

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
March 30, 2016**

**Hearing Room No. 3
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 3**

I 9:00 A.M. SDAB-D-16-082

To construct an Accessory Building (detached
Garage, 7.31m x 4.82m), existing without
permits

11901 - 43 Street NW
Project No.: 140488965-002

II 10:30 A.M. SDAB-D-16-083

To convert a Single Detached House to a Child
Care Service (27 children)

2604 - 12 Street NW
Project No.: 185602423-001

III 1:30 P.M. SDAB-D-16-501

To demolish an existing building

10415 – 96 Street NW
Project No.: 180578101-002

NOTE: *Unless otherwise stated, all references to “Section numbers” refer to
the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-082

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 140488965-002

ADDRESS OF APPELLANT: 11901 - 43 Street NW

APPLICATION TO: Construct an Accessory Building
(detached Garage, 7.31m x 4.82m),
existing without permits

DECISION OF THE
DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 2, 2016

DATE OF APPEAL: February 29, 2016

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 11901 - 43 Street NW

LEGAL DESCRIPTION: Plan 4160HW Blk 16 Lot 1

ZONE: RF1 Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

The garage in questions was built over 50 years ago. We bought the property as is with full expectations that the previous owner had applied for the correct permits, which we know now is not true. Also the previous owner assigned her son as the lawyer to finalize the sale, but he did not do his duty as a lawyer for both sides to convey to us that there was insufficient permits for said garage. [unedited]

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of refusal by the Development Officer is dated February 2, 2016. The Notice of Appeal was filed on February 29, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states that the **General Purpose** of the **RF1 Single Detached Residential Zone** is to “provide for Single Detached Housing while allowing other forms of small sale housing in the form of Secondary Suites, Semi-Detached Housing and Duplex Housing under certain conditions.”

Under Section 110.2(4), **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobil homes which conform to Section 78 of this Bylaw.

Section 6.1(2) states:

Accessory means, when used to describe a Use or building, a Use or building naturally or normally incidental, subordinate, and devoted to the principal Use or building, and located on the same lot or Site.

Section 814.1 states that the **General Purpose** of the **Mature Neighbourhood Overlay** is:

to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Vehicular Access Where Abutting Lane Exists

Section 814.3(10) states:

10. Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and
 - a. a Treed Landscaped Boulevard is present along the roadway adjacent to the property line;
 - b. the Site Width is less than [15.5 m](#); or
 - c. fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

Development Officer's Determination

1. Section 814.3.10 - Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and
 - (b) the Site Width is less than 15.5m; or
 - (c) fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway.

- The Site has existing access from the flanking public roadway only 44% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway where there is a abutting Lane and the Site Width is 15.24m and access from the roadway. [unedited]

Rear Detached Garage

Section 814.3(20) states:

20. A rear detached Garage shall be fully contained within the rear [12.8 m](#) of the Site.

Development Officer’s Determination

2. Section 814.3.20- A rear detached Garage shall be fully contained within the rear 12.8 m of the Site.

- The rear detached Garage is contained within the Rear 18.2m of the Site [unedited]

Site Coverage

Section 110.4(7)(a) states:

7. Maximum Site Coverage shall be as follows:

	Principal Dwelling/ building	Accessory building	Principal building with attached Garage	Total Site Coverage
a. a.Single Detached Housing - Site greater than 300 m2	28%	12%	40%	40%

Development Officer’s Determination

3. Section 110.4.7.a – Maximum Site coverage for Single Detached Housing on Site greater than 300m2 shall be 12% for Accessory Building.

Maximum Accessory Building Site Coverage: 12%


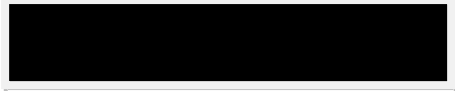
Proposed Accessory Building Site Coverage: 21%

Exceeds by: 9%

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.

