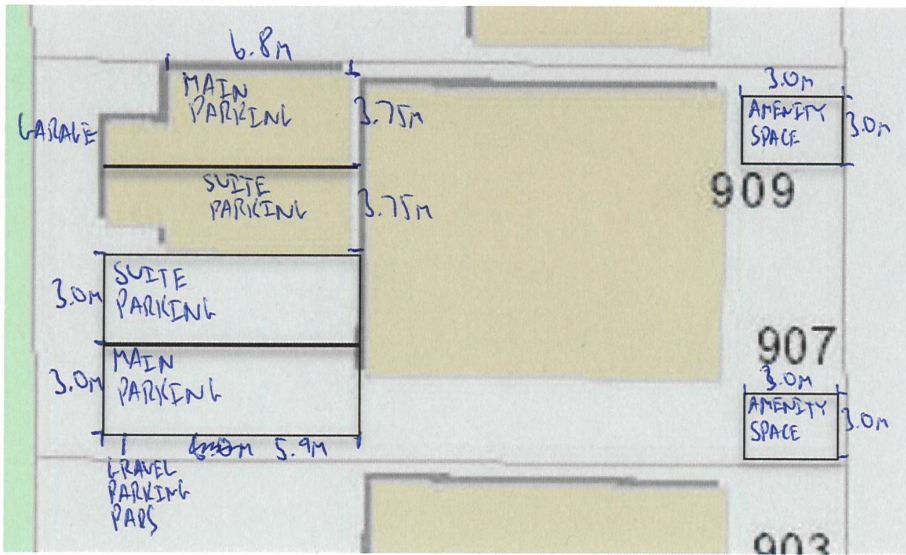
Basement (or Lower Level)

<input checked="" type="checkbox"/> Suite is self-contained	Year of Suite construction if known _____	Year of construction of Building 1969
Components of Secondary Suite	<input checked="" type="checkbox"/> Wholly contained in basement <input checked="" type="checkbox"/> Kitchen (as defined in LUB) <input checked="" type="checkbox"/> Living Facilities <input checked="" type="checkbox"/> Sanitary Facilities <input type="checkbox"/> Furnace/Utility Room	<input checked="" type="checkbox"/> Only one suite per unit # of bedrooms? <u>2</u>
Other Comments:		

Site Observations

Parking	Inspector to draw and dimension stalls on the site plan <u>Stall Sizes:</u> -Minimum 2.5m x 5.9m where both sides are free of a physical barrier or property line -Minimum 2.85m x 5.9m where one side of the stall abuts a physical barrier (PL or garage wall) -Minimum 3.0m x 5.9m where both sides of the stall abuts a physical barrier (Fenced area or single car garage) <i>Please note: Total dimensions of parking stall must be wholly located within the parcel. When proposed for front driveway, ensure stall does not encroach beyond front property line. Stalls must also be labeled 'Proposed Suite Stall' or 'Existing Suite Stall'.</i>
Parcel Width	-R-2/R-C2 Minimum parcel width of 13m for semi-detached, no less than 6.0 metres per side, -N/A in all other cases
Amenity Space	Inspector to draw and dimension on site plan (example: 2m x 4m) Minimum 7.5m ² with no dimensions less than 1.5m
Other Comments:	

ISC: Unrestricted



909 16 ST NE
 4430 AC: 31:9:12

DP2020-1244



March 12, 2020

File: YYC 1805

The City of Calgary
 Development & Building Approvals #8201
 P.O. Box 2100 Station "M"
 Calgary, Alberta, T2P 2M5

Attention: Daniel Bronson
 Development Permit Application DP2020-1244
 Secondary Suite – Mayland Heights

Dear Daniel Bronson:

The purpose of this letter is to reply to your request of March 5, 2020, to review the Development Permit Application DP2020-1244 with respect to the proposed Secondary Suite – Mayland Heights. Please be advised that the Calgary Airport Authority has the following comments:

Calgary International Airport Vicinity Protection Area (AVPA) Regulation

The proposed development is located within the 35-40 NEF (Noise Exposure Forecast) contours. Residential, All types are not considered prohibited uses within this area, however the City and Owner are responsible for ensuring uses are compatible with the AVPA. All buildings constructed on land in the Protection Area must comply with the acoustical requirements set out in the Alberta Building Code.

