



CITY OF *Lethbridge*

Office of the City Clerk

July 26, 2024

RE: NOTICE OF HEARING - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

An appeal has been filed against the Development Application refused by the Development Officer on July 4, 2024 for an eave projection waiver at 237 Dieppe Boulevard South.

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 200 feet or 60 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property will also receive a copy of this letter.

The Subdivision and Development Appeal Board (SDAB) will hold a Public Hearing as follows:

DATE:	Thursday, August 15, 2024
TIME:	5:00 p.m.
LOCATION:	Council Chamber, Main Floor, City Hall 910 – 4 Avenue South

Persons affected by this development have the right to present a written, verbal and/or visual submission to the Board. When making a presentation, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision. It is recommended that you limit your presentation to five minutes.

If you wish to submit written material to the Board, it should be delivered to the Secretary of the SDAB via email at david.sarsfield@lethbridge.ca, **including your full name and mailing address** no later than 12:00 noon on the Tuesday prior to the hearing. If you are unable to meet this submission deadline, please bring 12 copies of the materials to the Hearing and it will be distributed at the start of the Hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact me at 403 329 7329 if you have any questions.

Yours truly,

David Sarsfield
Board Secretary,
Subdivision and Development Appeal Board



CITY OF
Lethbridge

NOTICE OF APPEAL

Subdivision & Development Appeal Board

In accordance with sections 678 and 686 of the *Municipal Government Act* and The City of Lethbridge Bylaw 4749, an appeal to the Subdivision and Development Board must be filed within the legislated time frame.

Site Information		(Date Received Stamp)
Municipal Address of Appeal <i>237 Dieppe Blvd S</i>		
Legal Description of Site (must be completed for subdivision appeals) <i>6127 JK; 5; 10</i>		
Development Application Number or Subdivision Application Number <i>Dev 15362</i>		
Appellant Information		
Name <i>Blair R Nyrose</i>		
Mailing Address <i>108 Dieppe Blvd So</i>		(Office use Only)
City <i>Lethbridge</i>	Province <i>AB</i>	Postal Code <i>T1J 3W6</i>
Residence # <i>cell</i> <i>403-315-5591</i>	Business # <i>403-329-1562</i>	Email <i>blair.n@atlasllp.ca</i>

APPEAL AGAINST (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Permit	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.

The grounds for this appeal are as follows:
see attached:

(Attach a separate page if required)

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 6788 and 685 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 FOIP Coordinator at (403) 329-7329.

Signature of Appellant <i>Blair R Nyrose</i>		Date YYYY MM DD <i>2024 07 24</i>
FOR OFFICE USE ONLY		
Final Date of Appeal YYYY MM DD	Appeal Number	Hearing Date YYYY MM DD
		Date Appellant Notified YYYY MM DD

237 Dieppe Blvd So

Grounds for appeal

We have lived on Dieppe Blvd for 30 years. The development permit submitted will be our third house on Dieppe. Personally, we prefer to see the larger lots preserved and not subdivided as Dieppe is one of the best neighborhoods in the city.

Our eave projection waiver was denied for the following:

“The eave projection waiver request is excessive, and not in keeping with the prevailing neighborhood patterns.”

The setback of property line to an eave is the same as allowed for an accessory building.

The setback request on the south side of the house is 6 inches down to zero on a 10 ft corner of the house. 6 inches is not an excessive amount.

The neighboring property to the north, 237 Cassino Street , is not parallel to 237 Dieppe Blvd. The south east corner of this property is really the only affected point. The rest is Mr. Hill’s back/side yard which will not be affected by the eaves.

The prevailing neighborhood patterns on Dieppe has been to subdivide the original properties and build two story infills. It appears that setback waivers have been obtained on some of these projects.

“ The proposed waiver request could materially interfere with or affect the use, enjoyment or value of neighboring properties”

The proposed waiver request will not interfere or affect the enjoyment or value of neighboring properties. 241 Cassino Street, which backs onto 237 Dieppe has a garage in this corner and will not be affected. 237 Cassino Street, which is to the north of 237 Dieppe will not be adversely affected.

Building a new house on 237 Dieppe will improve the value of neighboring properties not materially decrease the values.

THIS DRAWING SHALL NOT BE REPRODUCED OR REVISED WITHOUT PERMISSION OF THE CONSULTANT.
 CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE CONSULTANT PRIOR TO CONSTRUCTION.
 DO NOT SCALE THIS DRAWING.
 THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNTIL SO APPROVED.
 THIS DRAWING IS TO BE USED ONLY FOR THE ABOVE MENTIONED PROJECT. USE OF THE DRAWING FOR ANY OTHER PROJECT SITE IS STRICTLY FORBIDDEN.

Revision Description

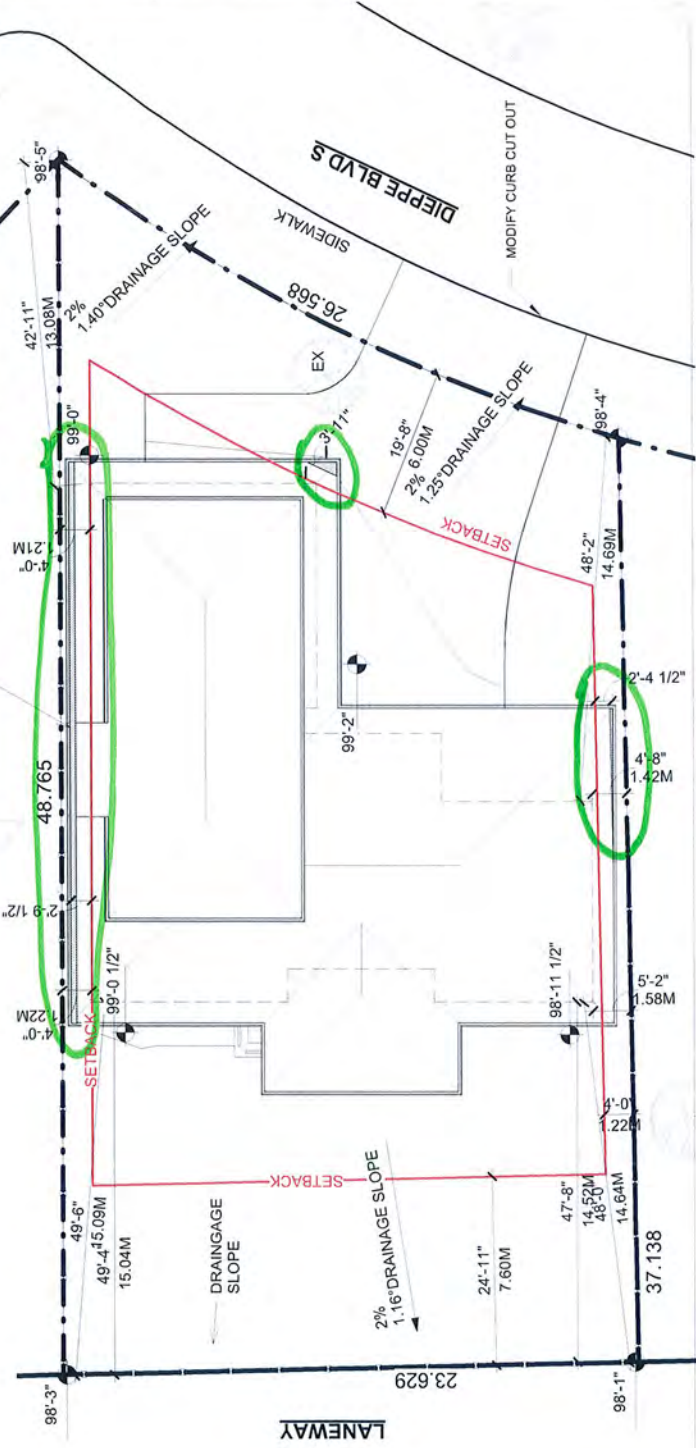
DATE	2024 MAY 27
PROJ. NO.	23804
DRAWN:	Author
CHECKED:	ES
SHEET TITLE	SITE PLAN

SITE NOTES

1. WORK UNDER THIS CONTRACT INCLUDES: ALL SITE WORK INSIDE PROPERTY LINES AND TO THE BACK OF CITY SIDEWALKS.
2. THE COST OF NEW AND REMEDIAL WORK TO THE CITY OF LETHBRIDGE'S CURB, SIDEWALKS, APRONS AND RELATED WORK WHICH OCCURS OUTSIDE OF THE LIMITS OF THE PROPERTY LINES TO BE INCLUDED UNDER THIS CONTRACT.
3. GRADES SHOWN AT THE JUNCTION OF ASPHALT AND CURBING OR SIDEWALKS ARE TOP OF ASPHALT UNLESS OTHER NOTED.

SURVEY PLAN NOTES

1. THE FACTUAL INFORMATION AND DRAWINGS INCLUDED IN THE SURVEY PLAN ARE EXPRESSLY UNDERSTOOD TO BE THE RESPONSIBILITY OF THE SURVEYOR. RESPONSIBILITY FOR THIS INFORMATION IS NOT ACCEPTED OR IMPOSED UPON THE OWNER OR ARCHITECT.



1 SITE PLAN
 1/16" = 1'-0"



Address: 237 DIEPPE BLVD S
Legal: 6127JK;5;10

District: R-L

Applicant: VERUS CUSTOM CONTRACTING LTD
Address: 257 COULEESPRINGS TERRACE S LETHBRIDGE AB T1K 5P1

Phone: 403 330 5983

Development Proposed To construct a single detached dwelling, requesting an eave projection waiver.

