

LAND USE AMENDMENT  
FAIRVIEW (WARD 9)  
FLAVELLE ROAD SE AND FULLERTON ROAD SE  
BYLAW 90D2016

MAP 27S

**EXECUTIVE SUMMARY**

This land use amendment application seeks to redesignate a single residential parcel from a Residential - Contextual One Dwelling (R-C1) District to a Residential - Contextual One Dwelling (R-C1s) District to allow for a Secondary Suite or a Backyard Suite. The site, which contains an existing Single Detached Dwelling, does not contain a Secondary Suite or a Backyard Suite at this time, and this application was not submitted as a result of a complaint, although three complaints were registered against a previous owner.

**PREVIOUS COUNCIL DIRECTION**

On 2013 September 16, Council directed Administration to remove fees associated with land use amendment and development permit applications for secondary suites to encourage the development of legal and safe secondary suites throughout the city.

**ADMINISTRATION RECOMMENDATION(S)**

2016 March 10

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

That Council hold a Public Hearing on Bylaw 90D2016; and

1. **ADOPT** the proposed redesignation of 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) located at 211 Flavelle Road SE (Plan 3323HR, Block 12, Lot 38) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 90D2016.

**REASON(S) FOR RECOMMENDATION:**

The proposed R-C1s district allows for two additional residential uses (Secondary Suite and Backyard Suite) which are compatible with and complementary to the existing low density character of the community. This proposal conforms to the Municipal Development Plan (MDP) and allows for development that has the ability to meet the intent of Land Use Bylaw 1P2007 (LUB).

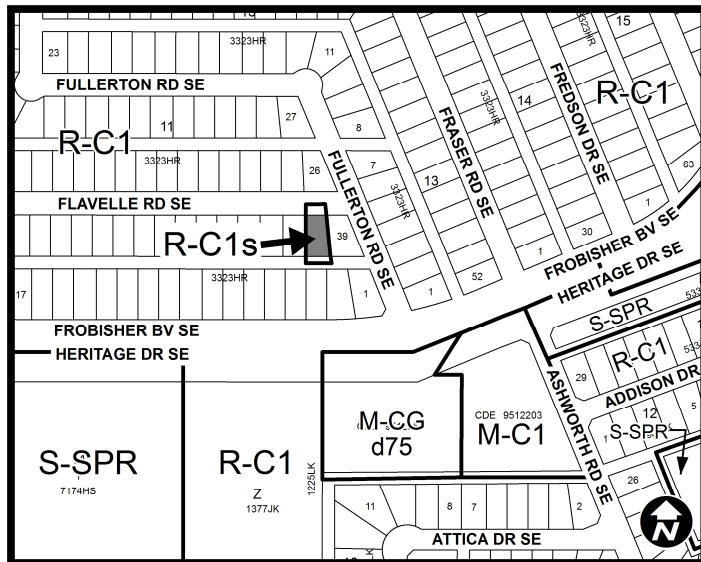
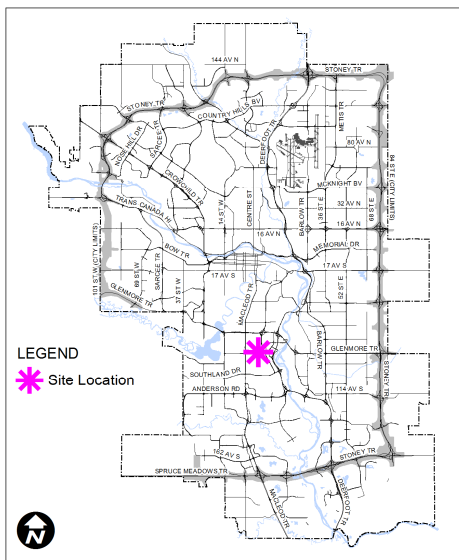
**ATTACHMENT**

1. Proposed Bylaw 90D2016

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LOCATION MAPS



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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.05 hectares  $\pm$  (0.13 acres  $\pm$ ) located at 211 Flavelle Road SE (Plan 3323HR, Block 12, Lot 38) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

**Moved by: J. Gondek**

**Carried: 9 – 0**

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**Applicant:**

Larry Walter Soron

**Landowner:**

Larry Walter Soron

**PLANNING EVALUATION**

**SITE CONTEXT**

Located in a low density residential R-C1 setting in the community of Fairview, the site is approximately 16.5 metres by 30.5 metres in size and is developed with a one storey Single Detached Dwelling, a detached two car garage that is accessed from the rear lane, and a single car front parking pad. Single Detached Dwellings exist to the north, east, south, and west of the site.

**LAND USE DISTRICTS**

The proposed R-C1s district allows for a Secondary Suite or a Backyard Suite on parcels that contain a Single Detached Dwelling. The R-C1s district allows for one additional permitted use (Secondary Suite) or one additional discretionary use (Backyard Suite).

Approval of this land use application allows for an additional dwelling unit (either a Secondary Suite or Backyard Suite) to be considered via the development permit process. The parcel conforms to all Land Use Bylaw 1P2007 rules. A development permit is not required if a Secondary Suite that conforms to all Land Use Bylaw 1P2007 rules is proposed.

**LEGISLATION & POLICY**

**Municipal Development Plan (2009)**

The site is located within the “Residential Developed – Established Area” area as identified on the Urban Structure Map (Map 1) in the Municipal Development Plan (MDP). The MDP makes no specific reference to this site. This land use proposal is consistent with MDP policies including the Developed Residential Areas policies (Section 3.5.1), the Neighbourhood Infill and Redevelopment policies (Section 2.2.5) and the Housing Diversity and Choice policies (Section 2.3.1).

