

REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

DATE: January 13, 2022	APPEAL NO.: SDAB 2021-0092 FILE NO.: DP2021-8024
APPEAL(S) BY: Julie Christie	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY where a Relaxation: Fence - height was approved at <u>10020 5 Street SE</u>	LAND USE DESIGNATION: R-C1 Discretionary
COMMUNITY OF: Willow Park	DATE OF DECISION: December 3, 2021
APPLICANT(S): David Wayne and Hazel Boyd	OWNER(S): David Wayne and Hazel Boyd

Notes:

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

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**Subdivision
& Development
APPEAL BOARD**

**NOTICE OF APPEAL
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

CC 821 (R2020-01)

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

Site Information	
Municipal Address of Site Under Appeal 10020 - 5 ST. S.E.	Development Permit/Subdivision Application/File Number DP2021-8024
Appellant Information - must name all appellants	
Name of Appellant JULIE CHRISTIE	Agent Name (if applicable)
Street Address (for notification purposes) 10016 - 5 ST. S.E.	
City CALGARY	Province ALBERTA
Postal Code T2J 1L5	Residential Phone # (403) 271-6450
Business Phone # ()	Email Address julieac@telus.net

APPEAL AGAINST (Check one box only: for multiple appeals you must submit another Notice of Appeal)

Development Permit	Subdivision Application	Notice of Order
<input checked="" 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 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.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (Attach a separate page if required):

SEE ATTACHED PAGES

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

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

This personal information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, Section 33(c) and the *Municipal Government Act*, Sections 678 and 686. **NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC.** If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

Signature of Appellant / Agent J. Christie	Date YYYY MM DD 2021 12 22
-------------------------------------------------------------	------------------------------------------------

FOR OFFICE USE ONLY

Final Date of Appeal YYYY MM DD 2021 12 30	SDAB Appeal Number SDAB2021-0092	Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD 2022 01 13	Date Received December 22, 2021
---------------------------------------------------------	--------------------------------------------	---------------------------------------------------------------------------------	-------------------------------------------------	-------------------------------------------

Print

SDAB2021-0092

FENCE RELATED TO THIS APPEAL



TO ALL THE PEOPLE CONCERNED:

I am appealing the decision on the approval of the fence shown above. I was also told that I had to appeal in order to find out why it was approved. So I do expect an answer! I also have included other photos for reference.

I still stand behind my initial phone call to the city regarding the height of this fence. According to the City of Calgary website, it states that the maximum height for a fence is 6' 6". Upon further inquiry through 311, I was told that the post height was included in the 6' 6" guideline.

My measurement from the cement footing (not from grade) to the top of the fence portion is 7' 2" (see figure 1). The posts are another 10" or more, because to the best of my knowledge the top is not flat. Therefore the height of this fence is at least 8'. The posts are also not the standard 4X4 posts, they are 16" wide with the tops even wider. My issue with this fence stems from the shadowing on my down pipe causing it to freeze and the only time it thaws is when the air temperature is above freezing. If the fence was lower than the solar heat from the sun that melts the snow on the roof could also heat up a portion of the down pipe to allow for the water to flow (see shadowing in figure 2). When I did a follow up call about my complaint, (since no one had bothered to contact me to let me know what was going on), I was told they informed the home owners to apply for a relaxation which is the approval that I am contesting. I as a property tax payer I feel my complaint was totally disregarded and am still bewildered as to how this fence could ever be granted a relaxation approval. This fence is more than a miscalculation of a few inches and is fairly obvious it was built to this height, without a permit, and without consulting or considering the impact it would have on me. They knew how to build a shorter fence (see photo 3) using the same material.

I again voiced my concerns with the project manager this time. I have tried to deal with this issue on my own, using a heat gun to try to get the flow going with little success. I mentioned my concern to the roofer I had just used; he said that there is a heating cable I could buy to get the flow going. I don't think I should be incurring the cost of the heating cable, then I would have to hire an electrician to install a plug which could be easily accessed by anyone from the alley, then I would have to be home to monitor when it would be needed to be turned on. I also would be the one paying for the electricity it uses for years to come. I did mention this to the project manager and I guess he thought that it's not a big deal. I do not find this acceptable. This is not just an appeal for me but future home owners. The time, the cost of electrical power and the damage to the building if I left it unmonitored would cost more than to lower a fence. Also my time is just as valuable as the next persons.

Also, I was under the impression that when the city stated that we are in a climate crisis and wanted to become more carbon neutral, I don't know how the utilization of the sun is worse

than using electrical power. I guess that is why my tax dollar has to be spent on the 8 new hires to figure this out.

The photos included also shows other fences in the neighborhood are of reasonable height, complying with code.

I also feel this decision is putting neighboring houses (I being one) at risk, God forbid, if there ever was a fire at this house. The nearest fire hydrant is on the street behind this house and access would be a challenge, delaying the response and having the fire possibly spread to adjoining houses. (See figure 2, where the sign says walkway, at the end of this walkway is where the hydrant is). I wonder if the city even considered this.