	Project Number: 140488965-002 Application Date: SEP 18, 2015 Printed: March 1, 2016 at 12:03 PM Page: 1 of 2		
<h2 style="margin: 0;">Application for</h2> <h3 style="margin: 0;">Accessory Building Development and Building Permit</h3>			
This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit			
Applicant 	Property Address(es) and Legal Description(s) 11901 - 43 STREET NW Plan 4160HW Blk 16 Lot 1		
Scope of Application To construct an Accessory Building (detached Garage, 7.31m x 4.82m), existing without permits.			
Permit Details <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 50%;"> Building Area (sq. ft.): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay </td> <td style="width: 50%;"> Class of Permit: (none) Type of Accessory Building: Detached Garage (010) </td> </tr> </table>		Building Area (sq. ft.): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: (none) Type of Accessory Building: Detached Garage (010)
Building Area (sq. ft.): Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: (none) Type of Accessory Building: Detached Garage (010)		
I/We certify that the above noted details are correct. Applicant signature: _____			
Development Application Decision Refused Reasons for Refusal <ol style="list-style-type: none"> 1. Section 814.3.10 - Regardless of whether a Site has existing vehicular access from the front or flanking public roadway, there shall be no such access where an abutting Lane exists, and <ul style="list-style-type: none"> (b) the Site Width is less than 15.5m; or (c) fewer than 50% of principal Dwellings on the blockface have vehicular access from the front or flanking roadway. <ul style="list-style-type: none"> - The Site has existing access from the flanking public roadway where there is a abutting Lane and the Site Width is 15.24m and only 44% of principal Dwellings on the blockface have vehicular access from the roadway. 2. Section 814.3.20 - A rear detached Garage shall be fully contained within the rear 12.8 m of the Site. <ul style="list-style-type: none"> - The rear detached Garage is contained within the Rear 18.2m of the Site 3. Section 110.4.7.a - Maximum Site coverage for Single Detached Housing on Site greater than 300m² shall be 12% for Accessory Building. <ul style="list-style-type: none"> Maximum Accessory Building Site Coverage: 12% Proposed Accessory Building Site Coverage: 21% Exceeds by: 9% <p>Note:</p> <p>A condition of approval for Development Permit # 115793659-001, was "to demolish an existing shed (24' x 16')." The "existing shed" is the proposed Garage, existing without permits. The condition of approval was not fulfilled. Reference Section 17.1(1)(a).</p>			
THIS IS NOT A PERMIT			



Project Number: 140488965-002
Application Date: SEP 18, 2015
Printed: March 1, 2016 at 12:03 PM
Page: 2 of 2

Application for Accessory Building Development and Building Permit

Rights of Appeal

The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 02, 2016

Development Authority: XIE, JASON

Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	02756075	Sep 18, 2015
Dev. Application Fee	\$105.00	\$105.00	02756075	Sep 18, 2015
Building Permit Fee	\$100.00	\$100.00	02756075	Sep 18, 2015
Existing Without Building Permit Penalty Fee	\$100.00	\$100.00	02756075	Sep 18, 2015
Existing Without Development Permit Penalty Fee	\$105.00	\$105.00	02756075	Sep 18, 2015
Total GST Amount:	\$0.00			
Totals for Permit:	\$414.50	\$414.50		

THIS IS NOT A PERMIT

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

Site Location 

File: SDAB-D-16-082



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-083

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 185602423-001

ADDRESS OF APPELLANT: 2604 - 12 Street NW

APPLICATION TO: Convert a Single Detached House to a Child Care Service (27 children)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 26, 2016

DATE OF APPEAL: March 6, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 2604 - 12 Street NW

LEGAL DESCRIPTION: Plan 1521297 Blk 7 Lot 19

ZONE: RSL Residential Small Lot Zone

OVERLAY: N/A

STATUTORY PLAN: Tamarack Neighbourhood Structure Plan; Meadows Area Structure Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

1. RSL zoning allows Child Care Services

The RSL zoning has a discretionary use for Child Care services (Section 115.3 (1)) and there are examples of RSL zoned single detached dwellings converted to become daycare facilities: (1) 2308 Hagen Link NW, (2) 2711-33 St NW, (3) 16203-55 St NW.

In addition, according to Section 80(1), the appealed Daycare Centre is at a preferred location for a Child Care Service Use in a low density Residential Zone because it is located on a corner site and is connected to a public park with a playground.

2. No deficiency in employee parking

Section 54.2, Schedule 1(A)(33) states the minimum number of parking spaces required for Child Care Services is “1 parking space for the first 2 employees, plus 0.5 spaces per additional employee.”

We have only 4 employees. Therefore we need to have 2 spaces instead of 3 spaces.

Employees park their vehicles in the front garage.

