

MINUTES of the **Subdivision & Development Appeal Board** held on **Thursday, January 12, 2012** at **4:00 p.m.** in Council Chambers with the following in attendance:

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| MEMBERS: | L. Cutforth | Chairman |
| | V. Chester | Member at Large |
| | A. Haesler | Member at Large |
| | J. Mauro | Alderman |
| | R. Stein | Member at Large |
| ABSENT: | T. Nicholson | Member at Large |
| | R. Parker | Alderman |
| OTHERS: | P. Colling | Development Officer |
| | D. Sarsfield | Acting Secretary to the Board |

R. Stein

THAT the minutes of the Subdivision and Development Appeal Board held on January 5, 2012 be approved as presented.

-----**CARRIED**

SDAB HEARING 2011-09

Appellants: Peter Algra and Janice Algra

To construct a secondary suite at 809 – 22 Street South

Land Use District: R-L (Low Density Residential)

There were no objections when the Chairman asked if anyone present had a lawful reason why any particular member(s) of the Board should not hear this appeal.

Development Officer's Presentation:

Pam Colling, Development Officer, stated that an application was received on November 2, 2011 for the construction of a new secondary suite in the basement of 809 – 22 Street South. This is a discretionary use in the Low Density Residential (R-L) District. The applicants, Yohannes Golom and Tezga Golom, provided a floor plan which included two bedrooms, one bathroom, laundry room, and combined kitchen and living area. A site plan showing three off-street parking stalls was also submitted. The application was considered by the Municipal Planning Commission on December 6, 2011. The Commission approved the application with the condition that four off-street parking stalls be provided. An existing handicapped ramp would be removed to build one of the additional off-street parking stalls.

Pam Colling advised that the owners had expressed their intentions to occupy the house in the future.

Appellants' Presentation:

Janice Algra, Appellant, stated that her family was concerned with the quality of life in the neighbourhood. They had just moved to the location from Brooks where they were in the middle of a rental subdivision.

Applicants' Presentation:

Joshua Fritz, Agent of the Applicant, stated that the concerns with the parking had been addressed by the additional parking stall. Further, the previous tenants have since been evicted from the property.

Other Presentations:

Arie Gouw, 2205 – 8A Avenue South, stated that the prescribed density for the area had been exceeded as evidenced by the number of letters that were sent out to adjacent landowners. Mr. Gouw advised that some of the designated parking area could not be used because of the slope.

Kelly Slavich, 2208 – 8A Avenue South, advised that there were a number of illegal suites in the neighbourhood. Kelly Slavich stated that the applicant has had several different people occupying the residence as there are four bedrooms upstairs and two bedrooms downstairs. She could not keep track of the number of people living in the house and has filed complaints with the police with the noise and parties.

Kelly Slavich advised there was the potential of having twelve people living in the house and questioned who polices the residence so that there are not excessive people living in the house. She is not convinced that the owner will reside in the house in the near future.

She further advised that the number of transient people in the area are lowering her quality of life. An existing deck will prevent the development of the off-street parking stalls.

Kris Wolosiak, 2218 - 8 Avenue South, advised that she has lived in the area for over twenty years. She stated that there are a number of illegal basement suites in the neighbourhood as well as a high number of rental units. Most of the older homes do not have driveways, resulting in the residents and their guests having to park more than a block away.

Kris Wolosiak stated that the owner has had the property for five years. Different neighbours have tried to contact the owner on numerous occasions to register their complaints, but were unable to do so.

There were no further presentations.

Discussion:

The Board addressed the following issues during question period:

- Location of entrances to the home and secondary suites
- Number of parking stalls for Henderson Estates
- Number of illegal suites in neighbourhood
- Prior rental activity in the residence
- Ability for the basement suite to comply with the safety codes
- Future and size of the existing deck

- Definition of a boarding house and its application to this property
- Notification process
- Density requirements for single detached dwelling
- Size of proposed parking pad
- Ratio of owners to renters for Henderson Estates
- Existence of an Area Redevelopment Plan
- Requirement for waiver for extension of the parking pad over boulevard
- Consideration of the Central Neighbourhoods Issues Identification Study
- Requirement for an owner to reside on the property

Final Rebuttal:

Yohannes Golom, the Applicant, was given the opportunity to present a rebuttal. Yohannes Golom advised that he has not been contacted by the neighbours with complaints. He has had good renters in the past, with the exception of the last one. Yohannes Golom stated that parking is a problem in the area because of the existence of illegal suites. He is following the process and constructing a legal secondary suite. He advised that the neighbours have an excessive number of vehicles. The deck may be removed to accommodate the establishment of additional off-street parking. It was his intent to eventually reside in the house.

Decision:

IN THE MATTER OF the Municipal Government Act

AND IN THE MATTER OF an Appeal made to the Subdivision and Development Appeal Board with respect to:

**Appellants: Peter Algra
Janice Algra**

To construct a secondary suite at 809 – 22 Street South.

AND UPON HEARING from the Development Officer, the Applicants, the Appellants, and other interested parties,

AND UPON CONSIDERING the relevant provisions of the Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows and for the following reasons:

L. CUTFORTH/J. MAURO/R. STEIN

DECISION: The Appeal is **ALLOWED** and the decision of the Municipal Planning Commission regarding Development Application DEV03788 on December 7, 2011 to construct a secondary suite at 809 – 22 Street South is hereby overturned.

REASONS FOR DECISION:

It is the opinion of the Board that the development will negatively impact on the quality of life and density of this neighbourhood.

-----**CARRIED**

OPPOSED: V. CHESTER/A. HAESLER

L. Cutforth

THAT this meeting of the Subdivision and Development Appeal Board be adjourned.

-----**CARRIED**

CHAIRMAN

ACTING SECRETARY TO THE BOARD