As my last rant, I don't understand how the city justifies the cost of the relaxation fee for an existing structure when my appeal costs more. It seems to me a home owner is better off to ask forgiveness than to ask permission. (See photo copy of fee schedule). This should be more transparent to any home owner who inquiries about fence heights.

And as a side note: the birds peck holes in this styrofoam base fence and gets scattered in small pieces all over the ground, making it impossible to pick up. (Environment friendly?)

I am still shaking my head as to why this would be allowed and how I had to take it to this level. I guess bylaws or standards seem to mean nothing and if this is truly the case, all property owners should be told this.

Julie Christie



Figure 1



Figure 2



Figure 3



Figure 4



2021 Planning Applications Fee Schedule

R2021-03

Estimate your application fee using the [Planning Applications Fee Calculator](#)

Development Permits

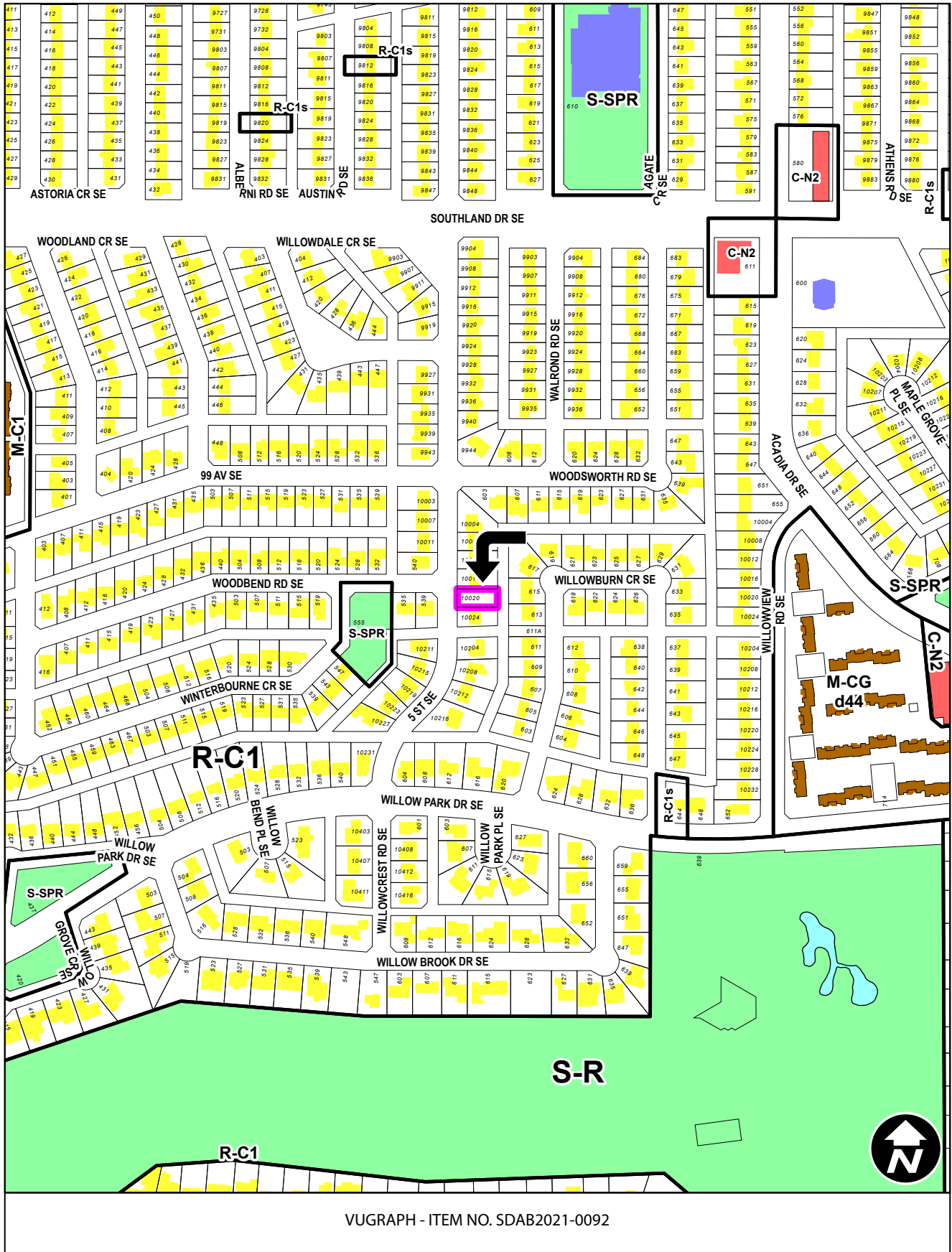
<i>Residential</i>		<i>Base Fee</i>	<i>Grades Fee</i>	<i>DCP Fee</i>	<i>Ad Fee</i>	<i>GST</i>	<i>Total Fee</i>
Additions	to Manufactured Home - 10 m ² and under	\$192	--	--	--	--	\$192
	to Manufactured Home - over 10 m ²	\$311	--	\$163	--	--	\$474
	to Single, Semi-detached & Duplex Dwellings in the Developed Area - 10 m ² and under	\$384	--	--	\$32	--	\$416
	to Single, Semi-detached & Duplex Dwellings in the Developed Area - over 10 m ²	\$621	\$472	\$163	\$32	--	varies
New	Secondary Suite / Backyard Suite ¹²	\$0	--	--	--	--	\$0
	Contextual dwellings in the Developed Area ²	\$393	\$472	\$245	--	--	\$1,110
	Development Design Guidelines (tract housing)	\$621	--	--	\$32	--	\$653
	Home Occupation - Class 2	\$449	--	--	\$32	--	\$481
	Manufactured Home	\$592	--	\$245	--	--	\$837
	Multi-residential development, townhouses, rowhouses - discretionary use or relaxations ³	\$837 + \$50 / unit	--	\$245	\$32	--	varies
	Multi-residential development, townhouses, rowhouses - permitted use ³	\$837 + \$50 / unit	--	\$245	--	--	varies
	Single Detached, Semi-detached & Duplex Dwellings in the Developed Area ²	\$1,183	\$472	\$245	\$32	--	\$1,932
Relaxations	Proposed structures that do not meet all rules of Land Use Bylaw 1P2007	\$384	--	\$163	\$32	--	\$579
	Existing structures that do not meet all rules of Land Use Bylaw 1P2007 ¹¹	\$167	--	--	\$32	--	\$199
Renovations	Multi-residential development, townhouses, rowhouses - permitted use	\$690	--	\$163	--	--	\$853
	Multi-residential development, townhouses, rowhouses - discretionary use or relaxations	\$690	--	\$163	\$32	--	\$885

