

EXHIBIT LIST

File Number	Appellant
SDAB 2024-001	Saad Bachi

Legal Description	Civic Address
Lot 2, Block 4, Plan 1220270	104 Ward Crescent, Fort McMurray

Exhibit #	Description	Filing Date
P1	Request for Postponement – Appellant (2 pages)	May 1, 2024
P2.	Request for Postponement Response – Development Authority (1 page)	May 15, 2024
P3.	Preliminary Hearing Decision (4 pages)	May 22, 2024
	Subject Area Map	April 30, 2024
1.	Notice of Appeal (8 pages)	April 29, 2024
2.	Development Permit Refusal 2024-DP-00082 (2 pages)	April 29, 2024
3.	Planner's Report (27 pages)	June 13, 2024

From: [REDACTED]
To: [Subdivision and Development Appeal Board](#)
Subject: Re: Notification of Appeal Hearing
Date: Wednesday, May 1, 2024 11:59:45 AM
Attachments: [image001.png](#)
[image001.png](#)

External Message - Please be cautious when opening links or attachments in email

Hello Heather,
I am out of town for next 4 weeks could you push to next month?

On Wed, May 1, 2024, 11:58 a.m. Subdivision and Development Appeal Board
<SDAB@rmwb.ca> wrote:

Good afternoon Saad,

Please find attached a Notification of Appeal Hearing outlining details of the appeal hearing scheduled for May 23, 2024. Also provided is a pamphlet to assist you with preparations for the hearing.

A hard copy of the attached will be mailed to you via Canada Post regular mail.

If you have any questions or concerns, please feel free to reach out.

Kind regards,



Heather Fredeen

Tribunal Clerk

T: 780-743-7001 | rmwb.ca

9909 Franklin Avenue

Fort McMurray | ᓄᓐᑕᓐᓴᓐᓴᓐ | Nistawâyâw | Ełıdłı Kué

Alberta T9H 2K4

I humbly acknowledge that the land on which we live, learn, work and play is Treaty 8 Territory, the traditional

From: COIP section 17(1)
To: [Subdivision and Development Appeal Board](#)
Subject: Re: Notification of Appeal Hearing
Date: Monday, May 6, 2024 1:56:42 PM

External Message - Please be cautious when opening links or attachments in email

Hello Heather,
My consultant is overseas, so I need more time to prepare the documents

On Wed, May 1, 2024 at 1:23 PM Subdivision and Development Appeal Board
<SDAB@rmwb.ca> wrote:

Good afternoon Saad,

I have attached a Request for Postponement form in which you will need to fill out and submit to sdab@rmwb.ca. On the form, please indicate your reasons for the postponement and any dates that you are not available.

Please note in accordance with section 686(2) of the *Municipal Government Act*; *the Subdivision and Development Appeal Board must hold an appeal hearing within 30 days after receipt of a notice of appeal.*

Your request will be submitted to the Board and a preliminary hearing will be held to determine if the Board will grant your request and if so, determine a new merit hearing date. Preliminary hearings are held electronically via MS Teams. Details of the appeal are not discussed during this time. If the Board grants the postponement request, the hearing will be opened and adjourned to the determined merit hearing date. It is at the parties' discretion whether they wish to attend the preliminary hearing or not.

Once I receive your completed Request for Postponement, you will receive a Notification of Preliminary Hearing which will outline the details of the Preliminary Hearing.

If you have any questions or concerns, please let me know.

Kind regards,

From: [Dave Stearman](#)
To: [Subdivision and Development Appeal Board](#); [Lee-Anne Kumka](#); [Such Chandhiok](#); [Shailesh Makwana](#)
Subject: Re: SDAB 2024-001 Request for Postponement
Date: Wednesday, May 15, 2024 10:02:35 AM

Good morning, Heather,

My apologies for the delay in replying to you. I was away on vacation and returned this week but was evacuated yesterday.

In the interest of supporting the appeals board and this process, I can attend the preliminary hearing tomorrow as I did bring my personal laptop with me.

However my plan is to take the time during evac and I will not be reporting to work until after the May 21st date.

At this point in time, is there anything that the board would like me to provide such as my Planner Report on the decision rendered?

In terms of a proposed secondary date, anything after June 4th would be ideal for my schedule.

Once again, sorry for the delay. Hope you are safe and well.

Dave

Get [Outlook for iOS](#)

From: Heather Fredeen <Heather.Fredeen@rmwb.ca> on behalf of Subdivision and Development Appeal Board <SDAB@rmwb.ca>
Sent: Tuesday, May 7, 2024 9:45:37 AM
To: Dave Stearman <Dave.Stearman@rmwb.ca>; Lee-Anne Kumka <Lee-Anne.Kumka@rmwb.ca>; Such Chandhiok <Such.Chandhiok@rmwb.ca>; Shailesh Makwana <Shailesh.Makwana@rmwb.ca>
Subject: SDAB 2024-001 Request for Postponement

Good morning,

For your records, please find attached the Request for Postponement received by the Appellant of file number SDAB 2024-001.

Kind regards,

Heather Fredeen
Legislative Officer | Legislative Services
T: 780-743-7001 | T: 780-743-7871

PRELIMINARY HEARING NOTICE OF DECISION

FILE NO. **SDAB 2024-001**

APPLICATION NO.: **2024-DP-00082**

DEVELOPMENT: **Addition to Single Detached Dwelling**

LEGAL DESCRIPTION: **Lot 2, Block 4, Plan 1220270**

CIVIC ADDRESS: **104 Ward Crescent, Fort McMurray, Alberta**

IN THE MATTER OF AN APPEAL filed with the Regional Municipality of Wood Buffalo Subdivision and Development Appeal Board (“the Board”) pursuant to Sections 685 and 686 of the *Municipal Government Act*, R.S.A 2000, c. M-26 (“the *Municipal Government Act*”), a Preliminary Hearing was held via Microsoft Teams on May 16, 2024.

PARTIES:

Saad Bachi – Appellant
Shailesh Makwana – Development Authority Supervisor
Dave Stearman – Development Authority

BEFORE:

D. Cleaver, Chair
K. Carruthers
T. Morris

Administration:

H. Fredeen, Clerk, Subdivision and Development Appeal Board
A. Hawkins, Clerk, Subdivision and Development Appeal Board

- [1] In accordance with section 10 of the Subdivision and Development Appeal Board Bylaw No. 18/021, the Board met as a panel of three (3) for this hearing.
- [2] The Chair confirmed with the parties in attendance that there were no objections to the constitution of the Board or the process to be followed.

PRELIMINARY MATTERS

- [3] The first matter before the Board is the request for postponement of the merit hearing date filed by the Appellant. The merit hearing is scheduled for May 23, 2024. The Appellant requested that the merit hearing be postponed until June 2024.
- [4] The second matter before the Board is the Board's jurisdiction over the Appeal. Should the Board grant the request for postponement of the merit hearing until June 2024, it is necessary for the Board to open the appeal hearing and adjourn to a later date.
- [5] The Appellant indicated that the request for postponement was submitted because his consultant for the development is out of the country and is required to assist the Appellant with preparations for the merit hearing.
- [6] The Development Authority submitted no opposition to the Appellant's request for postponement and requested that should the Board grant the postponement request, the hearing be held after June 4, 2024.
- [7] The Clerk submitted a proposed hearing date of June 20, 2024, for the Board's consideration.
- [8] No submissions on the merits of the appeal were made by the parties.

DECISION

- [9] **It is the decision of the Subdivision and Development Appeal Board to grant the postponement request.**
- [10] **The Appeal Hearing for SDAB 2024-001 is hereby opened and adjourned to June 20, 2024, as follows:**

Date: Thursday, June 20, 2024

Location: Council Chamber
Jubilee Centre
9909 Franklin Avenue
Fort McMurray, AB

Time: Doors open at 6:00 p.m.,
Hearing commences at 6:30 p.m.

- [11] In accordance with section 629 of the *Municipal Government Act*, the Subdivision and Development Appeal Board may, while carrying out its powers, duties and responsibilities, accept any oral or written evidence. Any documentary or photographic evidence and a summary of testimonial evidence must be received by **12:00 p.m., Thursday, June 13, 2024.**
- [12] In accordance with the requirements laid out in section 686(3) of the *Municipal Government Act*, a notice of the hearing will be sent out to all parties.

REASONS FOR THE DECISION

- [13] The purpose of the hearing was to hear submissions from the parties in relation to the Appellant's request for postponement.
- [14] The Board did not hear any submissions in opposition to the Appellant's request for postponement or the date of June 20, 2024, identified by the Clerk as a viable merit hearing date.
- [15] The Board is aware that it must commence a hearing within 30 days of the date of the appeal, and therefore, the Appeal Hearing for SDAB 2024-001 was opened and adjourned to June 20, 2024, to preserve the jurisdiction of the Board in relation to this appeal.
- [16] The Board also clarifies that the members sitting during the preliminary hearing are not seized with the matter, since no information or submissions on the merits were heard by them.
- [17] It is so ordered.
- [18] Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this 22 day of May, 2024.