District R-L LOW DENSITY RESIDENTIAL

Land Use DWELLING, SINGLE DETACHED - PERMITTED

REASONS FOR REFUSAL

1. The eave projection waiver request is excessive, and not in keeping with the prevailing neighbourhood patterns.
2. The proposed waiver request could materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Decision Date
Jul 04, 2024

Development Authority

Leda K. Tittsworth
LEDA KOZAK TITTSWORTH

STATUTORY PLANS

The SSRP and applicable municipal statutory plans were considered in rendering this decision.

COMPLIANCE WITH OTHER LAWS AND AGREEMENTS

The City of Lethbridge assesses applications according to the development requirements and standards of the Land Use Bylaw in force at the time of application. This Development Permit does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any other applicable laws and regulations.

APPEALS

The applicant has the right to appeal this decision to the Subdivision and Development Appeal Board. An appeal shall contain a statement of the grounds of appeal and shall be delivered either personally or by Registered Mail so as to reach the Secretary of the Subdivision and Development Appeal Board not later than twenty-one (21) days after the decision date indicated on the Development Permit or 'Development Permit Application - Refused' letter.

Permits which were the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission, or by the Minister of Environment and Parks must be appealed through the Land and Property Rights Tribunal.

FOIP

The personal information provided as part of this permit is collected under the Alberta Municipal Government Act and in accordance with section 33(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, Land Use By-law 6300 compliance verification and monitoring, and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request and may be revealed in public appeal processes.

If you have questions about the collection or use of the personal information provided, please contact Information Management at 910 4 Ave S Lethbridge, AB, T1J 0P6 or phone at (403) 329-7329, or email planninganddesign@lethbridge.ca.

Application No. DEV15362

Address: **237 DIEPPE BLVD S**
Legal: 6127JK;5;10

District: R-L

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Address: 257 COULEESPRINGS TERRACE S LETHBRIDGE AB T1K 5P1

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Application No. DEV15362

3

PROJECT INFORMATION

PROJECT NUMBER 23R04
 OWNER KAREN AND BLAIR NYROSE
 PROJECT NYROSE RESIDENCE

LEGAL DESCRIPTION
 CIVIC ADDRESS 237 DIEPPE BLVD S
 LETHBRIDGE, AB T1J 2W8

BLOCK/PLAN/LOTS: PLAN 6127JK / BLOCK 5 / LOT 10

BUILDING AREA: MAIN FLOOR 180.9 Sq M (1947 Sq Ft)
 SECOND FLOOR 48.2 Sq M (519 Sq Ft)

B

PROJECT DESCRIPTION

DEMOLITION OF EXISTING RESIDENTIAL STRUCTURES.
 REBUILD NEW TWO STOREY SINGLE FAMILY RESIDENCE
 WITH ATTACHED GARAGE.

CONSULTANTS

ARCHITECTURAL SONGER architecture inc.
 ELIZABETH SONGER, ARCHITECT AAA
 120 D MAYOR MAGRATH DR N, LETHBRIDGE AB T1H 3P4
 403-942-4808

2

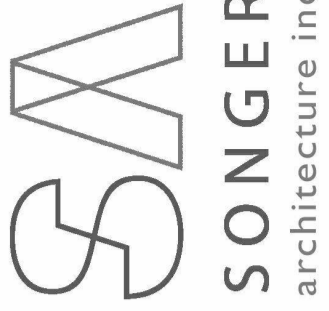
PROJECT LOCATION



INDEX OF DRAWINGS

ARCHITECTURAL	
T1	TITLE SHEET
AS101	RPR
AS102	SITE PLAN
A100	BASEMENT PLAN
A101	MAIN FLOOR PLAN
A102	SECOND FLOOR PLAN
A200	ELEVATIONS
A201	ELEVATIONS

120 D MAYOR MAGRATH DR N
 LETHBRIDGE AB T1H 3P4
 403.942.4808



23R04

NYROSE RESIDENCE

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 REPRODUCED OR REVISED WITHOUT
 PERMISSION OF THE CONSULTANT.

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Revision Description

DATE	2024 MAY 27
PROJ. NO.	23R04
DRAWN:	LK
CHECKED:	ES
SHEET TITLE	

TITLE SHEET

SHEET NUMBER

T1

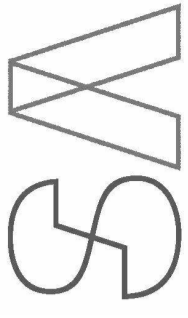
A



3

2

1



SONGER
architecture inc

120 D MAYOR MAGRATH DR N
LETHBRIDGE AB T1H 3P4
403.942.4808

23R04

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DATE	2024 MAY 27
PROJ. NO.	23R04
DRAWN:	Author
CHECKED:	ES

SHEET TITLE

RPR

SHEET NUMBER

AS101

**Alberta Land Surveyor's
Real Property Report**

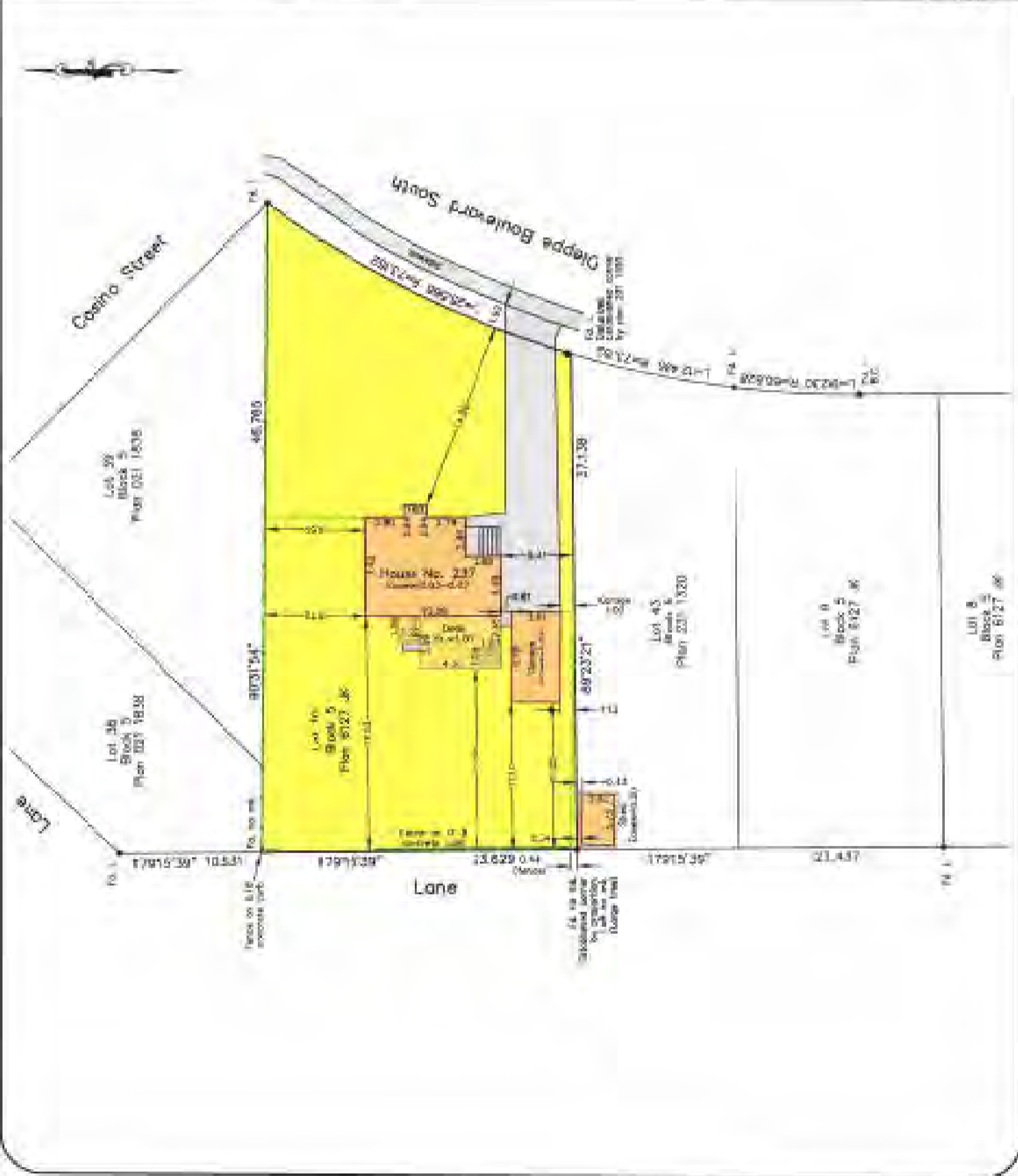
- LEGEND**
- Bearings shown are 3TH and derived from GNSS Observations
 - Left survey measurements are shown blue
 - Right survey measurements are shown black
 - Buildings and areas are shown blue
 - Boundaries in green (blue)
 - Property boundaries are shown blue
 - Fence lines are shown blue
 - Distances are in metres and decimals thereof
 - Distances are to the existing exterior cladding of the building at the time of the survey unless otherwise shown
 - Lines are dimensioned from building edge to outside facade edge, including overhangs
 - Areas are dimensioned to the centreline of the receiving fence which appear to define property lines are within 0.30 metres of accuracy limit, unless otherwise noted
 - Id. No. M.C. indicates found Mo. Mark
 - Id. No. M.C. indicates Height of Arc
 - Id. No. M.C. indicates Length of Arc
 - Id. No. M.C. indicates Radius of Arc
 - B.C. indicates Beginning of Curve