<i>Commercial / Industrial / Mixed Use</i>		<i>Base Fee</i>	<i>DCP Fee</i>	<i>Ad Fee</i>	<i>GST</i>	<i>Total Fee</i>
Additions / New ³	Commercial buildings	\$0.80 / sq. m. of GFA (\$1,823 min.)	\$245	\$32	--	varies
	Mixed use buildings	\$0.80 / sq. m. of commercial GFA (\$1,823 min.) + \$837 + \$50 per dwelling unit	\$245	\$32	--	varies
	Mezzanine / interior second floor addition - permitted use (no relaxations)	\$621	\$163	--	--	\$784
	Mezzanine / interior second floor addition - discretionary use or relaxations	\$621	\$163	\$32	--	\$816
Change of Use	Permitted use (no relaxations, no changes to site plan)	\$200	--	--	--	\$200
	Permitted use (no relaxations, no changes to site plan) (May 1, 2021 - December 31, 2021)	\$0	--	--	--	\$0
	Discretionary use or relaxations required (no changes to site plan) ³	\$625	--	\$32	--	\$657
	Discretionary use or relaxations required (no changes to site plan) ³ (May 1, 2021 - December 31, 2021)	\$0	--	--	--	\$0
General	Excavating, stripping & grading	\$1,173	--	\$32	--	\$1,205
	Outdoor cafes	\$621	\$245	\$32	--	\$898
	Outdoor cafes (May 1, 2021 - December 31, 2021)	\$0	\$0	\$0	--	\$0
	Retaining walls (commercial/industrial sites and sites that span multiple parcels)	\$980	\$163	\$32	--	\$1,175
	Special function / event	\$380	\$245	\$32	--	\$657
	Special function / event (May 1, 2021 - December 31, 2021)	\$0	\$0	\$0	--	\$0
	Surface parking lots	\$1,173	\$245	\$32	--	\$1,450
	Temporary structures (including portable classrooms)	\$980	--	\$32	--	\$1,012
Renovations ³	Change(s) to site plan (i.e. landscaping, parking, access)	\$1,634	\$163	\$32	--	\$1,829
	Exterior renovations	\$621	\$163	\$32	--	\$816
Signs	Permitted use (no relaxations)	\$100	--	--	--	\$100
	Discretionary use or relaxations required	\$669	\$163	\$32	--	\$864

<i>Additional Fees</i>		<i>Base Fee</i>	<i>DCP Fee</i>	<i>Ad Fee</i>	<i>GST</i>	<i>Total Fee</i>
Calgary Planning Commission (CPC) fee ³		\$653	--	--	--	\$653
Planning approval for Business Licence applications		\$41	--	--	--	\$41
Revised Plans application		50% of the applicable current base fee (\$817 max.)	--	--	--	varies
Reactivation fee		50% of the applicable current base fee (\$1,504 max.)	--	--	--	varies
Recirculation fee		\$1,203	--	--	--	\$1,203
Secondary Suite Registry fee ¹²		\$0	--	--	--	\$0