CHAIR:

FOIP section 17(1)

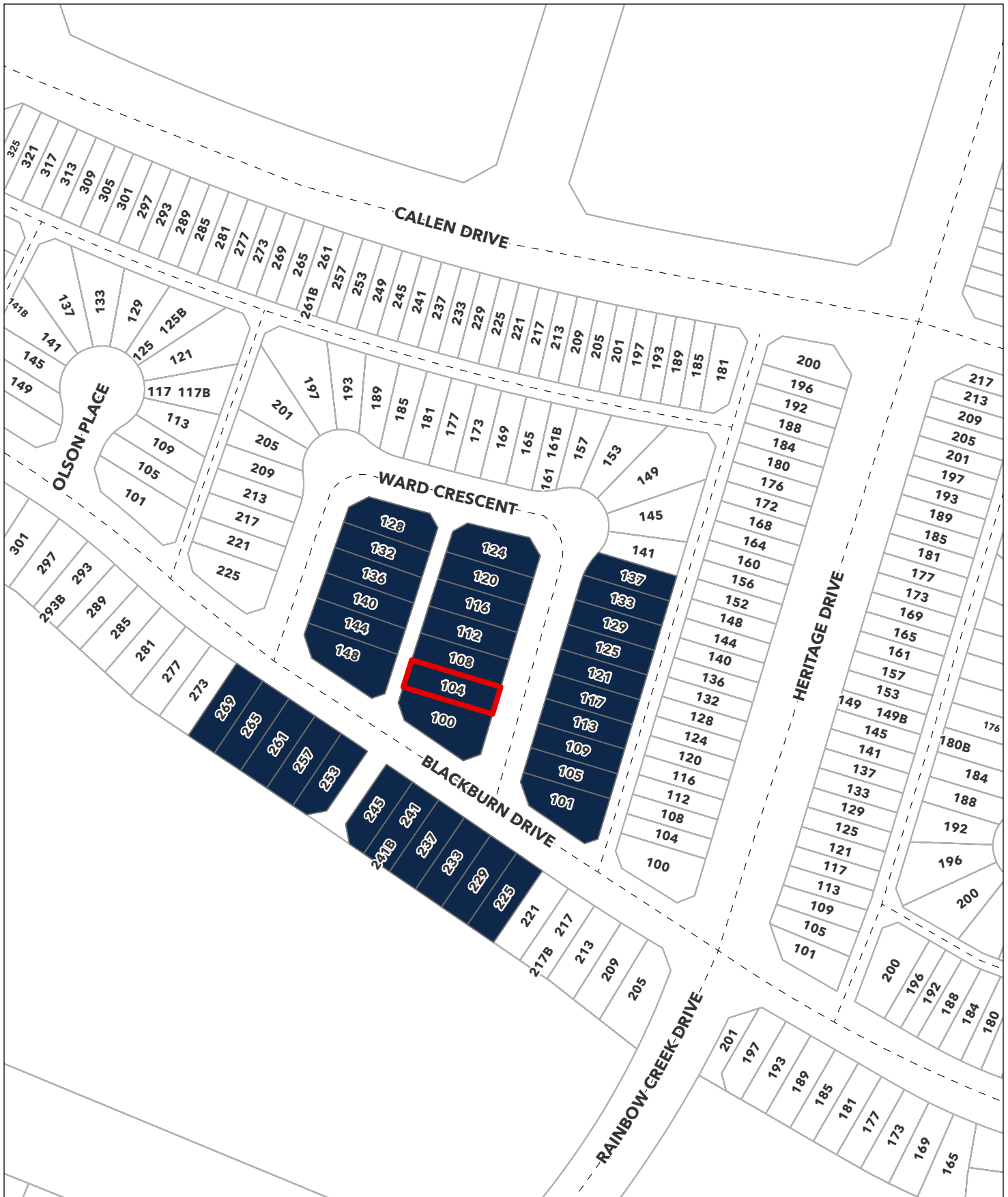
Dean Cleaver

DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibit #	Description	Filing Date
P 1.	Request for Postponement - Appellant	2024-05-01
P 2.	Municipality Response – Request for Postponement	2024-05-15

REPRESENTATIONS

<u>PERSON APPEARING</u>	<u>CAPACITY</u>
1. S. Bachi	Appellant
2. S. Makwana	Development Authority - Regional Municipality of Wood Buffalo
3. D. Stearman	Development Authority - Regional Municipality of Wood Buffalo



**104 WARD CRESCENT
LOT 2, BLOCK 4,
PLAN 1220270**

 Subject Area

 Survey Parcels

 Notification Property within 60m

 Roads



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Map Produced by the Geographic
Information Systems
TICK108587 / 30 Apr 2024

In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

Section 1 – Property InformationLegal Land Description¹ (i.e. Lot, Block, Plan or ATS 1/4 Sec-Twp-Rng-Mer)

Lot	Block	Plan	ATS
2	4	1220270	

Civic Address
104 Ward Cres Fort McMurray AB T9K 0X5Development Permit Number or type of Order
2024-DP-00082**Section 2 - Appellant Information**

NB: At the time of the appeal hearing the individual acting as agent must produce the completed and signed Agent Authorization Form.

Appellant Name (If the Appellant is a company, enter the complete legal name of the company)

Saad Bachi

Agent¹ Name (if applicable) Contact Name (if different) and position held

Mailing Address	City/Town	Province	Postal Code
FOIP section 17(1)	FOIP section 17(1)	AB	FOIP section 17(1)

Telephone Number (Daytime)	Alternate Telephone Number	Email Address
FOIP section 17(1)		FOIP section 17(1)

Section 3 – Appeal (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Application	Notice of Order
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☐ Approval	☐ Approval	☐ Notice of Order
☐ Condition of Approval	☐ Condition of Approval	
☒ Refusal	☐ Refusal	

☐ I/We are the Applicant or Land Owner of the subject property☐ I/We are a person affected by an order, decision or development permit**Section 4 – Reasons for Appeal**

Section 678 and 686 Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal. In support of your appeal, you are requested to provide a full statement of the grounds and reasons of your appeal. You may include any photographs, drawings or plans for clarification.

I/We hereby appeal the decision of the Approval Authority for the following reason(s):

See attachment

(Attach a separate page if required)

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION

April 10 2024

Date

Signature of Appellant/Agent

If an Agent is representing the property owner, a letter is required from the owner giving consent to a property inspection.

Registered Owner: I/We hereby give permission to the Regional Municipality of Wood Buffalo to do a site inspection and take photographs of the property as necessary for the purpose of this Appeal.

Signature of Registered Owner

Please return the completed form and prescribed filing fee to:

Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4
Telephone: 780-743-7001 Email: sdab@rmwb.ca

Protection of Privacy

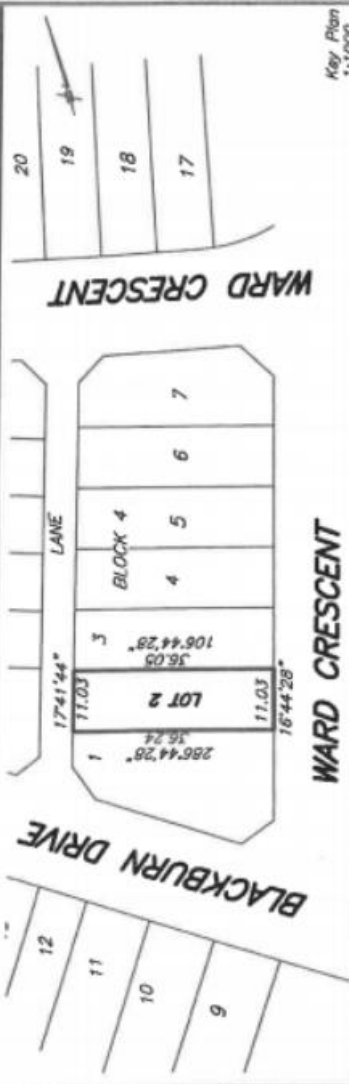
The personal information you provide on this form is being collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB, 7th Floor 9909 Franklin Avenue, Ft. McMurray AB T9H 2K4; or call 780.788.2222