-No representation is made as to encumbrances (not shown) (not shown) (not shown) (not shown)

This Plan is Page 2 of 3 Real Property Report, and it is effective if it is detached from Page 1 and 3. Page 2 of 3

SCALE	NTS
Drawn by	Author
Checked by	ES
Project Name	

MARTIN GEOMATIC CONSULTANTS LTD.
ALBERTA LAND SURVEYORS
355 - 37th Street, Suite 101
Lethbridge, Alberta T1H 3Z4
Phone: 403-942-4808 Fax: 403-942-4809
E-mail: geomatic@martin-geomatic.com



B

A

2

3

2

3

23R04

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Revision Description

DATE	2024 MAY 27
PROJ. NO.	23R04
DRAWN:	Author
CHECKED:	ES

SHEET TITLE

SITE PLAN

SHEET NUMBER

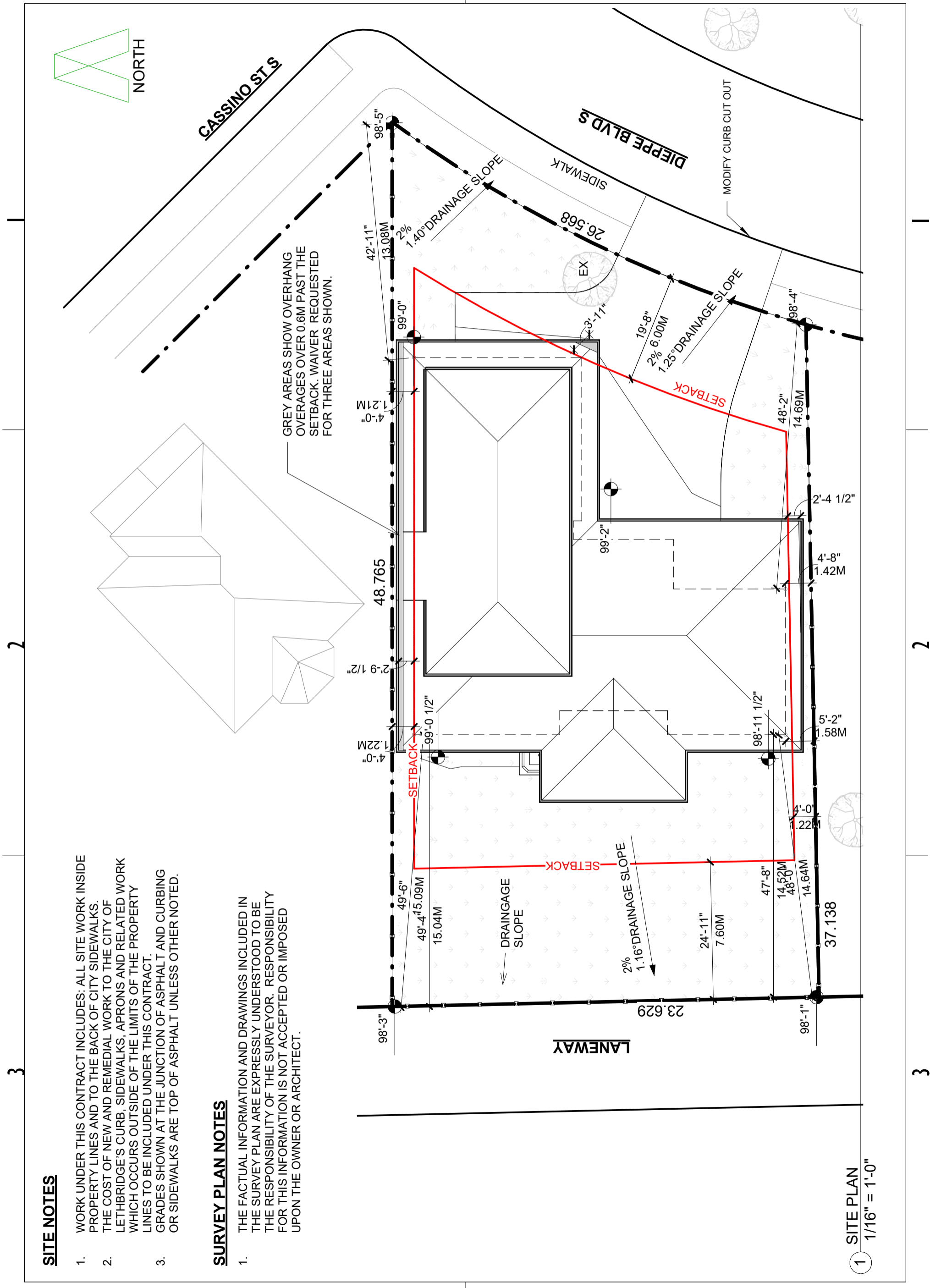
AS102

SITE NOTES

1. WORK UNDER THIS CONTRACT INCLUDES: ALL SITE WORK INSIDE PROPERTY LINES AND TO THE BACK OF CITY SIDEWALKS.
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1 SITE PLAN
1/16" = 1'-0"

23R04

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DATE 2024 MAY 27

PROJ. NO. 23R04

DRAWN:

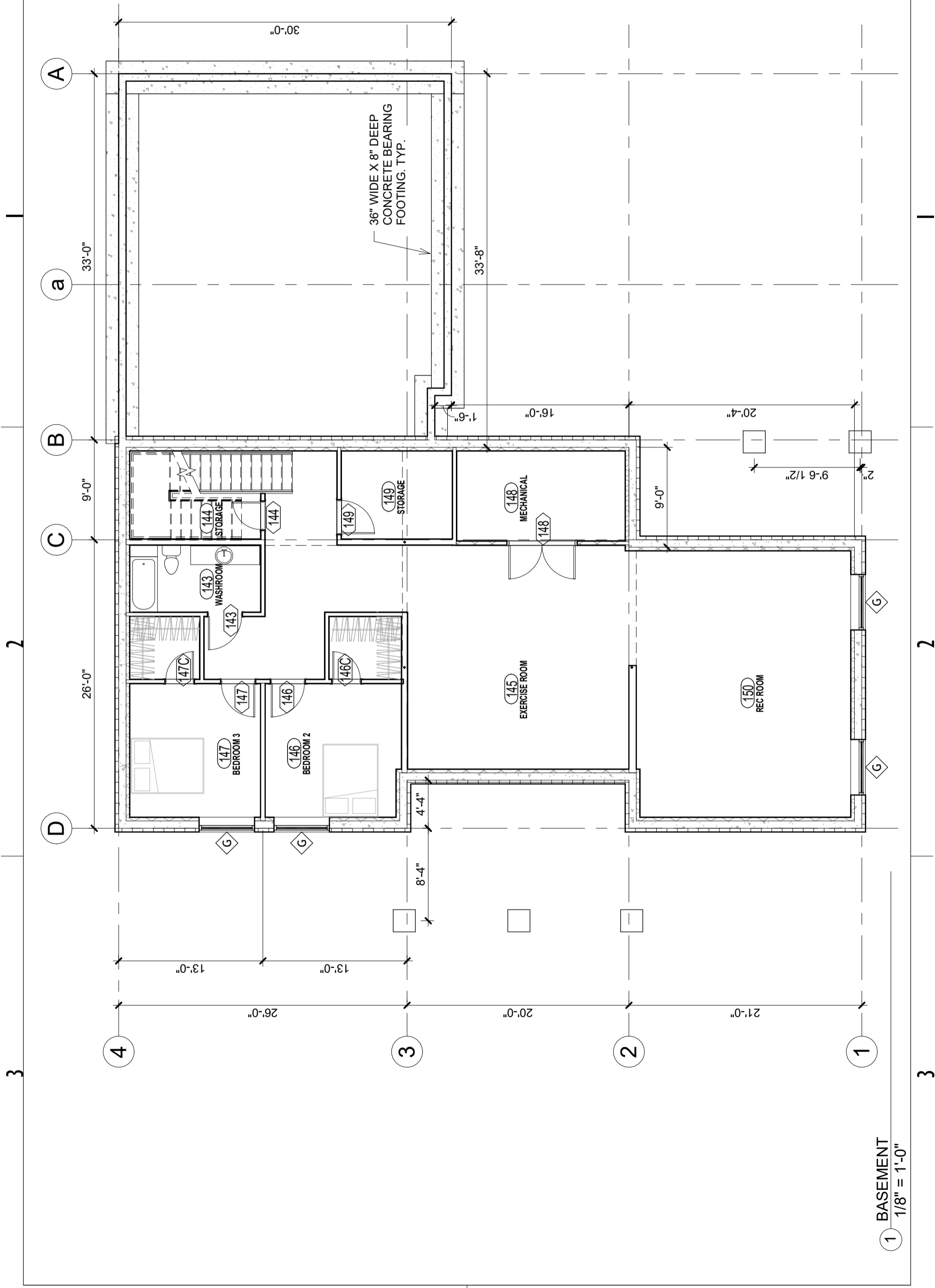
CHECKED: ES

SHEET TITLE

BASEMENT PLAN

SHEET NUMBER

A100



23R04

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Revision Description

DATE 2024 MAY 27

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DRAWN: LK

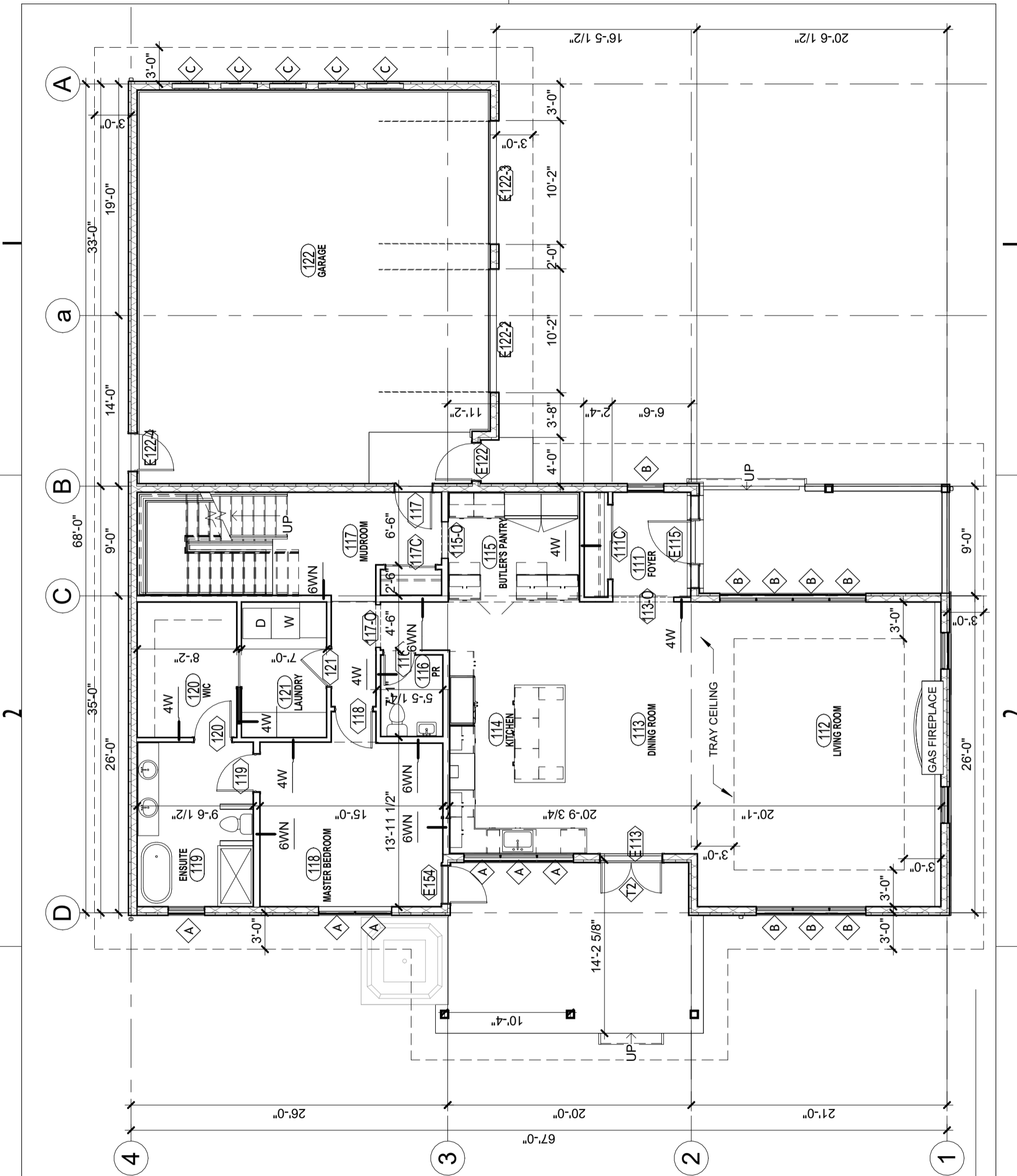
CHECKED: ES

SHEET TITLE

MAIN FLOOR PLAN

SHEET NUMBER

A101



WALL TYPES

4W 5/8" GWB
2x4 WOOD STUD
5/8" GWB

4WN 5/8" GWB
2x4 WOOD STUD
3.5" BATT INS
5/8" GWB

E8 HARDPLANK
RIGID INSULATION, TAPED
AND SEALED
3/4" SHEATHING
2X6 WOOD STUD
5.25" BATT INS
5/8" GWB

WALL TYPE NOTES

1. ALL WALLS TO U/S OF STRUCTURE UNO
2. EXTERIOR WALLS DETAILED IN WALL SECTIONS
3. AIR BARRIER TO BE CONTINUOUS

1 MAIN FLOOR
1/8" = 1'-0"

23R04

NYROSE RESIDENCE

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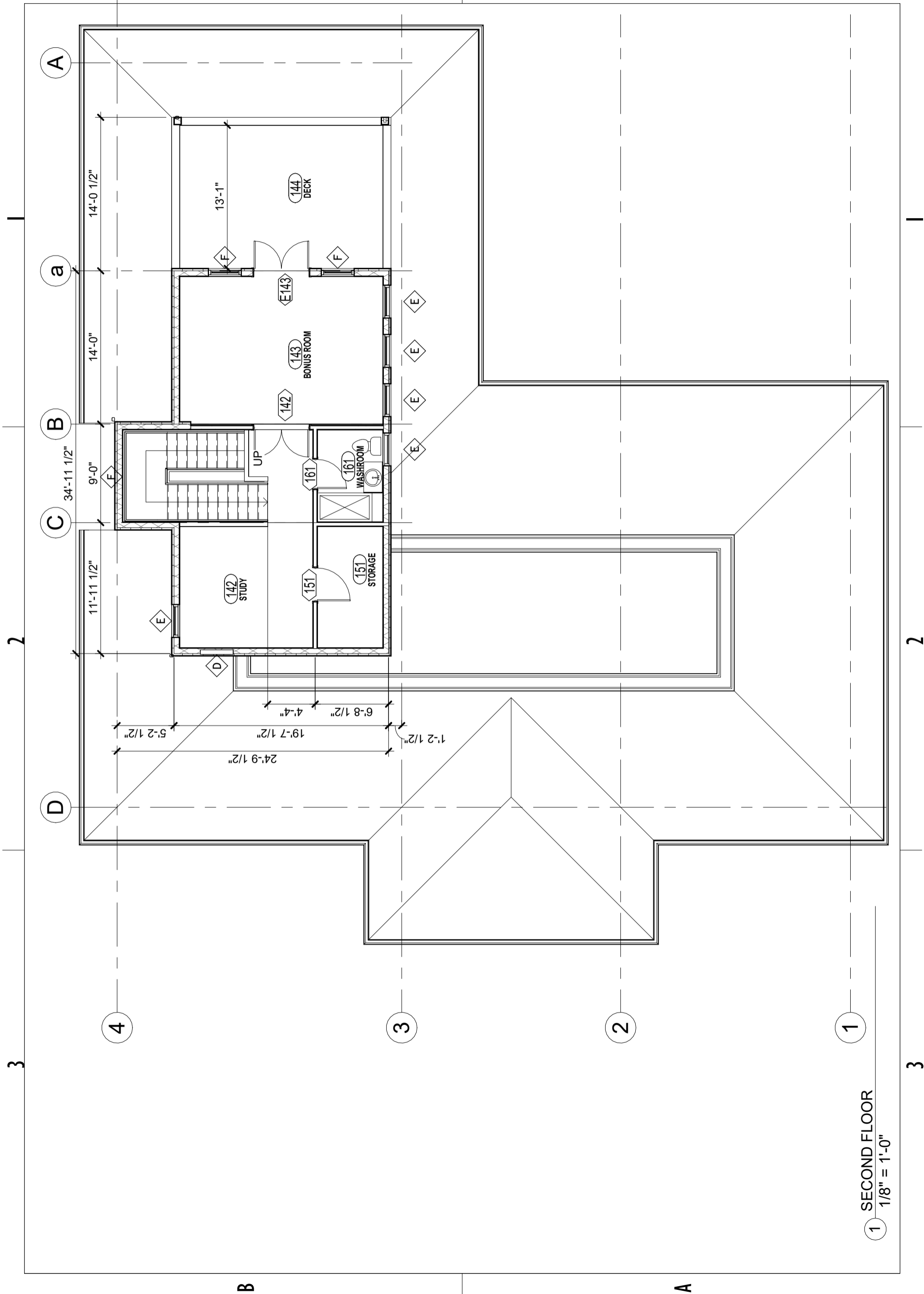
Revision Description

DATE	2024 MAY 27
PROJ. NO.	23R04
DRAWN:	LK
CHECKED:	ES
SHEET TITLE	

SECOND FLOOR PLAN

SHEET NUMBER

A102



1 SECOND FLOOR
 1/8" = 1'-0"

23R04

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Revision Description

DATE 2024 MAY 27

PROJ. NO. 23R04

DRAWN:

CHECKED: E5

SHEET TITLE

ELEVATIONS

SHEET NUMBER

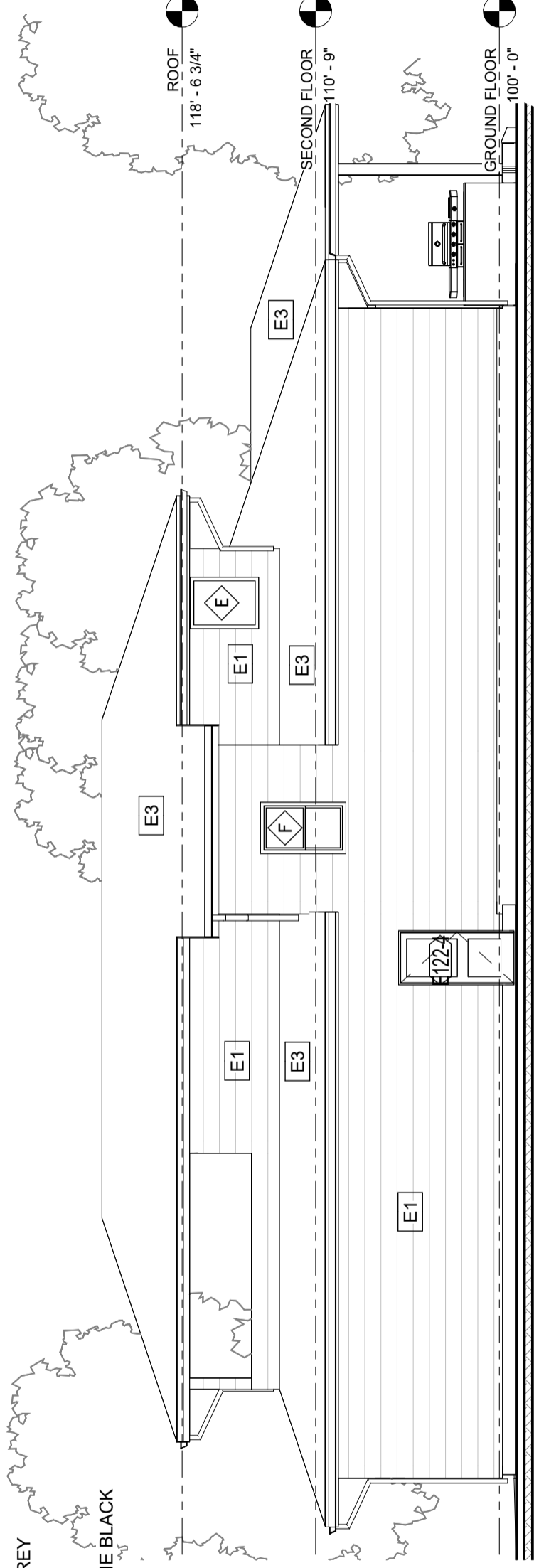
A200

2

3

EXTERIOR FINISH LEGEND

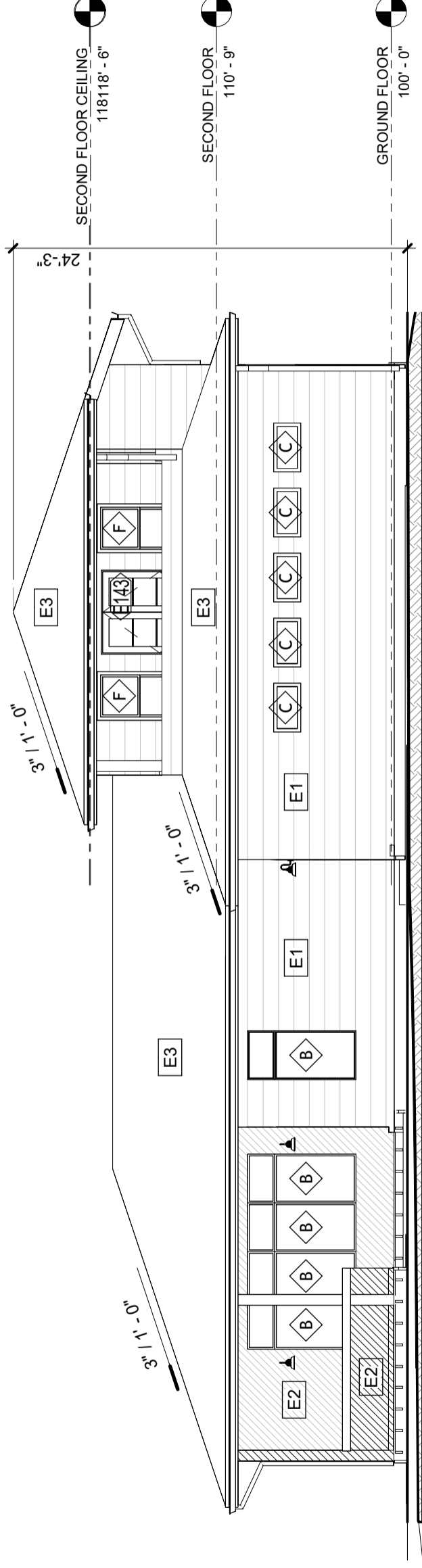
- E1 - FIBRE CEMENT LAP SIDING- GREY
- E2 - STONE- GREY
- E3 - ASPHALT SHINGLES- TWO TONE BLACK



2 North

1/8" = 1'-0"

B



1 East

1/8" = 1'-0"

A

2

3

23R04

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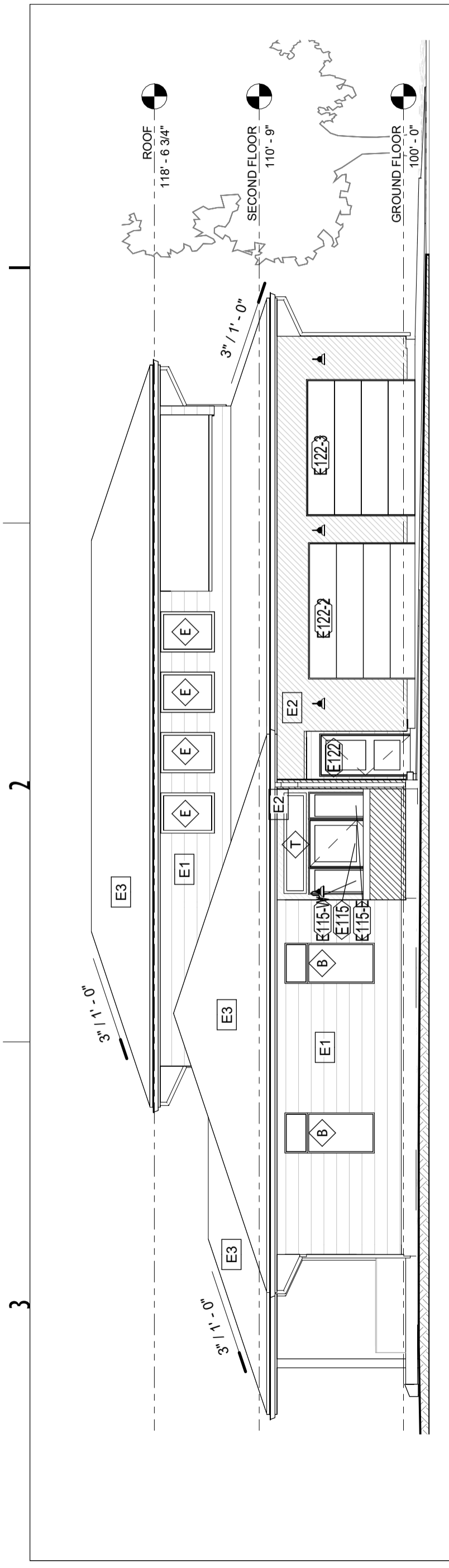
CHECKED: E5

SHEET TITLE

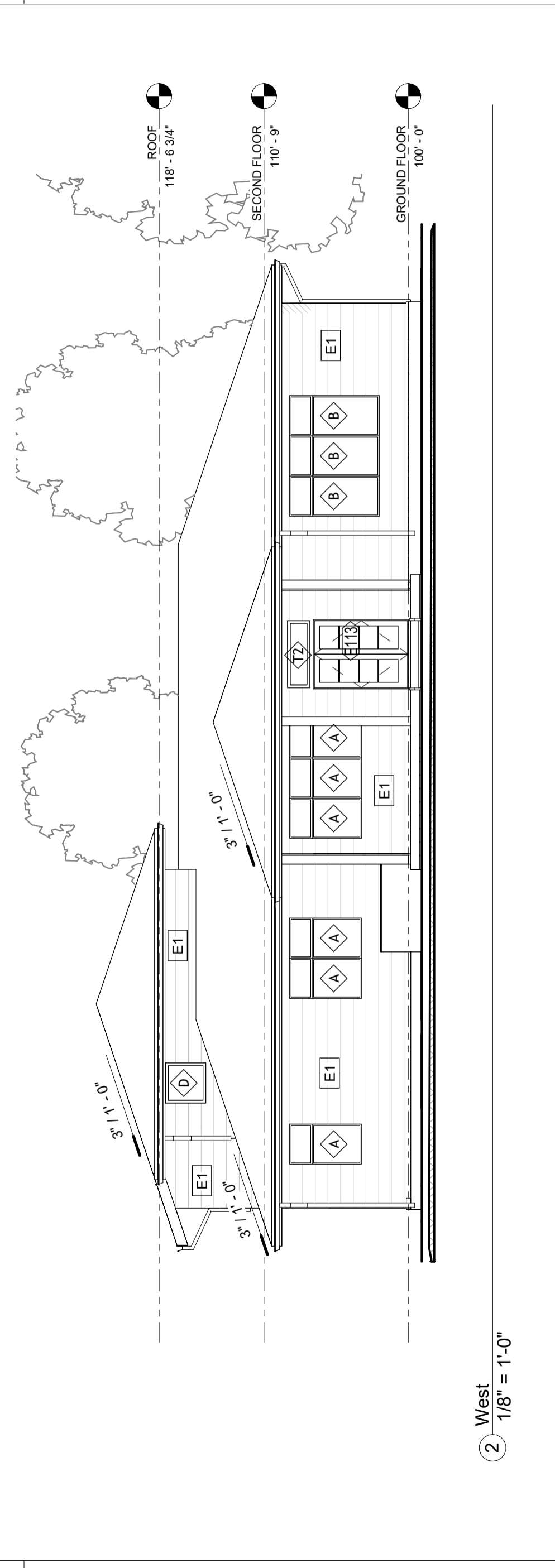
ELEVATIONS

SHEET NUMBER

A201



1 South
1/8" = 1'-0"



2 West
1/8" = 1'-0"

B

A

Development Permit Application

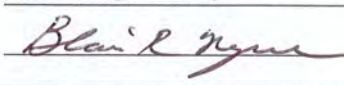
Low Density Residential - Single Detached Dwelling, Two-Unit, Secondary Suite