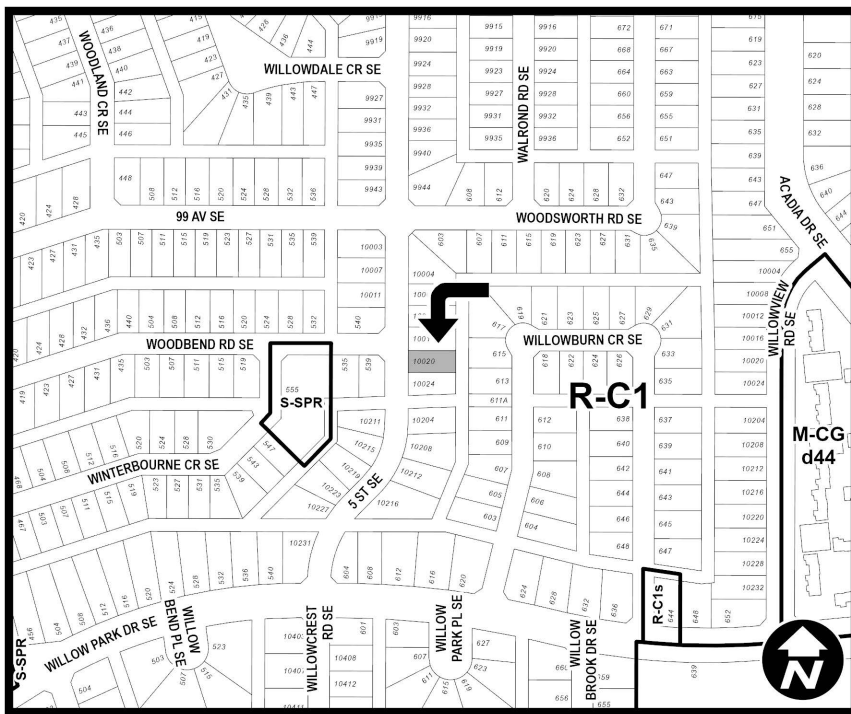
Questions? Contact our Planning Service Centre at 403 268 5311 or using Live Chat at calgary.ca/livechat, Monday – Friday from 8:00am to 4:15pm (MST)

Appeal Board rec'd: January 5, 2022
Submitted by: Development Authority



VUGRAPH - ITEM NO. SDAB2021-0092

10



SDAB2021-0092



December 3, 2021

BOYD, DAVID



Dear Sir/Madam:

RE: Notification of Decision: DP2021-8024

Subject: Relaxation: Fence - height

Project:

Address: 10020 5 ST SE

This is your notification of decision by the Development Authority to approve the above noted application on December 3, 2021.

Read all of the Permanent Conditions of approval carefully as they form part of the approval decision. Advisory Comments, if applicable, are also attached and are intended to be of assistance in obtaining additional permits and supplementary information for the successful completion of your development.

Development approved by this permit must commence by December 3, 2023 or the development permit shall cease to be valid.

The decision will be advertised beginning December 9, 2021 at www.calgary.ca/publicnotices, which is the start of the mandatory 21-day appeal period. This appeal period will conclude at midnight December 30, 2021. Release of the permit will occur within 2-4 business days following the conclusion of the appeal period and upon receipt of all Prior to Release requirements.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Please note that this letter is to advise you of the conditions of approval, the mandatory advertising appeal period and the timeframe in which you may appeal this decision. If no appeals have been filed during the appeal period, your Development Permit will be released. Should you require clarification of the above or further information, please contact me at (403) 333-5929 or by email at Daniel.Johnson@calgary.ca and assist me by quoting the Development Permit number.

Sincerely,

Daniel Johnson
Senior Planning Technician
Planning and Development
Attachment(s)



**DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

DP2021-8024

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

10020 5 ST SE

Community: **Willow Park**

L.U.D.: **R-C1**

and legally described as:

3541JK;27;82

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

Relaxation: Fence - height

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

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

Decision By: **Development Authority**

Date of Decision: **December 3, 2021**

Development Authority **Marie K Rupert**

File Manager: **Daniel Johnson**

Release Date: _____

This permit will not be valid if development has not commenced by: December 03, 2023

This Development Permit was advertised on: **December 09, 2021**

This is NOT a Building Permit

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

WARNING

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

Applicant: **BOYD, DAVID**

Address:

City:

Phone: [REDACTED]

Complete Address and Legal Description listing for Development Permit DP2021-8024

Address Type	Address	Legal Description
Building	10020 5 ST SE	
Parcel	10020 5 ST SE	3541JK;27;82



Conditions of Approval – Development Permit

Application Number:	DP2021-8024
Application Description:	Relaxation: Fence - height
Land Use District:	Residential - Contextual One Dwelling
Use Type:	Discretionary
Site Address:	10020 5 ST SE
Community:	WILLOW PARK
Applicant:	BOYD, DAVID
Senior Planning Technician:	DANIEL JOHNSON - (403) 333-5929 - Daniel.Johnson@calgary.ca