For Office Use Only

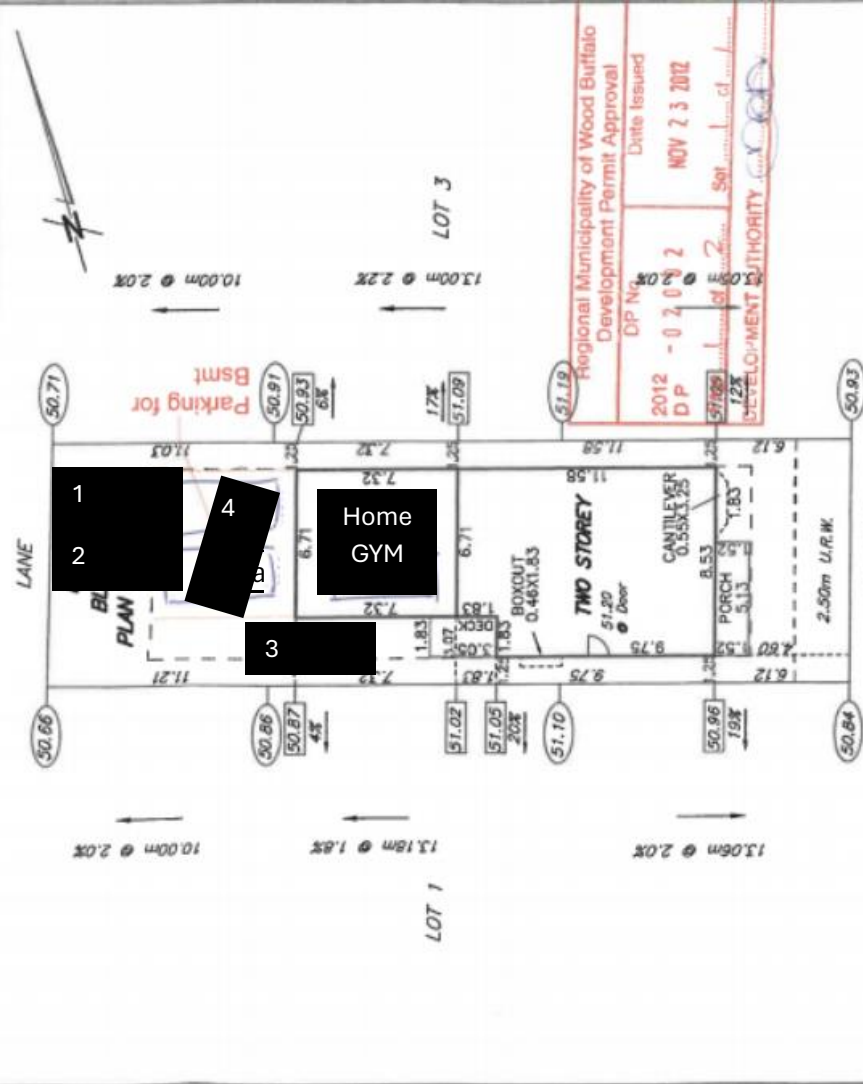
Appeal #:	Fee:	Appeal Hearing Date:	Date Applicant Notified:	Date Appellant Notified:
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¹ Agent — A person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

PLAN SHOWING PROPOSED BUILDING LOCATION
LOT 2, BLOCK 4, PLAN 122 0270
 104 WARD CRESCENT, HERITAGE CROSSING
 FORT McMURRAY, ALBERTA



Key Plan
 1:1000



FRONT
 WARD CRESCENT

Detail Plan
 Scale: 1:250

OWNER/CLIENT TO COMPLY WITH HOUSE DIMENSIONS AND WALL HEIGHTS		AREAS	% M	ELEVATIONS	DESIGN
NOTES		Lot	398.5	Bottom of Footing	48.76
1. All measurements are expressed in metres.		Building	160.2	Top of Foundation	51.70
2. All measurements are shown to nearest 10mm.		Accessory Building	-	Finished Floor	52.00
3. The lot area was determined by a licensed surveyor.		Site Coverage	40.2%	Garage Floor	51.00
4. No site work was performed on the above noted land.				Finished Grade Back	51.30
5. The building envelope is shown in blue.				Finished Grade Front	51.20
6. The building envelope is shown in red.					
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Location	Length	Width	Total
Lot size	36.12	11	398.5
Minimum green space	398.5	0.3%	119.55
Available non-green space			279
House coverage	398.5	.402%	160.2
Additional for stall 3	16	1	16
Parking Pad	11.03	6.71	74
Total coverage			250
Green space covers			37%

1 and 2 parking spaces for the basement

The gravel and shed will be removed to accommodate the minimum green space

Key Plan

WARD CRESCENT

WARD CRESCENT

BLACKBURN DRIVE

LOT 1 285'44"28" 11'03"

LOT 2 156'24" 11'03"

LOT 3 106'44"28" 11'03"

LOT 4 106'44"28" 11'03"

LOT 5 106'44"28" 11'03"

LOT 6 106'44"28" 11'03"

LOT 7 106'44"28" 11'03"

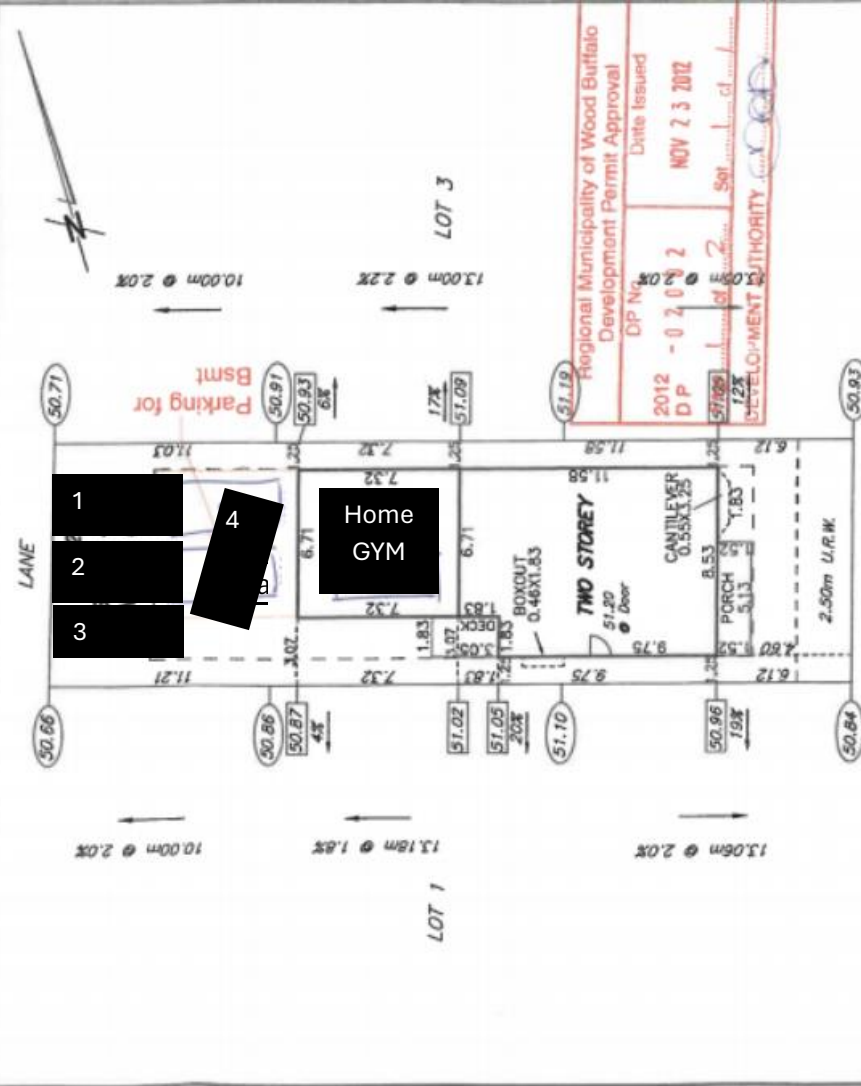
LANE 17'41"44"

12

11

10

9



Detail Plan
Scale: 1:250

[illegible]Page 12

Saad Bachi

FOIP section 17(1)



April 10, 2024

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RMWB Planning and Development.

Dear Sir,

I am writing to formally appeal the recent decision regarding the refusal to change the garage space in my house to a GYM room.

1-Section 130.9 (a) 130.9 (a) states "a minimum of one on-site parking shall be provided for each bedroom in a basement suite to a maximum of two on-site parking stalls". The proposed addition will occupy 2 (two) required parking stalls previously approved (2012-DP-02002), which accommodate the Basement Suite Development Permit. Therefore, the issuance of a development permit for an Addition would be in contravention of the Land Use Bylaw and the conditions 2012-DP-02002

2-Section 130.6 states "For single detached and semi-detached dwellings, the required parking stalls shall: (a) Be accessible from a public thoroughfare". The proposed parking stalls within this application will not provide accessible parking from a public thoroughfare

3-Section 8.4.5.3.9 Landscaping Requirements (a) states "Minimum of 30% of the lot must be soft landscaped." The proposed parking stalls within this application will not provide enough probable soft landscaping to accommodate accessible parking. The proposed parking area occupies area required to achieve the developments soft landscaping requirements. A boulevard crossing cannot be considered for the subject development.

We need to transfer the garage to GYM due to the recent growth of our family.