Calgary International Airport Zoning Regulations

The proposed development is located within the **Approach Surface** as defined in the Calgary International Airport Zoning Regulations and is therefore subject to regulated height restrictions. The maximum height for any structure in this area is 1160.43m above sea level.

The applicant must contact Transport Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and cranes that may be used during construction.

Transport Canada

Aerodrome Safety, Air Navigation and Airspace
 Prairie and Northern Region
 Email: caspnr-sacrp@tc.gc.ca
 Website: <http://www.tc.gc.ca>

Electronic Zoning Regulations

The proposed development is affected by the Electronic Facilities Protection Area Zoning Plan and is located within the critical area of the **Runway 17R Localizer and Runway 35L Glidepath**. Structure height limits exist in this area.

The applicant must contact Nav Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and any cranes that may be used during construction.

NAV CANADA

AIS Data Collection Unit and Land Use Office
1601 Tom Roberts Road
P.O. Box 9824, Station T
Ottawa, Ontario, K1G 6R2
Phone: 866.577.0247
Fax: 613.248.4094
Email: landuse@navcanada.ca
Website: <http://www.navcanada.ca>

Land Use in the Vicinity of Airports

As this development is occurring outside of the Calgary International Airport property boundary, the proposed development should ensure compatibility to the land use recommendations and guidelines as set out in *TP1247 – Land Use in the Vicinity of Airports*.

I trust that the above comments will be of use to you in your review of this proposal. If you have any questions or require further information regarding these comments, please do not hesitate to contact me at 403.735.1273 or karenm@yyc.com.

Yours truly,



Karen McGovern
Development Coordinator

Cc: Gord Falk, Calgary Airport Authority
Land Use, NAV Canada
Linda Thiessen, Transport Canada

From: EAWard10 - Lesley Stasiuk
Sent: Monday, March 09, 2020 9:55 AM
To: DP Circ
Cc: Bronson, Daniel J.; Crossroads
Subject: RE: Electronic Circulation of DP2020-1244 at 909 16 St NE (Mayland Heights)

Hi Daniel

RE: Electronic Circulation of DP2020-1244 at 909 16 St NE Secondary suite (Mayland Heights)

I'm sending this email message to you on behalf of CLLR Jones as he has no comments on this application. Feel free to contact me directly should you require anything further.

Lesley Stasiuk
EA & Sr. Communications Assistant to
Councillor Ray Jones, Ward 10
T: (403) 268-1659 F: (403) 268-8091

From: Cho, Vivian **On Behalf Of** DP Circ
Sent: Thursday, March 5, 2020 3:21 PM
Cc: Bronson, Daniel J. ; DP Circ
Subject: Electronic Circulation of DP2020-1244 at 909 16 St NE



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
 - Onsite Suite Review
 - 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.

Vivian Cho

Applications Processing Representative

Calgary Building Services

Planning & Development

The City of Calgary | Mail Code: 8108

T 403.268.5744 | E DP.Circ@calgary.ca

Floor #3, Municipal Building - 800 Macleod Tr. S.E.

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



ISC: Unrestricted



Development Authority Response to Notice of Appeal

Appeal number: SDAB2020-0042

Development Permit number: DP2020-1244

Address: 909 16 ST NE (title parcel)
907 & 909 16 ST NE (building addresses)

Description: New: Secondary Suite (existing -basement of semi-detached dwelling – 2)

Land Use: Residential – Contextual One/Two Dwelling (R-C2)

Community: Mayland Heights

DA Attendance: Yes

Use: Permitted with a Relaxation

Notice Posted: No

Objections: No

Support: No

Bylaw relaxations:

Additional residential uses are prohibited in this area by the Airport Vicinity Protection Act.

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

Policy to Guide Discretion for Secondary Suites and Backyard Suites (the Policy)

Additional factors, considerations and rationale for the decision:

- Please see the Reasons for Refusal
- The Development Authority may provide additional submission prior to the merits hearing.