Prior to Release Requirements

The following requirements shall be met prior to the release of the permit. All requirements shall be resolved to the satisfaction of the Approving Authority:

1. No conditions.

Permanent Conditions

The following permanent conditions shall apply:

2. The development shall be completed in its entirety, in accordance with the approved plans and conditions. The stamped and signed plans are a legal document.
3. No changes to the approved plans shall take place unless authorized by the Development Authority. If changes to the development occur or are proposed, a new development permit or revised plan application may be required.
4. A development completion permit must be issued for the development before the use is commenced or the development occupied. A development completion permit is independent from the requirements of City of Calgary Building Regulations inspections and permission for occupancy. Call Development Inspection Services at 403-268-5311 to request a site inspection for a development completion permit.
5. Should the existing structure(s) be demolished at any time in the future, any new buildings erected on the site shall comply with the minimum requirements of the Land Use Bylaw.

Advisory Comments

The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

6. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
7. The approval of this development permit does not limit in any way the application of any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline, nor does it constitute any permit or permission under any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline.
8. The approval of this Development Permit is for the relaxation of the existing structure, as shown on the approved plans only. Should the structure be modified or demolished at any time in the future, a new Development Permit will be required and evaluated. Future developments proposed on the site will be evaluated for compliance with the requirements of the Land Use Bylaw then in place. The applicant is also advised that the approval of this Development Permit does not in any way exempt the applicant from complying with the requirements of the Alberta

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

Building Code.

9. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this development is in compliance with any documents registered on title.



**APPLICATION FOR A DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

339822643-001

Taken By:

Application Date **Nov 8, 2021**

APPLICATION NO DP2021-8024

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

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

Applicant: **BOYD, DAVID**

Address:

City: , ,

Phone: [REDACTED]Parcel Address: **10020 5 ST SE**Legal: **3541JK;27;82**Building Address: **10020 5 ST SE**

Legal:

Parcel Owner: **DAVID WAYNE BOYD****10020 5 ST SE****CALGARY AB CANADA T2J 1L5**e-mail: **Not Available**

(See title for additional owners.)

L.U.D.: **R-C1**Community: **WILLOW PARK**Sec. Number: **15S** Ward: **11**Description: **Relaxation: Fence - height**Proposed Development is: **Discretionary**Proposed Use: **Fence**

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

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

Applicant / Agent Signature: _____ Date: _____

The personal information on this form is being collected under the authority of The Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) and amendments thereto. It will be used for the permit review and inspection processes. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

Track your application on-line with **VISTA** Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) [REDACTED]

or call our Planning Support Centre at (403)268-5311.

SDAB2021-0092

David W. Boyd
owner(s)
David W. Boyd
contact name
10020 - 5th st SE
contact address

City of Calgary
Planning & Development
P.O. Box 2100, Stn. M, # 8108
Calgary, AB, Canada T2P 2M5

To Whom It May Concern,

With regards to 10020 5 st SE
property address project name (if applicable)

Please be advised that I, David Boyd am:
full name

(select one)

- ☒ the owner of the above mentioned property, and that I authorize
☐ an officer or director of the owner(s) of the above mentioned property,
and that I am authorized by that owner to authorize

agent or company name and/or its applicant, consultant, contractor (if applicable)

to apply for any and all Relaxation of fence height requirement
permit type

for the above mentioned property.

I further agree to immediately notify The City of Calgary, in writing, of any changes regarding the
above information.

Nov. 8, 2021

date signed

signature of owner

David W. Boyd

name of owner (printed)

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



Site Contamination Statement

Application # _____
for office use only

Site Address: 10020 - 5th street SE

Legal Description: Lot 82 Block 27 Plan 3541 JK

The information provided in this disclosure statement will assist the Development, Land Use and Subdivision Authorities in processing planning applications. The Authorities rely on the information provided in this statement to assist in determining the potential for site contamination, which may have been caused by current or historic activities.

You are responsible for the accuracy of the information provided in this statement. The questions must be answered to the best of your knowledge based upon diligent inquiry and the thorough inspection and review of all documents and other information pertaining to the subject property.

Please be aware that further site assessments may be required as part of the review of your application.

1. Are you aware of any environmental investigations (audits, assessments, tests, surveys or studies) for this site?

☐ Yes ☒ No

If yes, please provide copy(s).

2. Are you aware of any environmental requirements associated with any previous planning applications on this site?
(i.e. development permit, land use redesign or subdivision)

☐ Yes ☒ No

If yes please provided a brief description and the associated development application number(s):

3. Has there been site remediation or a request for such on the site?

☐ Yes ☒ No

If yes, please provide a brief description:

4. Are you aware of any regulatory actions, past or current, which have been applied to this site?

☐ Yes ☒ No

Examples include (but are not limited to):

- Environmental Protection Orders
- Reclamation Orders or Certificates
- Control / Stop Orders, fines, tickets or prosecutions
- Violations of environmental statutes, regulations and bylaws
- Administrative penalties and warning letters

If yes, please describe and provide copies of relevant documents:

5. Have any permits been issued or are you currently operating under a license or approval issued by federal or provincial authorities (including, but not limited to the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission, Minister of Environment and Parks) or the Calgary Fire Department for activities which may impact the property? (e.g. certificates of approval, storage tank regulations, plant operating permits)

☐ Yes ☒ No

If yes, please describe:

6. Has there been contact with Alberta Environment or Calgary Regional Health Authority regarding possible contamination on the site?