There is no local area plan.

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**TRANSPORTATION NETWORKS**

Pedestrian and vehicular access to the site is available from Flavelle Road SE and the rear lane. The area is served by Calgary Transit bus service with bus stop locations within 400 metre walking distance of the site on Fairmount Drive SE and Heritage Drive SE. On-street parking adjacent to the site is unregulated.

**UTILITIES & SERVICING**

Water, sanitary, and sewer services are available and can accommodate the potential addition of a Secondary Suite without the need for off-site improvements at this time. Adjustments to on-site servicing may be required if a Backyard Suite is proposed at the development permit stage.

**ENVIRONMENTAL ISSUES**

An Environmental Site Assessment was not required.

**GROWTH MANAGEMENT**

This land use amendment proposal does not require additional capital infrastructure investment, and therefore no growth management concerns have been identified at this time. The proposal is in alignment with MDP references associated with growth management matters.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

Administration received a letter in support to the application from the Fairview Community Association (APPENDIX II).

Reasons stated for support are summarized as follows:

- Intentions to upgrade and maintenance the building stated by applicant to the President of the Fairview Community Association over the phone and during a site tour.

**Citizen Comments**

Administration received two (2) letters in opposition to the application.

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Reasons stated for opposition are summarized as follows:

- Decrease in property values;
- Decrease in safety and stability;
- Behaviour and lack of maintenance by previous owners and/or tenants of 211 Flavelle Road SE;
- Lack of on-street parking;
- Number of vehicles owned by owner of 211 Flavelle Road SE;
- On-street vehicle parking too close to driveway;
- Speed of vehicles on Flavelle Road SE and/or Fullerton Road SE;
- Behaviour of tenants of Secondary Suites from previous experience living adjacent to a Dwelling with an illegal Secondary Suite in a different neighbourhood in Calgary;
- Concerns about whether the building will be owner occupied.

**Public Meetings**

No public meetings were held by the Applicant or Administration.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

I am requesting to change a single residential parcel from Residential – Contextual One Dwelling (R-C1) District to Residential – Contextual One Dwelling (R-C1s) District to allow for a secondary suite.

It is my intention to retire in 12 to 18 months, the secondary suite would provide me with an additional source of income for retirement.

The property is approximately 15.23 metres wide at the front and 18.28 metres wide at the rear by 30.66 metres deep. The property has a lane accessed double garage and poured concrete driveway with access from the front street to provide off street parking for two additional vehicles.

The property is in very close proximity to several schools, less than two blocks to, Fairview School, 7840 Fairmount Drive SE, (Traditional Learning Centre and French Immersion Kindergarten to Grade 9).

Le Roi Daniels School, 47 Fyffe Road SE, (Traditional learning Centre Kindergarten to Grade 4).

The Fairview Community Association is one block away, Flavelle Park is at the end of the Street and an off leash dog park is one block away at Heritage and Blackfoot Trail.

Transit is accessible within approximately 300 metres and LRT is within walking distance at the Heritage Station.

It is my intention to provide a well constructed suite with affordable rent, hopefully to someone that would enjoy the community as much as I have over the years.

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**APPENDIX II**

**LETTERS SUBMITTED**



**Fairview Community Association**

c/o Box 78053, 383 Heritage Drive SE  
Calgary, AB T2H 2Y1

February 11, 2016

Planning, Development & Assessment  
P.O. Box 2100 Station M  
Calgary, AB T2P 2M5

**Attn: Ezra Wasser**

Dear Ezra,

This letter is in regards to the Land Use Amendment (File Number LOC2015-0008) submitted by Larry Soron at 211 Flavelle Road S.E. in our community of Fairview, proposing a zoning change from R-C1 to R-C1s. The Fairview Community Association has been in contact with Mr. Soron to discuss his plans and intentions for this property and I write this letter in support of his application for the reasons outlined below.

Mr. Soron submitted his application for rezoning on January 13th, 2016 and we received the documentation in late January. As is our standard procedure, I contacted him by phone to enquire about his application on Thursday, February 4th. Mr. Soron was very forthcoming with information regarding his intentions for this property and all of the work he has done (and will continue to do) to maintain this property. He is making every effort to follow the rules to legalize his basement suite and feels that this is the best way to ensure a safe and affordable housing options.

Mr. Soron made himself available that same day for me to visit his property for a tour of the property and a further discussion of his application. I visited his property and he showed and explained the multitude of upgrades and safety measures that he has invested in to bring this unit up to code for a legalized suite.

E. Wasser

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Mr. Soron then attended our Board of Directors meeting on Tuesday, February 9th and made himself available to any questions from our Board. He again described his application, his intentions and what he has done to meet the requirements of such an application. He has also provided information regarding a small amount of local opposition to his application, both in person and at our meeting.

It is clear that Mr. Soron has put a lot of thought and effort into his application and has not shied away from being fully available and providing full disclosure regarding his application and hence our support of his application. In our mind, Mr. Soron represents the “gold standard” of how an applicant for rezoning should approach such a process.

I apologize for the lateness of this letter in regards to the comment deadline, but the Board did not formally meet until the very end of comment submission period. If you have any further questions or comments regarding this, please contact me at 403-454-8327 or by email, [president@fairviewcommunity.ca](mailto:president@fairviewcommunity.ca).

Sincerely,



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David Eisenbart  
President, Fairview Community Association

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