3. Deficiencies in drop-off spaces

The Daycare Centre is adjacent to the Tamarack Common Park. Therefore, there are ample nearby on-street parking spaces on both 26 Avenue and 12 Street. Just right at the south side of the Daycare Centre on 26 Avenue, there are 6 unrestricted parking spaces near a community mailbox.

The Transportation Services has reviewed the parking deficiencies and commented “Based on the parking justification submitted by the applicant, the close proximity to transit and the amount of available on-street parking, Transportation Services has no objection to the parking deficiency.”

Parents can drop off and pick up their children using the two spaces on the driveway. If necessary, we will arrange with neighbours to use their driveways for additional drop-off spaces to satisfy the requirement.

4. Loading Space

Since large loading trucks will not be visiting the site, we request the requirement be relaxed.

5. Tandem Parking

Employees will arrive at the Daycare Centre before parents drop off their children and employees would leave only after parents pick up all the children. Since the parent drop-off times and pick-up times will be staggered over a 2 hour period in the morning and in the afternoon, the employee use of the two parking spots in the garage will not affect the two parent drop-off spaces on the driveway in any way.

6. Benefits to the neighbourhood

a. Home-like atmosphere - We are a small Daycare centre with only 27 children. We will have mixed-age groups which more closely mirror many families and help the child feel comfortable around older kids. Children will grow up in a homey environment with lots of attention and hugs. We are confident that our home-like Daycare Centre is unique and is the next best thing to caring for one's child in one's own home.

b. More time -Since we are just around the corner in the neighbourhood, parents will not need to get up early to drive their children to the daycare in another community. Therefore, they can sleep longer or spend more time with their loved ones.

c. Neighbourhood Bonding - Most of our children will be from Tamarack Common. A child will get to play with neighbourhood kids whom he or she

will likely know all his or her life. The parents will also get closer with each other because the children are being cared in the same Daycare Centre. This strengthens the bonding within the neighbourhood.

d. Residents not affected - Since we use the playground in the Tamarack Common Park for children to play, there will be no disturbances originating from our backyard. Therefore, the peaceful enjoyment of the properties of nearby residents will not be affected.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The Board is advised that the decision of approval by the Development Officer is dated February 26, 2016. The Notice of Appeal was filed on March 6, 2016.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 115.1 states that the **General Purpose** of the **RSL Residential Small Lot Zone** is to “provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.”

Under Section 115.2(4), **Single Detached Housing** is a **Permitted Use** in the RSL Residential Small Lot Zone.

Under Section 115.3(1), **Child Care Services** is a **Discretionary Use** in the RSL Residential Small Lot Zone.

Section 7.2(9) states:

Single Detached Housing means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobil homes which conform to Section 78 of this Bylaw.

Section 7.8(2) states:

Child Care Services means a development intended to provide care, educational activities and supervision for groups of seven or more children under 13 years of age during the day or evening, but does not generally include overnight accommodation. This Use Class typically includes daycare centres; out-of-school care centres; preschools; and dayhomes (providing child care within the care provider's residence)

Compliance with Purpose of Zone

Section 115.1 states:

The purpose of this Zone is to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the more efficient utilization of undeveloped suburban areas and includes the opportunity for Secondary Suites.

Development Officer's Determination

1) Development in the RSL Zone shall comply with the General Purpose of the Zone:

The Purpose of the RSL Zone is, in part, ? to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting? (Section 115.1).

Based on this statement, it is the Development Officer's opinion that a conversion of a Single Detached Dwelling to a Child Care Service does not meet the Zone's Purpose.

[unedited]

Parking Spaces

Section 54.2, Schedule 1(A)(33) describes parking requirements for Child Care Services as follows:

1 parking space for the first 2 employees, plus 0.5 spaces per additional employee

Except:

a. Dayhomes (providing care to 7 or more children within the residence of the child care provider):

1 parking space per non-resident employee, in addition to parking required for Primary Dwelling.