☐ Yes ☒ No

If yes, please provide a brief description:

NOTE: This form is to be signed by the titled owner(s) of the property or their authorized agents or consultants.

I, the ☒ owner, ☐ authorized agent, ☐ authorized consultant, state that, to the best of my knowledge, the information provided in this statement is accurate, complete and is based on diligent inquiry and thorough inspection and review of all the documents and other information reasonably available pertaining to the subject property. I am not aware of any other information that may indicate that the subject property is potentially contaminated.

November 8, 2021

Date

Applicant Signature

David W Boyd

Applicant Name (Please Print)

N/A

Company Name (Please Print)

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Public Tree Disclosure Statement

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

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

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

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

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

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

☐ Applicant ☐ Owner ☐ Builder ☐ Other:

If Other: Name: David W Boyd Phone: 403 228 1068
Email: wayne.boyd@shaw.ca

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

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From: Johnson, Daniel G.
Sent: Monday, November 22, 2021 12:25 PM
To: Julie Christie
Subject: RE: [EXT] Re: DP2021-8024

Good Day,

Thank you for taking the time to provide us with comments relating to this development proposal in your neighbourhood. Your feedback will be included in the file and will form part of the application review.

If you would like to learn more about this application, please refer to the following information.

The application review

In addition to your comments, several other factors will be taken into account including the Land Use Bylaw rules; applicable planning policies; circulation comments from external and internal referees (for example, the Community Association and City departments); and all relevant planning considerations. When a thorough review of the application has been completed, a decision will be recommended to the approving authority.

Where to obtain application status updates

For internet access to general information including the Development Permit status, please visit our website and view the Development Map: <https://dmap.calgary.ca/>. Currently, this map displays recent planning applications on each parcel within the City.

If you are unable to access the internet, general status information about this application may also be obtained by calling the Planning Services Centre at 403-268-5311 or by contacting me (at the phone number below).

How do I view the application plans and available information?

For your convenience, while the application is under review, we're offering online viewings of permit drawings and documents using Microsoft OneDrive. If you'd like to schedule a digital viewing, please complete our [Viewing Authorization Form](#). You can then send an email to PropertyResearch@calgary.ca attaching the filled out form and providing a date (Monday – Friday) you'd like to view the Development Permit, allowing for 1 business days' notice. The plans will be available on your appointment day from 9AM to 4PM. Please note these documents are copyright-protected and you may not download them during the viewing.

If you have a Microsoft 365 account, please book your viewing using the email address associated with your account. You must log in with your Microsoft credentials to view the files. We'll email you to confirm your appointment after we've verified your form and date.

If your preference is to view the permit drawings and documents from a Surface Pro at the Municipal Building (3rd Level, 800 Macleod Trail S.E.) please also email PropertyResearch@calgary.ca and provide a date (Monday – Friday) you'd like to view the Development Permit, allowing for 1 business days' notice. We'll email you to confirm your appointment after we've verified the availability of your date.

Notification of Decision

If the Development Authority approves the application, the decision will be advertised on the Public Notice section of our website the following Thursday. For a listing of Development Permits that have been approved and advertised, please visit our website at www.calgary.ca/publicnotices.

Please note that, in keeping with Land Use Bylaw 1P2007, the official notification of the decision to approve the application is by the Public Notice advertisement. **No other public notification process will be initiated and the File Manager is not required to notify you directly.**

Appealing the decision

An appeal against the Development Authority's decision to approve the Development Permit application may be made within 21 days after the [Public Notice advertisement](#). The public notice advertisement will identify the body to which an appeal must be filed.

How Are Your Comments Used?

Your comments assist City staff in reviewing and making a decision on this application and it is the City's practice to keep your comments confidential.

However, if the decision on the application is appealed, all information in our file is disclosed and will become a part of the public record. In such a case, your comments will no longer be confidential.

FOIP Statement

The Personal Information on Submissions made regarding this development permit application is collected under the authority of the Alberta Freedom of Information and Protection of Privacy Act, Section 33(c) and the Calgary Land Use Bylaw 1P2007, Part 1, Section 27 and subsequent versions of the Act and Bylaw. The submission may be included in the public meeting agenda of either, or both, the Calgary Planning Commission or the Subdivision and Development Appeal Board and as such the personal information included in the submission will be publicly available, in accordance with Section 40(1) of the FOIP Act. If you have any questions regarding the collection of this information please contact 403-268-5311 for the FOIP Program Administrator, Planning & Development Department, PO Box 2100, Stn 'M', Calgary, AB T2P 2M5.