After carefully reviewing the decision and considering the relevant regulations, I believe there are grounds for an appeal based on

1- I don't have a yard in the house. The Back Alley Driveway can accommodate four vehicles. As per the proposed drawings, all dimensions were verified by professional engineers. Page 1 and 3

2-The current permit 2012-DP-02002 has two stalls for back-to-back parking. It is not clear why it is not accessible on Page 2

3- Verified that all green space calculations still have 19 sq meters of extra green space per scheduled calculation. Shed and gravel don't count. Subject to removal as per permit application pages 1 and 3

Respectfully request a review of this decision and a reconsideration of the factors that led to the outcome. Enclosed with this letter are documents that support my appeal, including

I am committed to working collaboratively with the city to ensure the development project aligns with applicable regulations and benefits the community. I am open to discussing any concerns or questions arising during the appeal process. I am willing to provide any additional information that may help reach a fair resolution.

Please inform me of the next steps in the appeal process and any additional information or documentation that may be required. I appreciate your attention and look forward to a timely response.

Thank you for your consideration.

Sincerely, Saad

PERMIT NO: #2024-DP-00082

April 9th, 2024

Attention: Saad Dalal Bachi

**RE: DEVELOPMENT DECISION – ADDITION TO SINGLE DETACHED DWELLING
LOT 2, BLOCK 4, PLAN 1220270
104 WARD CRESCENT**

Your application for a development permit at the above location has been REFUSED by the Development Officer. The reason for this refusal is outlined in the enclosed Development Permit Decision.

We are enclosing this Development Permit Decision, and request that you **PLEASE READ CAREFULLY.**

Should you require further information, please contact the undersigned.

Yours truly,

Dave Stearman
Planner, Long Range Planning
Planning and Development Services
T: 780-799-8675
E: Dave.Stearman@rmwb.ca

DEVELOPMENT PERMIT: #2024-DP-00082 REFUSAL**DATE: April 9th, 2024****APPLICANT: Saad Dalal Bachi****LEGAL DESCRIPTION: LOT 2, BLOCK 4, PLAN 1220270****DEVELOPMENT REFUSED: Addition to Single Detached Dwelling****This development was **REFUSED** by the Development Officer for the following reason(s):**

The above Development Permit application for an Addition to a Single Detached Dwelling was submitted to Planning & Development Services on March 27, 2024. The application was reviewed, and it was determined that an Addition would not be permitted as per the following sections of Land Use Bylaw 99/059:

Section 130.9 (a) states “a minimum of one on-site parking shall be provided for each bedroom in a basement suite to a maximum of two on-site parking stalls”. The proposed addition will occupy 2 (two) required parking stalls previously approved (2012-DP-02002), which accommodate the Basement Suite Development Permit. Therefore, the issuance of a development permit for an Addition would be in contravention of the Land Use Bylaw and the conditions of 2012-DP-02002.

Section 130.6 states “For single detached and semi-detached dwellings, the required parking stalls shall: (a) Be accessible from a public thoroughfare”. The proposed parking stalls within this application will not provide accessible parking from a public thoroughfare.

Section 8.4.5.3.9 Landscaping Requirements (a) states “Minimum of 30% of the lot must be soft landscaped.” The proposed parking stalls within this application will not provide enough probable soft landscaping to accommodate accessible parking. The proposed parking area occupies area required to achieve the developments soft landscaping requirements. A boulevard crossing cannot be considered for the subject development.

DATE OF DECISION: April 9, 2024**DATE NOTICE OF DECISION ADVERTISED: April 9, 2024****Dave Stearman
Development Officer****IMPORTANT NOTE**

1. Under the Municipal Government Amendment Act, this decision may be appealed within twenty-one (21) days after the day of decision being posted.
2. An appeal shall contain a statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 7th Floor, 9909 Franklin Avenue, Fort McMurray, AB, T9H 2K4 within the prescribed time period of twenty-one (21) days.
3. Upon delivery of a Notice of Appeal, the appellant shall pay a fee to the Regional Municipality of Wood Buffalo.

REPORT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FILE 2024-DP-00082
PLANNING AND DEVELOPMENT SERVICES
SUBDIVISION AND DEVELOPMENT APPEAL BOARD SDAB 2024-001

File: SDAB 2024-1

Appellants: Saad Bachi

Subject: Appeal of Development Permit 2024-DP-00082

Legal Description: Lot 2, Block 4, Plan 1220270

Civic Address: 104 Ward Crescent

Land Use Designation: ND – Neighbourhood District

Introduction

1. This appeal stems from the refusal of Development Permit 2024-DP-00082 which was applied for on March 27th, 2024. This Development Permit was for an Addition to 104 Ward Crescent and proposed to change the existing attached garage, used for parking, into a living quarter (home gym).
2. The proposed development is not in compliance with the current Land Use Bylaw.
 - a. The applicant does not meet their current soft landscaping requirements for this zone (30%). Upon gaining compliance, the applicant would still not meet the necessary requirements to facilitate an approval from the Development Authority.
 - b. The applicant is currently utilizing unauthorized space on their property for parking (Attachment 3).

Chronology

1. An application for an Addition to a Single Detached Dwelling was submitted to the Planning and Development Division March 27th, 2024.
2. Upon review, it was determined that the property is not compliant with the Land Use Bylaw and that the Development proposal would not conform to several provisions within the Land Use Bylaw.
3. A decision to refuse this Development Permit application was rendered April 9th, 2024.
4. An advertisement notice for this refusal notice was issued April 18th, 2024, and was posted for a period of 2 weeks, commencing May 2nd, 2024.

Discussion

1. The parking provisions for (ND – Neighbourhood District) noted in Land Use Bylaw section 8.4.5.3.8 state that a minimum (2) spaces are required for all residential uses within the district.
2. There is an approved Basement Suite Development Permit for this parcel.
3. In an addition to the previous provisions noted above, Land Use Bylaw Section 130.9 identifies that a parking stall must be provided for each bedroom in a basement suite to a maximum of two onsite parking stalls.
4. The total onsite parking stalls required for this development are 4. (2.30m W x 5.80m L).
5. The development authority interprets this sections intention as a mechanism to provide safe, adequate, and spatially conforming parking for *all additional* users within a residential dwelling.
6. Because this development contains two bedrooms within its legal Basement Suite, two parking stalls are required, in addition to the 2 required stalls for the principal dwelling.
7. Land Use Bylaw Section 8.4.5.3.9 states that a minimum of 30% soft landscaping is required to meet compliance standards within this district.
8. The Development Authority interprets this section as a mechanism to facilitate drainage of water on site, as well as maintain both neighbourhood beautification and environmental standards within the community.
9. As the applicant is not currently in compliance with this provision, as well as not having enough area on their property to extend their driveway via a boulevard crossing (due to the soft landscaping requirements noted above). The proposed parking arrangement as noted within the site plan for this application cannot be approved.
10. The applicant is currently parking on an unapproved parking area, as indicated within the approved site plan for the principal dwelling.
11. There is currently a detached accessory building on site that is under 10sqm and does not require a permit. Within the applicant's proposal, they have indicated they will be removing this structure to accommodate the parking indicated within their site plan. With the removal of this structure, the applicant will not have enough soft landscaping (30%) remaining on their property, with the expansion of their parking area.

Recommendation:

1. The Development Authority has recommended to the applicant that they dissolve their existing basement suite to accommodate their growing family, which would remove the parking restrictions currently being utilized by the attached garage.
2. The dissolution of the legal Basement Suite permit for this development would remove the additional parking requirements and allow the applicant to freely develop the garage into the livable space.
3. It is not recommended that the applicant receive an approval for this development, as there are significant challenges related to parking accessibility for any tenant residing in the basement suite.
4. The proposed parking arrangement requires the applicant to seek an approval for a boulevard crossing permit, for which they have also received a refusal from Engineering based on Soft Landscaping limitations.

Rationale:

1. As the applicant does not have a compliant property upon submission of their application. The Development Authority was unable to proceed with an approval of this application.
2. Section 130.6 and 130.9 of the Land Use Bylaw 99/059 states that for single detached and semi-detached dwellings, the required parking stalls shall: a. be accessible from a public thoroughfare; for basement suites; c. all on-site parking stalls shall always remain accessible for parking by passenger vehicles and shall be always directly accessible to the street.
3. As the applicant will not be able to achieve these conditions to facilitate this development, the Development Authority was unable to proceed with an approval of this application.
4. Because the proposed site plan requires the applicant to receive a Boulevard Crossing permit to facilitate the proposed parking arrangement, and due to the requirements proposed by the soft landscaping provision noted above, the Development Authority was unable to proceed with an approval of this application.
5. The Engineering Servicing Standards (ESS) document highlights in section 4.14.1 Urban: "Maximum driveway widths shall be as follows: Residential 6.7m. Because the proposed development exceeds this width, the Development Authority cannot approve this application.
6. The Engineering Servicing Standards (ESS) document highlights in section 4.14.1 Urban: Driveways for Residential Single Detached lots shall be offset a minimum of 1.0 m from the side yard property line to the adjacent lot. The intermediate driveway side yard area is to be soft landscaped. Because there is not enough space to facilitate this setback, the Development Authority cannot approve this application.