Where a Front Yard driveway provides access to a parking space that is not within the Front Yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

Development Officer’s Determination

2) Parking shall be provided as per Section 54.2, Schedule 1 of the Zoning Bylaw:

Required: 3 employee spaces

Proposed: 2 spaces (front attached garage)

Deficient: 1 space [unedited]

Drop-Off Spaces

Section 80.6(a) states:

- a. a separate on-site drop-off area shall be provided at the rate of 2 drop-off spaces for up to 10 children, plus 1 additional space for every 10 additional children;

Development Officer’s Determination

3) Drop-Off Spaces shall be provided as per Section 54.2, Schedule 1 of the Zoning Bylaw:

Required: 4 spaces

Proposed: 0 spaces [unedited]

Loading Spaces

Section 54.4, Schedule 3 states:

Use of Building or Site	Total Floor Area of Building	Minimum Number of loading Spaces Required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than 465 m²	1
	465 m² to 2 300 m²	2
	Each additional 2 300 m² , or fraction thereof	1 additional
2. Any development within the Residential-Related, Basic Services or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Office Support Services, excluding Limited Group Homes	Up to 2 800 m²	1
	Each additional 2 800 m² or fraction thereof	1 additional

Development Officer's Determination

4) Loading Spaces shall be provided as per Section 54.4, Schedule 3 of the Zoning Bylaw:
Required: 1 loading space
Proposed: 0 loading spaces [unedited]

Tandem Parking

Section 54.1(2)(f) states:

- f. Unless otherwise specified in this Bylaw, no required parking spaces shall be provided as Tandem Parking.

Development Officer's Determination

5) Parking shall not be provided as Tandem Parking (Section 54.1(2)(f)):
Applicant proposes to arrange the site parking in such wise as to constitute tandem parking. [unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: 185602423-001
Application Date: JAN 11, 2016
Printed: March 15, 2016 at 12:18 PM
Page: 1 of 2

Application for Major Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant



Property Address(es) and Legal Description(s)

2604 - 12 STREET NW
Plan 1521297 Blk 7 Lot 19

Scope of Application

To convert a Single Detached House to a Child Care Service (27 children).

Permit Details

Class of Permit:
Gross Floor Area (sq.m.):
New Sewer Service Required: N
Site Area (sq. m.):

Contact Person:
Lot Grading Needed?: N
NumberOfMainFloorDwellings:
Stat. Plan Overlay/Annex Area: (none)

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

THIS IS NOT A PERMIT



Project Number: **185602423-001**
 Application Date: JAN 11, 2016
 Printed: March 15, 2016 at 12:18 PM
 Page: 2 of 2

Application for Major Development Permit

Reason for Refusal

1) Development in the RSL Zone shall comply with the General Purpose of the Zone:

The Purpose of the RSL Zone is, in part, to provide for smaller lot Single Detached Housing with attached Garages in a suburban setting? (Section 115.1).

Based on this statement, it is the Development Officer's opinion that a conversion of a Single Detached Dwelling to a Child Care Service does not meet the Zone's Purpose.

2) Parking shall be provided as per Section 54.2, Schedule 1 of the Zoning Bylaw:

Required: 3 employee spaces
 Proposed: 2 spaces (front attached garage)
 Deficient: 1 space

3) Drop-Off Spaces shall be provided as per Section 54.2, Schedule 1 of the Zoning Bylaw:

Required: 4 spaces
 Proposed: 0 spaces

4) Loading Spaces shall be provided as per Section 54.4, Schedule 3 of the Zoning Bylaw:

Required: 1 loading space
 Proposed: 0 loading spaces

5) Parking shall not be provided as Tandem Parking (Section 54.1(2)(f)):

Applicant proposes to arrange the site parking in such wise as to constitute tandem parking.