Regards,

Daniel Johnson

Senior Planning Technician
Technical Planning | Community Planning
Planning & Development

C 403.333.5929 | **E** daniel.johnson@calgary.ca

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

From: Julie Christie [REDACTED] >
Sent: Thursday, November 18, 2021 11:10 AM
To: Johnson, Daniel G. <Daniel.Johnson@calgary.ca>
Subject: [EXT] Re: DP2021-8024

Thanks for your time yesterday.

So, this email is to voice my concern of the height of my neighbours fence. The height of the fence causes a drainage issue for me along this side of my garage (ice damming) to occur. The down pipe always freezes up so when the sun melts the snow on the roof it has nowhere to go. I had taken off the down pipe once but that just made the water splash everywhere, (no solution) then I bought a heat gun to try and warm it up, it overheated and burnt out and still didn't get a good flow. Now that I had a new roof put on, I would like to protect my investment. The height of the fence seems to be the height of a sound barrier fence. We are not situated next to a major roadway so I don't think it is necessary. My roofing contractor did tell me I could buy a heating cable. If I were to do that, then I am the one to incur the cost of the cable, an electrician to install a plug, the cost of a permit, and lastly years of electrical use to run the cable. I have included photos but I don't know if it will help my case but there is one that you can see the water flows down the fascia behind the trough..

I realize the decision is yours, I do hope in the end that I will be informed of the decision so I know how to go forward.

Thank you, Julie Christie

PS If you would like more information or have questions, please phone me.

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Development Authority Response to Notice of Appeal

Appeal number: SDAB2021-0092

Development Permit number: DP2021-8024

Address: 10020 5 ST SE

Description: Relaxation: Fence - height

Land Use: Residential – Contextual One Dwelling

Community: Willow Park

Jurisdiction Criteria:

Subject to National Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission or Minister of Environmental and Parks license, permit, approval, or other authorization: No

DA Attendance: No

Use: Discretionary

Notice Posted: Not required

Objections: Yes (application the result of a complaint)

Support: No

Bylaw relaxations:

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

Bylaw Discrepancies		
Regulation	Standard	Provided
343(b)	Maximum 2.0 metres in height when measured form grade	Fence Posts: 2.34 metres (+0.34) Fence Panels: 2.08 metres (+0.08)

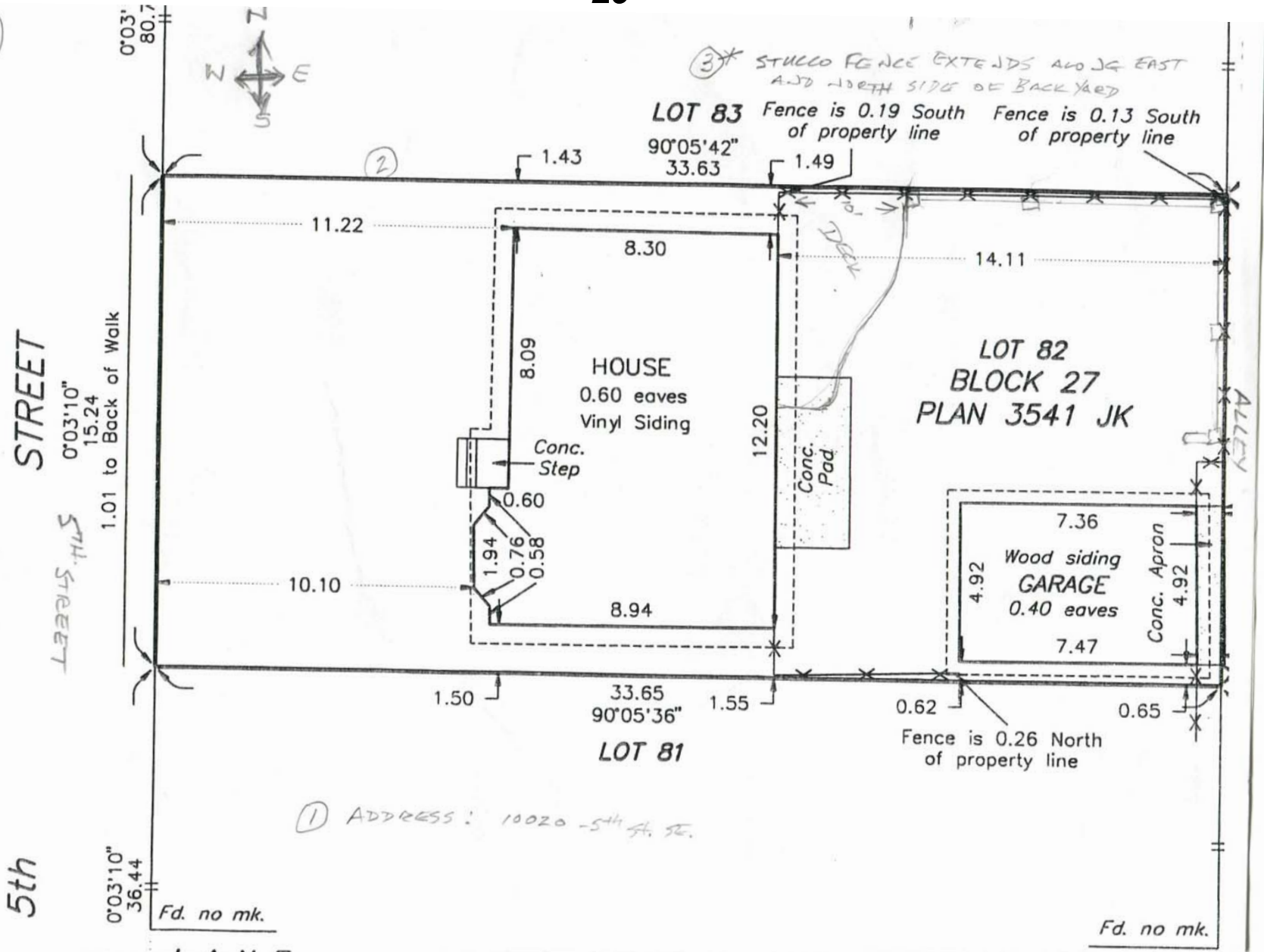
Applicable ARP, ASP or Design Brief (in addition to the MDP):