All of the following information is necessary to facilitate a thorough and timely evaluation and decision of your application. All materials submitted must be clear, legible and precise. Only applications that are complete will be accepted. **PLEASE NOTE: this application is ONLY for a development permit. If a building permit is also required, you must apply for it separately.**

Project Address
237 Dieppe Blvd. South

Access Code

Applicant
 Name Verus Custom Contracting Ltd.
 Address 257 Couleesprings Terrace South
 City Lethbridge Postal Code T1K 5P1
 Phone (403) 330-5983
 E-mail veruscc@outlook.com
 Signature 

Property Owner
 Name B & K Nyrose
 Address 108 Dieppe Blvd. South
 City Lethbridge Postal Code T1J 3W6
 Phone (403) 315-5591 B/L # _____
 E-mail Blair.N@nmallp.com
 Signature 

Providing an email means you consent to receiving documents or communications related to this application, including but not limited to development permit decisions, acknowledgments confirming an application is complete, and any notices identifying any outstanding documents and information, by email.

Have you reviewed all registrations on title pertaining to the property? Yes No

I acknowledge and agree that this application does not relieve the owner, the applicant, or the owner's authorized agent from full compliance with (i) the terms and conditions of any easement, covenant, building scheme or other agreement affecting the property, or (ii) the requirements of any applicable laws and regulations.

Signature  Date 2023 21/24

As the applicant I affirm:

- I am the registered owner of the above noted property
- I have entered into a binding agreement to purchase the above noted property with the registered owner(s)
- I have permission of the registered owner(s) of the above noted property to make the attached application for a Development Permit

Description of Work:

Has a dwelling(s) existed on this lot previously? Yes No
 Is a waiver required? Yes No
 Square footage of dwelling(s) (not including basement and garage spaces) 228.3 m²

Type of Work Being Performed: (Check all applicable)

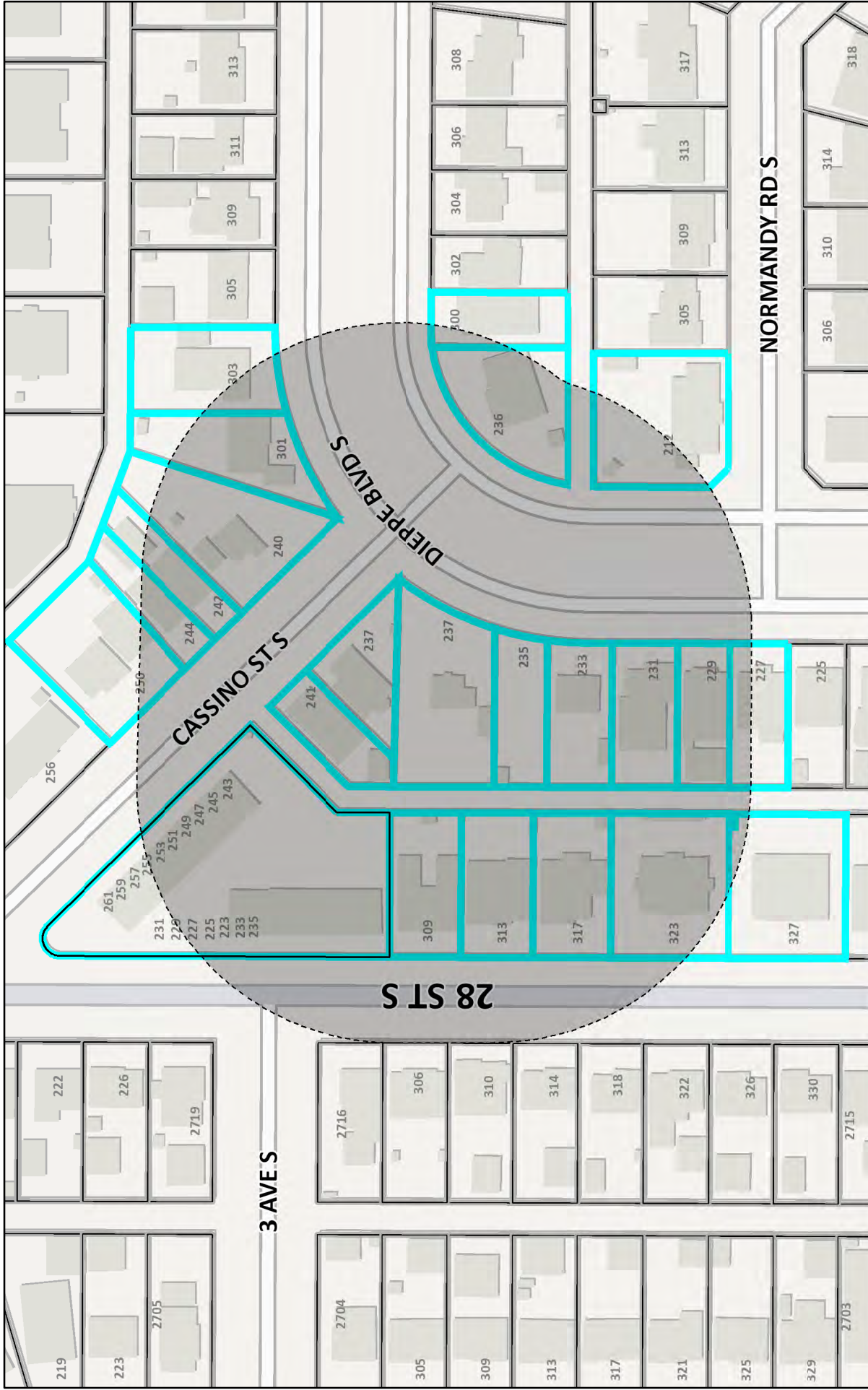
- | | | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Single Detached Dwelling | <input type="checkbox"/> Two-Unit Dwelling | <input type="checkbox"/> Secondary Suite (<input type="checkbox"/> Existing) | <input type="checkbox"/> Addition |
| <input type="checkbox"/> Attached Garage | <input type="checkbox"/> Detached Garage | <input type="checkbox"/> Shed | <input type="checkbox"/> Carport |
| <input type="checkbox"/> Covered Deck | <input type="checkbox"/> Uncovered Deck | <input type="checkbox"/> Fence (Over-height) | <input type="checkbox"/> Compliance Waiver |

Description of Work: SDD ~~at~~ infill, partially developed basement, front covers projection water

Office Use Only		Development Fees to be charged	
Permit Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Overlay	_____
Zoning	<u>K-L</u>	Development Permit #	<u>DEV15362</u>
Allowable Use	<input checked="" type="checkbox"/> Permitted <input type="checkbox"/> Discretionary	Building Permit #	_____
		Permit Fee	<u>\$ 500</u>
		Advertising Fee	<u>\$ 100</u>
		Total	<u>\$ 600.00</u>

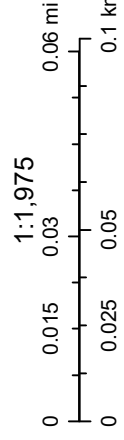
Any personal information collected on this form is collected under the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits and planning & development purposes. Please Note that such information may be made public. If you have any questions about the collection, use, or disclosure of the personal information provided, please contact Information Management at 910 4 Ave S, Lethbridge, AB, T1J 0P6 or by phone at 403-329-7329

Parcel Locator WebMAP



July 26, 2024

Parcels



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

August 7, 2024

Attn: David Sarsfield - Secretary of the Subdivision and Development Appeal Board
Application No. DEV15362 – Notice of Appeal

RE: Property Owner – Valerie Hill
237 Cassino Street South, Lethbridge, Alberta T1J 3W3

My property will be adversely affected by the eaves should they exceed the maximum allowed proximity to my property line. This is exacerbated by the stairwell section of the second floor of the proposed domicile which is also designed to have extended eaves that exceed the maximum allowed proximity to my property line (see architect sheet A200 attached).

As they have now decided to build a two storey home rather than the original bungalow, the height of the roof line of the second storey will now be 24'3". This will cause a significant reduction in the amount of sunlight that will reach my main floor living space, which is where I entertain company, and my husband and I occupy the majority of our day. If the appeal is successful I will lose even more sunlight due to the extension of the eaves. This will negatively impact my personal enjoyment of my home and its future resale value.

A secondary issue is the increased fire hazard risk of houses being too close to one another.