Attachments:

1. Refused Development Permit 2024-DP-00082
2. Subject Property Maps
3. Review Forms
4. Site Inspection
5. Notice of Appeal
6. Advertising
7. Development Permit Application
8. Email communication

REPORT TO SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FILE # SDAB-001

Prepared By:

David Stearman
Planner II/ Development Officer

Date 4/30/2024

Reviewed and
Supported By:

Lee Anne Kumka
Supervisor
Development Planning

Date

Presented to:

Subdivision and Development Appeal Board

Attachment 1



PERMIT NO: #2024-DP-00082

April 9th, 2024

Attention: Saad Dalal Bachi

**RE: DEVELOPMENT DECISION – ADDITION TO SINGLE DETACHED DWELLING
LOT 2, BLOCK 4, PLAN 1220270
104 WARD CRESCENT**

Your application for a development permit at the above location has been REFUSED by the Development Officer. The reason for this refusal is outlined in the enclosed Development Permit Decision.

We are enclosing this Development Permit Decision, and request that you **PLEASE READ CAREFULLY.**

Should you require further information, please contact the undersigned.

Yours truly,

Dave Stearman
Planner, Long Range Planning
Planning and Development Services
T: 780-799-8675
E: Dave.Stearman@rmwb.ca

DEVELOPMENT PERMIT: #2024-DP-00082 REFUSAL**DATE: April 9th, 2024****APPLICANT: Saad Dalal Bachi****LEGAL DESCRIPTION: LOT 2, BLOCK 4, PLAN 1220270****DEVELOPMENT REFUSED: Addition to Single Detached Dwelling****This development was **REFUSED** by the Development Officer for the following reason(s):**

The above Development Permit application for an Addition to a Single Detached Dwelling was submitted to Planning & Development Services on March 27, 2024. The application was reviewed, and it was determined that an Addition would not be permitted as per the following sections of Land Use Bylaw 99/059:

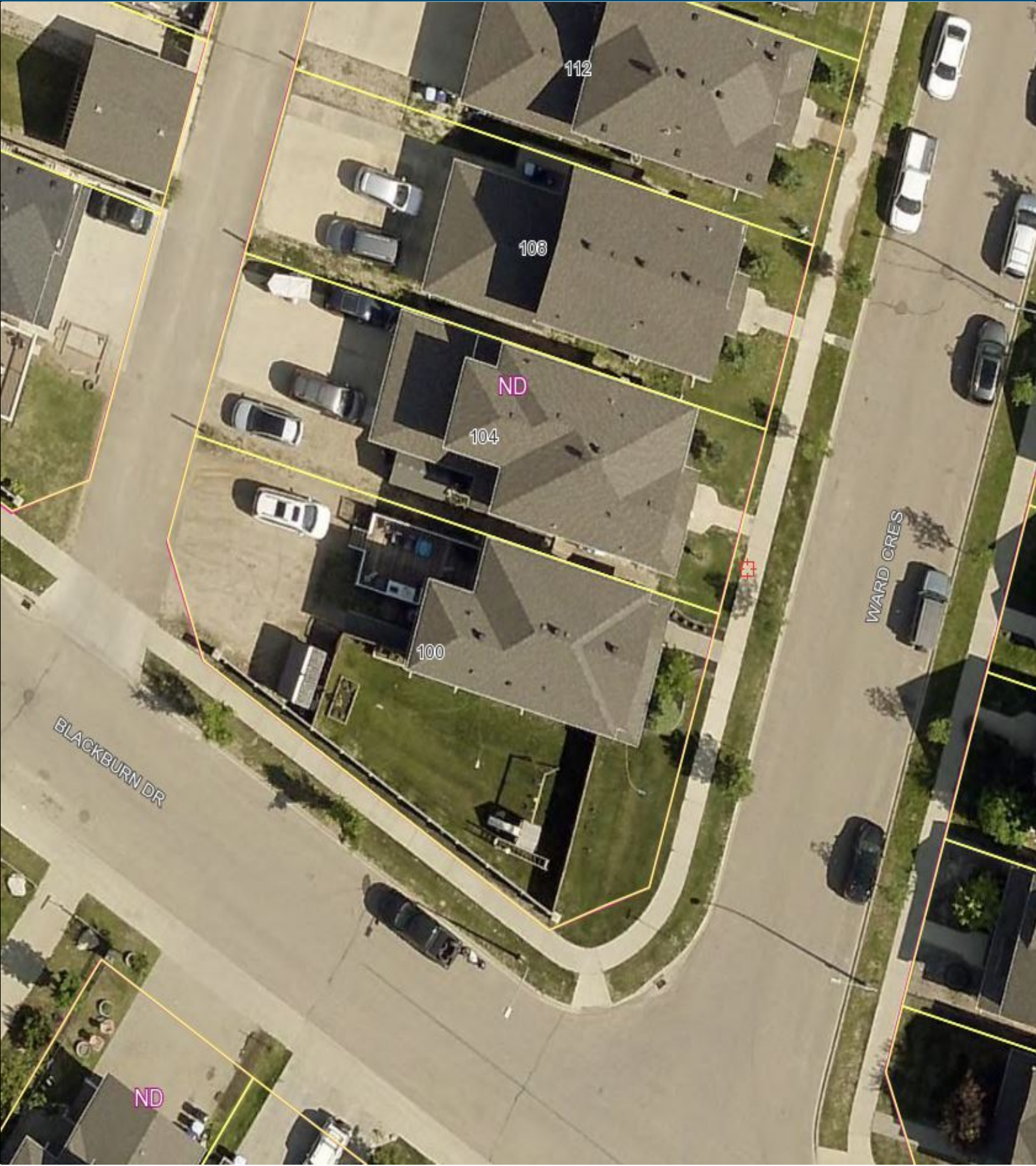
Section 130.9 (a) states “a minimum of one on-site parking shall be provided for each bedroom in a basement suite to a maximum of two on-site parking stalls”. The proposed addition will occupy 2 (two) required parking stalls previously approved (2012-DP-02002), which accommodate the Basement Suite Development Permit. Therefore, the issuance of a development permit for an Addition would be in contravention of the Land Use Bylaw and the conditions of 2012-DP-02002.

Section 130.6 states “For single detached and semi-detached dwellings, the required parking stalls shall: (a) Be accessible from a public thoroughfare”. The proposed parking stalls within this application will not provide accessible parking from a public thoroughfare.

Section 8.4.5.3.9 Landscaping Requirements (a) states “Minimum of 30% of the lot must be soft landscaped.” The proposed parking stalls within this application will not provide enough probable soft landscaping to accommodate accessible parking. The proposed parking area occupies area required to achieve the developments soft landscaping requirements. A boulevard crossing cannot be considered for the subject development.

DATE OF DECISION: April 9, 2024**DATE NOTICE OF DECISION ADVERTISED: April 9, 2024****Dave Stearman
Development Officer****IMPORTANT NOTE**

1. Under the Municipal Government Amendment Act, this decision may be appealed within twenty-one (21) days after the day of decision being posted.
2. An appeal shall contain a statement of the grounds of appeal and shall be delivered personally or by registered mail so as to reach the Secretary of the Subdivision and Development Appeal Board, 7th Floor, 9909 Franklin Avenue, Fort McMurray, AB, T9H 2K4 within the prescribed time period of twenty-one (21) days.
3. Upon delivery of a Notice of Appeal, the appellant shall pay a fee to the Regional Municipality of Wood Buffalo.



Map of 104 Ward Crescent



1:554

30 Apr 2024



Attachment 3

REVIEW FORM

REGIONAL MUNICIPALITY
OF WOOD BUFFALO

CIVIC ADDRESS: 104 Ward Crescent

LOT : 2

BLOCK: 4

PLAN: 1220270

APPLICANT/CONTACT: Saad Bachi

2024-DP-00082

☐ REQUIRED DOCUMENTATION ☒ CERTIFICATE OF TITLE ☐ WILDFIRE OVERLAY AREA
☐ LETTER OF AUTHORIZATION ☒ PROPERTY FILE REVIEW ☒ PICTOMETRY
PROPERTY COMPLIANT ☐ Y ☒ N

PROPERTY CURRENTLY NOT COMPLIANT. NOT ENOUGH SOFT LANDSCAPING TO MEET 30% AND PARKING CONFIGURATION FOR PROPOSED DEVELOPMENT

BUILDING TYPE	
☐ SEMI-DETACHED DWELLING	☒ ATTACHED GARAGE
☒ SINGLE DETACHED DWELLING	☒ DECK
☒ ADDITION	☒ LANDING
	☐ VERANDA
	☐ BALCONY
	☒ BASEMENT ENTRANCE
ACCESSORY BUILDINGS	
☐ DETACHED GARAGE	
☒ SHED	