- None applicable

Additional factors, considerations and rationale for the decision:

1. The application is for a fence, fences are a structure accessory to a main residential building; therefore, the use is Single Detached Dwelling
2. The use of Single Detached Dwelling is a discretionary use in the R-C1 District
3. In rendering their decision the Development Authority applied Section 35 and 36 of the Land Use Bylaw
4. In October a 2021 a complaint was received regarding an over height fence in the rear yard of the subject property
 - a. The Land Use Bylaws allows fences behind the front façade of a building to be a maximum of 2.0 metres in height
 - b. Section 25 of the Land Use Bylaw exempts fences which meet the rules of the Land Use Bylaw form the requirement to obtain a Development Permit
 - c. An inspection revealed that a fence higher than 2.0 metres had been constructed on the subject parcel without the benefit of a Development Permit
 - d. The owner opted to apply for a relaxation, and made application for a Development Permit for relaxation
 - e. The fact that the fence is existing is not a planning consideration outlined in the Municipal Government Act, or section 35, or 36 of the Land Use Bylaw; the Development Authorities decision is based only on planning considerations

5. In a residential area, fences function to provide a reasonable amount of privacy in an urban environment, while fence height is regulated to ensure that fences remain at a human scale:
 - a. The proposed fence requires a minor relaxation in terms of panel height (0.08m relaxation), with only the posts noticeably projecting above the maximum allowed height (0.34 metres)
 - b. The fence has been constructed from quality materials; it does not appear commercial or industrial in nature
6. During the review comments were received indicating that the fences shaded portions of a garage eave trough/downspout, thus causing icing:
 - a. Accessory Residential Buildings (sheds and garages), fences and landscaping (trees and shrubs) can all cast shade on buildings on adjacent parcels
 - b. Calgary's chinook climate creates challenges as it is hot during the day, with freezing temperatures at night, freezing eaves trough and downspouts are not an issue isolated to buildings constructed in shade
 - c. A fence up to 2.0 metres in height could be constructed in this location without a development permit, must people choose to build a 1.5-1.8-metre-high fence in their rear yard, which also appears to be the typical fence height in the area
 - d. The Development Authority was unable to find any evidence that the proposed fence would cast a significantly greater shadow than a fence which complies with the rules or any other type of development typical to a rear yard
7. In consideration of Section 35 of the Land Use Bylaw:
 - a. The fence fits within the residential context of the area, and is of a high quality, thus contributing to the overall aesthetic of the neighborhood
 - b. The Development Authority recognizes that fences are typically exempt from a Development Permit, and therefore is an expected form of development in any area, even when a discretionary use
 - c. The fence is an expected form of development, fits within the residential context and is built of high-quality materials thus improving the aesthetic; it is the opinion of the Development Authority that section 35 is met
8. In consideration of the test for relaxation found in Section 36 of the Land Use Bylaw:
 - a. The majority of the fence is constructed within 8 centimetres of the maximum allowed height, with only the posts projecting an observable amount above the 2.0 metres maximum
 - b. The fence does not appear to be materially different in terms of height from other fences in the area
 - c. There is no evidence that the shadow from the fence significantly contributes to drainage issues on the adjacent parcel beyond what one would materially expect in a residential area where trees, sheds, garages, and fences of 2.0 metres height can be built
9. Given that section 35 and 36 of the Land Use Bylaw are met, the development is approved.



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- FENCE CONSTRUCTION IS STUCCO OVER A 2" FOAM
CORE ON A 2x4 STUD WALL

- POSTS ARE STUCCO ON 2" FOAM AROUND 4x4 POSTS