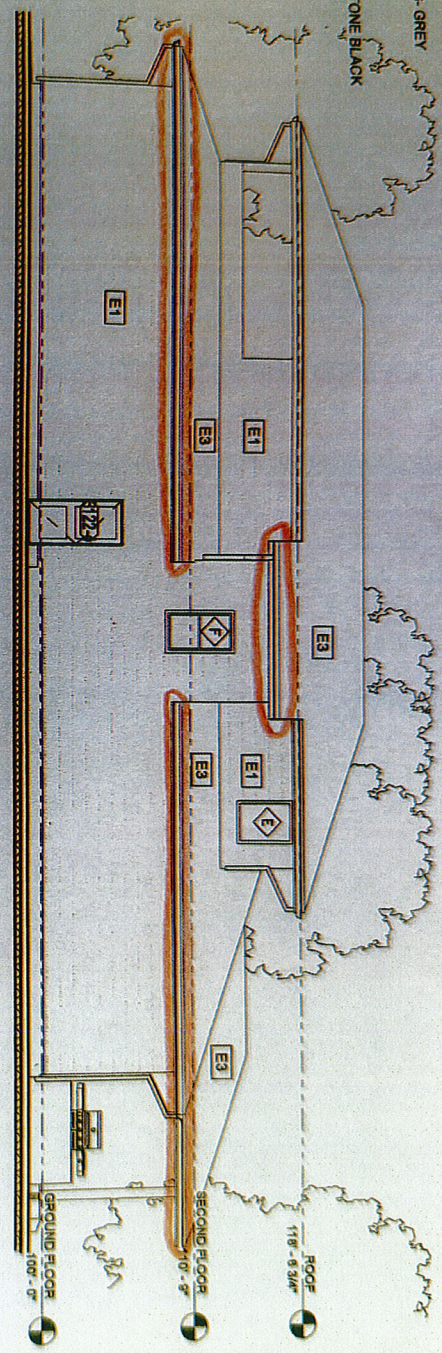
For these reasons I am not in favor of this eave projection waiver being approved by the SDAB.

Yours respectfully,

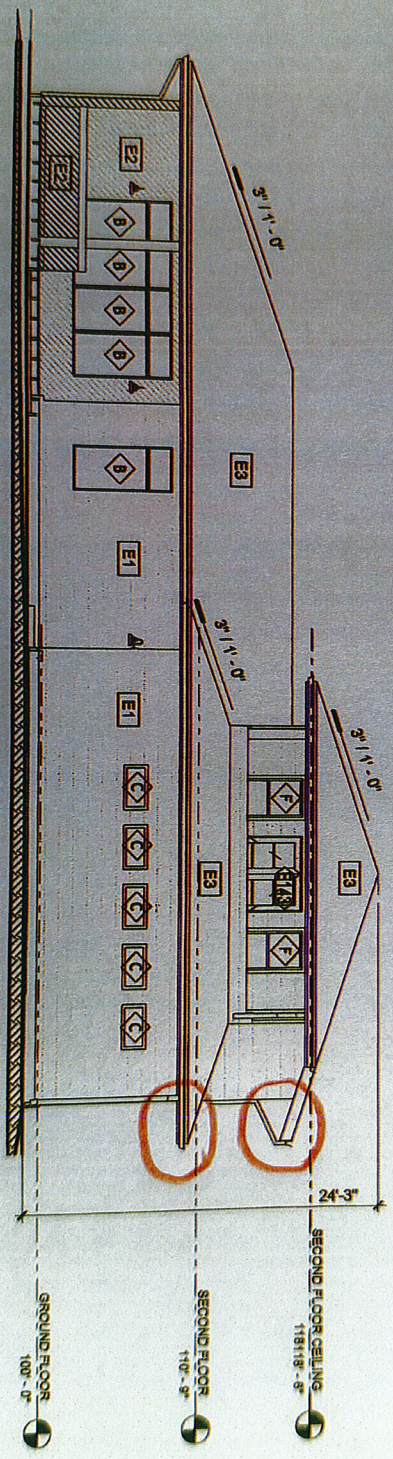
Valerie Hill

EXTERIOR FINISH LEGEND

- E1 - FIBRE CEMENT LAP SIDING - GREY
- E2 - STONE - GREY
- E3 - ASPHALT SHINGLES - TWO TONE BLACK



2 North
1/8" = 1'-0"



1 East
1/8" = 1'-0"



120 D MAYOR MAGRATH DR N
LEATHERIDGE AB 714 514
403.942.4008

23004
NPROSE RESIDENCE

THE DRAWING SHALL NOT BE
REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.
CONSULTATION SHALL VERIFY ALL
DIMENSIONS AND REPORT ALL ERRORS AND
OMISSIONS TO THE CONSULTANT PRIOR TO
CONSTRUCTION.

DO NOT SCALE THE DRAWING.
THIS DRAWING SHALL NOT BE USED FOR
CONSTRUCTION UNLESS SO APPROVED.
THIS DRAWING IS TO BE USED ONLY FOR THE
PROJECT IDENTIFIED HEREIN. USE OF THIS
DRAWING FOR ANY OTHER PROJECT CREATES
SINGLE LIABILITY.

Revision Description	
DATE	2024 MAY 27
PROJ. NO.	23004
DRAWN:	
CHECKED:	ES
SHEET TITLE	
ELEVATIONS	

SHEET NUMBER
A200

Development Authority's Written Submission

For the Subdivision and
Development Appeal Board
Hearing on August 15, 2024



APPLICATION NO.

DEV15362

LOCATION

237 Dieppe Blvd S

LAND USE DISTRICT

Low Density Residential

APPELLANT

Blair R. Nyrose

LANDOWNER

Blair Nyrose
Karen Nyrose

CURRENT DEVELOPMENT

Single detached dwelling – permitted
Detached garage - permitted

PROPOSED DEVELOPMENT

To construct a new single detached dwelling. Requesting a 0.31 m north side eave projection waiver and 0.11 m south side eave projection waiver to allow for 0.91 m eaves.

Appendix A: Drawings

ADJACENT DEVELOPMENT

North

Two single detached dwellings and a detached garage.

South

Vacant property.

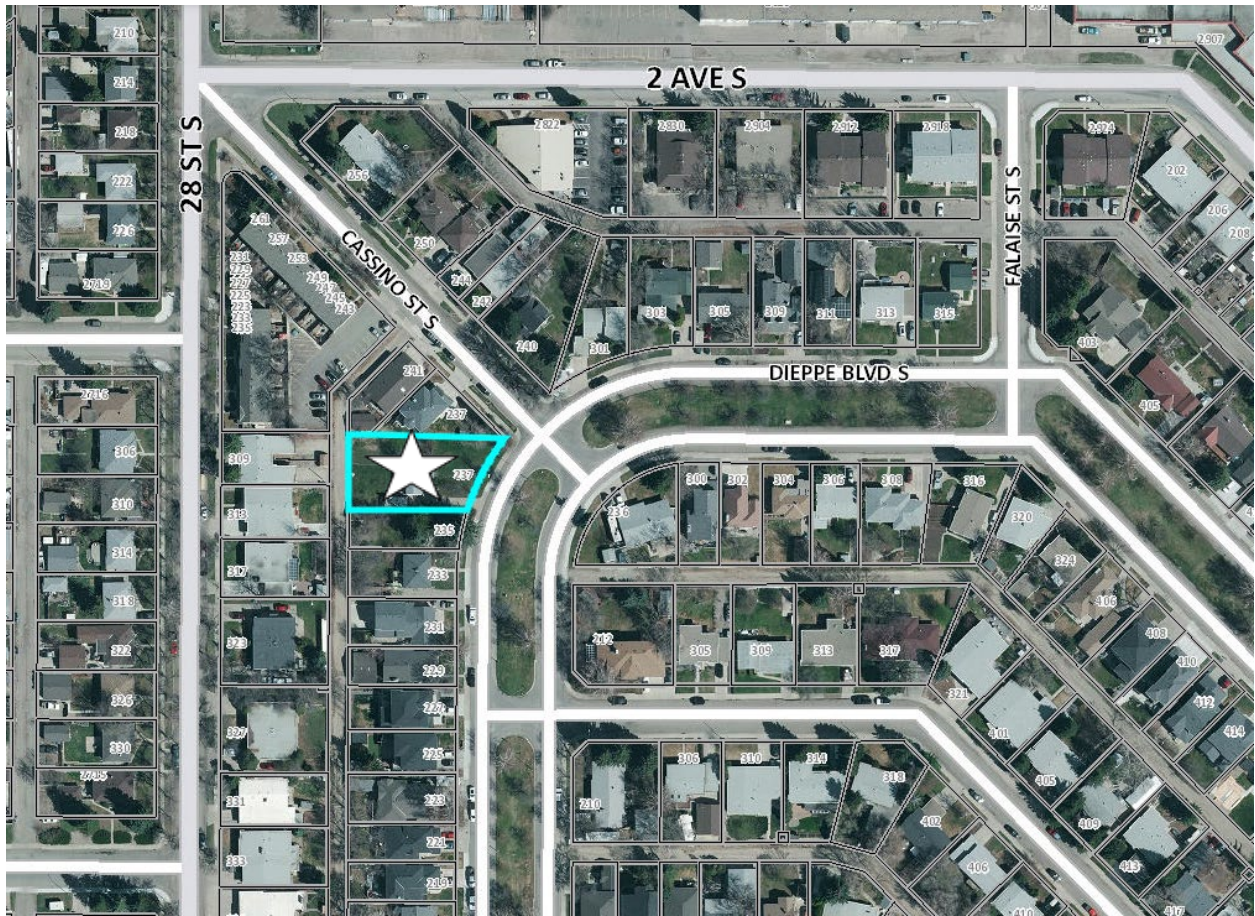
East

Single detached dwelling.