BUILDING INFORMATION		
PRINCIPAL BUILDING HEIGHT (3 storeys max.)	2.00	strys
PRINCIPAL BUILDING AREA (Incl. Att. Garage & Veranda)	160.20	m ²
DECK (over 0.6m)		m ²
ACCESSORY BUILDING HEIGHT (4.6m max.)	6.66	m
ACCESSORY BUILDING AREA (60m ² or 12%)		m ²
TOTAL LOT COVERAGE	166.97	m ²
LOT AREA (228 / 400m ²)	398.50	m ²
TOTAL LOT COVERAGE (max. 45%)	41.90	%
TOTAL LANDSCAPE COVERAGE (min. 30%)	24.22	%

- ☒ APPROVED PLANS (SITE & 4 ELEVATIONS)
☒ DWELLING PLANS AGREE WITH PLOT PLAN

SITE GRADING				RESULT	SETBACKS		PROPOSED
BOTTOM OF FOOTING (-1.20m.)		GRADE @ REAR		0.00	FRONT YARD (4.5m-6.0m / 6.0m)	4.60	m
TOP OF CONC.WALL (+0.20m.)		GRADE @ FRONT		0.00	REAR YARD (4.6m / 6.0m / 7.5m)	0.00	m
FINISHED GARAGE SLAB		FINISHED FLOOR			SIDE YARD INT. (1.2m / 2.7m)	1.25	m
SUBDIVISION GRADING					SIDE YARD EXT. (1.2m)	1.25	m
LEFT FRONT		RIGHT FRONT			DETACHED GARAGE (1.0m / 6.0m)		m
LEFT FRONT MID YARD		RIGHT FRONT MID YARD			DECK (1.0m / 2.7m / 3.0m)	1.25	m
LEFT BACK MID YARD		RIGHT BACK MID YARD					
LEFT REAR		RIGHT REAR					

STATE EXEMPTIONS :	SELECT		m
NOTES:			

DRIVEWAY	
DRIVEWAY RESTRICTIONS	
☐ YES	BOULEVARD CROSSING
☒ NO	
DOES DRIVEWAY LOCATION MATCH APPROVED SUBDIVISION PLAN ?	
N/A	SIDE ? SELECT

LEVIES		
OFFSITE LEVIES PAID	☐ YES	
	☒ NO	
LEVIES REQUIRED	☐ YES	
	☒ NO	

UTILITY BOXES/PEDESTAL RESTRICTIONS ☐ Y ☐ NO

RIGHT OF WAYS & EASEMENTS		
☐	RIGHT OF WAY RESTRICTIONS	
☒	EASEMENTS	
WHERE :	P.U.L	FRONT OF PROPERTY
WHERE :	SELECT	SELECT
WHERE :	SELECT	SELECT
VARIANCES AS PART OF PERMIT		
☐	YES	☐ NO
FOR:	VARIANCE # :	
Amount		%

ADVERTISEMENT
☒ ADVERTISEMENT REQUIRED
DATE : April 18th,

ADDITIONAL COMMENTS

REVIEWER
REVIEWED BY : Dave Stearman
DATE: Tuesday, April 30, 2024



SITE INSPECTION FORM

Date: April 25th, 2024 **Time:** 11:30AM

Officer(s): David Stearman, Planner II, Phylis Agyemang, Planner I

Reason for Inspection: Applicant applied for an Addition DP (2024-DP-00082) and was issued a refusal notice based on Sections 130.9 (a), 130.6 and 8.4.5.3.9. An inspection of the existing parking area and soft landscaping was required to further evaluate the existing use of the property. No on-site inspection was required for this inspection.

Applicant/Contact: Saad Bachi, **FOIP section 17(1)**

Civic Address: 104 Ward Crescent

Legal Address: Lot 2, Block 4, Plan 1220270

Permit #: 2024-DP-00082

Observations: Based on the site visit, it was confirmed that the applicant has an unpermitted prefabricated accessory building on his property. This building is also not currently meeting setback requirements. Additionally, the parking of vehicles on this property located on the south side neighbouring property (100 Ward Crescent) are not located on an approved parking pad as outlined in the most recent DP (2012-DP-00633). No Boulevard Crossing permit has been approved to accommodate the extension of the approved parking area.

Follow-up/Action Items: Applicant must either: apply for a permit for the accessory building on the property to conform to section 50.1 of the LUB, or remove the structure entirely. Applicant must apply for a Boulevard Crossing permit for the extension of the driveway to utilize the space adjacent to the approved parking pad.

Include Photos, if taken:



Revised March 3, 2021







In accordance with Section 678 and 686 of the Municipal Government Act and the Regional Municipality of Wood Buffalo Land Use Bylaw 99/059, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame.

Section 1 – Property Information

Legal Land Description:(i.e. Lot, Block, Plan or ATS 1/4 Sec-Twp-Rng-Mer)

Lot	Block	Plan	ATS
2	4	1220270	

Civic Address
104 Ward Cres Fort McMurray AB T9K 0X5Development Permit Number or type of Order
2024-DP-00082**Section 2 - Appellant Information**

NB: At the time of the appeal hearing the individual acting as agent must produce the completed and signed Agent Authorization Form.

Appellant Name (If the Appellant is a company, enter the complete legal name of the company)

Saad Bachi

Agent¹ Name (if applicable) Contact Name (if different) and position held

Mailing Address City/Town Province Postal Code

FOIP section 17(1)

Telephone Number (Daytime) Alternate Telephone Number Email Address

FOIP section 17(1)

Section 3 – Appeal (Check One Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Application	Notice of Order
☐ Approval ☐ Condition of Approval ☒ Refusal	☐ Approval ☐ Condition of Approval ☐ Refusal	☐ Notice of Order

☐ I/We are the Applicant or Land Owner of the subject property☐ I/We are a person affected by an order, decision or development permit**Section 4 – Reasons for Appeal**

Section 678 and 686 Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal. In support of your appeal, you are requested to provide a full statement of the grounds and reasons of your appeal. You may include any photographs, drawings or plans for clarification.

I/We hereby appeal the decision of the Approval Authority for the following reason(s):

See attachment

(Attach a separate page if required)

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION

April 10 2024

FOIP section 17(1)

Date

Signature of Appellant/Agent

If an Agent is representing the property owner, a letter is required from the owner giving consent to a property inspection.**Registered Owner:**

I/We hereby give permission to the Regional Municipality of Wood Buffalo to do a site inspection and take photographs of the property as necessary for the purpose of this Appeal.

FOIP section 17(1)

Signature of Registered Owner

Please return the completed form and prescribed filing fee to:Clerk of the Subdivision and Development Appeal Board, 7th Floor, Jubilee Center, 9909 Franklin Avenue, Fort McMurray AB T9H 2K4
Telephone: 780-743-7001 Email: sdab@rmwb.ca**Protection of Privacy**

The personal information you provide on this form is being collected under the authority of section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The personal information is used to process your designation of an agent for appeals with the Subdivision and Development Appeals Board. If you have any questions about the collection and use of the personal information contact the Legislative Officer –SDAB , 7th Floor 9909 Franklin Avenue, Ft. McMurray AB T9H 2K4 ; or call 780.788.2222

For Office Use Only

Appeal #:	Fee:	Appeal Hearing Date:	Date Applicant Notified:	Date Appellant Notified:

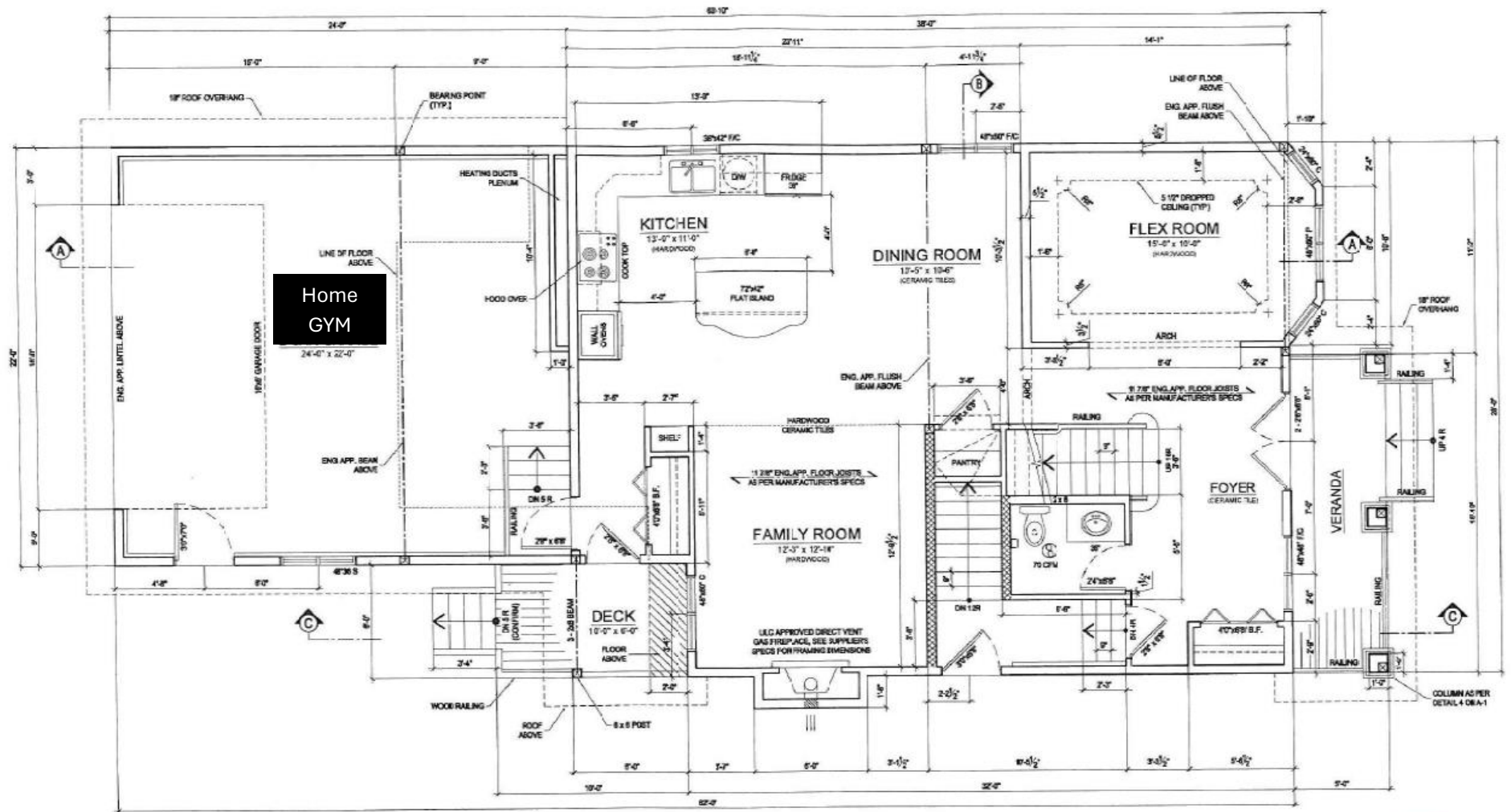
¹ Agent — A person who acts for a Property Owner, Applicant, Appellant, and/or Affected/Adjacent Property Owner during the appeal hearing process or at a hearing before the Subdivision and Development Appeal Board.

[illegible]

Location	Length	Width	Total
Lot size	36.12	11	398.5
Minimum green space	398.5	0.3%	119.55
Available non-green space			279
House coverage	398.5	.402%	160.2
Additional for stall 3	16	1	16
Parking Pad	11.03	6.71	74
Total coverage			250
Green space covers			37%

The gravel and shed will be removed to accommodate the minimum green space

Attachment 6



Regional Municipality of Wood Buffalo
Development Permit Approval
Date Issued

Attachment 8

Saad Bachi

FOIP section 17(1)

Attachment 9

April 10, 2024

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
RMWB Planning and Development.

Dear Sir,

I am writing to formally appeal the recent decision regarding the refusal to change the garage space in my house to a GYM room.

1-Section 130.9 (a) 130.9 (a) states "a minimum of one on-site parking shall be provided for each bedroom in a basement suite to a maximum of two on-site parking stalls". The proposed addition will occupy 2 (two) required parking stalls previously approved (2012-DP-02002), which accommodate the Basement Suite Development Permit. Therefore, the issuance of a development permit for an Addition would be in contravention of the Land Use Bylaw and the conditions 2012-DP-02002

2-Section 130.6 states "For single detached and semi-detached dwellings, the required parking stalls shall: (a) Be accessible from a public thoroughfare". The proposed parking stalls within this application will not provide accessible parking from a public thoroughfare

3-Section 8.4.5.3.9 Landscaping Requirements (a) states "Minimum of 30% of the lot must be soft landscaped." The proposed parking stalls within this application will not provide enough probable soft landscaping to accommodate accessible parking. The proposed parking area occupies area required to achieve the developments soft landscaping requirements. A boulevard crossing cannot be considered for the subject development.

We need to transfer the garage to GYM due to the recent growth of our family.
After carefully reviewing the decision and considering the relevant regulations, I believe there are grounds for an appeal based on

1- I don't have a yard in the house. The Back Alley Driveway can accommodate four vehicles. As per the proposed drawings, all dimensions were verified by professional engineers. Page 1 and 3

2-The current permit 2012-DP-02002 has two stalls for back-to-back parking. It is not clear why it is not accessible on Page 2

3- Verified that all green space calculations still have 19 sq meters of extra green space per scheduled calculation. Shed and gravel don't count. Subject to removal as per permit application pages 1 and 3

Respectfully request a review of this decision and a reconsideration of the factors that led to the outcome. Enclosed with this letter are documents that support my appeal, including

I am committed to working collaboratively with the city to ensure the development project aligns with applicable regulations and benefits the community. I am open to discussing any concerns or questions arising during the appeal process. I am willing to provide any additional information that may help reach a fair resolution.

Please inform me of the next steps in the appeal process and any additional information or documentation that may be required. I appreciate your attention and look forward to a timely response.

Thank you for your consideration.

Sincerely, Saad

Attachment 10

EMAIL COMMUNICATION

1. March 21st, 2024 – Saad Bachi contacted Planning and Development in which Planner David Stearman was the Planner of the Day, and in charge of facilitating public inquiries for Planning related matters.
2. During our initial conversation, Mr. Bachi first inquired about converting his garage into a boarding room. During this conversation, I advised Mr. Bachi that in order to facilitate this use, a rigorous number of provisions within our Land Use Bylaw would be required to facilitate this, as a boarding home is a more intensive use than other residential uses.
3. During this conversation, Mr. Bachi revised his comments and noted that he would like to see the development used as a “living space”.
4. I asked Mr. Bachi for his contact information and informed him that I would like to conduct an overview of his property as per our review procedures, prior to advising him on the proper course of action for this development proposal.
5. On March 22nd, 2024, Mr. Bachi followed up in an email to inquire about his development proposal.
6. On March 22nd, 2024, I replied to Mr. Bachi via email and advised him of the following:
“As per our conversation, the following sections of the Land Use Bylaw are relevant to your inquiry: Section 8.4.5.3.9 Landscaping Requirements

- a. Minimum of 30% of the lot must be soft landscaped

Section 8.4.5.3.6 Lot Coverage

- a. 45 percent including accessory buildings.

Section 8.4.5.3.8 Parking Requirements

- a) Minimum two (2) spaces are required for all residential uses
- b) where a secondary suite is proposed, an additional one (1) parking stall is required for all one(1) and two (2) bedroom units, and two (2) additional stalls are required for all three bedroom units.
- c) tandem parking is permitted

I have attached a copy of the site plan for your property. As you can see, your lot is 398.5 square meters (4284.04 square feet). As indicated on the site plan, the house, which includes the attached garage, is 160.2 square meters (1724.37 square feet). Given these numbers, the structure alone covers 40.2 percent (also indicated on the site plan).

There does appear to be a shed abutted to your house as well which is not indicated on the most recent site plan. This structure, based on our rough calculations, appears to be approximately 2.5 meters tall, by 6.77 square meters (72.87 square feet). Given this information, your total surface coverage would be approximately 166.97 square meters (1797.25). Given this information, your new lot coverage amount is

approximately 41.89% which is **under and compliant** according to the 45% lot coverage as noted in section 8.4.5.3.6.

While you are still compliant in your lot coverage, it appears that you are **not in compliance** with your current soft landscaping requirements. Based on imagery, I am seeing an additional 135.69 square meters (1460 square feet) occupied by either gravel or pavement, which do not align with our soft landscaping definition as noted in Section 10. of the land use bylaw. By adding this 135.69 square meters to the coverage from the structures, as noted above (166.97), I come to a total of 302 square meters, which means your property currently only has 24% soft landscaping.

In terms of your proposal to turn your attached garage into a living space, it appears that this **is not possible** as your dwelling currently has an approved basement suite. Given the parking provisions noted above: your basement suite approval requires 2 parking spaces, and your principle dwelling requires 2 as well, totaling 4 stalls. Because you will be removing the garage and turning this into a living space, it appears that you will only have enough space to accommodate 2 spaces, as per your site plan (after transforming the garage).

I do see also that you have created an additional parking space beside your paved parking pad in the rear of the house. I do not see any approved Boulevard Crossing permit which would be required in order to extend the parking pad indicated in your site plan.

As a footnote, you could pursue the option of dissolving your legal basement suite as a requirement to develop your garage into a livable space. Given the limitations noted above related to parking, this would be the only viable option to facilitate this development. To do this you would be required to remove the stove and fridge from the basement unit and planning would have to inspect the suite to ensure that these were removed. Planning would then revoke the permit from the property file which would allow you to then apply for any subsequent safety codes permits.