Rights of Appeal

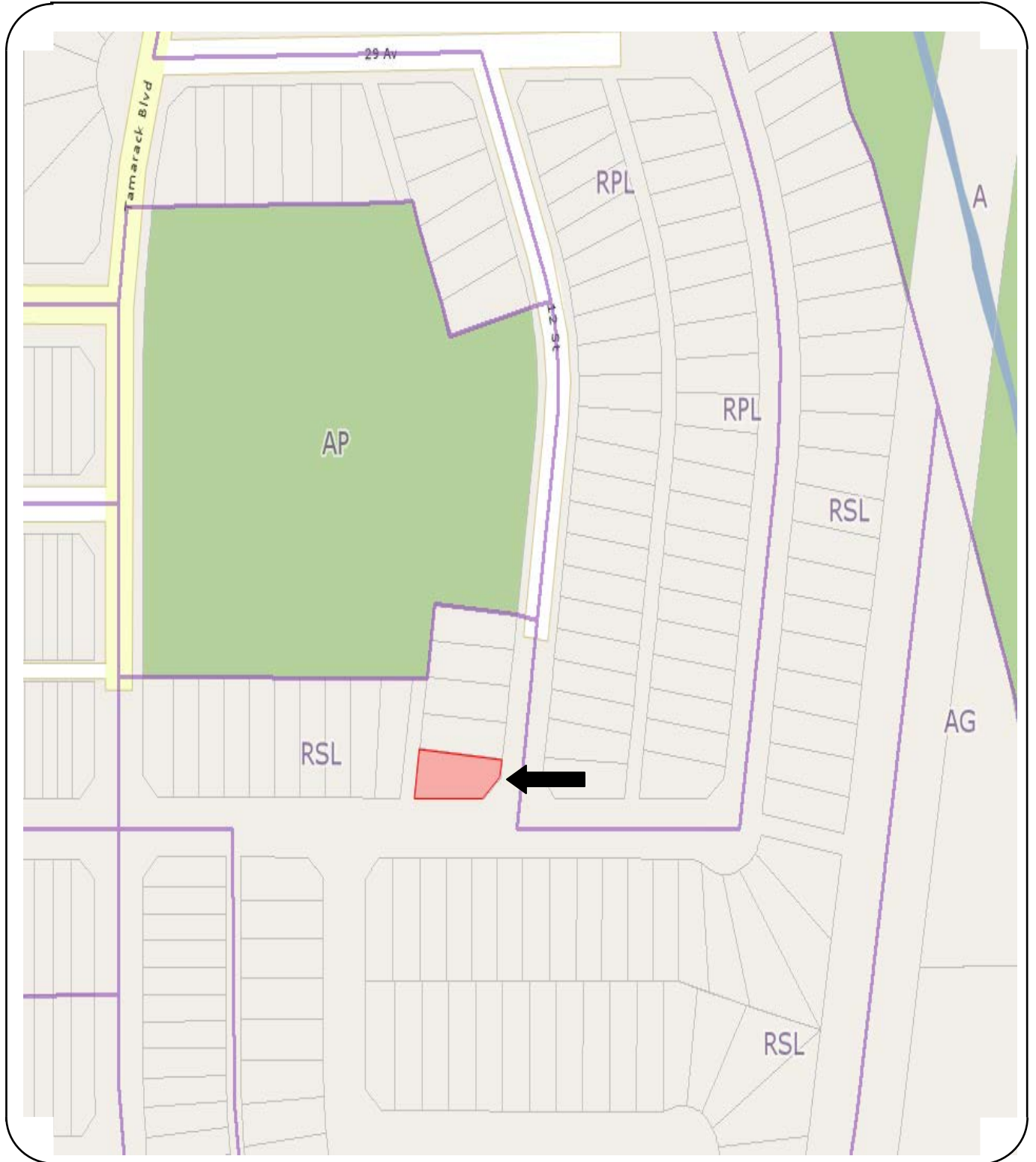
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Feb 26, 2016 Development Authority: WELCH, IMAI Signature: _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Major Dev. Application Fee	\$306.00	\$306.00	02999561	Jan 11, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$306.00	\$306.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-083



ITEM III: 1:00 P.M.FILE: SDAB-D-16-501AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.:	180578101-002
ADDRESS OF APPELLANT:	10415 – 96 Street NW
APPLICATION TO:	Demolish an existing building
DECISION OF THE DEVELOPMENT AUTHORITY:	N/A
DECISION DATE:	N/A
DATE OF APPEAL:	December 10, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	10415 – 96 Street NW
LEGAL DESCRIPTION:	Plan ND Blk 13, Lots 17-28, OT
ZONE:	CB2 General Business Zone
OVERLAY:	Pedestrian Commercial Shopping Street Overlay
STATUTORY PLAN:	Boyle Street McCauley Area Redevelopment Plan

<i>Grounds for Appeal</i>

The Appellant provided the following reasons for appealing the deemed refusal of the Development Authority:

1. The Applicant made an application to the development authority for a development permit for demolition of the building located at 10415 – 96 Street and at 10419 – 96 Street and for subsequent reclamation of the lands legally described as Plan 5784HW, Block 13, Lots 17-28 and 31. The development permit application was submitted on October 14, 2015 and was completed on October 22, 2015 when the Applicant submitted the required development permit application fee. A copy of the development permit application is enclosed.
2. The development authority has not provided any indication that the development permit application is in any way incomplete or otherwise deficient. Pursuant to section 684 of the *Municipal Government Act*, RSA 2000, c. M-26 (the “MGA”) and to section 16(1) of the Edmonton Zoning Bylaw 12800 (the “Zoning Bylaw”), an application is deemed to have been refused if the development

officer fails to make a decision within 40 days of receipt of a development permit application. The development authority has not made a decision with respect to the development permit application.