West

A two-unit dwelling and single detached dwelling.

CONTEXT MAP



LAND USE BYLAW SUMMARY**Use:** New Single Detached Dwelling - Permitted

	Required	Proposed	Waiver Requested
Height	10 m	7.39 m	N/A
Setbacks			
Front	6 m	6 m	N/A
Side (north)	1.2 m	1.2 m	N/A
Side (south)	1.2 m	1.42 m	N/A
Rear	7.6 m	14.52 m	N/A
Eave Projection	0.6 m	0.91 m	0.31 m (north side) 0.31 m (front) 0.11 m (south side)

EVALUATION

Background

- The property is zoned Low Density Residential (R-L) in which a single detached dwelling is a permitted use.
- An application to construct a new single detached dwelling was made by a contractor on behalf of the landowners, requesting an eave projection waiver for the north side, south side, and front, was received June 21, 2024.
- The property currently has a single detached dwelling and detached garage, which would require demolition permits prior to constructing the new single detached dwelling.
- All properties surrounding the subject property, with exception to the property to the south, are developed with either single detached dwellings or two-unit dwellings. The property to the south is undeveloped.
- On June 28, 2024, the applicant was emailed regarding the proposed eave projection and requested to provide updated plans showing less of an eave projection. It was noted at that time that we do not provide side setback waivers, including eave projections.
- On July 2, 2024, the June 28, 2024 email was discussed by phone with the Applicant. Options to either reduce the size of the home or reduce the eave projections were provided. It was also noted that a side eave projection waiver would likely be refused if left as proposed. There was no objection to issuing a front eave projection waiver, as it would not impact neighbouring properties.
- On July 3, 2024 the applicant emailed, indicating the options were discussed with the Landowner and that the Landowner's preference was to maintain the eave projection as drawn on the plans. It was also noted that the landowners were aware the projection would likely not be approved and that the refusal was subject to appeal.

LEGISLATION & POLICY

Land Use Bylaw 6300

- Section 22(2)(a) Authorized Waivers
Certain provisions of this Bylaw, described in Section 22(4), may be waived if the resulting proposed development
 - (a) Conforms with the Use prescribed for the land or Building in this Bylaw, and
 - i. Would not unduly interfere with the amenities of the neighbourhood,

- or
 - ii. Would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- Section 22(4)(b) Authorized Waivers
The Development Authority may grant the following waivers: an unlimited waiver of the maximum projections allowed into Setbacks.
 - Section 82(2)(a)(i) Projections into Minimum Setbacks
Unless otherwise provided in a Residential District or other general rules, the following projections into minimum Setbacks shall be allowed:
 - (a) Projections into all Setbacks and Separation Distances
 - i. Eave overhangs of Principal Buildings 0.6 m

APPLICATION OF FACTS

- A single detached dwelling is a permitted use in the Low Density Residential (R-L) district.
- Granting side setback waivers is not common practice, as it may have implications for neighbouring properties.
- No undue hardships were present to warrant a side eave projection waiver.

CONCLUSION

The application to construct a single detached dwelling, requesting an eave projection waiver was **refused** for the following reasons:

1. The eave projection waiver request is excessive, and not in keeping with the prevailing neighbourhood patterns.
2. The proposed waiver request could materially interfere with or affect the use, enjoyment or value of neighbouring properties.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

237 Dieppe Boulevard South

DEV15362

INTRODUCTION

Application No.:

DEV15362

Location:

237 Dieppe Blvd S

Land Use District:

R-L Low Density Residential

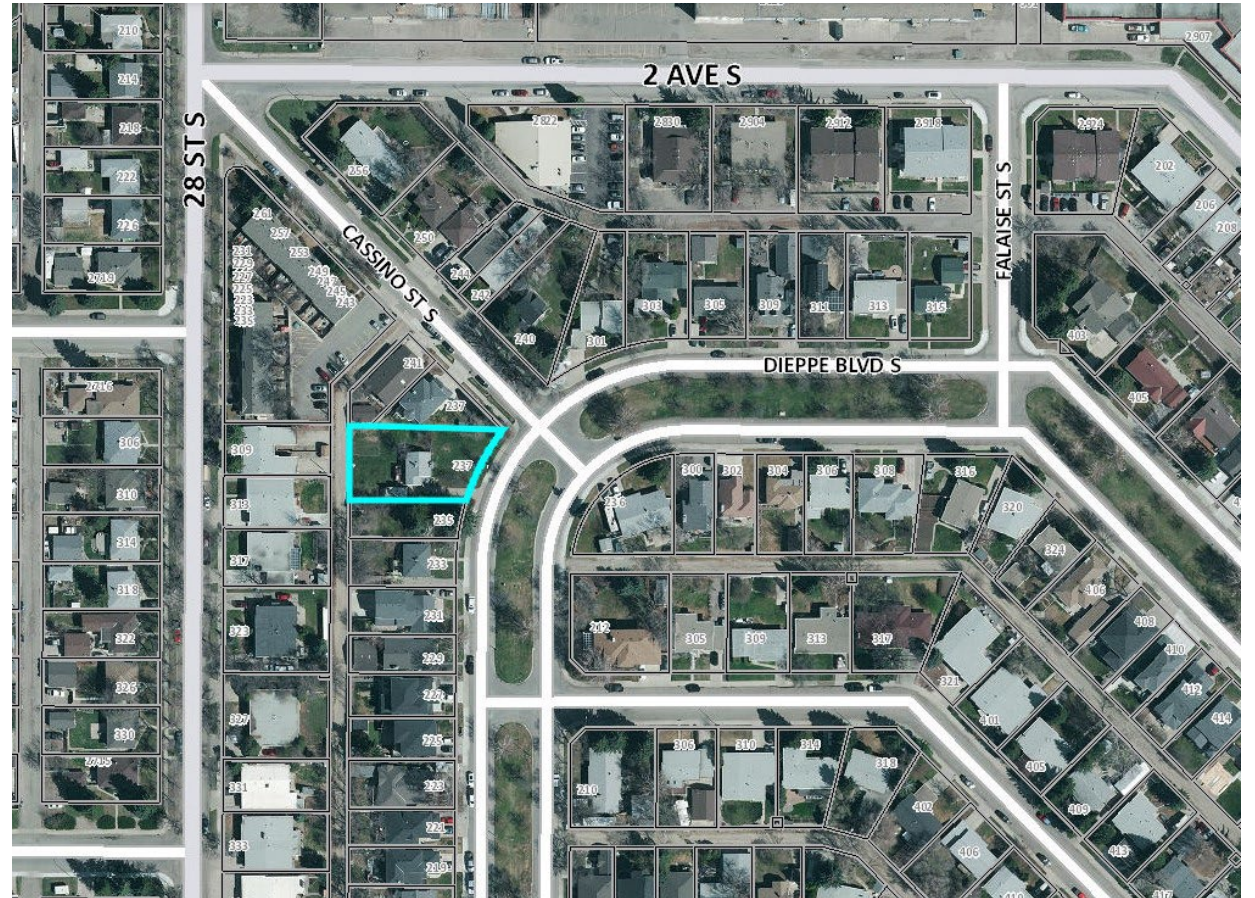
Current Development:

Single Detached Dwelling, Permitted

Detached Garage, Permitted

Proposed Development:

To construct a new single detached dwelling, requesting a 0.31 m north side eave projection waiver, 0.11 m south side eave projection waiver, and 0.91 m front eave projection waiver, to allow for 0.91 m eaves.



LAND USE BYLAW 6300

Section 22(2)(A) Authorized Waivers

Certain provisions of this Bylaw, described in Section 22(4), may be waived if the resulting proposed development

- (a) Conforms with the Use prescribed for the Land or Building in this Bylaw, and
 - i. Would not unduly interfere with the amenities of the neighbourhood, or
 - ii. Would not materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Section 82(2)(a)(i)

Unless otherwise provided in a Residential District or other general rules, the following projections into minimum Setbacks shall be allowed:

- (a) Projections into all Setbacks and Separation Distances
 - i. Eave overhangs of Principal Buildings 0.6 m

WAIVER APPLICATION CONSIDERATIONS

Would the proposed development

- Not unduly interfere with the amenities of the neighbourhood?
- Not materially interfere with or affect the use, enjoyment or value of neighbouring properties.



EVALUATION SUMMARY

- Granting side setback waivers is not common practice, as it may have implications for neighbouring properties, including building constraints for the neighbouring property into the future.
- Alternate options were available:
 1. Reduce the size of the home slightly, so that it did not sit at the 1.2 m side setbacks, allowing more room for eave projections.
 2. Reduce the size of the side eaves to 0.6 m
 3. Move the house south slightly and reduce the side eaves, so there was no more than 0.6 m eave projection into the side setback requirements. This still requires smaller eaves but may require less of a reduction.

CONCLUSION

The application to construct a single detached dwelling, requesting an eave projection waiver was **refused** for the following reasons:

1. The eave projection waiver request is excessive, and not in keeping with the prevailing neighbourhood patterns.
2. The proposed waiver request could materially interfere with or affect the use, enjoyment or value of neighbouring properties.