Please note that in order to move forward with anything – you must bring your property into compliance with the soft landscaping requirements of the Land Use Bylaw.

Hopefully this clarifies Plannings calculations on this matter. Please do not hesitate to contact me further if you have any questions.”

7. On March 22nd, 2024, Mr. Bachi replied in email: “I am really frustrated because basic calculations you can't do. As discussed when I add your number doesn't make sense to me. Can you ask some one else? Please.”
8. On March 22nd, 2024, I forwarded my reply the previous email to Planner II, Brett Williamson for further assistance.

9. On March 26th, 2024, Brett Williamson contacted Mr. Bachi through email to confirm the development proposal. Further, Brett also noted a legal basement suite at the address (104 Ward Crescent).

10. On March 26th, 2024, Brett Williamson advised Mr. Bachi through email the following:

“Good afternoon, Saad,

Are you looking to add an addition to your home above the existing garage or convert the existing garage?

If you want to convert your existing attached garage into a living space, some issues will need to be resolved first to facilitate the conversion.

1. First, you will not have the necessary on-site parking required as part of your basement suite development permit.
 - a. According to the approved basement suite development permit (2012-DP-02002, attached), four parking spaces are required – Two stalls for the principal dwelling and two stalls for the two-bedroom basement suite.
 - b. Section 130.9(a) of the Land Use Bylaw requires one (1) on-site parking stall for each bedroom in a basement suite.
 - c. **The total number of on-site parking stalls cannot be reduced below the minimum requirement.**
2. The approved development permit lists your lot area at 398.5 square meters, with the house, garage, and deck taking approximately 160.2 square meters or 40.2% of the total lot area. There appears to be an additional shed on site, approximately 6.8 square meters in area.
 - a. With this in mind, your total lot coverage is approximately 41.9%; the maximum lot coverage in the ND – Neighbourhood District is 45%.
3. Additionally, vehicles are only permitted to park on approved parking spaces, constructed of asphalt, concrete, or gravel. As shown in the image below, vehicles are utilizing the yard area for parking.
 - a. You may apply for a boulevard crossing permit to extend your approved driveway and facilitate additional parking on site.
 - b. A minimum of 30% of your property must remain as soft landscaping – **119.55 sq. m.**
 - i. It appears that the space currently being used for additional parking space may be covered in gravel. If this is the case your property would not meet the minimum 30% soft landscaping requirement and your property would be **non-compliant.**
 - c. It is unclear at this time if you will be able to meet both the parking and soft landscaping requirements.

If you wish to move forward with converting your existing attached garage into a dwelling unit, we may consider the removal of your basement suite unless you can demonstrate that you can

meet the minimum parking requirement of four (4) parking stalls while also maintaining the minimum 30% soft landscaping. Removal of the basement suite would lower the required number of parking spaces to two (2) stalls for the property.

Please note that in order to move forward with anything – you must bring your property into compliance with the soft landscaping requirements of the Land Use Bylaw.

If you have any additional questions, please let me know.”

11. On March 27th, 2024, Brett Williamson emailed Mr. Bachi once more and advised him on the following:

“Good morning, Saad,

As a follow-up to our conversation yesterday, after speaking with my supervisor, I want to inform you that a **development permit is required** to convert your garage into additional living space.

Your application will require the following information:

1. A site plan demonstrating that you have four (4) on-site parking stalls
 - a. Parking stalls have a minimum dimension of 2.8m x 5.8m
 - b. Off-site parking will not be considered
 - c. Demonstrate that you have 30% soft landscaping
2. A new floor plan illustrating the changes to garage
 - a. Any new walls, rooms, etc.
 - b. New electrical, plumbing, and heating plans may be required for your building permit application
3. A new certificate of title
 - a. Issued within 30 days of your permit application

As discussed, once we have your permit application and can properly assess your proposed development, we can advise on whether you will be able to move forward with the conversion.

As previously stated, in order to facilitate your garage conversion, you may need to consider the removal of your basement suite.”

12. On March 27th, 2024 Saad Bachi applied for a Development Permit – Addition to Single Detached Dwelling (2024-DP-00082).

13. On April 3rd, upon reviewing the Development Permit application, I emailed Saad to inform him of my initial review findings on his property:

“Good Morning Saad,

Thank you for your application for an Addition to your Single Detached Dwelling at 104 Ward Crescent. Unfortunately, due to several provisions within the Land Use

Bylaw it appears as though this application cannot be approved. While I am sure this news is not the desired outcome, I have outlined the provisions of the Land Use Bylaw below which prevent Planning from approving this application.

1. Not enough parking stalls to accommodate principle and basement suite dwellings.

As indicated in previous communication, the Development Authority has concluded that your proposed site plan would require:

Additional parking to accommodate your basement suite parking

a. Section 130.9(a) of the Land Use Bylaw requires one (1) on-site parking stall for each bedroom in a basement suite.

As it stands, proposed parking configuration does not meet the Land Use Bylaw provisions noted below.

To extend your existing approved driveway, a Boulevard crossing permit would be required to accommodate additional parking.

- a. A submission for a Boulevard Crossing permit would not be approved at this time as this would put you in contravention of your soft landscaping requirements on the property (30%).

2. Parking Accessibility

Based on your proposed site plan, as per section 130.6 and 130.9 of the Land Use Bylaw:

For single detached and semi-detached dwellings, the required parking stalls shall:

- a. be accessible from a public thoroughfare;

For Basement Suites

(a) A minimum of one on-site parking stall shall be provided for each bedroom in a basement suite to a maximum of two on-site parking stalls.

(c) All on-site parking stalls shall remain accessible for parking by passenger vehicles at all times and shall be directly accessible to the street at all times

Summary:

If you were to acquire a boulevard crossing permit to extend your driveway, you do not have enough soft landscaping to make this feasible given the provisions within the Land Use Bylaw. If you did however have enough soft landscaping to make a boulevard crossing work, the configuration of how your parking stalls have been arranged are not deemed to be accessible to all residents and tenants within the dwelling as per the sections referenced above.

Moving forward, there are a few options in which you can pursue with regards to this application:

1. You may dissolve your basement suite which would remove the requirement to have 4 parking stalls. To do this you would have to remove a component of the basement suite such as the stove and fridge. Planning would have to schedule an Inspection to ensure this was done.
2. You may withdraw your application entirely.
3. I can continue to process your application however a refusal to this application may be the end result. Upon refusal notice, you may pursue appealing this decision to the Subdivision Appeals Board.

Once again Saad, I am sorry, it's not that I do not want to approve this, I am prevented from doing so as per the Land Use Bylaw and my Development Authority."

14. On April 3rd, 2024, Mr. Bachi replied through email inquiring: how I calculate that there's not enough green space (soft landscaping).

15. On April 3rd, 2024 I replied to Mr. Bachi with the following:

"The calculation is determined based on the following:

- Your lot is 398.5 square meters (4284.04 square feet).
- As indicated on the site plan, the house, which includes the attached garage, is 160.2 square meters (1724.37 square feet).
- Given these numbers, the structure alone covers 40.2 percent (also indicated on the site plan).
- There does appear to be a shed abutted to your house as well which is not indicated on the most recent site plan. This structure, based on our rough calculations, the shed appears to be 6.77 square meters (72.87 square feet).
- Given this information, your total surface coverage would be approximately 166.97 square meters (1797.25).

There appears to be an additional 135.69 square meters (1460 square feet) occupied by either gravel or pavement, which do not align with the soft landscaping definition as noted in Section 10. of the land use bylaw. Based on imagery, this space is being used as a parking space which is not compliant according to the Land Use Bylaw and would require Boulevard Crossing permit. By adding this area (135.69 square meters) to the coverage from the structures, as noted above (166.97), I come to a total of 302 square meters, which means your property currently only has 24% soft landscaping.

Again, beyond this, provided a boulevard crossing were approved, there would be the issue of identifying a parking configuration that would be large enough to allow for accessible access for all residents. While the calculations above are based on rough estimates from Planning it should be noted that it is the applicants responsibility to provide exact proof of measurement for all dimensions and setbacks within a site plan (ensuring all features are present).

Please let me know if you would like to continue with the application or if you wish to withdraw the application.”

16. On April 3rd, 2024, Mr. Bachi replied via email: “Do we need to remove the gravel and get a boulevard permit? And rearrange the vehicles.”

17. On April 3rd, 2024, I replied to Mr. Bachi the following:

“Unfortunately, the only way to facilitate this development will be to dissolve your basement suite as this will remove your parking requirements. The Boulevard Crossing Permit will not offer you the required 4 accessible parking stalls. Additionally, the boulevard crossing will put you over your soft landscaping requirements. Again, I am sorry Saad. Please let me know how you wish to proceed with this application.”

18. On April 3rd, 2024, Mr. Bachi replied via email: “Okay. I will update the permit and resubmit it. If it Get rejected will move to the hearing. Thanks for your help.”

19. On April 4th, 2024 Development Permit (2024-DP-00082) was refused.