3. As the development authority failed to make a decision regarding the development permit application within 40 days of receiving the completed application, or at all, the application is therefore deemed refused.
4. Pursuant to section 685(1) of the *MGA*, an applicant may appeal to the subdivision and development appeal board where the development authority “fails or refuses to issue a development permit...”.
5. The Applicant believes that the development permit application complies with the *MGA* and the City’s Zoning Bylaw and believes that the requested development permit should be issued.

<i>General Matters</i>

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after

- (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or

- (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

The Board is advised that the Notice of Appeal was filed on December 10, 2015

General Provisions from the *Edmonton Zoning Bylaw*:

Section 115.1 states that the **General Purpose** of the **CB2 General Business Zone** is to “provide for businesses that require large Sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

Section 819.1 states that the **General Purpose** of the **Pedestrian Commercial Shopping Street Overlay** is “to maintain the pedestrian-oriented character of commercial areas, comprised of shopping streets in close proximity to residential areas of the City.”

Deemed Refusal if no Decision Made

Section 16(1) states:

An application shall, at the option of the applicant, be deemed to be refused if a decision of the Development Officer has not been made within 40 days of the receipt of the application.

Section 686(1)(a)(ii) of the *Municipal Government Act* states:


686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

...

- (ii) if no decision is made with respect to the application within the 40-day period or within any extension under section 684, the date the period or extension expires,

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board’s decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.

	Project Number: 180578101-002 Application Date: OCT 21, 2015 Printed: October 21, 2015 at 10:39 AM Page: 1 of 1																									
<h2 style="margin: 0;">Application for Minor Development Permit</h2>																										
This document is an application for a Development Permit for the development described below.																										
	Property Address(es) and Legal Description(s) 10415 - 96 STREET NW Plan ND Blk 13 Lots 17-28,OT																									
	Specific Address(es) Entryway: 10419 - 96 STREET NW Entryway: 10423 - 96 STREET NW Building: 10419 - 96 STREET NW																									
Scope of Application Demolition of building (proposed).																										
Permit Details																										
# of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Demolish Building Secondary Suite Included?: N	Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area:																									
I/We certify that the above noted details are correct. Applicant signature: _____																										
Development Application Decision No decision has yet been made.																										
Fees <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: right;">Fee Amount</th> <th style="width: 10%; text-align: right;">Amount Paid</th> <th style="width: 10%; text-align: right;">Receipt #</th> <th style="width: 10%; text-align: right;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>Dev. Application Fee</td> <td style="text-align: right;">\$78.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total GST Amount:</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Totals for Permit:</td> <td style="text-align: right;">\$78.00</td> <td style="text-align: right;">\$0.00</td> <td></td> <td></td> </tr> <tr> <td colspan="5">(\$78.00 outstanding)</td> </tr> </tbody> </table>			Fee Amount	Amount Paid	Receipt #	Date Paid	Dev. Application Fee	\$78.00				Total GST Amount:	\$0.00				Totals for Permit:	\$78.00	\$0.00			(\$78.00 outstanding)				
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THIS IS NOT A PERMIT																										



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-501



BUSINESS LAID OVER

SDAB-D-16-048	An appeal to construct a Freestanding Off-premises Sign. <i>April 7, 2016</i>
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APPEAL HEARINGS TO BE SCHEDULED

180917066-001	An appeal to construct interior alterations (add 1 unit, increase from a 21 unit to a 22 unit building) to an existing Apartment Housing building, existing without permits. <i>April 6 or 7, 2016</i>
160474324-006	An appeal to replace a Roof Off-premises Sign with (1) Freestanding Minor Digital Off-premises Sign (6.1m x 3m). <i>April 14, 2016</i>